Letter A1

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

April 19, 2010

Regulatory Division SPK-2010-00490

Mr. David Bryant
Tulare County Resource Management Agency
Government Plaza
Visalia, California 93277

Dear Mr. Bryant:

We are responding to your March 25, 2010 request for comments on the Tulare County General Plan 2030 Update. The study area is located near Section 2, Township 20 South, Range 29 East, MDB&M Survey, and encompasses all of Tulare County, California. Your identification number is SPK-2010-00490. A1-1

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work. Thank you for noting the extent of the U.S. Army Corps of Engineers' (Corps) jurisdiction in the re-circulated Draft Environmental Impact Report.

To ascertain the extent of waters on individual project sites, applicants should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location. A1-2

The range of alternatives considered for any project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation. A1-3

Please refer to identification number SPK-2010-00490 in any correspondence concerning the 2030 Update. If you have any questions, please contact Erin Hanlon at U.S. Army Corps of Engineers, Regulatory Division, 1325 J Street, Rm 1480, Sacramento, CA 95814, email A1-4

Erin.M.Hanlon@usace.army.mil, or telephone 916-557-5250. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/regulatory.html*.

A1-4 cont'd

Sincerely,

Erin M. Hanlon

Erin M. Hanlon
Regulatory Project Manager,
California South Branch

Letter A2

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

April 20, 2010

David Bryant
Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

Dear Mr. Bryant:

The California Energy Commission has received the County of Tulare Resource Management Agency's Draft EIR titled Tulare County General Plan 2030 Update, SCH 2006041162 that was submitted on 3/25/2010 for comments due by 5/10/2010. After careful review, the Energy Commission has found the following: A2-1

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index.html.

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process.

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

Bill Pfanner

BILL PFANNER
Supervisor, Local Energy & Land Use Assistance Unit
Special Projects Office
Fuels and Transportation Division
California Energy Commission
1516 Ninth Street, MS 23
Sacramento, CA 95814

Enclosure

Appendix F
ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

(1) decreasing overall per capita energy consumption,
(2) decreasing reliance on natural gas and oil, and
(3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

A. Project Description may include the following items:
   1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
   2. Total energy requirements of the project by fuel type and end use.
   3. Energy conservation equipment and design features.
   4. Initial and life-cycle energy costs or supplies.
   5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:
   1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
   2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
   3. The effects of the project on peak and base period demands for electricity and other forms of energy.
   4. The degree to which the project complies with existing energy standards.
   5. The effects of the project on energy resources.
   6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:
   1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
   2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
   3. The potential for reducing peak energy demand.
   4. Alternate fuels (particularly renewable ones) or energy systems.
   5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

STATE OF CALIFORNIA — Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

May 5, 2010

David Bryant
County of Tulare
5961 South Mooney Boulevard
Visalia, CA 93277

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
Tulare County 2030 General Plan Update EIR
SCH# 2006041162

Dear Mr. Bryant:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers. A3-1

The traffic impact study within the traffic/circulation section of the DEIR needs to specifically consider safety issues to at-grade railroad crossings. In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative rail safety-related impacts created by other projects. A3-2

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include: A3-3

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

A3-3 cont'd

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

A3-4

Thank you for your consideration of these comments. We look forward to working with the County on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

A3-5

Sincerely,

Moses Stites

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

Letter A4

14

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

May 11, 2010

David Bryant
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Subject: Tulare County General Plan 2030 Update
SCH#: 2006041162

Dear David Bryant:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 10, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. A4-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter A4

Document Details Report
State Clearinghouse Data Base

SCH#	2006041162
Project Title	Tulare County General Plan 2030 Update
Lead Agency	Tulare County

Type	EIR Draft EIR
Description	NOTE: Recirculated

The proposed Tulare County General Plan 2030 Update established a planning framework and policies for the planning period to 2030 and is considered a comprehensive update of the County of Tulare's current General Plan. The General Plan Update will provide for the continuation of many existing policies, modifications of others, and the addition of new policies. The General Plan Update project documents consist of the General Plan Update document (consisting of three parts: Part I: the Goals & Policies Report, Part II: the Area Plans, and Part III: the Community and other Plans (the plans in Part III will not be changed as part of this update, except for Dinuba)revised by this update to include the Dinuba Golf Course) and Pixley (revised by this update to include Harmon Field), the EIR, and the General Plan 2010 Background Report.

Lead Agency Contact

Name	David Bryant		
Agency	Tulare County Resource Management Agency		
Phone	559-624-7000	*Fax*	
email			
Address	5961 South Mooney Boulevard		
City	Visalia	*State* CA	*Zip* 93277

Project Location

County	Tulare		
City			
Region			
Lat / Long	39° 19' 48" N / 119° 17' 31" W		
Cross Streets			
Parcel No.			
Township	*Range*	*Section*	*Base*

Proximity to:

Highways	99, 63, 137, 43, 65, 190, 198,
Airports	Visalia Municipal, Porterville M
Railways	UPRR, BNSF, San Joaquin Valley
Waterways	Lake Kaweah, Lake Success
Schools	Various: 48 school districts throughout the County
Land Use	Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Fresno); State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter A4

Document Details Report
State Clearinghouse Data Base

Date Received 03/25/2010 *Start of Review* 03/25/2010 *End of Review* 05/10/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

May-12-2010 15:25 From-DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-212 P.001/002 F-418

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 12, 2010

VIA FACSIMILE (559) 730-2653
Mr. David Bryant, Project Planner
Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

Subject: DEIR for the Tulare County General Plan 2030 Update
- SCH# 2006041162

Dear Mr. Bryant:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the Tulare County General Plan 2030 Update. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the 2030 Update's potential impacts on agricultural land and resources. A5-1

Project Description

The Tulare County General Plan 2030 Update establishes a planning framework and policies for the planning period to 2030 and is considered a comprehensive update of the County of Tulare's current General Plan. A5-2

The DEIR used a programmatic evaluation where impacts have been assessed for the overall general plan along with the various planning areas that comprise the County. In keeping with the primary objectives of the General Plan 2030 Update, the majority of impacts to important farmlands are expected to occur within the future growth areas of the County.

Assuming full build-out of the Rural Valley Lands Plan for unincorporated community areas, implementation of the 2030 Update would convert up to 59,435 acres of important farmlands within this portion of the County. Prime farmlands would account for an estimated 42,645 acres, or a majority of the total number of converted acres within the Rural Valley Lands Plan Area. Projected growth within the unincorporated community areas of the Foothill Growth Management Plan Area would convert smaller amounts of important farmland (approximately 210 acres).

Division Comments:

The County already has numerous policies in place to deter development in agricultural areas and to protect existing agricultural lands currently in production. In addition to these policies, the County is proposing an Agricultural Conservation Easement Program. Although direct

conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, adoption and implementation of this policy would partially offset some of those impacts. The proposed policy is as follows: A5-2 cont'd

> ***AG-1.6 Conversion Easements.*** *The County may develop an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in the Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conversion of important agricultural land to nonagricultural use. The ACEP shall 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 in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation.*

The Division supports this strategy and believes that it would be beneficial to the County to adopt AG-1.6 and make it a permanent policy under the updated General Plan.

Thank you for giving us the opportunity to comment on the Tulare County General Plan 2030 Update. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411. A5-3

Sincerely,

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

Letter A6

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

May 13, 2010

David Bryant
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Subject: Tulare County General Plan 2030 Update
SCH#: 2006041162

Dear David Bryant:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 10, 2010. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. A6-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006041162) when contacting this office.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter A6

NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 12, 2010

Clear 5-10-10 Late e

RECEIVED
MAY 12 2010
STATE CLEARING HOUSE

VIA FACSIMILE (559) 730-2653
Mr. David Bryant, Project Planner
Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

Subject: DEIR for the Tulare County General Plan 2030 Update - SCH# 2006041162

Dear Mr. Bryant:

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Letter A6

conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, adoption and implementation of this policy would partially offset some of those impacts. The proposed policy is as follows:

> ***AG-1.6 Conversion Easements.*** *The County may develop an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in the Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conservation of important agricultural land to nonagricultural use. The ACEP shall 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 in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation.*

The Division supports this strategy and believes that it would be beneficial to the County to adopt AG-1.6 and make it a permanent policy under the updated General Plan.

Thank you for giving us the opportunity to comment on the Tulare County General Plan 2030 Update. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

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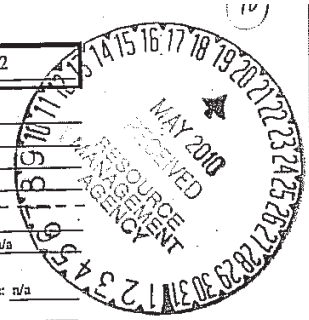
Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2006041162



Project Title: Tulare County General Plan 2030 Update
Lead Agency: County of Tulare
Contact Person: David Bryant, Project Planner
Mailing Address: Tulare County Resource Management Agency, 5961 South Mooney Boulevard
Phone: (559) 624-7000
City: Visalia
Zip: 93277
County: Tulare

Project Location: County: Tulare
City/Nearest Community: n/a
Cross Streets: n/a
Zip Code: n/a
Lat. / Long.: 36° 19' 48" N/ 119° 17' 31" W
Total Acres: 3,097,600 (entire County)
Assessor's Parcel No.: n/a
Section: n/a
Twp.: n/a
Range: n/a
Base: n/a
Within 2 Miles: State Hwy #: 99, 63, 137, 43, 65, 190, 198, 245, 216, 201, 180
Waterways: Lake Kaweah, Lake Success
Airports: Eckert Field, Porterville Municipal Airport, Sequoia Field, Thunderhawk Field, Tulare Municipal Airport (Mefford Field), Visalia Municipal Airport (VMA), and Woodlake Municipal Airport.
Railways: Union Pacific Railroad, Burlington Northern/Santa Fe Railroad, San Joaquin Valley Railroad
Schools: Various: 48 school districts throughout the County.

Document Type:
CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other Recirculated Draft EIR
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other

Local Action Type:
☒ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.) ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other

RECEIVED MAR 25 2010 STATE CLEARING HOUSE

Development Type:
☒ Other: General Plan Update

Project Issues Discussed in Document:
☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☒ Biological Resources ☐ Coastal Zone ☒ Drainage/Absorption ☐ Economic/Jobs ☐ Other
☐ Fiscal ☒ Flood Plain/Flooding ☒ Forest Land/Fire Hazard ☒ Geologic/Seismic ☒ Minerals ☒ Noise ☐ Population/Housing Balance ☒ Public Services/Facilities
☒ Recreation/Parks ☒ Schools/Universities ☒ Septic Systems ☒ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☒ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation
☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☒ Growth Inducing ☒ Land Use ☒ Cumulative Effects

Present Land Use/Zoning/General Plan Designation:
Various

Abstract:
The proposed Tulare County General Plan 2030 Update establishes a planning framework and policies for the planning period to 2030 and is considered a comprehensive update of the County of Tulare's (County) current General Plan. The General Plan Update will provide for the continuation of many existing policies, modifications of others, and the addition of new policies. The General Plan Update project documents consist of the General Plan Update document (consisting of three parts: Part I: the Goals & Policies Report, Part II: the Area Plans, and Part III: the Community and other Plans [the plans in Part III will not be changed as part of this update, except for Dinuba (revised by this update to include the Dinuba Golf Course) and Pixley (revised by this update to include Harmon Field)]), the Environmental Impact Report, and the General Plan 2010 Background Report.

State Clearinghouse Contact: (916) 445-0613
State Review Began: 3/25/2010
SCH COMPLIANCE 5/10/2010

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2006041162

Please forward late comments directly to the Lead Agency

AQMD/APCD 37
(Resources: 3, 27

Project Sent to the following State Agencies

X	Resources		State/Consumer Svcs
	Boating & Waterways		General Services
	Coastal Comm		Cal EPA
	Colorado Rvr Bd		ARB – Airport Projects
X	Conservation		ARB – Transportation Projects
X	Fish & Game # 4		ARB – Major Industrial Projects
	Delta Protection Comm		SWRCB: Div. Financial Assist.
X	Cal Fire		SWRCB: Wtr Quality
	Historic Preservation		SWRCB: Wtr Rights
X	Parks & Rec	X	Reg. WQCB # 5F
	Central Valley Flood Prot.		Toxic Sub Ctrl-CTC
	Bay Cons & Dev Comm.		Yth/Adlt Corrections
X	DWR		Corrections
X	Cal EMA		
	Resources, Recycling and Recovery		
	Bus Transp Hous		Independent Comm
X	Aeronautics		Energy Commission
X	CHP	X	NAHC
X	Caltrans # 6		Public Utilities Comm
	Trans Planning	X	State Lands Comm
X	Housing & Com Dev		Tahoe Rgl Plan Agency
	Food & Agriculture		
	Health Services		Conservancy
			Other:

Please letter attached dated 3/7/10 to be valid
5/18/10
Continue to 5/18/10
CT/fm

Letter A7

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY — ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5421
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

May 18, 2010

2135-IGR-/CEQA
6-TUL-GEN
TULARE COUNTY
GENERAL PLAN UP-DATE
DRAFT ENVIRONMENTAL
IMPACT REPORT
SCH 2006041162 (2)

Mr. David Bryant, Project Planner
County of Tulare
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Dear Mr. Bryant:

Caltrans has completed its review of the recirculated Draft Environmental Impact Report (DEIR) County of Tulare 2030 General Plan Update. The key documents of the General Plan Update include the Goals and Policies and the Background Reports. The Goals and Policies will guide future decisions within the County. Caltrans has the following comments: A7-1

The previous Caltrans comments dated March 7, 2008 (copy enclosed) continue to be valid.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments and a copy of the Board resolution related to the proposed project. If you have any questions, please contact me at (559) 445-5867. A7-2

Sincerely,

PAUL-ALBERT MARQUEZ
North Planning Branch Chief

Lorena Mendibles

Lorena Mendibles
Transportation Planner
District 6

Enclosure

"Caltrans improves mobility across California"

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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March 7, 2008

2135-IGR/CEQA
6-TUL-GEN
TULARE COUNTY
GENERAL PLAN UP-DATE
DRAFT ENVIRONMENTAL
~~IMPACT REPORT~~
SCH 2006041162

Mr. David Bryant, Project Planner
County of Tulare
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Dear Mr. Bryant:

Caltrans has completed its review of the Draft Environmental Impact Report (DEIR) County of Tulare 2030 General Plan Update. The key documents of the General Plan Update include the Goals and Policies and the Background Reports. The Goals and Policies will guide future decisions within the County. Caltrans has the following comments: A7-3

The Cities and County have approved a number of residential subdivisions, commercial or retail centers, and industrial projects that is developed or is currently being constructed. Growth resulting from these and the proposed changes in the General Plan will continue to impact State Route (SR) 63, SR 65, SR 99, SR 190, SR 198 and SR 201 in the future. The increased traffic volumes on the State Routes will need to be mitigated as part of project specific development and as part of the regional effort through Tulare County's Regional State Transportation Improvement Program (STIP) or local funds. Individual developments will typically be required to prepare Traffic Impact Studies (TIS).

With any new development or as part of the redevelopment effort, the County should plan for the future widening of the state infrastructure by requiring the dedication to the ultimate right of way as delineated in the Transportation Concept Report. The County should require sufficient setbacks from the highway system to incorporate or modify the system as required in the future. Many of the interchanges have had only minor modifications since originally constructed. In the future, modification of the existing interchanges may be necessary. In rare cases, complete reconstruction of an interchange could be warranted. The General Plan Update should consider the traffic impacts and mitigation at interchanges. The County should not take any action that could jeopardize the future acquisition of right of way for roadway purposes. A7-4

Caltrans and its partners should strive to maintain a level of service of "C" or better for the State Highways system within the County of Tulare. As shown in Table 5-6 (Page 5-26) in the Background Report, there are four roadway segments that have unsatisfactory level of service (LOS "F"): State Route (SR) 63 from SR 198 to Walnut, SR 63 from Walnut to Caldwell, SR A7-5

65 from SR 137 (West) to Hermosa, and SR 198 from Kings County Line to SR 99. It is recommended that the County, Tulare County Association of Governments and Caltrans work to develop a strategy to resolve these under performing segments of the State highway system. A7-5 cont'd

The following list of planned improvements represents known or expected needs that have not been included in the proposed General Plan Update. A7-6

Goshen
It is recommended that the development of this area, generally along SR 99 and northeast of SR 198 should include a conceptual planning provision to upgrade the SR 99 facility from a 4-lane freeway to a 8 lane freeway and SR 198 from a 2-lane highway to a 4-lane freeway, with a new interchange at SR 198 and Road 56 and an over crossing at Road 68. The SR 99 to SR 198 interchange requires a 2-mile separation between interchanges. It enables the local agencies to establish a building envelope setback of future development in order to allow preservation of right of way along the SR 99 corridor.

Tipton A7-7
A railroad grade separation and new interchange is proposed at SR 99 and SR 190 in the City of Tipton. This is a long-term future need that has been identified as part of an advanced planning/corridor analysis. The State Highway System could be negatively affected by increasing the number, size or frequency of train traffic on the Southern Pacific Railroad line. Increasing train traffic could increase the vehicle-to-train conflict potential resulting in the need to plan for and fund a SR 99 grade separation (railroad overhead crossing).

Similarly, increasing train traffic could be incompatible with the high traffic volumes projected on 12th Avenue, north of SR 198 in the City of Hanford. A train crossing delay could create vehicle queuing on the ramps. Ramps are transition areas between freeway free flow and the stop and go traffic on local roads. Traffic backing up along the ramps could impact public safety.

Caltrans has public safety concerns with increasing the vehicle-to-train conflict frequency. Please check to insure that the potential increase in vehicle-to-train conflict does not violate the California Public Utilities Commission (CPUC) rules.

Earlimart and Pixley A7-8
The SR 99/Avenue 56 interchange has been identified as a location needing railroad grade separation. This would require reconstruction of the existing interchange and ramps and is a long-term future need that has been identified as part of an advanced planning/corridor analysis.

The SR 99/Avenue 100 and SR 99/Avenue 96 interchanges have been identified as needing ramp improvements in the Community of Pixley. Consideration is being given to converting the frontage roads to a couplet system. The isolated SR 99/Avenue 100 northbound hook off ramp and the two isolated hook ramps near the park at Avenue 104 will be closed as part of the interchange improvements.

Dinuba Area
A signal warrants analysis should be completed to determine if the intersection of SR 201 and Avenue 80 would need left-turn channelization and intersection signalization soon. In the future, SR 201 will need to be widened to 4 lanes as part of County circulation system improvements. A7-9

City of Tulare
Caltrans understands that the following cities are outside the County jurisdiction. However, Caltrans seeks to have a seamless transportation system. The SR 99/Prosperity Avenue interchange will need auxiliary lanes in the near future. In addition, local road improvements are needed on Prosperity Avenue for instance, the addition of travel lanes to the Prosperity Avenue overcrossing and construction of retaining walls along Blackstone Street. A7-10

The SR 99/Bardsley Avenue ramp termini need signalization, ramp termini widening, and ADA improvements.

The SR 99/SR 137 interchange (Tulare Avenue) ramps have City streets that access the ramps from stop control, at-grade intersections. Cul-de-sacs should be constructed at edge of the state right of way on East San Joaquin Avenue and East Sierra Avenue. In addition, ramp termini signalization and widening is needed.

The City is in the process of updating its General Plan. There is consideration to annex land east of SR 99 between Tagus and Prosperity Avenue. The existing partial interchange at SR 99/Avenue 256 includes many non-standard features that are incompatible with urbanization. This interchange should be closed, or reconstructed and relocated.

City of Kingsburg
Avenue 344 intersects the SR 99 southbound off ramp at Mendocino Avenue. In a growing urban setting, the local roads should be separated from the ramps. Avenue 344 should be realigned. In addition, the Gilroy Street/on ramp should be realigned. This northbound on ramp is an isolated ramp that needs direct access from Mendocino Avenue. A7-11

It is recommended that the Draft EIR, identify any improvements to State facilities that would need to be made as a result of the increased traffic volume generated by proposed land use changes. The report should also determine any fair share costs that should be paid by project proponents towards future State improvements. In order to mitigate impacts, when a project is filed, a financing plan should be required. The plan should identify the financing measures necessary to carry out the various elements of the development plan. The elements should include the construction and maintenance of State, local and private transportation, sewage, water, drainage and any other infrastructure and public services, and any other appropriate regulations, programs or public works projects. The financing plan would be evaluated, modified and expanded over time as the planning process evolves through the various levels with the intent that each of the development projects "pay their fair share" over the long term so as not to be a financial burden on the TCAG, Cities, County or State. A7-12

It is recommended that the County of Tulare consider a Development Impact Mitigation Program similar to the Cities of Tulare and Visalia. The mitigation program should secure funding for a zone of benefit for the future improvements to local and State facilities necessitated by the accumulated impacts of development. The project proponent would contribute per the Development Mitigation Program to the improvements of the before mentioned State Route facilities. However, the General Plan Update process of evaluating and preparing circulation plans is an ideal time to consider a Traffic Impact Fee Program (TIFP). A TIFP allows for the county to establish a pro-rata fair share fee structure that collects mitigation fees based on project development impacts and provides needed funds for improvements to the State and local road systems in an equitable and efficient manner. Since a project's TIS needs to address impacts for the highest use of undeveloped lands, Caltrans recommends that the County develop a TIFP that is based on "build-out" of the General Plan. If the County were to develop a comprehensive TIFP that would adequately address the impacts of subsequent development based on the General Plan "build-out", it may not be necessary for Caltrans to comment on every development proposed. Caltrans would need to continue reviewing development proposals that are adjacent to state facilities, of regional significance or may reduce the level of services of state facilities. As a transportation partner, Caltrans is requesting a copy of the County of Tulare Zoning Ordinance to facilitate the review of future projects. The Ordinance is necessary to evaluate the TIS comparison assessment of the highest land uses utilized in the study in order to properly comment during the project review cycle. A7-13 A7-14

The State of California has a Transportation Concept Report (TCR) for each of the State Routes that identify the ultimate right-of-way cross-section upgrades in the future. Caltrans request that the County of Tulare use the TCR to provide guidance, insure orderly development and protect private property rights, while preserving and insuring the ultimate State and local road systems for the future. A7-15

Most of the interchanges in the County will need improvements to accommodate the future growth of the communities in Tulare County. Caltrans is currently in the process of developing conceptual layouts for the SR 99 main line and future improvements of the interchanges within funding and staffing constraints. It is recommended that the local agency adopt the existing TCR's into the Circulation Element of the General Plan and when the planning conceptual drawings are available update the Circulation Element at that time. Some of the local streets closest to the ramp intersections may need to be closed, and any new connections to local roads should be located at least 525 feet from a ramp intersection.

A traffic and financial study will be needed to determine the ultimate configuration of each of the interchanges needing improvements. Either the County or the proponent of any regionally significant project that will significantly impact the current interchange should prepare these studies. Until a financial and traffic study is completed, the County should not take any action that would jeopardize the future acquisition of right-of-way for roadway purposes. A7-16

The integration between the State highway system and local road network is a critical component for a safe and efficient seamless transportation network. As growth occurs, the need for auxiliary lanes on State Routes, additional lanes on the ramps, intersection and driveway set backs on the local road away from the State highway system are typically needed. Caltrans is A7-17

your partner in planning an efficient design to integrate the State highway system and the local roads. Caltrans looks forward to working with the County in addressing this important portion of the transportation system. A7-17 cont'd

As traffic volumes increase, roadway noise becomes more pronounced. Noise studies in conformance with FHWA regulations should be included in the Environmental Impact Report and areas of concern should be defined. Mitigation for the defined area needs to be considered for all non-commercial and industrial areas. The County needs to make a condition of approval stating that any required future noise abatement will be the responsibility of the property owner or the County. A7-18

Caltrans recommends that the County incorporate the guiding principles of the "San Joaquin Valley Regional Blueprint; Vision for the Valley." The Blueprint represents a collaborative planning process, with the eight San Joaquin Valley counties working together to prepare a guide for growth within the Central Valley. The Blueprint will develop a valley-wide "vision" that will include the integration of transportation, housing, land use, economic development and environmental protection that will serve as a significant contribution to improving the Valley's quality of life. A7-19

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. A7-20

TRANSIT; for all residential developments A7-21

Ongoing development throughout the County of Tulare will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The County of Tulare should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the County should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of this project.
2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.
3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use the transit system if the Counties and Cities planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.
4. Providing for continuity of non-motorized transportation.
5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.
6. Exploring the potential for linking the purchase of a monthly transit pass with new

residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation. A7-21 cont'd

TRIP REDUCTION; for commercial and large office developments A7-22

Incorporation of on-site childcare should be given serious consideration as part of this project as a way to reduce trips and encourage employees to patronize facilities within the project site.

TRIP REDUCTION; for large employers/ office complexes

Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted. This assessment should be used to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the County and Cities. The assessment should include the following:

1. Pedestrian walkways should link this office complex to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
2. The project should develop a Transportation Management Plan (TMP). The TMP should go beyond offering transit options. Car-pooling, Van pooling, and other options should be included. The goal of the TMP is to reduce overall trips and the impact of those trips on transportation/air quality.
3. A Transportation Management Agency (TMA) and a TMA coordinator should be designated for the entire development area. The responsible TMP coordinator for this project should be assigned and directed to work with the TMA coordinator.
4. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.
5. The consideration of bicycles as an alternative mode of transportation needs more attention. The project TMP should offer internal amenities to encourage bicycle use. These include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.

Climate Action Strategies at Caltrans A7-23

Land use decisions, transportation policies, restrictions, and choices made today involving new technology to reduce the emissions per VMT, will determine how to achieve a sustainable transportation variety. In addition to reducing greenhouse gas (GHG) emissions, sustainable transportation will yield other benefits such as: more efficient use of transportation resources, reduced dependency on fossil fuels, greater energy security, improved mobility and travel options, and a more livable community.

As part of the Climate Action Team, Business, Transportation and Housing (BTH)/Caltrans has been working with the California Environmental Protection Agency to formulate strategies to make transportation cleaner, more energy efficient, and lower GHG emissions. These strategies are primarily based on established Caltrans policy, the State Strategic Growth Plan, and planning

activities and scenarios proposed at the regional level. However, implementation of these strategies requires an adequate level of funding and a concerted effort and collaboration on the part of State regional and local agencies. A7-23 cont'd

The BTH/Caltrans strategy to reduce GHG emissions from transportation is twofold. One strategy is making transportation systems more efficient through operational improvements, application of Intelligent Transportation Systems (ITS), and smart land use thus reducing congestion and lowering the rate of growth in fuel consumption and CO_2 from motor vehicles. The second is cleaner, more energy efficient transportation systems and operations which focuses on integrating consideration of energy and GHG emission reduction measures into planning, project development, operations, and maintenance of transportation facilities, fleets, buildings and equipment.

Smart growth refers to development practices that result in more compact, accessible, multi-modal communities where travel distances are shorter, people have travel options, and it is possible to walk and bicycle to more destinations. Smart growth policies can reduce per capita vehicle travel 10-30 percent. Although these land use changes provide diverse and durable benefits, they take many years to be achieved and require coordination of land use and transportation investment policies toward measurable outcomes.

The dilemma is that the transportation system management and land use planning are disjointed and there is a disconnect between the timing and nature of these developments. While the State and the metropolitan planning organizations have the responsibility for transportation planning, land use and zoning remains the prerogative of local governments. Land use and transportation agencies must build a stronger information and policy bridge. A more coherent and integrated land use - transportation approach is needed and a concerted effort among stakeholders to agree on regional growth scenarios that incorporate smart land use provisions and energy efficiency measures. With regional blueprint planning efforts in the San Joaquin Valley, this critical bridge is being built.

Caltrans through its Local Development/Intergovernmental Review (LD/IGR) program works with local jurisdictions early and through their land use planning and decision making processes consistent with the requirements of CEQA and State planning law. Caltrans seeks to reduce vehicle trips associated with proposed new development and recommends appropriate mitigation measures for dealing with the remaining transportation impacts of such development. The LD/IGR Program is intended to ensure that local land use planning and development decisions include the provision of transportation choices, including transit, intercity rail, passenger service, air service, walking, and biking, when appropriate. Caltrans advocates community design (e.g. urban infill, mixed use, and transit-oriented development) that promotes an efficient transportation system and healthy communities. A7-24

Caltrans provides on an annual basis transportation planning grants to local and regional governments, community advocates, and universities advancing livable communities, environmental justice, energy efficiency, and alternative modes of travel. The programs and projects funded through these grants provide awareness and support development and implementation of best practices. A7-25

Please provide us with your responses to our comments on the Draft Environmental Impact Report (EIR) for the General Plan Update in advance of preparing the Final EIR for public hearing. If you have any questions, please call me at (559) 488-7306. A7-26

Sincerely,

AL DIAS
Central Planning Branch
District 6

C: Ms. Theresa Szymanis, AICP
Division Manager, Countywide Planning
Mr. Britt L. Fussel, P.E., County of Tulare
Assistant Director-Engineering
Mr. Ted Smalley, Executive Secretary
Tulare County Association of Governments
SCH 2006041162

Letter A8

21

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

FAX TRANSMISSION COVER SHEET
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FAX TRANSMISSION COVER SHEET

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DATE: May 27, 2010 **TIME:** _____ **NO. OF PAGES:** 45
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OFFICE: Tulare County Resource Management Agency
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FROM:

NAME: Susan S. Fiering, Deputy Attorney General
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MESSAGE/INSTRUCTIONS

PLEASE DELIVER AS SOON AS POSSIBLE!
FOR ASSISTANCE WITH THIS FAX, PLEASE CALL THE SENDER

Letter A8

EDMUND G. BROWN JR.
Attorney General

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May 27, 2010

By Overnight Mail and Facsimile

David Bryant
Project Planner
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

RE: Tulare County General Plan and Recirculated Draft Environmental Impact

Dear Mr. Bryant:

The Attorney General submits these comments pursuant to the California Environmental Quality Act ("CEQA") on the Tulare County General Plan (General Plan) and Recirculated Draft Environmental Impact Report ("DEIR").[1] We applaud the County's recognition of the vital importance of directing growth and development in a manner that will preserve the special agricultural and rural nature of Tulare County. Balancing the need for sustainable development against the equally important need to preserve agriculture and the natural environment requires significant vision and leadership on the part of the County. A8-1

As discussed below, however, the General Plan and DEIR fail to further the County's goals. The General Plan relies on unenforceable policies that "encourage," but do not mandate that growth will occur in certain areas, with the result that all important development decisions are left to the marketplace. A8-2

According to the County website, Tulare County is the second leading producer of agricultural commodities in the United States, as well as a gateway to Sequoia National Park. The rural and agricultural character of the County is the backbone of its present economy and the mainstay of its future. In the past Tulare County showed remarkable foresight in developing A8-3

[1] The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Cal. Govt. Code, §§ 12511, 12600-612; *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office.

plans, like the Rural Valley Land Plan, that have protected agricultural land from conversion to non-agricultural uses and preserved the special rural character of the County. The County leaders of today should exercise similar foresight in planning, to preserve the County's unique and irreplaceable resources for its present and future generations. A8-3 cont'd

1. Introduction

A8-4

In April, 2008, the Attorney General submitted comments to Tulare County concerning its Draft Environmental Impact Report. We appreciate the fact that the revised General Plan and the recirculated DEIR address and correct a number of the deficiencies noted in those comments. Just as one example, we note that the County has prepared a Greenhouse Gas Inventory for the planning area and has taken the first steps toward developing a Climate Action Plan.

Ultimately, however, serious and critical deficiencies remain that undermine both the Plan and the DEIR and render them legally inadequate and ineffective as tools for implementing the County's goals. The most important of these deficiencies are discussed in more detail below. Where the Plan and DEIR are deficient in the same manner as noted previously, we hereby incorporate our previous comments into this comment letter. (A copy of the Attorney General's previous letter is attached.)

2. Legal Background

A8-5

a. General Plan Requirements

As noted in our previous letter, the general plan is "at the top of the 'hierarchy of local government law regulating land use[.]'"[2] As the California Supreme Court noted, this basic land use charter governing the direction of future land use is in the nature of a "'constitution' for future development,"[3] and taking some measure of control over future land use is the local government's affirmative duty. "The planning law . . . compels cities and counties to undergo the discipline of drafting a master plan to guide future local land use decisions."[4]

Thus, a general plan must be more than a statement of broad but unenforceable policies and goals for the future. It must "designate[] the proposed general distribution and general location and extent" of land uses.[5] Finally, a general plan must disclose information to the public in a format that is readily accessible. "A general plan which does not set forth the required elements in an understandable manner cannot be deemed to be in substantial compliance" with planning law.[6] The General Plan must state "with reasonable clarity" what the plan is.[7] Thus, a

[2] *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773 (internal citation omitted).
[3] *Id.* (quoting *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 542).
[4] *DeVita, supra,* 9 Cal.4th at p. 773.
[5] Gov. Code § 65302(a).
[6] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 744.

reader consulting the general plan must be able to determine with relative ease, the amount of land available for development, the land-use designation of that land, any restrictions on development of the land, and the maximum amount of new development that can occur under the plan. A8-5 cont'd

b. CEQA Requirements A8-6

CEQA is one of the California's most important and fundamental environmental laws. For more than 40 years, CEQA has guided the State toward sustainable development. As the Act states, it is California's policy to "create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations."[8]

An environmental impact report (EIR) is an informational document intended to provide both the public and government agencies with detailed information about the effects of a proposed project on the environment, to list ways in which those effects can be mitigated, and to discuss and analyze alternatives to the project. A "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. . . ."[9] The project must be adequately described in the EIR,[10] and the entirety of the project must be considered, not just some smaller portion of it.[11]

CEQA further mandates that public agencies not approve projects unless feasible measures are included that mitigate the project's significant environmental effects.[12] CEQA therefore requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so."[13] The mitigation measures must be enforceable, rather than just vague policy statements.[14]

---

[7] *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 97.
[8] Pub. Resources Code, § 21001, subd. (e).
[9] Cal. Code Regs., tit. 14, § 15378, subd. (a) (hereafter "Guidelines").
[10] Guidelines, § 15124.
[11] *San Joaquin Raptor/Wildlife Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654.
[12] Pub. Resources Code, § 21002.
[13] Pub. Resources Code §§ 21002.1, subd. (b); *City of Marina Board of Trustees* (2006) 39 Cal.4th 341, 360.
[14] See Pub. Resources Code § 21081.6, subd. (b); *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 & n.4 (agency must take steps to ensure mitigation measures are fully enforceable through permit conditions, agreements, or other measures).

3. **Analysis**

a. **The General Plan is primarily an aspirational document that does not exercise control over growth.** A8-7

As currently drafted, with the exception of the Rural Valley Lands Plan (Rural Valley Plan),[15] the General Plan is not a true planning document. It states a set of unenforceable preferences and policies for how growth will occur in the County on the available non-agricultural land. The Plan purports to direct development to the designated Urban Development Boundaries (UDB) and Hamlet Development Boundaries of the existing cities, hamlets, and communities, but declines to set any criteria for determining where such growth will be permitted and in what density, thus leaving open development that can occur haphazardly in those areas. It permits development of an undetermined amount in the "Foothill Development Corridors" and within areas set aside under the "Mountain Framework Plan." (General Plan ("GP") 2-7.) Finally the Plan permits the development of "New Towns (Planned Communities)" on unspecified rural land "when appropriate to meet the social and economic needs of current and future residents." (GP 2-67.) There is no indication of the standards that would make such development "appropriate," the number of the New Towns that will be allowed "when appropriate," where the New Towns will be located, the number of acres that will be developed, and in what densities. The Plan also permits the County to adopt as yet undetermined Corridor Plans adjacent to major transportation routes with no identification of what areas these Corridor Plans will cover, the acreage available for development, and the density.

A8-8

In addition, large portions of the General Plan consist of unenforceable statements of goals and objectives, using terms like "encourage," rather than "require." For example: "The County shall encourage new major residential development to locate near existing infrastructure for employment centers, services, and recreation"; "The County shall encourage high-density residential development . . . to locate along collector roadways and transit routes, and near public facilities . . . , shopping, recreation, and entertainment" (GP 4-27); the County "shall strive to maintain distinct urban edges for all unincorporated communities"; and the County "shall encourage urban development to locate in existing UDBs and HDBs where infrastructure is available or may be established . . ." (GP 2-25 – 2-26.) These advisory statements do not constrain or direct growth in an enforceable manner.

A8-9

The County can transform the General Plan from an aspirational document to the legally-required constitution for future development by ensuring that goals and objectives are linked to specific and enforceably worded policies and implementation measures. Such measures can include, for example, development phasing so that land is not developed until available infill (areas in or adjacent to developed areas) has been used to the maximum extent feasible, and coordination between a County and the cities in its jurisdiction about where future growth will occur. For example, the City of Stockton has entered into a settlement agreement with the

[15] We recognize that the County has a strong Rural Valley Plan that significantly limits conversion of agriculture land to other uses.

Attorney General that incorporates this type of phasing approach. (Copy attached.) The agreement stipulates that Stockton will locate a specified number of new housing units in infill areas (¶¶ 6.a., 6.b) and will impose limits on growth outside the city limits until certain criteria are met. (¶ 7.) In a similar fashion, the Livermore General Plan imposes growth boundaries for the purpose of managing growth and directing growth into the existing city limits, and specifically into the downtown. In combination with these growth boundaries, the City of Livermore and the County of Alameda have adopted a transfer of development credit system that further manages growth by providing an incentive for potential development in the unincorporated County to be transferred and built in the downtown of Livermore. A8-9 cont'd

b. The open-ended nature of the General Plan affects the County's obligation to describe the project and analyze the project's impacts under CEQA. A8-10

The *sine qua non* of an environmental impact report is an accurate project description.[16] Any evaluation of the General Plan "must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment."[17] In order to comply with CEQA, the DEIR therefore must describe and consider the full extent of the growth permitted by the Plan and must quantify the impacts. (*Id.*)

Because the Plan itself does not direct and control growth, the DEIR relies on market-driven projections and "Population Growth Assumptions under the General Plan," including the assumption that certain percentages of the population growth will occur within certain areas. (DEIR 2-24). The DEIR assumes that 75% of the growth will occur within the UDBs and Spheres of Influence of incorporated cities throughout the County and that the remaining 25% of growth "is expected to occur" in unincorporated communities and hamlets, foothill development corridors, urban and regional growth corridors, and mountain service centers. (GP 2-24.)

Other outcomes are, however, also quite possible. As discussed, there is nothing in the General Plan or the DEIR that limits or caps growth to the amount projected to occur in the County during the planning period. Nor is there anything in the General Plan or DEIR that affirmatively requires that any set percentage of growth be located in particular areas. Unfocused development in rural areas of Tulare County is not only likely in the future – it is already in progress; the County is currently considering just such a development project, the Yokohl Valley Ranch, a 10,000 unit residential development to be located in the Sierra Nevada foothills on land that is currently set aside for agriculture. This is only one example of New Towns allowed by the Plan, that are not described in terms of number, location, or type of growth.

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[16] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730; *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 199.
[17] *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409 (citation omitted).)

The DEIR analysis, therefore, does not satisfy the CEQA requirements that the DEIR must consider as the "project," the full potential for growth that is permitted under the Plan, and must evaluate the full extent of the impacts if a significant portion of that growth is accommodated, in particular, in rural, undeveloped areas, as the Plan appears to allow.[18] This analysis is not a "worst case scenario."[19] It is simply a CEQA requirement that an EIR must evaluate the project's potential to affect the environment, even if the project does not ultimately materialize.[20]

A8-10 cont'd

c. The DEIR fails to consider and impose enforceable mitigation measures.

A8-11

CEQA provides that a public agency should not approve a project as proposed if there are feasible mitigation measures that would substantially lessen the significant environmental effects of the project. Further, in order to ensure that mitigation measures are actually implemented, they must be "fully enforceable through permit conditions, agreements, or other measures."[21]

There are a number of areas in which the DEIR fails to impose enforceable mitigation measures. In the area of climate change alone, the DEIR notes that greenhouse gas ("GHG") emissions *based on projected population growth* would increase nearly 1 million metric tonnes (metric tons)/year from 2007 to 2030 (DEIR 3.4-22) and that this would cause several significant and unavoidable impacts, including conflicting with the State's goal of reducing GHG emissions.[22]

While the DEIR relies on a number of General Plan policies to mitigate the impact of this increase in GHG emissions, many of these policies are unenforceable. For example, the policies merely "promote" smart growth (LU 1.1); "promote" innovative development (LU 1.2); "encourage" and "provide incentives" for infill (LU 1.8.), "encourage" new development to locate near existing infrastructure (LU 3.1); "encourage" new development to incorporate energy conservation and green building practices (AQ 3.5); "encourage" high density residential development to locate along transit routes and near public facilities (LU 3.3); "encourage" school

[18] We note that there is no information disclosed either in the General Plan document itself or in the incorporated area plans that would enable a reader to calculate the total acres of land available for development, and the land use designation of those acres. The County of Tulare has one of the oldest and most sophisticated geographic information mapping systems of all the counties in California. Information on land use locations, densities, and intensities is available and can be readily produced by the County and will enable the public and decision makers to determine where the actual development can occur, and in what amount.

[19] An EIR need not engage in speculation to analyze a "worst-case scenario." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373.)

[20] *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279, 282.

[21] Public Resources Code, § 21081.6, subd. (b).

[22] We note that because this estimate is based on projected population growth focused in incorporated cities and CACUDBs, and not on the development that may occur under the Plan, the estimates of GHG emissions may be substantially understated.

districts to locate new schools in areas that allow students to walk or bike from their homes (LU 6.3), "encourage" land uses that generate higher ridership (TC 4.4); "consider" incorporating facilities for bike routes, sidewalks and trails when reviewing new development proposals (TC-5); "encourage" location of ancillary employee services near major employment centers (AQ 3.1); "encourage" the use of solar power and energy conservation in all new development (LU 7.15); "encourage" the use of ecologically based landscape design principles that improve air quality; and "encourage" LEED and LEED-ND certification for new development (AQ implementation measure 12). None of these measures are mandatory and enforceable. A8-11

Until the County adopts mitigation measures that will be imposed and enforced as conditions of all future development projects, the County has not complied with its duty under CEQA to implement mitigation measures to reduce the environmental impacts of the project. There are a number steps that the County can take to correct these deficiencies. First, and most simply, the County can re-word its policies and implementation measures to make them mandatory and enforceable, not merely advisory. We pointed out some of these opportunities in our previous letter. In addition to the policies and programs noted previously, there are good examples of policies and implementation measures that foster energy efficiency and smart growth contained in California Air Pollution Control Officers' Model Policies for Greenhouse Gases in General Plans (June 2009), Caltrans's Smart Mobility Handbook (Feb. 2010), and the California Energy Commission's Energy Aware Planning Guide (Dec. 2009), which the County should consult.[23]

Finally, in connection with the Draft Climate Action Plan (CAP), we recommend that the County should (1) commit in the General Plan to adopting by a date certain a CAP with defined attributes (targets, enforceable measures to meet those targets, monitoring and reporting, and mechanisms to revise the CAP as necessary) that will be integrated into the General Plan; (2) incorporate into the General Plan interim policies to ensure that any projects considered before completion of the CAP will not undermine the objectives of the CAP; and (3) for all GHG impacts the County has designated as significant, adopt feasible mitigation measures that can be identified today and that do not require further analysis. (CEQA Guidelines § 15183.5.) Such a programmatic approach would have the substantial benefit of streamlining the CEQA review for future projects. (*Id.*) A8-12

d. The DEIR does not consider all feasible alternatives A8-13

The CEQA Guidelines provide that an EIR must discuss a "range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." [24] The EIR must

[23] http://www.capcoa.org/download/Model+Policies+Document, http://www.dot.ca.gov/hq/tpp/offices/ocp/smf_files/SmMblty_v6-3.22.10_150DPI.pdf http://www.energy.ca.gov/energy_aware_guide/index.html

[24] Cal.Code Regs., tit. 14, § 15125.5, subd. (a).

include sufficient information about each alternative to provide meaningful analysis and comparison, and must consider alternatives that could eliminate significant effects or reduce them to a less than significant level, even if the alternatives could impede the attainment of the project's objectives to some degree. A8-13 cont'd

CEQA requires public agencies to refrain from approving projects with significant environmental impacts when there are feasible alternatives that can substantially lessen or avoid those impacts.[25] The "cursory rejection" of a proposed alternative "does not constitute an adequate assessment of alternatives as required under CEQA," and it "fails to provide solid evidence of a meaningful review of the project alternative that would avoid the significant environmental effects identified . . . ." [26]

In light of the acknowledged significant impact the General Plan will have an multiple resources, including air, water, and greenhouse gas emissions, it is incumbent on the County to carefully consider all of the feasible alternatives to the General Plan. Based on the existing record, there appear to be at least two alternatives to the proposed General Plan which, alone or combined, would significantly reduce the impacts. The DEIR attempts to define more compact and urban alternatives with the "City Centered Development Scenario," which focuses more growth in the city UDBs, and the "Confined Growth Alternative," which would establish hard boundaries to protect important agricultural resources. Both of these alternatives protect agricultural land and maintain the rural character of the County to a greater extent than the General Plan and would have significantly lower environmental impacts, including impacts on GHG emissions. The County rejected the City Centered scenario based on its assertion that it "may make it more difficult to achieve the desired level of reinvestment within existing communities and hamlets." (DEIR 4-19.) There is no analysis or discussion, however as to why the anticipated 20% growth in the unincorporated community and hamlet areas under this alternative would not be sufficient to meet these goals. A8-14

The County notes that the Confined Growth Alternative would meet all of the project's objectives (DEIR 4-33) and is the environmentally superior alternative and would reduce the severity of most environmental impacts associated with the project. (DEIR 4-36) It is not clear, therefore, why the County has not adopted this alternative.

Further, the DEIR notes that the Planning Commission directed the staff to consider an additional City/Focused Community Alternative, one in which growth would be accommodated in vacant urban, as well as legal suburban and rural (hamlet and other existing communities) lots of record in the County, without permitting development in outlying rural areas. The DEIR summarily concludes that the suggested alternative was not significantly different from the City Centered alternative and therefore was not discussed further. (DEIR 4-18.) Since the City/Focused Community Alternative appears to meet the project goal of fostering development A8-15

[25] Pub. Resources Code § 21002; CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2).)
[26] *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 136.

in the communities and hamlets, while having less of an environmental impact than the project, it is not clear why the DEIR declines to discuss it in any detail. A8-15 cont'd

Finally, the DEIR does not evaluate an alternative that would limit growth to the cities and existing unincorporated community (hamlet, etc.) boundaries, and does not determine whether there is sufficient capacity in these areas to accommodate growth during the period of the General Plan, without permitting further growth in rural and agricultural areas. There is no support in the record for this omission. A8-16

e. The DEIR's conclusion that environmental impacts are significant and unavoidable is unsupported. A8-17

The DEIR concludes that the project will result in 27 significant and unavoidable impacts including violation of air quality standards, conflicting with or obstructing implementation of an applicable air quality plans, and conflicting with the State goal of reducing greenhouse gas emissions in California to 1990 levels by 2020. (DEIR ES-13.) In light of the fact that the project is not properly defined, the impacts are not adequately quantified, enforceable mitigation measures are not imposed, and adequate alternatives are not considered, this conclusion is unsupported and contravenes CEQA.[27]

4. Conclusion A8-18

Tulare County showed remarkable foresight in enacting the Rural Valley Plan that has served for decades to protect the special rural and agricultural nature of Tulare County. The County again is in a position to exercise similar foresight and leadership for the benefit of current and future generations. We would be happy to provide examples of land use policies and mitigation measures that should be considered by the County, and to meet with you and work

[27] See *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371 (lead agency cannot simply conclude that there are overriding considerations that would justify a significant and unavoidable effect without fully analyzing the effect.)

together in whatever way possible to achieve the goals of preservation and smart growth set by the County. A8-18 cont'd

Sincerely,

SUSAN S. FIERING
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Attachments

EXHIBIT A

EDMUND G. BROWN JR.
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April 14, 2008

By Overnight Mail and Facsimile

David Bryant
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RE: Draft Environmental Impact Report for Tulare County General Plan 2030 Update
SCH # 2006041162

Dear Mr. Bryant:

The Attorney General submits these comments pursuant to the California Environmental Quality Act ("CEQA") on the Draft Environmental Impact Report ("DEIR") for the Tulare County General Plan 2030 Update ("General Plan").[1] A8-19

1. Introduction

The general plan is "at the top of the hierarchy of local government law regulating land use[.]"[2] As the California Supreme Court has noted, this basic land use charter governing the direction of future land use is in the nature of a planning "constitution."[3] Taking some measure of control over future land use is the local government's affirmative duty. "The planning law . . . A8-20

[1]The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Cal. Govt. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office.

[2]*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773 (internal citation omitted).

[3]*Ibid; Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 542.

Letter A8

compels cities and counties to undergo the discipline of drafting a master plan to guide future local land use decisions."[4] The Tulure County General Plan thus presents both an opportunity and a responsibility to the County – an opportunity to shape the future growth of the County, and a responsibility to ensure that such growth is consistent with State and local goals, including protecting the public health and welfare of the County's inhabitants and protecting the environment. A8-20 cont'd

According to the DEIR, the Plan anticipates that the population of Tulare County will reach 621,549 by 2030, an increase of approximately 254,000 people,[5] and that emissions of carbon dioxide (CO_2) from this growth will increase by approximately 1.7 million tons/year. As you are aware, global warming presents profoundly serious challenges to California and the nation. While we commend the County for addressing greenhouse gas ("GHG") emissions in the DEIR, we have concluded that the DEIR is not in compliance with the requirements of CEQA in significant respects. First, the DEIR does not disclose the actual growth that may occur under the proposed General Plan – which leaves much of the control over land uses and growth patterns to the market – and the GHG emissions that will result from such growth. Second, the DEIR considers only vehicle miles traveled and dairies as sources of GHG emissions, and neglects to consider other significant new sources of GHG emissions, including emissions from construction, residential and non-residential energy use, and other activities that will result from the build-out of the Plan. Third, the DEIR considers only a narrow range of alternatives, ignoring any alternative that would aggressively foster "smart growth" by more significantly limiting development to existing urban areas. Finally, the DEIR does not impose enforceable and quantifiable mitigation measures to mitigate the impact of the GHG emissions. A8-21 A8-22

Because the analysis of GHG emissions is inadequate and incomplete, the DEIR does not comply with CEQA, and does not provide substantial evidence to support the County's finding that the impacts of GHG emissions will be "significant and unavoidable."

2. Climate Change Background

Before discussing the General Plan and legal adequacy of the DEIR, it is important to understand why human-caused climate change is of particular concern to California and to the San Joaquin Valley.[6] A8-23

The impacts of climate change are not limited to remote parts of the world – they are being

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[4] *DeVita, supra*, 9 Cal.4th at p. 773.

[5] The County indicates that the General Plan is intended to accommodate 25% of this grown in the unincorporated areas, an increase of approximately 64,000 residents.

[6] The physics of climate change are well described in the Intergovernmental Panel on Climate Change, Fourth Assessment Report, "Frequently Asked Questions" (available at http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Print_FAQs.pdf) and need not be repeated here.

felt in California today. In California, global warming is causing damage to agriculture, losses to the Sierra snowpack, higher risks of fire, eroding coastlines, and habitat modification and destruction. Global warming affects public health directly, through heat-related illnesses and deaths caused by more hot days, and longer heat waves, and indirectly as higher temperatures favor the formation of ozone and particulate matter in areas that already have severe air pollution problems.[7]

A8-23 cont'd

The impacts of climate change are of particular concern to the San Joaquin Valley and Tulare County, especially in the areas of agriculture and public health. According to a whitepaper from the California Climate Action Team on the impacts of climate change on agriculture, "California's cornucopia is predicated on its current climate and its supply and distribution of irrigation water[.]"[8] Rising temperatures will cause larger crops growing in warmer climates to use more water and also may stimulate more weeds and insect pests. Pollination – essential to many Valley crops – will be negatively affected if warming causes asynchronization between flowering and the life cycle of insect pollinators. And the occurrence of adequate winter chill, necessary for fruit trees to flower, may be lost for many fruit species.[9] Higher temperatures due to global warming also have an impact on the dairy industry, which is of special importance to Tulare County, by causing lower milk production and heat-related animal deaths. Dairy producers will no doubt recall the extended heat wave of 2006, which caused the death of thousands of cows and created a backlog of carcasses for disposal.[10]

The health related impacts of climate change are also of substantial importance to the County. A Stanford study details how for each increase in temperature of 1 degree Celsius (1.8 degrees Fahrenheit) caused by climate change, the resulting air pollution would lead annually to about a thousand additional deaths and many more cases of respiratory illness and asthma.[11] The effects of warming are most significant where the pollution is already severe. Thus, the study has serious implications for California overall and for the San Joaquin Valley in particular. Given that California is home to six of the ten U.S. cities with the worst air quality, including Visalia-Tulare, and that the San Joaquin Valley has some of the worst air quality in the nation, the State and the

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[7]A summary of impacts to California, together with citations, is available on the Attorney Generals' website at http://ag.ca.gov/globalwarming/impact.php.

[8]California Climate Change Center, *An Assessment of the Impacts of Future CO2 and Climate on Californian Agriculture* (March 2006) at p. 1, available at http://www.energy.ca.gov/2005publications/CEC-500-2005-187/CEC-500-2005-187-SF.PDF.

[9]*Id.*, Abstract.

[10]Williams, "Dairy producers regroup after cow deaths," Bakersfield Californian (Aug. 5, 2006) available at http://www.bakersfield.com/102/story/66292.html.

[11] Jacobson, Mark Z., *On the causal link between carbon dioxide and air pollution mortality*, Geophysical Research Letters, Vol. 35 L03809 (2008).

Valley are likely to bear an increasingly disproportionate public health burden if we do not significantly reduce our GHG emissions. A8-23 cont'd

The atmospheric concentration of CO_2, the leading GHG, is now 380 parts per million (ppm),[12] higher than any time in the last 650,000 years,[13] and rising at about 2 ppm per year. According to experts, an atmospheric concentration of CO_2 "exceeding 450 ppm is almost surely dangerous" to human life because of the climate changes it will cause.[14] Thus, we are fast approaching a "tipping point," where the increase in temperature will create unstoppable, large-scale, disastrous impacts for all the inhabitants of the planet.[15]

We must take prompt action and control of our future. In the words of Rajendra Pachauri, Chairman of the United Nations Intergovernmental Panel on Climate Change, "If there's no action before 2012, that's too late. What we do in the next two to three years will determine our future. This is the defining moment."[16]

3. **Description of the General Plan**

Pursuant to Government Code section 65302, subdivision (a) a general plan must contain a land use element that A8-24

> designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space . . . and other categories of public and private uses of land. . . .

The distribution and general location of land uses under the Tulare County General Plan Update is almost impossible to discern from Plan documents. Maps typically accompany general plans.[17] While the General Plan does identify a limited number of land use designations (General Plan at pp. 5-5 to 5-12), it does not include any maps or diagrams identifying where the

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[12] http://www.esrl.noaa.gov/gmd/ccgg/trends/

[13] IPCC 4th, WGI, Frequently Asked Question 7.1, *Are Increases in Atmospheric Carbon Dioxide and Other Greenhouse Gases During the Industrial Era Caused by Human Activitites?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Print_FAQs.pdf.

[14] *See* http://www.nasa.gov/centers/goddard/news/topstory/2007/danger_point.html.

[15] *See ibid.*

[16] Rosenthal, *U.N. Chief Seeks More Leadership on Climate Change*, N.Y. Times (November 18, 2007).

[17] *See Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 307 [general plan maps are visual depictions of planned development policies indicating the geographic or spatial aspects of the plan].

designations are, or the acreage available for development within each designation. A document entitled Board Update, dated April 2006, which was provided to the Board of Supervisors, includes detailed land use maps for certain limited areas – specifically, each of the 21 existing unincorporated communities "hamlets." These maps, however, are not included in the General Plan. Nor does the Plan contain a table or tables indicating the general location, extent and type of land uses that could occur in the various geographic areas of the County. Ultimately, it is "impossible to relate any tabulated density standard of population to any location in the County."[18]

A8-24 cont'd

The General Plan contains a Goals and Policies Report that purports to set forth a "hierarchy of goals, policies, and implementation measures designed to guide future development in the County." (General Plan at p. 1-3.) The policies and implementation measures are in many cases nothing more than statements of preferences and opinions, rather than definite commitments to adopt enforceable policies and specific standards, or to use the powers the County has to enact ordinances and control development.

For example, one policy states that the County shall "encourage" residential growth to locate in existing Urban Development Borders ("UDBs"), Urban Area Boundaries ("UABs"), and Hamlet Development Boundaries ("HDBs"), but none of the accompanying implementation measures provide enforceable requirements or standards that would ensure that this policy is followed.[19] (General Plan at pp. 2-16 to 2-21.) Similarly, while the Plan states a policy of discouraging "new towns" (*id.* at p. 2-12), the policy has only very broad, general criteria and appears to allow new planned communities at an unlimited number of locations in the County as controlled by the market.[20] In the area of Land Use, the Plan again states a series of policies that are said to promote smart growth, encourage mixed use and infill development, etc. (General Plan at pp. 5-12 to 5-19), but the accompanying implementation measures contain no enforceable requirements that would ensure that development occurs consistent with these policy statements. (*Id.* at pp. 5-22 to 5-24.)

Thus, despite the general goals of the Plan to direct development in urban areas and in unincorporated hamlets and communities, nothing in the Plan will prevent a significant portion of

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[18] *See Camp v. Board of Supervisors of Mendocino County* (1981) 123 Cal.App.3d 334, 350.

[19] According to the 2003 State of California General Plan Guidelines ("General Plan Guidelines") at pp. 16-17, published by the Governor's Office of Planning and Research, a general plan should contain implementation measures which are actions, procedures, programs, or techniques, that carry out the general plan policy, as well as standards, which are rules or measures establishing a level of quality or quantity that must be complied with or satisfied.

[20] Similarly the Plan states a policy to "discourage the creation of ranchettes. . . ." (Plan at p. 4-4), which are residences built on large lots from 1.5 acres up. This policy does not, however, impose any enforceable limitations on ranchette development.

the future growth from occurring outside the UDBs, for example in the foothill areas in the far eastern part of the County that are far from services, jobs, and transportation. A8-24 cont'd

Ultimately, it appears that, rather than being a "constitution" for future development, the General Plan will largely leave the shape of new development, in amount and in location, primarily to the control of the market. This is as much as acknowledged in the DEIR which states repeatedly that "[w]hile the proposed General Plan Update includes policies intended to control the amount and location of new growth. . . it does not solidly advocate, promote or represent any one development scenario because any attempt to predict the exact pace and locations of future market-driven growth is considered speculative." (DEIR at p. ES-7.)

4. **CEQA Requirements**

An EIR is an informational document intended to provide both the public and government agencies with detailed information about the effects of a proposed project on the environment, to list ways in which those effects can be mitigated, and to discuss and analyze alternatives to the project.[21] A "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. . . ."[22] The project must be adequately described in the EIR,[23] and the entirety of the project must be considered, not just some smaller portion of it.[24] A decision to approve a project "is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA."[25] A8-25

CEQA was enacted to ensure that public agencies do not approve projects unless feasible measures are included that mitigate the project's significant environmental effects.[26] CEQA therefore requires that "[e]ach public agency shall mitigate or avoid the significant effects on the

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[21] *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 390-91 (citing Pub. Res. Code, § 21061; Cal.Code Regs., tit. 14, § 15003, subd. (b)-(e) (hereafter "Guidelines").

[22] Guidelines, § 15378, subd. (a).

[23] Guidelines, § 15124.

[24] *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654.

[25] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-22 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829).

[26] Pub. Res. Code, § 21002.

environment of projects that it carries out or approves whenever it is feasible to do so."[27] The mitigation measures must be enforceable and the benefits quantifiable, rather than just vague policy statements.[28]

A8-25 cont'd

The CEQA Guidelines further provide that the EIR must discuss a "range of reasonable alternatives to the project or to the location of the project which would feasiblely attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."[29] The EIR must include sufficient information about each alternative to provide meaningful analysis and comparison,[30] and must consider alternatives that could eliminate significant effects or reduce them to a less than significant level, even if the alternatives could impede the attainment of the project's objectives to some degree.[31]

5. **The DEIR Does Not Adequately Analyze GHG Emissions Under CEQA**

A8-26

As the Legislature has recognized, global warming is an "effect on the environment" under CEQA, and an individual project's incremental contribution to global warming can be cumulatively considerable and therefore significant.[32] The DEIR briefly and generally discusses global climate change, noting that California has passed Assembly Bill 32 ("AB 32"), the Global Warming Solutions Act of 2006, which requires the Air Resources Board to implement regulations to reduce GHG emissions statewide to 1990 levels by 2020. (DEIR at pp. 4-44 to 4-46.) The DEIR concludes that, even with mitigations, the GHG emissions from the project will be significant and unavoidable and will conflict with the goals of AB 32. (*Id.* at pp. 4-64 to 4-68). This analysis is deficient for the reasons discussed below.

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[27]Pub. Res. Code, §§ 21002.1, subd. (b); *City of Marina Board of Trustees* (2006) 39 Cal.4th 341, 360.

[28]*See* Publ. Res. Code, § 21081.6, subd. (b); *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (agency must take steps to ensure mitigation measures are fully enforceable through permit conditions, agreements, or other measures).

[29] Guidelines, § 15126.6, subd. (a).

[30] Guidelines § 15126.6, subd. (d).

[31] Guidelines § 15126.6, subd. (b); see also *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1456-57 [cannot exclude alternative simply because it impedes project objectives or is more costly].

[32]*See* Pub. Res. Code, § 21083.05 subd. (a); see also Sen. Rules Com., Off. of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.

a. The DEIR Does Not Adequately Disclose and Analyze All of the Potential Growth and GHG Emissions that May Result from the General Plan

A8-27

A general plan embodies an agency's decisions as to how to guide future development, and any evaluation of the general plan "must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment."[33] Thus, in order to comply with CEQA, the DEIR must describe and consider the full extent of the growth permitted by the Plan and must quantify the GHG emissions, both direct and indirect from that growth.[34]

Because the Plan does not include enforceable measures guiding how and where development will occur in Tulare County, the DEIR performs its analysis based on "assumptions" about "population growth and the market distribution of that growth throughout the County." (DEIR at p. 2-7.) The DEIR states that the population of Tulare County is anticipated to reach 621,549 by 2030, an increase of approximately 254,000 people, and assumes that approximately 75% of that growth is expected to occur within the UDBs of the incorporated cities, with the remaining 25%, or approximately 64,000 new residents, in unincorporated communities, hamlets and development corridors. (*Id.* at pp. ES-5, 2-7.)

In fact, however, as discussed above, the proposed General Plan is so open-ended that it does nothing to constrain market-driven population growth in the County and appears to allow unlimited development far beyond the scope of what is assumed in the DEIR. The actual remaining capacity for development within the existing UABs and UDBs of unincorporated communities in Tulare County is over 126,000 residents, indicating that the existing potential for growth in unincorporated areas is nearly twice the 64,000 that the DEIR assumes.[35] Further, development is not limited to existing communities and hamlets, but can occur at the discretion of the County in new towns located in rural, undeveloped areas of the County. Such development is not only likely in the future – it is already in progress; the County is currently considering just such a development project, the Yokohl Valley Ranch, a 10,000 unit residential development to be located in the Sierra Nevada foothills on land that is currently set aside for agriculture.[36]

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[33] *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409.

[34] *See* Guidelines, §§ 15126, 15358, subd. (a)(1), (2); *Las Virgenes Homeowners Federation, supra*, 177 Cal.App.3d at p. 307 [in adopting General Plan, County "necessarily addressed the cumulative impacts of buildout to the maximum possible densities allowed by those plans"]; see also *Christward Ministery v. Superior Court* (1986) 184 Cal.App. 3d 180, 194 [evaluation of general plan must include future development permitted by amendment].

[35] Tulare County General Plan Board Update (2006) at p. 8 [table showing estimate of population capacity within existing UDBs and UABs of unincorporated communities].

[36] *See* Notice of Preparation and Initial Study for Yokohl Ranch Project, available at http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=617530.

In order to comply with CEQA, it is not sufficient for the DEIR to disclose only an assumed level of growth based on population projections, and an assumed distribution of that growth based on general policies and statements of preference. Rather, it must disclose the full potential for market-driven growth that is permitted under the Plan, and must evaluate the extent and impact of GHG emissions if a significant portion of that growth is accommodated in rural, undeveloped areas, as the Plan appears to allow. A8-27 cont'd

b. The DEIR Does Not Adequately Quantify the Emissions from the Assumed Growth A8-28

In addition to failing to disclose the full amount of potential growth that may occur under the General Plan, the DEIR also fails to properly quantify the GHG emissions from the development it does disclose. The DEIR purports to quantify GHG emissions from the anticipated increase in vehicle miles traveled ("VMT") in the assumed market-driven development, stating that CO_2 emissions will increase from 1,997,046 to 3,446,934 tons/year, (approximately a 73% increase). (DEIR at p. 4-50.)

There is no explanation or supporting analysis describing how the DEIR derives this number. It would seem impossible to determine VMT without knowing in general terms where the new development will occur in the County and the distance from workplaces and services. Development that occurs close to urban centers and mass transit will produce significantly less VMT (and GHG emissions) than development that occurs in the far foothills, away from the population centers. Since the General Plan relies on "market-driven" development and does not implement enforceable procedures to guide development, the assessment of GHG emissions from increased VMT is inaccurate and incomplete.

Second, the DEIR discusses only emissions related to VMT and dairy operations. While the DEIR notes that there will be increased emissions from the actual "buildout" of the Plan (including increased use of electricity, woodburning fireplaces, natural gas, and equipment), it states that it lacks information to quantify these emissions, and therefore makes no effort to do so. (DEIR at p. 4-50) These omitted emissions are almost certainly substantial. According to the California Energy Commission, residential, commercial, and industrial sources make up about 30% of the CO_2 emissions in the State,[37] and that does not include methane production from sources such as landfills and wastewater treatment.

There are a number of models available to assist the County in estimating future GHG emissions. One source of helpful information is the report issued by the California Air Pollution Control Officers Association (CAPCOA), "CEQA and Climate Change."[38] The document discusses a variety of models that can be used to calculate GHG emissions. Similarly, the

[37]California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004*, December 2006, Table 6.

[38]The document is available at http://www.capcoa.org/.

Attorney General's Website provides a table of currently available models that are useful for calculating emissions.[39] Other models are available from a variety of sources,[40] A8-28 cont'd

The DEIR must fully quantify and consider all of the emissions from the project, including those resulting from the build-out.

c. The DEIR Does Not Include All Feasible Alternatives and Does Not Quantify GHG Emissions from Those Alternatives A8-29

The DEIR considers five alternatives which it terms the (1) No-Project alternative, (2) City-Centered Alternative, (3) Rural Communities Alternative, (4) Transportation Corridors Alternative, and (5) Confined Growth Alternative. (DEIR at pp. ES-8 to 9, 7-3 to 7-34.) Based on Table 7-1, which outlines the assumed population growth in unincorporated areas for each of the alternatives, it appears that the range of alternatives is narrow, representing a difference of only approximately 4% in growth in unincorporated areas (from 26% to 30%). (DEIR at pp. 7-3 to 7-4.) The alternatives thus ignore a range of "smart growth" alternatives that would concentrate development in already existing urban areas near mass transit and preserve more agricultural land and open space. A more intense "smart growth" alternative would appear to be feasible given the evidence that existing cities can currently accommodate all of the growth anticipated by the County.[41] Thus, in order to be consistent with CEQA, the DEIR must consider a broader range of alternatives that would focus more of the development in existing urban areas, or explain and provide evidence supporting a conclusion as to why such alternatives would be infeasible.

Moreover, while the DEIR purports to compare the impacts of the various alternatives, the discussion of the alternatives is inadequate. There are no anticipated population numbers provided for two of the alternatives (No-Project and Confined Growth alternatives), making it impossible to compare them to the other three alternatives (DEIR at pp. 7-3 to 7-4), and the discussion of alternatives does not even mention GHG emissions. (DEIR at pp. 7-14 to 7-34.) In order to comply with CEQA, the DEIR must quantify and compare the GHG emissions from each of the alternatives. Again, as discussed above, there are modeling resources available to the County for performing this analysis.

d. The DEIR Does Not Impose All Feasible Measures to Mitigate GHG Emissions A8-30

CEQA provides that a public agency should not approve a project as proposed if there are

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[39] http://ag.ca.gov/globalwarming/ceqa/modeling_tools.php.

[40] *See, e.g.*, UPlan at http://ice.ucdavis.edu/doc/uplan.

[41] Tulare County General Plan: Policy Alternatives, Board of Supervisors Edition (August 2005) at p. 9, available at http://generalplan.co.tulare.ca.us/documents.html.

A8-30 cont'd

additional feasible mitigation measures that would substantially lessen the significant environmental effects of the project.[42] Further, in order to ensure that mitigation measures are actually implemented, they must be "fully enforceable through permit conditions, agreements, or other measures."[43]

The DEIR refers to a series of policies in the General Plan that purport to mitigate GHG emissions related to general development. They include, for example, requiring any development to minimize air impacts, requiring the County to "consider" any strategies identified by the California Air Resources Board, studying methods of transportation to reduce air pollution, encouraging departments to replace existing vehicles with low emission vehicles, and identifying opportunities for infill. (General Plan at pp. 9-4 to 9-5.) While these policies are a positive step, they are general and unenforceable, as are the accompanying implementation measures. Further, the DEIR makes no attempt to quantify the extent to which these mitigation measures will reduce GHG emissions, instead simply jumping to the conclusion that the climate change impacts from the project would be "significant and unavoidable." (DEIR at pp. 4-65 to 4-68.)[44]

In fact, there are many mitigation measures that are readily available to the County to decrease GHG emissions from new development. We are not suggesting that the County must adopt any specific set of mitigation measures, since this is a decision within its discretion. The County is, however, required by law to determine which measures are reasonable and feasible and to implement and enforce those measures. In considering which mitigation measures to implement, the County has many resources available. It can consider, for example, the measures set out in the CAPCOA document referenced above (pp. 79-87 and Appendix B-1), and those set forth in the list on the Attorney General's website[45] (copy attached), and in the comments in the

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[42] Pub. Res. Code, § 21002.

[43] Pub. Res. Code, § 21081.6, subd. (b); *Federation of Hillside & Canyon Ass'ns, supra,* 83 Cal.App.4th at p. 1261.

[44] The shortcomings of the mitigation discussion is further apparent in the DEIR's discussion of mitigation measures for dairies, which addresses GHG reduction only incidentally in the context of reducing other air pollutants, and which fails to discuss many potentially significant mitigation measures that are available. (DEIR at pp. 4-66 to 4-67.) To take one example, methane digesters, which are increasingly being used on dairies in California, process animal waste under anaerobic conditions, yielding methane gas that is collected on site and can be sold directly to utilities or used to generate electricity, bringing in revenue to the dairy. *See* California Energy Commission, *Dairy Power Production Program, Dairy Methane Digester System 90-Day Evaluation Report, Eden-Vale Dairy,* December 2006 at p. 4; http://cpuc.ca.gov/Final_resolution/68429.htm; http://www.epa.gov/agstar/resources.html; Fresno County Notices of Intention to Adopt a Mitigated Negative Declaration (Unclassified Conditional Use Permits 3215-3218).

[45] http://ag.ca.gov/globalwarming/ceqa.php.

letter of the San Joaquin Valley Unified Air Pollution Control District ("APCD") dated May 26, 2006, included in Appendix A to the Notice of Preparation. All of these sources provide concrete and enforceable recommendations, and address all aspects of project development that have an impact on GHG emissions, including conservation, land use, circulation, housing, open space, safety, and energy. Other sources discussing mitigation measures are readily available.[46] A8-30 cont'd

Finally, the DEIR states that the County will, at some unspecified future time, develop a GHG Emissions Reduction Plan that parallels requirements adopted by the California Air Resources Board. (DEIR at p. 4-67) While we commend the County for recognizing that such a plan is necessary, this reference to an as yet undeveloped and completely undefined plan cannot serve as mitigation for the project's GHG emissions, since deferring environmental assessment to some future date is counter to CEQA's mandate that environmental review be performed at the earliest stages in the planning project.[47] A8-31

We encourage the County to pursue adoption of a GHG Emissions Reduction Plan as part of its General Plan. To constitute effective mitigation, the County should consider including in the Plan a baseline inventory of the GHGs currently being emitted in the County from all sources, projected emissions for target years (e.g., 2020 and beyond), targets for the reduction of those sources of emissions that are consistent with AB 32 and Executive Order #S-03-05, and a suite of feasible emission reduction measures to meet the reduction target(s).[48] An effective plan would also likely include monitoring and reporting requirements so that the County will obtain information on the performance of its plan, and an adaptive management element to ensure that the Plan, once implemented, can be adjusted if necessary to meet the reduction targets.

In sum, given the wealth of resources available describing specific mitigation measures for GHG emissions, it is feasible for the County to develop and impose a set of mitigation measures that will be implemented and enforced as conditions of all future development projects. Since the County has not fully explored the extent to which there are feasible mitigation measures that

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[46] *See, e.g.*, www.gosolarcalifornia.ga.gov/nshp [discussing the California Energy Commissions' New Solar Homes Partnership which provides rebates to developers of six units or more who offer solar power on 50% of the new units]; www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html and www.newbuildings.org/lighting.htm [energy efficient lighting]; www.energy.ca.gov/title24/2005standards/ [feasible green building measures identified by the California Energy Commission's Compliance Manuals]; www.vtpi.org/park_man.pdf [discussion of parking management programs that provide environmental benefits].

[47] Pub.Resources Code, § 21003.1; *Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307 (and cases cited therein).

[48] See the Attorney General's settlement with San Bernardino County, available at http://ag.ca.gov/cms_pdfs/press/2007-08-21_San_Bernardino_settlement_agreement.pdf.

would substantially reduce the global warming impacts of this project, it has not complied with CEQA. A8-31 cont'd

e. The DEIR Cannot Conclude, Without Fuller Analysis, that GHG Effects are Significant and Unavoidable and Inconsistent with AB 32 A8-32

The DEIR concludes that the GHG emissions from the project will be significant and unavoidable. (DEIR at p. 4-68.) In light of the fact that the emissions are not fully quantified, enforceable mitigation measures are not imposed, and the efficacy of any mitigation are not analyzed qualitatively or quantitatively, this conclusion is unsupported and contravenes CEQA.[49]

6. Conclusion

This is a critical time for all of California. Scientists acknowledge that global warming is real. Unless we depart from the "business as usual" paradigm and embrace the new principles of "smart growth," we risk pushing the environment past the "tipping point" into catclysmic climate change. The stakes are too high for Tulare County to abdicate it responsibilities, allowing the market to control the future of the hundreds of thousands of people who currently live and work – and the hundred thousands more who will live and work – in Tulare County. The County, through its General Plan and the CEQA process, has the opportunity, and indeed the duty, to become one of the leaders in planning the future of California. The decisions the County makes today will determine what the County will look like in the coming years and 30 years from now, and they can help move California forward into a new era of development and sustainable growth, consistent with the State's goals for a lower-carbon future. A8-33

Thank you for your consideration of these comments. We would appreciate the opportunity meet with County staff to discuss these comments further in an effort to work cooperatively on these issues.

Sincerely,

SUSAN S. FIERING
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

[49] *See Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371 [lead agency cannot simply conclude that there are overriding considerations that would justify a significant and unavoidable effect without fully analyzing the effect].

EXHIBIT B

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is entered into by and between the City of Stockton ("City"), Edmund G. Brown Jr., Attorney General of California, on behalf of the People of the State of California ("Attorney General"), and the Sierra Club, and it is dated and effective as of the date that the last Party signs ("Effective Date"). The City, the Attorney General, and the Sierra Club are referred to as the "Parties."

RECITALS

On December 11, 2007, the City approved the 2035 General Plan, Infrastructure Studies Project, Bicycle Master Plan, Final Environmental Impact Report ("EIR"), and Statement of Overriding Considerations. The General Plan provides direction to the City when making land use and public service decisions. All specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the City's General Plan. As adopted in final form, the General Plan includes Policy HS-4.20, which requires the City to "adopt new policies, in the form of a new ordinance, resolution, or other type of policy document, that will require new development to reduce its greenhouse gas emissions to the extent feasible in a manner consistent with state legislative policy as set forth in Assembly Bill (AB) 32 (Health & Saf. Code, § 38500 et seq.) and with specific mitigation strategies developed by the California Air Resources Board (CARB) pursuant to AB 32[.]" The policy lists the following "potential mitigation strategies," among others, for the City to consider:

(a) Increased density or intensity of land use, as a means of reducing per capita vehicle miles traveled by increasing pedestrian activities, bicycle usage, and public or private transit usage; and

(b) Increased energy conservation through means such as those described in Appendix F of the State Guidelines for the California Environmental Quality Act.

The 2035 General Plan also includes other Policies and goals calling for infill development, increased transit, smart growth, affordable housing, and downtown revitalization.

In December 2006, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the City prepared and circulated a Draft EIR. Comments were received on the EIR; the City prepared responses to these comments and certified the EIR in December 2007.

On January 10, 2008, the Sierra Club filed a Petition for Writ of Mandate in San Joaquin County Superior Court (Case No. CV 034405, hereinafter "Sierra Club Action"),

alleging that the City had violated CEQA in its approval of the 2035 General Plan. In this case, the Sierra Club asked the Court, among other things, to issue a writ directing the City to vacate its approval of the 2035 General Plan and its certification of the EIR, and to award petitioners' attorney's fees and costs.

The Attorney General also raised concerns about the adequacy of the EIR under CEQA, including but not limited to the EIR's failure to incorporate enforceable measures to mitigate the greenhouse gas ("GHG") emission impacts that would result from the General Plan.

The City contends that the General Plan and EIR adequately address the need for local governments to reduce greenhouse gas ("GHG") emissions in accordance with Assembly Bill 32, and associated issues of climate change.

Because the outcome of the Parties' dispute is uncertain, and to allow the Stockton General Plan to go forward while still addressing the concerns of the Attorney General and the Sierra Club, the Parties have agreed to resolve their dispute by agreement, without the need for judicial resolution.

The parties want to ensure that the General Plan and the City's implementing actions address GHG reduction in a meaningful and constructive manner. The parties recognize that development on the urban fringe of the City must be carefully balanced with accompanying infill development to be consistent with the state mandate of reducing GHG emissions, since unbalanced development will cause increased driving and increased motor vehicle GHG emissions. Therefore, the parties want to promote balanced development, including adequate infill development, downtown vitalization, affordable housing, and public transportation. In addition, the parties want to ensure that development on the urban fringe is as revenue-neutral to the City as to infrastructure development and the provision of services as possible.

In light of all the above considerations, the Parties agree as follows, recognizing that any legislative actions contemplated by the Agreement require public input and, in some instances, environmental review prior to City Council actions, which shall reflect such input and environmental information, pursuant to State law:

AGREEMENT

Climate Action Plan

1. Within 24 months of the signing of this Agreement, and in furtherance of General Plan Policy HS-4.20 and other General Plan policies and goals, the City agrees that its staff shall prepare and submit for City Council adoption, a Climate Action Plan, either as a separate element of the General Plan or as a component of an existing General Plan element. The Climate Action Plan, whose adoption will be subject to normal requirements for compliance with CEQA and other controlling state law, shall include, at least, the measures set forth in paragraphs 3 through 8, below.

2. The City shall establish a volunteer Climate Action Plan advisory committee to assist the staff in its preparation and implementation of the Plan and other policies or documents to be adopted pursuant to this Agreement. This committee shall monitor the City's compliance with this Agreement, help identify funding sources to implement this Agreement, review in a timely manner all draft plans and policy statements developed in accordance with this Agreement (including studies prepared pursuant to Paragraph 9, below), and make recommendations to the Planning Commission and City Council regarding its review. The committee shall be comprised of one representative from each of the following interests: (1) environmental, (2) non-profit community organization, (3) labor, (4) business, and (5) developer. The committee members shall be selected by the City Council within 120 days of the Effective Date, and shall serve a one-year term, with no term limits. Vacancies shall be filled in accordance with applicable City policies. The City shall use its best efforts to facilitate the committee's work using available staff resources.

3. The Climate Action Plan shall include the following measures relating to GHG inventories and GHG reduction strategies:

a. Inventories from all public and private sources in the City:

(1) Inventory of current GHG emissions as of the Effective Date;

(2) Estimated inventory of 1990 GHG emissions;

(3) Estimated inventory of 2020 GHG emissions.

The parties recognize that techniques for estimating the 1990 and 2020 inventories are imperfect; the City agrees to use its best efforts, consistent with methodologies developed by ICLEI and the California Air Resources

Board, to produce the most accurate and reliable inventories it can without disproportionate or unreasonable staff commitments or expenditures.

b. Specific targets for reductions of the current and projected 2020 GHG emissions inventory from those sources of emissions reasonably attributable to the City's discretionary land use decisions and the City's internal government operations. Targets shall be set in accordance with reduction targets in AB 32, other state laws, or applicable local or regional enactments addressing GHG emissions, and with Air Resources Board regulations and strategies adopted to carry out AB 32, if any, including any local or regional targets for GHG reductions adopted pursuant to AB 32 or other state laws. The City may establish goals beyond 2020, consistent with the laws referenced in this paragraph and based on current science.

c. A goal to reduce per capita vehicle miles traveled ("VMT") attributable to activities in Stockton (i.e., not solely due to through trips that neither originate nor end in Stockton) such that the rate of growth of VMT during the General Plan's time frame does not exceed the rate of population growth during that time frame. In addition, the City shall adopt and carry out a method for monitoring VMT growth, and shall report that information to the City Council at least annually. Policies regarding VMT control and monitoring that the City shall consider for adoption in the General Plan are attached to this Agreement in Exhibit A.

d. Specific and general tools and strategies to reduce the current and projected 2020 GHG inventories and to meet the Plan's targets for GHG reductions by 2020, including but not limited to the measures set out in paragraphs 4 through 8, below.

4. The City agrees to take the following actions with respect to a green building program:

a. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption ordinance(s) that require:

(1) All new housing units to obtain Build It Green certification, based on then-current Build It Green standards, or to comply with a green building program that the City after consultation with the Attorney General, determines is of comparable effectiveness;

(2) All new non-residential buildings that exceed 5000 square feet and all new municipal buildings that exceed 5000 square feet to be certified to LEED Silver standards at a minimum, based on the then-current LEED standards, or to comply with a green building program that the City, after consultation with the Attorney General, determines is of comparable effectiveness;

(3) If housing units or non-residential buildings certify to standards other than, but of comparable effectiveness to, Build It Green or LEED Silver, respectively, such housing units or buildings shall demonstrate, using an outside inspector or verifier certified under the California Energy Commission Home Energy Rating System (HERS), or a comparably certified verifier, that they comply with the applicable standards.

(4) The ordinances proposed for adoption pursuant to paragraphs (1) through (3) above may include an appropriate implementation schedule, which, among other things, may provide that LEED Silver requirements (or standards of comparable effectiveness) for non-residential buildings will be implemented first for buildings that exceed 20,000 square feet, and later for non-residential buildings that are less than 20,000 and more than 5,000 square feet.

(5) Nothing in this section shall affect the City's obligation to comply with applicable provisions of state law, including the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations), which, at section 101.7, provides, among other things, that "local government entities retain their discretion to exceed the standards established by [the California Green Building Standards Code]."

b. Within 18 months of the Effective Date, the City staff shall submit for City Council adoption ordinance(s) that will require the reduction of the GHG emissions of existing housing units on any occasion when a permit to make substantial modifications to an existing housing unit is issued by the City.

c. The City shall explore the possibility of creating a local assessment district or other financing mechanism to fund voluntary actions by owners of commercial and residential buildings to undertake energy efficiency

measures, install solar rooftop panels, install "cool" (highly reflective) roofs, and take other measures to reduce GHG emissions.

d. The City shall also explore the possibility of requiring GHG-reducing retrofits on existing sources of GHG emissions as potential mitigation measures in CEQA processes.

e. From time to time, but at least every five years, the City shall review its green building requirements for residential, municipal and commercial buildings, and update them to ensure that they achieve performance objectives consistent with those achieved by the top (best-performing) 25% of city green building measures in the state.

5. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption a transit program, based upon a transit gap study. The transit gap study shall include measures to support transit services and operations, including any ordinances or general plan amendments needed to implement the transit program. These measures shall include, but not be limited to, the measures set forth in paragraphs 5.b. through 5.d. In addition, the City shall consider for adoption as part of the transit program the policy and implementation measures regarding the development of Bus Rapid Transit ("BRT") that are attached to this Agreement in Exhibit B.

a. The transit gap study, which may be coordinated with studies conducted by local and regional transportation agencies, shall analyze, among other things, strategies for increasing transit usage in the City, and shall identify funding sources for BRT and other transit, in order to reduce per capita VMT throughout the City. The study shall be commenced within 120 days of the Effective Date.

b. Any housing or other development projects that are (1) subject to a specific plan or master development plan, as those terms are defined in §§ 16-540 and 16-560 of the Stockton Municipal Code as of the Effective Date (hereafter "SP" or "MDP"), or (2) projects of statewide, regional, or areawide significance, as defined by the CEQA Guidelines (hereafter "projects of significance"), shall be configured, and shall include necessary street design standards, to allow the entire development to be internally accessible by vehicles, transit, bicycles, and pedestrians, and to allow access to adjacent neighborhoods and developments by all such modes of transportation.

c. Any housing or other development projects that are (1) subject to an SP or MDP, or (2) projects of significance, shall provide financial and/or other

support for transit use. The imposition of fees shall be sufficient to cover the development's fair share of the transit system and to fairly contribute to the achievement of the overall VMT goals of the Climate Action Plan, in accordance with the transit gap study and the Mitigation Fee Act (Government Code section 66000, *et seq.*), and taking into account the location and type of development. Additional measures to support transit use may include dedication of land for transit corridors, dedication of land for transit stops, or fees to support commute service to distant employment centers the development is expected to serve, such as the East Bay. Nothing in this Agreement precludes the City and a landowner/applicant from entering in an agreement for additional funding for BRT.

d. Any housing or other development projects that are (1) subject to an SP or MDP or (2) projects of significance, must be of sufficient density overall to support the feasible operation of transit, such density to be determined by the City in consultation with San Joaquin Regional Transit District officials.

6. To ensure that the City's development does not undermine the policies that support infill and downtown development, within 12 months of the Effective Date, the City staff shall submit for City Council adoption policies or programs in its General Plan that:

a. Require at least 4400 units of Stockton's new housing growth to be located in Greater Downtown Stockton (defined as land generally bordered by Harding Way, Charter Way (MLK), Pershing Avenue, and Wilson Way), with the goal of approving 3,000 of these units by 2020.

b. Require at least an additional 14,000 of Stockton's new housing units to be located within the City limits as they exist on the Effective Date ("existing City limits").

c. Provide incentives to promote infill development in Greater Downtown Stockton, including but not limited to the following for proposed infill developments: reduced impact fees, including any fees referenced in paragraph 7 below; lower permit fees; less restrictive height limits; less restrictive setback requirements; less restrictive parking requirements; subsidies; and a streamlined permitting process.

d. Provide incentives for infill development within the existing City limits but outside Greater Downtown Stockton and excluding projects of significance. These incentives may be less aggressive than those referenced in paragraph 6.c., above.

7. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption amendments to the General Plan to ensure that development at the City's outskirts, particularly residential, village or mixed use development, does not grow in a manner that is out of balance with development of infill. These proposed amendments shall include, but not be limited to, measures limiting the granting of entitlements for development projects outside the existing City limits and which are (1) subject to an SP or MDP, or (2) projects of significance, until certain criteria are met. These criteria shall include, at a minimum:

a. Minimum levels of transportation efficiency, transit availability (including BRT) and Level of Service, as defined by the San Joaquin Council of Government regulations, City service capacity, water availability, and other urban services performance measures;

b. Firm, effective milestones that will assure that specified levels of infill development, jobs-housing balance goals, and GHG and VMT reduction goals, once established, are met before new entitlements can be granted;

c. Impact fees on new development, or alternative financing mechanisms identified in a project's Fiscal Impact Analysis and/or Public Facilities Financing Plan, that will ensure that the levels and milestones referenced in paragraphs 7.a. and 7.b., above, are met. Any such fees:

(1) shall be structured, in accordance with controlling law, to ensure that all development outside the infill areas within existing City limits is revenue-neutral to the City (which may necessitate higher fees for development outside this area, depending upon the costs of extending infrastructure);

(2) may be in addition to mitigation measures required under CEQA;

(3) shall be based upon a Fiscal Impact Analysis and a Public Facilities Financing Plan.

d. The City shall explore the feasibility of enhancing the financial viability of infill development in Greater Downtown Stockton, through the use of such mechanisms as an infill mitigation bank.

8. The City shall regularly monitor the above strategies and measures to ensure that they are effectively reducing GHG emissions. In addition to the City staff reporting on VMT annually, as provided in paragraph 3.c., the City staff or the advisory committee shall report annually to the City Council on the City's progress in implementing the

strategies and measures of this Agreement. If it appears that the strategies and measures will not result in the City meeting its GHG reduction targets, the City shall, in consultation with the Attorney General and Sierra Club, make appropriate modifications and, if necessary, adopt additional measures to meet its targets.

Early Climate Protection Actions

9. To more fully carry out those provisions of the General Plan, including the policy commitments embodied in those General Plan Policies, such as General Plan Policy HS-4.20, intended to reduce greenhouse gas emissions through reducing commuting distances, supporting transit, increasing the use of alternative vehicle fuels, increasing efficient use of energy, and minimizing air pollution, and to avoid compromising the effectiveness of the measures in Paragraphs 4 through 8, above, until such time as the City formally adopts the Climate Action Plan, before granting approvals for development projects (1) subject to an SP or MDP, or (2) considered projects of significance, and any corresponding development agreements, the City shall take the steps set forth in subsections (a) through (d) below:

(a) City staff shall:

(1) formulate proposed measures necessary for the project to meet any applicable GHG reduction targets;

(2) assess the project's VMT and formulate proposed measures that would reduce the project's VMT;

(3) assess the transit, especially BRT, needs of the project and identify the project's proposed fair share of the cost of meeting such needs;

(4) assess whether project densities support transit, and, if not, identify proposed increases in project density that would support transit service, including BRT service;

(5) assess the project's estimated energy consumption, and identify proposed measures to ensure that the project conserves energy and uses energy efficiently;

(6) formulate proposed measures to ensure that the project is consistent with a balance of growth between land within Greater Downtown Stockton and existing City limits, and land outside the existing City limits;

(7) formulate proposed measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and

(8) formulate proposed measures to ensure that the project is configured to allow the entire development to be internally accessible by all modes of transportation.

(b) The City Council shall review and consider the studies and recommendations of City staff required by paragraph 9(a) and conduct at least one public hearing thereon prior to approval of the proposed project (though this hearing may be folded into the hearing on the merits of the project itself).

(c) The City Council shall consider the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, based on the studies and recommendations of City staff prepared pursuant to paragraph 9(a) for each covered development project.

(d) The City Council shall consider including in any development approvals, or development agreements, that the City grants or enters into during the time the City is developing the Climate Action Plan, a requirement that all such approvals and development agreements shall be subject to ordinances and enactments adopted after the effective date of any approvals of such projects or corresponding development agreements, where such ordinances and enactments are part of the Climate Action Plan.

(e) The City shall complete the process described in paragraphs (a) through (d) (hereinafter, "Climate Impact Study Process") prior to the first discretionary approval for a development project. Notwithstanding the foregoing, however, for projects for which a draft environmental impact report has circulated as of the Effective Date, the applicant may request that the City either (i) conduct the Climate Impact Study Process or (ii) complete its consideration of the Climate Action Plan prior to the adoption of the final discretionary approval leading to the project's first phase of construction. In such cases, the applicant making the request shall agree that nothing in the discretionary approvals issued prior to the final discretionary approval (i) precludes the City from imposing on the project conditions of approvals or other measures that may result from the Climate Impact Study Process, or (ii) insulates the project from a decision, if any, by the City to apply any ordinances and/ or enactments that may comprise the Climate Action Plan

ultimately adopted by the City.

Attorney General Commitments

10. The Attorney General enters into this Agreement in his independent capacity and not on behalf of any other state agency, commission, or board. In return for the above commitments made by the City, the Attorney General agrees:

a. To refrain from initiating, joining, or filing any brief in any legal challenge to the General Plan adopted on December 11, 2007;

b. To consult with the City and attempt in good faith to reach an agreement as to any future development project whose CEQA compliance the Attorney General considers inadequate. In making this commitment, the Attorney General does not surrender his right and duties under the California Constitution and the Government Code to enforce CEQA as to any proposed development project, nor his duty to represent any state agency as to any project;

c. To make a good faith effort to assist the City in obtaining funding for the development of the Climate Action Plan.

Sierra Club Commitments

11. The Sierra Club agrees to dismiss the Sierra Club Action with prejudice within ten (10) days of the Effective Date. Notwithstanding the foregoing agreement to dismiss the Sierra Club Action, the City and Sierra Club agree that, in the event the City should use the EIR for the 2035 General Plan in connection with any other project approval, the Sierra Club has not waived its right (a) to comment upon the adequacy of that EIR, or (b) to file any action challenging the City's approval of any other project based on its use and/or certification of the EIR.

General Terms and Conditions

12. This Agreement represents the entire agreement of the Parties, and supercedes any prior written or oral representations or agreements of the Parties relating to the subject matter of this Agreement.

13. No modification of this Agreement will be effective unless it is set forth in writing and signed by an authorized representative of each Party.

14. Each Party warrants that it has the authority to execute this Agreement. Each Party warrants that it has given all necessary notices and has obtained all necessary consents to permit it to enter into and execute this Agreement.

15. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

16. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement will be binding upon the receipt of original, facsimile, or electronically communicated signatures.

17. This Agreement has been jointly drafted, and the general rule that it be construed against the drafting party is not applicable.

18. If a court should find any term, covenant, or condition of this Agreement to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and effect.

19. The City agrees to indemnify and defend the Sierra Club, its officers and agents (collectively, "Club") from any claim, action or proceeding ("Proceeding") brought against the Club, whether as defendant/respondent, real party in interest, or in any other capacity, to challenge or set aside this Agreement. This indemnification shall include (a) any damages, fees, or costs awarded against the Club, and (b) any costs of suit, attorneys' fees or expenses incurred in connection with the Proceeding, whether incurred by the Club, the City or the parties bringing such Proceeding. If the Proceeding is brought against both the Club and the City, the Club agrees that it may be defended by counsel for the City, provided that the City selects counsel that is acceptable to the Club; the Club may not unreasonably withhold its approval of such mutual defense counsel.

20. The City shall pay Sierra Club's attorney's fees and costs in the amount of $157,000 to the law firm of Shute, Mihaly & Weinberger LLP as follows: $50,000 within 15 days of dismissal of the Sierra Club Action, and (b) the balance on or before January 30, 2009.

21. Any notice given under this Agreement shall be in writing and shall be delivered as follows with notice deemed given as indicated: (a) by personal delivery when delivered personally; (b) by overnight courier upon written verification of receipt; or (c) by certified or registered mail, return receipt requested, upon verification of receipt. Notice shall be sent as set forth below, or as either party may specify in writing:

City of Stockton: Attorney General's Office

Richard E. Nosky, City Attorney
425 N. El Dorado Street, 2nd Floor
Stockton, CA 95202

Lisa Trankley
Susan Durbin
Deputy Attorneys General
1300 I Street, P.O. Box 944255
Sacramento, CA 94255-2550

Sierra Club:
Aaron Isherwood
Environmental Law Program
85 Second Street, 2nd Floor
San Francisco, CA 94105

Rachel Hooper
Amy Bricker
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

22. Nothing in this Agreement shall be construed as requiring the City to relinquish or delegate its land use authority or police power.

(SIGNATURES ON FOLLOWING PAGE)

In witness whereof, this Agreement is executed by the following:

PEOPLE OF THE STATE OF CALIFORNIA
BY AND THROUGH ATTORNEY GENERAL
EDMUND G. BROWN JR.

Lisa Trankley

DATED: 10/14/08

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

CITY OF STOCKTON,
a municipal corporation

J. GORDON PALMER, JR.
City Manager

DATED 9/26/08

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

DATED 9-9-08

THE SIERRA CLUB

BARBARA WILLIAMS, CHAIR
MOTHER LODE CHAPTER

DATED

In witness whereof, this Agreement is executed by the following:

PEOPLE OF THE STATE OF CALIFORNIA
BY AND THROUGH ATTORNEY GENERAL
EDMUND G. BROWN JR.

_____

DATED: _____

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

DATED _____

CITY OF STOCKTON,
a municipal corporation

J. GORDON PALMER, JR.
City Manager

DATED _____

THE SIERRA CLUB

BARBARA WILLIAMS, CHAIR
MOTHER LODE CHAPTER

DATED 10/11/08

EXHIBIT A

Policy Re: VMT Monitoring Program

The City's policy is to monitor key City-maintained roadways to estimate Vehicle Miles Traveled (VMT) by single-occupant automobile per capita on an annual basis, to be submitted as an annual report to the City Council. The estimate of citywide VMT should be developed in cooperation with the San Joaquin Council of Governments ("SJCOG"), by augmenting local City data with VMT estimates from SJCOG and Caltrans for the regional Congestion Management Plan network. The estimated change in annual VMT should be used to measure the effectiveness of jobs/housing balance, greenhouse gas emission reduction, and transit plans and programs.

Implementation Program

In order to develop an annual estimate of citywide VMT, the City should augment local City data with VMT estimates from SJCOG and Caltrans for regional facilities, or adopt other methodologies to estimate citywide VMT that are approved in concept by the two agencies. For purposes of calculating annual changes in VMT, the annual estimate of VMT should subtract out the estimates of regional truck and other through traffic on the major freeways (I-5, SR 4, SR 99).

Policy Re: Reduce Growth in VMT

The City's policy is to achieve the following fundamental goals to regulate vehicle emissions and reduce greenhouse gas emissions, improve jobs/housing balance, and increase transit usage over the duration of this General Plan: Reduce the projected increase in VMT by single-occupant automobile per capita to an annual rate over the planning period that is equal to or less than the population increase (this goal is also required for the City to receive funding through the Measure K/Congestion Management Plan program).

Implementation Program

In order to keep annual increases in VMT to a rate equal to or less than population increases, the following trip reduction programs should be considered by the City: increased transit service (Bus Rapid Transit) funded through new development fees; planning all future housing development to be in the closest possible proximity to existing and planned employment centers; provision of affordable housing; creation of higher density, mixed use and walkable communities and development of bicycle and pedestrian trails; and other proven programs.

Implementation Program

If the City goal of reducing the projected increase in VMT to an amount equal to or less than the population increase, and increase transit usage, is not met for two or more years during each five-year cycle of VMT monitoring, the City should consider adoption of the following programs, among others:

Adopt more vigorous economic development programs with funding for staff; and

Slow the rate of approvals of building permits for housing developments.

EXHIBIT B

Policy Re: Bus Rapid Transit

The City's policy is to vigorously support efforts to develop Bus Rapid Transit (BRT) within and beyond Stockton as a major priority of its General Plan, in order to increase overall transit usage over time. Based on an updated transit study, the City should plan for and provide BRT service running along key north-south routes as a first priority: Pacific Avenue; El Dorado Street; West Lane/Airport Way; Pershing Avenue. BRT service along key east-west corridors should also be provided. Transit use goals should be approved and monitored by the City over the planning period.

Implementation Program

In order to fund the initial capital and operating costs for BRT along major north-south arterials, the City should consider adoption of a comprehensive new development BRT fee program that requires new growth to significantly fund BRT, following a study consistent with the requirements of State law. The new development BRT fee program should ensure that "greenfield" projects approved at the fringe of the City pay a fee that represents the full cost of providing BRT service to the new housing; infill development may be granted a reduced BRT fee based on the reduced distance of service provided to the inner city areas.

Implementation Program

In order to augment the new development funding of the initial capital and operating costs for BRT, the City should strongly advocate for Measure K funding and should seriously consider placing an initiative on the ballot to receive voter approval for additional funding from existing residents and businesses.

Implementation Program

The City should establish transit use goals that set specific targets (e.g., transit mode split percentage of total trips and bus headways) that represent an increase in public transportation ridership and level of service over current levels by 2012 and then another increase by 2018.

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Letter A9

Kings Canyon Unified School District
675 W. Manning Avenue
Reedley, CA 93654
(559) 305-7024

April 29, 2010

Mr. David Bryant
Project Planner
Tulare County RMA
Government Plaza
5961 South Mooney Blvd.
Visalia, CA 93277

RE: TULARE COUNTY GENERAL PLAN 2030 UPDATE AND
RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT
(State Clearinghouse No. 2006041162)

Dear Mr. Bryant:

The Kings Canyon Unified School District (KCUSD) has reviewed the above documents and offers the following comments: A9-1

General Plan 2030 Update Background Report

Although most of KCUSD's territory is within Fresno County, the District includes approximately 36 square miles mostly within the northwest portion of Tulare County, west of and adjacent to the City of Dinuba. The Background Report section on schools is 18 pages long and includes information on each of the school districts in Tulare County, including a subsection addressing "Border County Public Schools" that extend into Tulare County. KCUSD should have been included in this subsection, but was not.

General Plan 2030 Update Goals and Policies Report

A9-2

We have reviewed the various policies related to schools within the Goals and Policies Report. The policies appear to be appropriate in that they recognize the school district's authority in locating schools, promote coordination and cooperation include joint use facilities and programs, encourage schools to be located in the neighborhoods they will serve (thereby facilitating safe pedestrian and bicycle access), promote compatibility with current and future land uses, and promote workforce education and vocational training in secondary schools.

Recirculated Draft Environmental Impact Report

A9-3

Overall, the discussion in the section of the Draft EIR addressing school impacts appears to be appropriate. We support the additional policy provided as a mitigation measure (PFS-8.6 School Funding), which indicates the County may require new projects to mitigate impacts on school facilities in addition to the use of school fees. (It is generally recognized that school fees do not cover the cost of providing school facilities to students generated by new development.) Although the DEIR recognizes the current restrictions of Government Code Section 65996, which essentially limits school facilities mitigation to the school fees authorized by State law, the DEIR provides for the possibility for additional mitigation should the law change in the future.

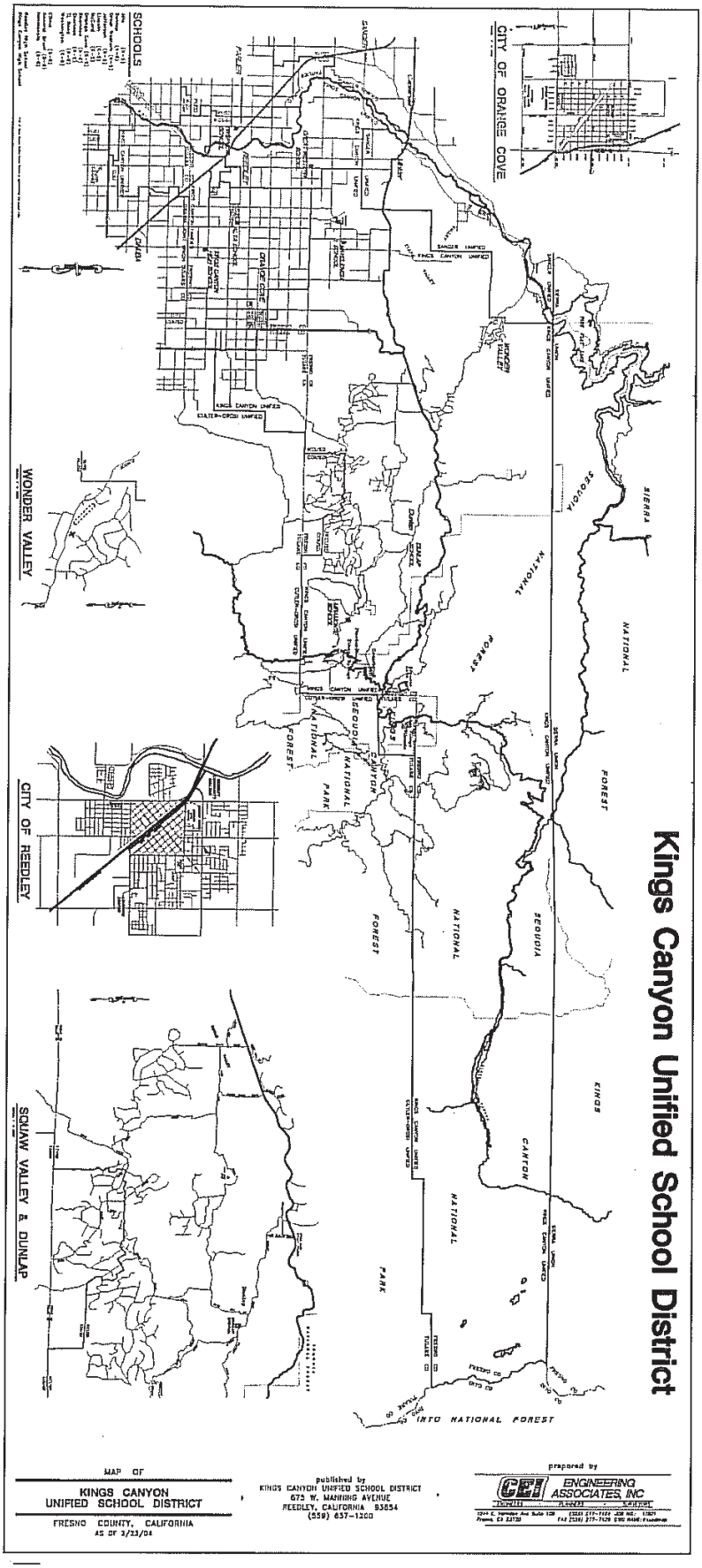
Thank you for the opportunity to comment on the General Plan Update documents. We look forward to working with Tulare County on any planning issues that arise within KCUSD's Tulare County territory.

Sincerely,

Ron Hudson
Deputy Superintendent
Kings Canyon Unified School District

Attachment: Kings Canyon USD attendance boundaries (599 square miles of which 36 square miles are in Tulare County)

Letter A9


Kings Canyon Unified School District
SCHOOLS
CITY OF ORANGE COVE
WONDER VALLEY
CITY OF REEDLEY
SQUAW VALLEY & DUNLAP
SEQUOIA NATIONAL FOREST
KINGS CANYON NATIONAL PARK
SIERRA NATIONAL FOREST
INTO NATIONAL FOREST
MAP OF
KINGS CANYON UNIFIED SCHOOL DISTRICT
FRESNO COUNTY, CALIFORNIA
AS OF 3/23/04
published by
KINGS CANYON UNIFIED SCHOOL DISTRICT
675 W. MANNING AVENUE
REEDLEY, CALIFORNIA 93654
(559) 637-1200
prepared by
ENGINEERING ASSOCIATES, INC

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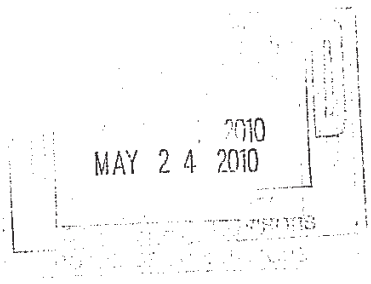
Letter A10

CITY OF DINUBA
Together, A Better Community
CALIFORNIA • 1906

City Manager's Office 559/591-5904
City Attorney 559/437-1770
Administrative Services 559/591-5900
Development Services 559/591-5906
Public Works Services 559/591-5924
Engineering Services 559/591-5924
Parks & Community Services 559/591-5940
Fire/Ambulance Services 559/591-5931
Police Services 559/591-5914
Education, Resources & Housing Services 559/596-2170

May 13, 2010



Steve Worthley, Chair
Board of Supervisors
County of Tulare
2800 West Burrel Avenue
Visalia CA 93291

The City of Dinuba has reviewed the Tulare County General Plan 2030 Update dated February 2010 ("Plan") and related documents, including the Re-circulated Draft Environmental Impact report ("EIR"). A10-1

The City of Dinuba has long expressed its strong interest in establishing a system of planning in Tulare County that promotes city-centered growth. For many reasons, we are convinced that the Plan as proposed fails to do so. We there are opposed to the adoption of the Plan by the County of Tulare.

We further assert that the EIR does not adequately or accurately describe or mitigate for the environmental impacts of the proposed Plan. We therefore oppose the certification of the EIR by the County of Tulare. A10-2

The City of Dinuba is a member of the Tulare County Council of Cities, and concurs in and incorporates herein the comments on the Plan and the EIR that are stated in a letter filed on behalf of the Tulare County Council of Cities dated May 26, 2010. A10-3

Sincerely,

Mark Wallace, Mayor
City of Dinuba

405 E. El Monte Way, Dinuba, CA 93618
Fax 559/591-5902 E-Mail address: info@dinuba.ca.gov www.dinuba.ca.gov

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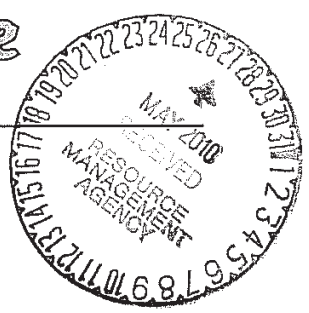
Letter A11

(27)

City of Farmersville



May 21, 2010

J. Steven Worthley, Chairperson
Mike Ennis, Vice Chairperson
Phillip Cox, Supervisor
Allen Ishida, Supervisor
Pete Vander Poel, Supervisor

Tulare County Board of Supervisors
Administration Building □
2800 West Burrel Avenue □
Visalia, CA 93291

RE: Comments on Draft 2030 Tulare County General Plan

Dear Members of the Board of Supervisors:

The City of Farmersville has reviewed the draft 2030 Tulare County General Plan, Goals and Policies Report and would like to offer several comments and questions. As you might guess, the City is most concerned with how policies and maps in the General Plan might affect the City in the long term. Accordingly, we have focused our review on the General Plan's policies relating to City growth and development, including those contained in Section 2.4 Cities. A11-1

Several items in the Plan seem to stand out as it pertains to City concerns:

1. Proposed land use designations and zoning for lands outside the city limits and inside Farmersville's UAB and UDB are not illustrated on any maps; and

2. Policies throughout the Plan frequently make use of the word "may". This term is legally permissive rather than mandatory -- which seems to make the Plan's commitment to certain issues unclear and weak.

In terms of a proposed land use map, the lack of clear land use designations leaves the City in a position of not knowing which land use designations the county might be applying to lands between the city limits and the UAB. Will they be the City of Farmersville's general plan designations or will they be county general plan designations? The City also notes that the County is still officially using its 1976 Farmersville Land Use Plan for decision making regarding land use matters in the Farmersville area. That plan is obviously very out of date. A11-2

909 W. Visalia Rd., Farmersville, CA 93223 • Phone: (559) 747-0458 • Fax: (559) 747-6724

This issue seems to be addressed in policy PF-4.8: A11-2 cont'd

> ***PF-4.8 General Plan Designations Within City UDBs:***
>
> *On land that is within a CACUDB, but outside a city's incorporated limits, the County may maintain General Plan land use designations that are compatible with the city's adopted General Plan [New Policy].*

The City is concerned that the term "may" in this policy leaves a wide latitude for what might be permitted within a City UDB (to say nothing of land within a UAB).

In fact the City is concerned that a number of the county's policies contain the word "may". Planners, politicians and attorneys quickly learn that policies that use the term "may" is frequently ineffective, as application of the policy is not required. This waters down the ability of the plan to be an agent for positive change in the County. A11-3

The City also noted that many of the policies are worded in such a way that they are difficult to understand – even for professional staff. An example is: A11-4

> ***PF-4.19 Future Land Use Entitlements in a CACUAB***
> *As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUBDs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP) or similar checklist or unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use designation or zoning classification. This policy will not apply to amendments or changes to an County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new UDB, an HDB, or Corridor Plan area that may fall within a CACUDB area. This policy shall not apply within a County unincorporated UDB, an HDB, or Corridor Plan area where that area overlaps a CACUAB area [New Policy].*

It is also difficult to know how some policies might apply, or what kind of situation they would be used in. An example follows: A11-5

> ***PF-4.18 Future Land Use Entitlements in a CACUDB***
> *The County may work with an individual city to limit any General Plan amendments to change the land use designations of any parcel or any amendments to the County zoning ordinance to add uses to a current*

zoning classification or change the zoning district designation of any parcel within a CACUDB except as follows:

a. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new County unincorporated UDB, an HDB, Planned Community or Corridor Plan area that may fall within a CACUDB area.

A11-5 cont'd

Terms such as *"to the extent allowed by law"*, *"as an exception"*, *"in accordance with other policies in the general plan"*, or *"emphasis shall be placed upon reasonable expectations"* open the door for uncertainty with respect to what might be allowed under the plan's policies.

The City would urge the County to revise the General Plan to provide a more definite land use designation map for all land between Farmersville's city limits and its Urban Area Boundary (UAB) and that it revise the Plan's land use goals and policies so that the general public can understand the county's long-term land use vision for environs around the City of Farmersville.

A11-6

Sincerely,

Leonel Benavides, Mayor
City of Farmersville

cc: Jake Raper, Agency Director Tulare County RMA
David Bryant, Countywide Planning Manager, Tulare County RMA
Farmersville City Council
Tulare County League of Cities

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Letter A12

FAXED 5-27-10

Office of the Mayor
City of Porterville
291 N. Main Street
Porterville, CA 93257
Telephone: (559) 782-7466
Fax: (559) 715-4013

May 18, 2010

RECEIVED
JUN - 1 2010
TULARE COUNTY
BOARD OF SUPERVISORS

Steve Worthley, Chair
Board of Supervisors
County of Tulare
2800 West Burrel Avenue
Visalia, California 93291

Dear Mr. Worthley:

The City of Porterville has reviewed the Tulare County General Plan 2030 Update dated February 2010 ("Plan") and related documents, including the Recirculated Draft Environmental Impact Report (EIR). A12-1

The City of Porterville has long expressed its strong interest in establishing a system of planning in Tulare County that promotes city-centered growth. For many reasons, we are convinced that the Plan as proposed fails to do so. We therefore are opposed to the adoption of the Plan by the County of Tulare.

We further assert that the EIR does not adequately or accurately describe or mitigate for the environmental impacts of the proposed Plan. We therefore oppose the certification of the EIR by the County of Tulare. A12-2

The City of Porterville is a member of the Tulare County Council of Cities, and concurs in and incorporates herein the comments on the Plan and the EIR that are stated in a letter filed on behalf of the Tulare County Council of Cities dated May 26, 2010. A12-3

Sincerely,

Pete V. McCracken
Mayor

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City of Tulare City Council

Letter A13

411 East Kern Avenue, Tulare, California 93274 AGRI-CENTER OF THE WORLD Tel: (559) 684-4200 Fax: (559) 685-2398

Craig Vejvoda
Mayor

Phil Vandegrift
Vice Mayor

David Macedo
Councilmember

Richard Ortega
Councilmember

Wayne Ross
Councilmember

May 26, 2010

Steve Worthley, Chair
Board of Supervisors
County of Tulare
2800 W. Burrel Ave.
Visalia, CA 93291

Dear Chairperson Worthley,

The City of Tulare has reviewed the Tulare County General Plan 2030 Update dated February 2010 ("Plan") and related documents, including the Recirculated Draft Environmental Impact Report ("EIR"). A13-1

The City of Tulare has long expressed its strong interest in establishing a system of planning in Tulare County that promotes city-centered growth. For many reasons, we are convinced that the Plan as proposed fails to do so. We therefore are opposed to the adoption of the Plan by the County of Tulare.

We further assert that the EIR does not adequately or accurately describe or mitigate for the environmental impacts of the proposed Plan. We therefore oppose the certification of the EIR by the County of Tulare. A13-2

The City of Tulare is a member of the Tulare County Council of Cities, and concurs in and incorporates herein the comments on the Plan and the EIR that are stated in a letter filed on behalf of the Tulare County Council of Cities dated May 26, 2010. A13-3

Sincerely,

Craig Vejvoda
Mayor

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Letter A14

(34)

City of Visalia

City Council

425 East Oak Avenue, Suite 301, Visalia, CA 93291

Tel: (559)713-4512 Fax: (559) 713-4800

May 26, 2010

Bob Link
Mayor

Amy Shuklian
Vice Mayor

E. Warren Gubler
Councilmember

Michael Lane
Councilmember

Steve Nelsen
Councilmember

Steve Worthley, Chair
Board of Supervisors
County of Tulare
2800 West Burrel Avenue
Visalia, California 93291

The City of Visalia has reviewed the Tulare County General Plan 2030 Update dated February 2010 ("Plan") and related documents, including the Recirculated Draft Environmental Impact Report ("EIR"). A14-1

The City of Visalia has long expressed its strong interest in establishing a system of planning in Tulare County that promotes city-centered growth. For many reasons, we are convinced that the Plan as proposed fails to do so. We therefore are opposed to the adoption of the Plan by the County of Tulare.

We further assert that the EIR does not adequately or accurately describe or mitigate for the environmental impacts of the proposed Plan. We therefore oppose the certification of the EIR by the County of Tulare. A14-2

The City of Visalia is a member of the Tulare County Council of Cities, and concurs in and incorporates herein the comments on the Plan and the EIR that are stated in a letter filed on behalf of the Tulare County Council of Cities dated May 26, 2010. A14-3

Sincerely,

Bob Link, Mayor

Amy Shuklian, Vice-Mayor

E. Warren Gubler, Councilmember

Michael Lane, Councilmember

Steven A. Nelsen, Councilmember

ECYCLED PAPER

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Letter A15

(35)

THE CITY OF
WOODLAKE
350 NORTH VALENCIA BOULEVARD • WOODLAKE, CA 93286-1244
PHONE (559) 564-8055 • FAX (559) 564-8776
www.cityofwoodlake.com

May 26, 2010

Mr. David Bryant
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Re: Tulare County Draft General Plan and Revised Draft Environmental Impact Report Comments from the City of Woodlake

The City of Woodlake has reviewed the Tulare County General Plan, Goals and Policies Report. Specifically, the city has focused on the goals and policies contained in Section 2.4 Cities. A15-1

Upon Woodlake's review of the county's general plan and the goals and policies detailed in Section 2.4, two significant deficiencies surfaced: (1) the land use designations and zoning for lands outside the city limits and inside Woodlake's UAB and UDB are not illustrated on any maps, and (2) the use of the word "may", which is permissive rather than mandatory, laces many of the county's policies.

The city does not know which land use designations the county will be applying to lands between the city limits and the UAB. Will they be the city of Woodlake's general plan designations or will they be county general plan designations? A15-2

Many of the county's policies contain the word "may" - the cities' concern may be given consideration . . . (PF-4.1), the county may consider modification of CACUABs . . . (PF-4.3), the county may maintain General Plan land use designations . . . (PF-4.8), the county may require the project to substantiate sufficient water supply . . . (PF-4.10), the county may ensure proposed development within CACUABs is compatible . . . (PF-4.12), and the county may use the policies set forth under this goal . . . (PF-4.17). In other words, the use of the term "may" gives the county the "wiggle room" to make any decision they wish as it refers to land use decisions within Woodlake's UDB. A15-3

The policies are difficult to understand, they are wordy, and fraught with phases such as "to the extent allowed by law", "as an exception", "in accordance with other policies in the general plan", or "emphasis shall be placed upon reasonable expectations". Even a seasoned planner, has difficulty understanding how the county's goals and policies will be applied to cities like Woodlake. The best example of a policy that is difficult to understand reads as follows: A15-4

PF-4.20 Application of the RVLP Checklist to Control Development in a CACUDB A15-4

"As an exception to the County policies that the Rural Valley Lands Plan does not apply within CACUDBs, the County may work with an individual city to provide that the requirements of the RVLP or similar checklist will apply to applications for special use permits (including special use permits for the expansion of a non-conforming use), variances considered under Government Code Section 65906, or to the extent allowed by law, divisions of land within a CACUDB except in those areas that overlap with a County unincorporated UDB, and HDB, or Corridor Plan area."

Finally, the land use designations applied to land south and west of the Woodlake city limits continue to promote the division of agricultural land into non-viable agricultural parcels. This "land division" trend continues today thereby making it difficult for existing farms to operate effectively because they may have to curtail certain cultural practices, like spraying, cultivation, harvesting, etc. Also, as the City of Woodlake grows in these directions, it makes it very difficult to integrate these lands into Woodlake's city limits because they are irregularly shaped, they contain substandard access roads, they are dotted with private wells and septic tank/leach line systems, and encompass numerous outbuildings, like sheds, barns, stables, greenhouses, etc. In the case of land parcelization that has occurred southwest of Woodlake, this land development action has placed more homes off the end of Woodlake's airport runway. This could pose potential risks should a plane overrun the runway or land short of the runway. A15-5

In conclusion, the City of Woodlake recommends that the County of Tulare provide a readable land use designation map for all land between Woodlake's city limits and its Urban Area Boundary (UAB) boundary line and that it rewrite its land use goals and policies so that the general public can understand the county's long-term land use vision for environs around the City of Woodlake. A15-6

Respectfully submitted,

Raul Gonzales Jr., Mayor
City of Woodlake

Letter A16

29

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

Fax Transmittal

1990 E. Gettysburg Avenue
Fresno, California 93726-0244
Permit Services Phone (559) 230-6000

Date : May 27, 2010

To : David Bryant **Fax Number :** (559) 730-2653

From : Jessica Willis **Number of pages (includes cover sheet):** 4

Description : Comments regarding the 2030 General Plan Update and Recirculated Draft EIR

- ☐ Per Your Request
- ☐ Per Our Conversation
- ☐ Take Appropriate Action
- ☐ Please Answer
- ☒ For Your Information
- ☐ For Your Approval
- ☐ Review & Comment
- ☐ Review & Return

☐ Original transmittal will follow via mail

Remarks / Response : The signed original will be mailed for your records.

Letter A16

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

May 26, 2010

David Bryant
Tulare County RMA
Planning Department
Government Plaza
5961 S. Mooney Blvd.
Visalia, CA 93277

Project: Tulare County General Plan 2030 Update

District CEQA Reference No: 20100221

Dear Mr. Bryant:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Tulare County General Plan 2030 Update and Recirculated Draft Environmental Impact Report (RDEIR). The District offers the following comments: A16-1

1. AB 170 (Reyes) requires general plans to be amended to include a comprehensive discussion on air quality and strategies to reduce the impact that growth and development will have on air quality. The Air Quality Element (Chapter 9) of the General Plan identifies the County's goals, policies, and objectives to improve air quality; and feasible implementation measures designed to achieve these goals. Section 3.3 of the RDEIR includes the discussions on local air quality conditions, attainment status, and state and federal air quality plans, and a summary of local, district, state, and federal policies, programs, and regulations to improve air quality. As the General Plan and RDEIR have been combined to minimize redundancy, the documents appear to fulfill the requirements set forth in AB 170 (Reyes).

2. Many of the elements within the General Plan contain goals and policies which require the County to coordinate with other agencies in the planning process for new development. These policies are designed to enhance the quality of life of the County's residents through ensuring development consistent with the General Plan, ensuring public involvement, and reducing impacts on air quality resulting from growth and development. The District appreciates the County's ongoing A16-2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

commitment to public and interagency cooperation and appreciates the opportunity to aid the County in its planning process and CEQA review. A16-2 cont'd

A) To aid the County in determining a project's potential impacts on air quality, the District recommends that CEQA referral documents submitted to the District include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.

B) CEQA referral documents should be submitted to the District's CEQA Division located at the District's Central Office at 1990 E. Gettysburg Avenue, Fresno CA 93726-0244. To minimize paper consumption and help expedite project review, the District recommends that CEQA referrals be submitted via e-mail at CEQA@valleyair.org.

3. The General Plan includes many policies addressing potential issues from inappropriate siting of incompatible land uses (AQ-1.4; AQ-3.1–3.6; LU-1.1-1.4; LU-1.8). Policy AQ-1.4 specifically addresses potential health impacts on sensitive receptors by requiring the County to evaluate the compatibility of industrial or other developments which may have impacts on nearby sensitive receptors. The discussion on health impacts in the RDEIR (Impact 3.3-4) concludes that, although the County will implement the policies identified above and will require CEQA analysis for future projects, due to the uncertainty of future projects and adequacy of mitigation measures, the buildout of the General Plan would have significant and unavoidable impacts affecting public health. A16-3

   A) The District commends the County for its commitment to protecting the health of its citizens. The District understands that the level of detail required to accurately quantify health risks is typically not available until project specific approvals are being granted. Therefore, the District recommends that when reviewing projects, including those that would otherwise appear to be exempt from CEQA requirements (such as uses allowed by right), the County evaluate the potential health risks prior to project approval.

   B) If preliminary health risk analysis indicates that toxic air contaminants (TACs) are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. The District maintains a staff of professional air quality specialists who are available to provide technical assistance. For more information on preliminary analyses and HRAs, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, by e-mail at hramodeler@valleyair.org or by phone at (559) 230-6000. A16-4

4. Policy AQ-2.2 requires the County to notify developers of the District's Indirect Source Review (ISR) Rule 9510. Rule 9510 was designed to mitigate project impacts on air quality and plays an important role in the District's strategies to achieve attainment for ozone and PM2.5. The District commends the County in its A16-5

recognition of the importance of the ISR program and appreciates the opportunity to work closely with the County in its implementation. A16-5 cont'd

A) To reduce County staff time in responding to project proponent questions about the ISR programs, the District recommends that CEQA referrals include project proponent contact information. District receipt of the requested information will allow District staff to contact developers and assist them in understanding how to reduce project related impacts on air quality and how to complete the ISR application process.

B) To reduce County staff time in responding to inquiries regarding the District's permitting process and aid project proponents in complying with District requirements the District recommends that the County provide a copy of District comments to the applicant.

5. Air Quality Implementation Measure #9 requires the County to implement an outreach program to notify employers with 100 or more employees of the District's Employer Based Trip Reduction (eTRIP) Rule 9410. The reduction in vehicle miles traveled (VMT) and employee vehicle trips emissions resulting from implementation of Rule 9410 plays an important role in the District's strategies to achieve attainment for ozone. The District commends the County in its recognition of the importance of the eTRIP program and appreciates the opportunity to work closely with the County in its implementation. The District maintains a staff of professional air quality specialists who are available to provide technical assistance. More information on the District's eTRIP program can be found on the District's website at http://www.valleyair.org/Programs/Rule9410TripReduction/eTRIP_main.htm or by contacting eTRIP staff at (559) 230-6000. A16-6

District staff is available to meet with you to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter. A16-7

Sincerely,

David Warner
Director of Permit Services

Jessica R. Willis

for Arnaud Marjollet
Permit Services Manager

DW:jw

Cc: File

Chevron

APR 2010
RECEIVED
RESOURCE MANAGEMENT AGENCY

Lee Higgins, PG
Environmental Project Manager

Chevron Environmental Management Company
6111 Bollinger Canyon Road
BR1Y/3484
San Ramon, CA 94583
Tel (925) 543-2365
Fax (925) 543-2323
leehiggins@chevron.com

April 9, 2010

Stakeholder Correspondence – Tulare County Resource Management Agency

Mr. David Bryant
Project Planner
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277

Subject: **Comments for the General Plan 2030 Update and the Re-circulated Draft Environmental Impact Report**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Bryant:

Chevron Environmental Management Company (CEMC) recently became aware of the Tulare County General Plan 2030 Update and Re-circulated Draft Environmental Impact Report (RDEIR). The purpose of this letter is to notify the Tulare County Resource Management Agency as to the location of formerly active crude-oil pipelines within Tulare County (Figure 1), and to provide background information about the former pipelines. The intent is that information regarding the location and construction of these pipelines will be incorporated into the RDEIR and future project development and environmental plans. I1-1

Portions of former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) crude-oil pipelines existed in Tulare County. The OVP pipeline system was installed in the early 1900s and carried crude oil from the Kern River Oil Fields in and near Bakersfield to the Richmond Refinery until pipeline operations ceased in the 1940s. The TAOC pipeline system was also constructed in the early 1900s and transmitted crude oil from the southern San Joaquin Valley to the Bay Area until the 1970s.

The pipelines were originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommission varied; in some instances the pipelines were removed, while in others they remain in place.

Evidence of historic releases associated with the former OVP and TAOC pipelines is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline rights of ways (ROWs). Residual weathered crude oil associated with former OVP and TAOC pipeline operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historic release of crude oil from the pipelines is non-hazardous, and does not pose significant risks to human health.

Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to Tulare County regional planning framework, land use designations, and boundaries. I1-1 cont'd

CEMC recommends that project proponents be prepared to potentially address residual weathered crude oil, pipelines, and ACM from the former OVP and/or TAOC pipelines during subsurface construction activities. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of construction and land development projects proposed adjacent to the pipeline ROWs, and any encountered petroleum, pipelines, and pipeline-related ACM. I1-2

In addition, to facilitate the identification of Tulare County development and infrastructure projects proposed for construction along the pipeline ROWs, CEMC requests Geographic Information System (GIS) land development planning data. At your request, CEMC will provide GIS data that illustrates the location of the former OVP and TAOC pipelines in Tulare County. I1-3

For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you have any questions, require additional information, or would like to request more detailed maps, please call SAIC-Benham consultants Tom Burns at (916) 979-3748 or Daniel Anzelon at (858) 826-3316. I1-4

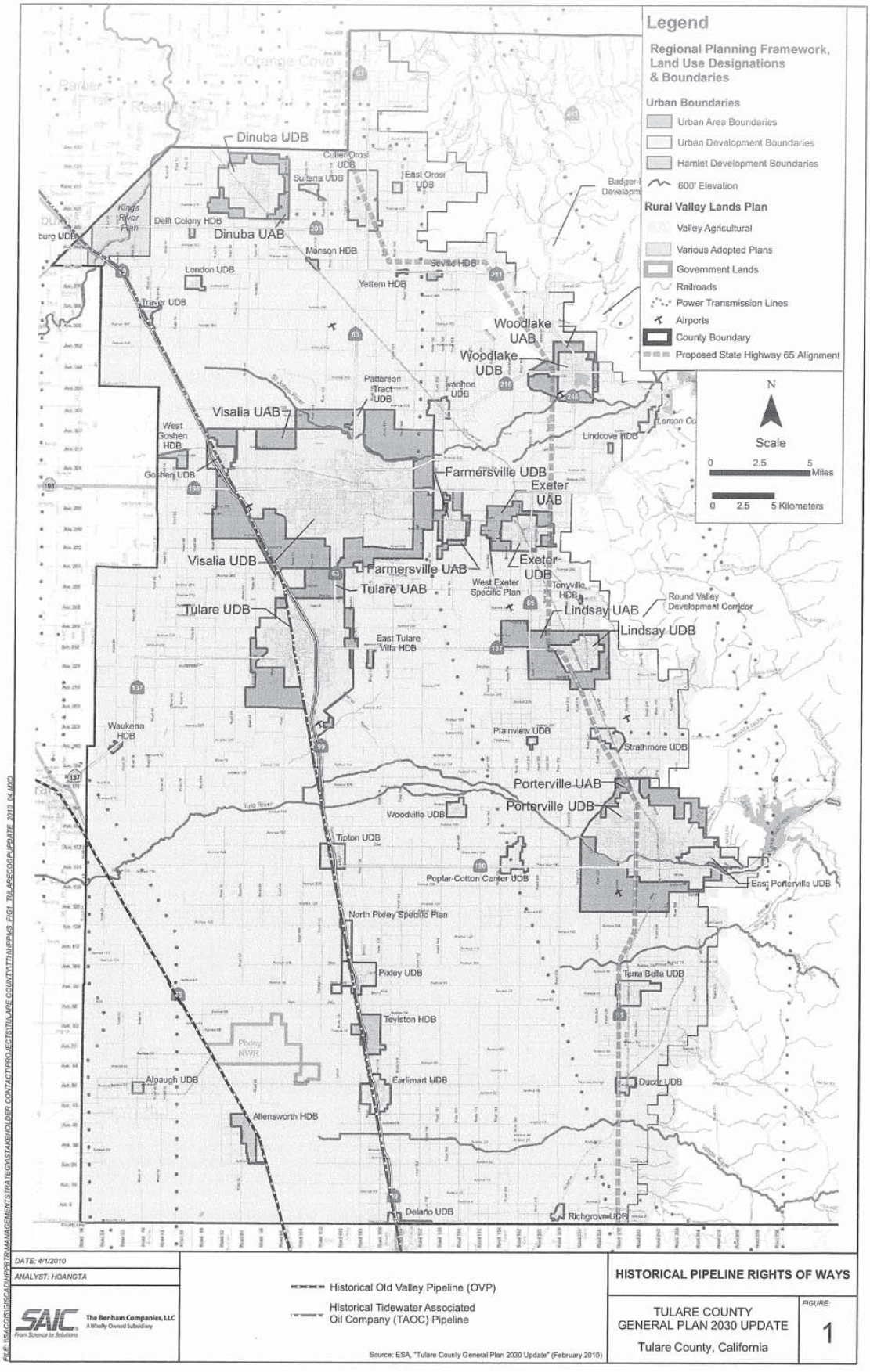
Sincerely,

Lee Higgins

LPH/klg

Enclosures:
Figure 1. Historical Pipeline Rights of Ways – Tulare County General Plan 2030 Update

cc: Mr. Tom Burns – SAIC-Benham
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Jenkins – SAIC-Benham (letter only)
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mohamed Ibrahim – SAIC-Benham
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Stuart Batstone – ARCADIS
3240 El Camino Real, Suite 200 Irvine, California 92602


Legend
Regional Planning Framework, Land Use Designations & Boundaries
Urban Boundaries
Urban Area Boundaries
Urban Development Boundaries
Hamlet Development Boundaries
600' Elevation
Rural Valley Lands Plan
Valley Agricultural
Various Adopted Plans
Government Lands
Railroads
Power Transmission Lines
Airports
County Boundary
Proposed State Highway 65 Alignment
N
Scale
0 2.5 5 Miles
0 2.5 5 Kilometers
Dinuba UDB
Dinuba UAB
Cutler-Orosi UDB
Sultana UDB
East Orosi UDB
Delft Colony HDB
Menson HDB
Seville HDB
Yettem HDB
London UDB
Traver UDB
Woodlake UAB
Woodlake UDB
Patterson Tract UDB
Ivanhoe UDB
Visalia UAB
West Goshen HDB
Goshen UDB
Lindcove HDB
Farmersville UDB
Exeter UAB
Visalia UDB
Farmersville UAB
Exeter UDB
West Exeter Specific Plan
Tonyville HDB
Tulare UAB
Tulare UDB
Round Valley Development Corridor
Lindsay UAB
Lindsay UDB
East Tulare Villa HDB
Waukena HDB
Plainview UDB
Strathmore UDB
Porterville UAB
Porterville UDB
Woodville UDB
Tipton UDB
Poplar-Cotton Center UDB
East Porterville UDB
North Pixley Specific Plan
Pixley UDB
Terra Bella UDB
Teviston HDB
Pixley NWR
Alpaugh UDB
Earlimart UDB
Ducor UDB
Allensworth HDB
Delano UDB
Richgrove UDB
DATE: 4/1/2010
ANALYST: HOANGTA
SAIC From Science to Solutions
The Benham Companies, LLC
A Wholly Owned Subsidiary
Historical Old Valley Pipeline (OVP)
Historical Tidewater Associated Oil Company (TAOC) Pipeline
Source: ESA, "Tulare County General Plan 2030 Update" (February 2010)
HISTORICAL PIPELINE RIGHTS OF WAYS
TULARE COUNTY GENERAL PLAN 2030 UPDATE
Tulare County, California
FIGURE:
1
FILE: \\SACGIS\GIS\CADHP\BTR\MANAGEMENTSTRATEGY\STAKEHOLDER CONTACT\PROJECTS\TULARE COUNTY\TTHHP\MS_FIG1_TULARECOGPUPDATE_2010_04.MXD

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Letter I2

Del Strange
464 E. Jackson Ave.
Tulare, CA 93274
April 14, 2010

Board of Supervisors
and
Mr. David Bryant, Project Planner
COUNTY OF TULARE
Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

HAND DELIVERED

RE: Tulare County's Failure to Notify In a Timely Manner of the Release of the Recirculated Draft Environmental Impact Report (RDEIR) for It's General Plan 2030 Update (GPU) and Failure to Provide a Copy of Same, In Violation of the Spirit and Intent of the California Environmental Quality Act of 1970, as Amended (CEQA)/State Clearinghouse No. 2006041162.

Dear Board Members and Mr. Bryant:

As you are most likely aware, I have been very much interested in a number of key issues related to development and environmental matters in Tulare County over the past 30 years or so, including the above-referenced GPU. I have participated in the GPU process from its inception, attended all of the workshops, and submitted extensive written comments throughout, including on the first DEIR.

I have had a deep interest in participating in this CEQA process all along and would like to be able to continue same; however, County Staff has decided to not once again provide me with a copy of the CEQA documents for this project without a fee expense on my part, as per my phone conversation with Mr. Bryant yesterday afternoon.

In the past, the Resource Management Agency (RMA) staff have provided printed hard copies of CEQA documents to those such as myself who cannot access the documents by any other means. Furthermore, it is the intent of CEQA that anyone wishing to participate in a project environmental review be allowed to do so freely and without incurring a cost to participate. I2-1

The Tulare County Board of Supervisors addressed this matter years ago and it was determined that the project proponent provide at their expense a copy to each individual or agency that requested same. This was specifically brought out in the Kaweah River Rock Company's Surface Mining Project during the 1980s.

However, now that Tulare County finds itself in the position of being the lead agency and project proponent of this GPU project, it has decided not to abide by the very rules that it had established many years ago for all project proponents. Although the County has set a prior precedent, it has decided not to comply with same. Why?

The following are the facts in the matter:

I was not notified in a timely manner of the release and availability of the RDEIR and supporting documents for this GPU project.

On Friday evening, April 9, 2010, I received the "Notice of Availability of Recirculated Draft Environmental Impact Report (State Clearinghouse No. 2006041162)" in the mail. (See copy of envelope, enclosed.)

On Monday, April 12, 2010, I called the RMA and left a voice mail for Mr. Bryant, since he was not available, asking for a hard copy of the RDEIR and how I could acquire same at the earliest possible time. He returned my call later that day and we discussed the various options available, none of which would work for me. They included only means of access, such as on-line access at the RMA's website, a CD to use in a computer or to take to a print shop and purchase a copy of the RDEIR, using the public library's copy, or making an appointment with the RMA to review their copy during normal office hours. Or, if I wished to purchase a copy, the RMA staff could make me a copy on their copy machine that would cost me over $500.00!

I pointed out to Mr. Bryant that none of the above was acceptable, since I do not have a computer or access to one to access the RMA's website or to use a CD, that the public library and the RMA each have limiting hours of operation and access when most people are busy working for a living, and that to pay to have a copy made is counter to CEQA's spirit and intent to "freely" participate in the environmental review of any project!

Again, the County has at minimum loaned me a printed hard copy in the past under the circumstances so that I could participate fully in the CEQA review process on this or other projects. I2-1 cont.

Mr. Bryant said he would discuss the issue of extending the public review period another 30 days due to late notification and providing me a hard copy of the RDEIR to review; and that he would either call me back that afternoon or by noon the next day.

At 1:05 p.m. on Wednesday, April 13, 2010, Mr. Bryant called back to say that, after talking to staff, it is their position that they had mailed me the Notice of Availability to my former Woodlake address in a timely manner, that it was returned by the Post Office, and that it was remailed to me at my above address. This is the RMA's explanation for the lateness in delivery of said notice.

I once again pointed out to Mr. Bryant that I have lived at the Tulare address for over five (5) years now, have notified the RMA several times early on of my address change, and that all of my correspondence related to this project has been with my current address as above. Mr. Bryant had no comment, other than to say that the notice was published in several newspapers and listed on the website. I do not subscribe to or get any local newspaper nor do I have access to a computer, as the RMA staff have been made aware of many times in the past.(1)

In addition, Mr. Bryant said that the County will <u>not</u> provide me with a hard copy of the CEQA documents for this GPU project at no cost, not even on loan! He repeated the options previously discussed, as noted above.

Mr. Bryant said that the County's budget doesn't warrant providing me a printed hard copy of this important CEQA document. I told him that the current economic conditions are no excuse for not providing those who are interested the unbridled opportunity to participate in the CEQA process on a project that began before any economic downturn. Such costs should have been budgeted for at the onset of the project.

Under the circumstances, I nor any other person interested in the County's future should be inhibited from effectively participating in a full review

of the CEQA documents for this most important GPU and commenting effectively and intelligently on same. To do so is in direct violation of the true spirit and intent of CEQA, and flies in the face of us hard-working taxpayers!

After all, I do pay my property taxes regularly to the County of Tulare. Why shouldn't I be allowed to participate freely in any environmental accessment of a project before the Board of Supervisors, no matter who the project proponent might be? I2-1 cont.

Otherwise, for the County to charge its citizens for a copy of any CEQA document only inhibits public participation in the CEQA process and their government, while attempting to impose yet another "tax" upon them!

Consequently, I respectfully request that the Board of Supervisors make available to anyone who requests it, a printed hard copy of the RDEIR for this project even if only on a loan basis for the duration of the public review period, if necessary, and to extend the public comment period by at least 30 days in order to allow everyone at least a full 60-day review period.

It is interesting to note that the original DEIR for this project had a 90-day plus public review period and that many more pages have been added since then, yet only a 60-day period has been provided.

Therefore, in the interest of full public participation in the GPU for Tulare County with maximum effectiveness thereof, I respectfully request that the Board of Supervisors extend the public review period for the RDEIR to a minimum of 90 days from the date that the printed hard copies of the project's CEQA documents are made available for public review and comment.

This project and its CEQA process is too inportant to rush! I2-2

Thank you for your consideration of the above. I hope to be given the opportunity to participate in the review process for the General Plan Update 2030 Project for the County of Tulare.

Respectfully yours,

Del Strange

(1) After all, since I'm an active participant and commentor of record on this GPU project, it is incumbent upon the County to notify me directly via mail of any important information or notices related to the project.

encl.

RESOURCE MANAGEMENT AGENCY
TULARE COUNTY
5961 S MOONEY BLVD
VISALIA CA 93277-9394

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TULARE CA 93274

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Lee Higgins, PG
Environmental Project Manager

Chevron Environmental Management Company
6111 Bollinger Canyon Road
BR1Y/3484
San Ramon, CA 94583
Tel (925) 543-2365
Fax (925) 543-2323
leehiggins@chevron.com

April 21, 2010

Stakeholder Correspondence – Tulare County Resource Management Agency

Mr. David Bryant
Project Planner
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277

Subject: **Comments for the General Plan 2030 Update and the Re-circulated Draft Environmental Impact Report**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Bryant:

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Portions of former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) crude-oil pipelines existed in Tulare County. The OVP pipeline system was installed in the early 1900s and carried crude oil from the Kern River Oil Fields in and near Bakersfield to the Richmond Refinery until pipeline operations ceased in the 1940s. The TAOC pipeline system was also constructed in the early 1900s and transmitted crude oil from the southern San Joaquin Valley to the Bay Area until the 1970s.

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For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you have any questions, require additional information, or would like to request more detailed maps, please call SAIC-Benham consultants Tom Burns at (916) 979-3748 or Daniel Anzelon at (858) 826-3316. I3-4

Sincerely,

Lee Higgins

LPH/klg

Enclosures:
Figure 1. Historical Pipeline Rights of Ways – Tulare County General Plan 2030 Update

cc: Mr. Tom Burns – SAIC-Benham
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Jenkins – SAIC-Benham (letter only)
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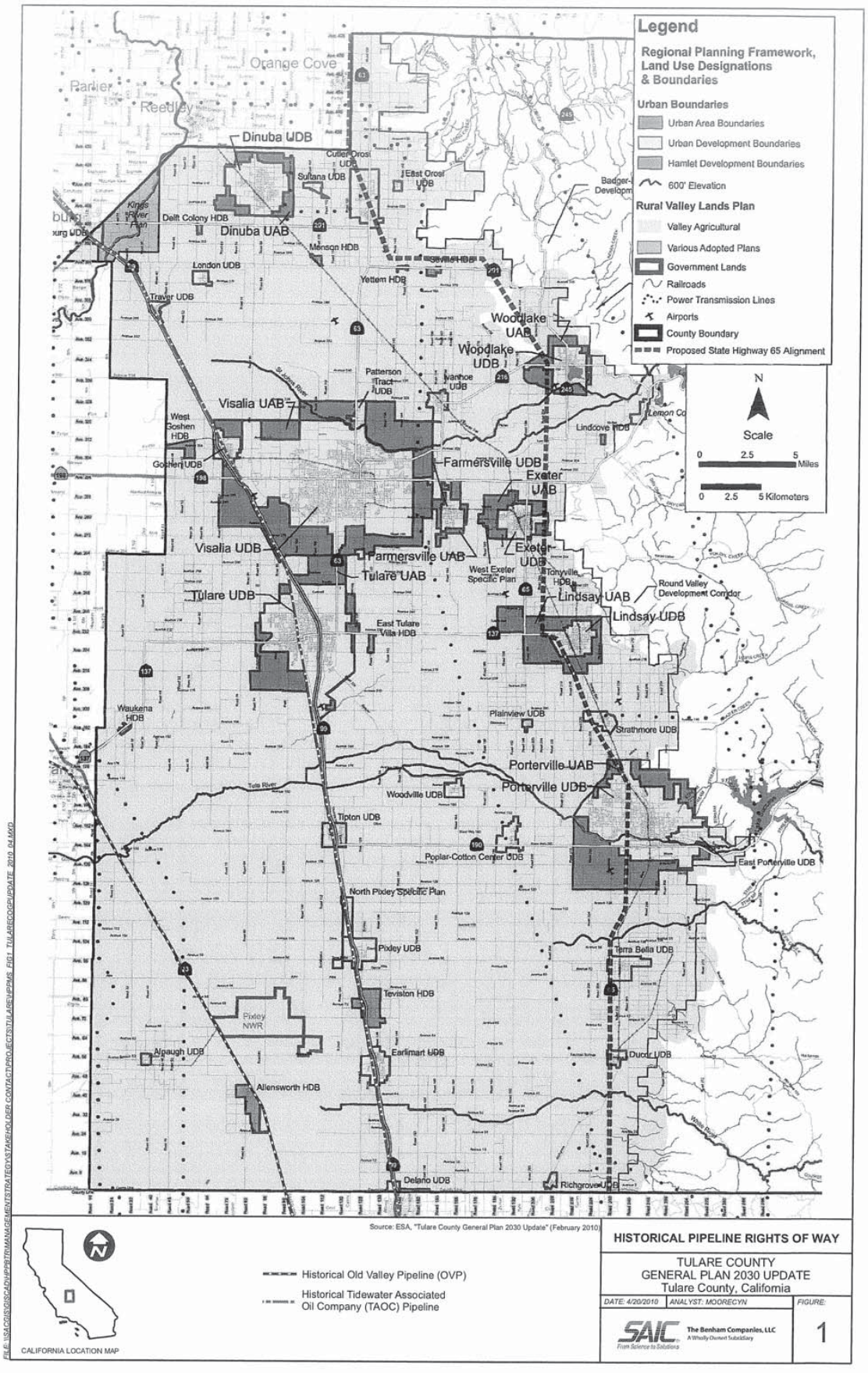
Mr. Mohamed Ibrahim – SAIC-Benham
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Stuart Batstone – ARCADIS
3240 El Camino Real, Suite 200 Irvine, California 92602


Legend
Regional Planning Framework, Land Use Designations & Boundaries
Urban Boundaries
Urban Area Boundaries
Urban Development Boundaries
Hamlet Development Boundaries
600' Elevation
Rural Valley Lands Plan
Valley Agricultural
Various Adopted Plans
Government Lands
Railroads
Power Transmission Lines
Airports
County Boundary
Proposed State Highway 65 Alignment
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Scale
0 2.5 5 Miles
0 2.5 5 Kilometers
Orange Cove
Parlier
Reedley
Dinuba UDB
Dinuba UAB
Cutler-Orosi UDB
Sultana UDB
East Orosi UDB
Kings River Area
Delft Colony HDB
Monson HDB
London UDB
Traver UDB
Yettem HDB
Woodlake UAB
Woodlake UDB
Ivanhoe UDB
Patterson Tract UDB
Visalia UAB
West Goshen HDB
Goshen UDB
Lindcove HDB
Farmersville UDB
Exeter UAB
Visalia UDB
Farmersville UAB
Exeter UDB
Tulare UAB
West Exeter Specific Plan
Tonyville HDB
Round Valley Development Corridor
Tulare UDB
Lindsay UAB
Lindsay UDB
East Tulare Villa HDB
Waukena HDB
Plainview UDB
Strathmore UDB
Porterville UAB
Porterville UDB
Tule River
Woodville UDB
Tipton UDB
Poplar-Cotton Center UDB
East Porterville UDB
North Pixley Specific Plan
Pixley UDB
Terra Bella UDB
Teviston HDB
Pixley NWR
Alpaugh UDB
Earlimart UDB
Ducor UDB
Allensworth HDB
Delano UDB
Richgrove UDB
Source: ESA, "Tulare County General Plan 2030 Update" (February 2010)
Historical Old Valley Pipeline (OVP)
Historical Tidewater Associated Oil Company (TAOC) Pipeline
CALIFORNIA LOCATION MAP
HISTORICAL PIPELINE RIGHTS OF WAY
TULARE COUNTY
GENERAL PLAN 2030 UPDATE
Tulare County, California
DATE: 4/20/2010
ANALYST: MOORECYN
FIGURE:
1
SAIC From Science to Solutions
The Benham Companies, LLC
A Wholly Owned Subsidiary
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Letter I4

April 26, 2010 ⑤

From: Carole A. Clum and J. Peter Clum, 45638 South Fork Drive, Three Rivers, CA 93271 (559) 561-4661

To: David Bryant, Project Planner, Tulare County Resource Management Agency, Government Plaza, 5961 South Mooney Boulevard, Visalia, California 93277

Subj: Request for Correction and Reissue of Table ES-4 Contained on Pages ES-12 through 26 of the RDEIR, Tulare County General Plan and for Restarting the Commencement Date of the 60 Day Public Review Period for the RDEIR

1. Page ES-8 RDEIR contains a paragraph which provides: I4-1

"Table ES-3 lists the revised or new policies and implementation measures that were identified through the CEQA process as additional mitigating policies or implementation measures for potential impacts analyzed in this RDEIR. Table ES-4 presents a summary of impacts and mitigation measures identified in this RDEIR including those proposed in this RDEIR. It is organized to correspond with the enviromental issues discussed throughout the RDEIR. The table is arranged in four columns: 1) environmental impacts; 2) mitigation measure; 3) significance before mitigation; and 4) significance after mitigation."

2. Contrary to express language above, Table ES-4 only contains a summary of the proposed required additional mitigation policies and implementation measures identified

1

in the RDEIR and listed in Table ES-3 beginning on page ES-8. It has no summary of the numerous other mitigation measures, i.e., Part I, Goals and Policies, Tulare County General Plan 2030 Update, discussed in the RDEIR. This omission defeats the informational requirements of CEQA by providing a confusing and substantially incomplete summary of mitigation measures, by interfering with the public's understanding, and by undermining informed decision making. I4-1 cont'd

3. The confusion created by this apparent oversight is compounded by the misleading and erroneous language in the last paragraph on page 3-3 RDEIR:

> "Following each impact statement is a discussion of the potential impact and the General Plan Update policies and implementation measures that would help to mitigate this impact. Existing policies and implementation measures are included in a table similar to that provided below:" (Emphasis added.)

and further compounded by the unfortunate wording in the last ten lines on page 1-2, Part I, Goals and Policies Report.

4. Accordingly, we request that Table ES-4 be corrected using a format similar to that contained in Table ES-4 of the 2008 DEIR, that corrected copies be made I4-2

available to the public at no additional charge, and that the 60 day comment period for the RDEIR be restarted on the date the corrected table is available for public review and comment. I4-2 cont'd

Respectfully,

Carole A. Clum

Copy to: Susan Fiering, Deputy Attorney General
Winter King, Shute, Mihaly, and Weinberger LLC
Matt Vespa, Center for Biological Diversity
Gordon Nipp, Kern-Kaweah Chapter, Sierra Club
Laurie Schwaller, Tulare County Citizens for Responsible Growth

3

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Letter I5

California Native Plant Society

5 May 2010
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277
ATTN: David Bryant, Project Planner
RE: General Plan 2030 Update and Environmental Impact Report

Dear Mr. Bryant,

Enclosed are comments from California Native Plant Society on the current General Plan documents. CNPS is a statewide organization, with 33 Chapters from San Diego County to North Coast. Our mission is "to increase understanding and appreciation of California's native plants and their natural habitats through science, education, advocacy, horticulture, and land stewardship". I5-1

As President of the Alta Peak Chapter of Tulare County, I have taken the lead in reviewing the several documents that comprise the draft updated General Plan. I am a retired professional botanist, with field experience in several parts of the state, and have owned and lived on property in Tulare County for many years. I5-2

The policies and goals that carefully include protection and preservation of native plants in natural habitats are indeed inclusive of the issues we might be concerned with, but the permissive language and lack of a comprehensive large scale and long term plan for creating and maintaining large, connected natural areas will make it difficult if not impossible to meet the stated goals regarding natural areas and biological resources. I5-3

We hope that County planners, staff, and the several groups of leaders will consider these comments and work to achieve the results envisioned in the policy sections.

Sincerely,

Joan G. Stewart

Joan G. Stewart
37759 Hwy 190
Springville, CA 93265
559-539-2717

Dedicated to the preservation of California native flora

California Native Plant Society

I5-4

Comments RE: General Plan 2030 Update and Environmental Report

I address these comments strictly to portions of the Revised Draft Updated General Plan, (including Recirculated Draft EIR and Background documents) that specifically concern California native plant resources, sites with native vegetation, in natural habitats. These plants are both directly and indirectly affected by projects described, referred to, or by implication, suggested in the DUGP.

Part One, Component C, of the General Plan treats natural resources and impacts to these, and separately, native plants. Page c-1 states as Concept 2 for EMR, that the County "will ensure that... development occurs in a manner that limits impacts to natural resources..... Development will be avoided in naturally... sensitive areas whenever possible."

Chapter 8, Biological Resources, defines (page 8-3) and comments on sensitive habitat, sensitive natural communities, special status species, and vernal pools. Biological Resources, 8.1, ERM Sections 1 to 9, and 14, as New Policies, clearly imply that protection and presevation of these natural systems, to enhance biodivesity and healthy ecosystems throughout the county, is a goal of the Plan.

In Section 8.8, Work Plan/Implemention, however, the language--"shall require, plan, shall work to develop, shall utilize,,,use zoning, shall incorporate, actively pursue, continue efforts, ensure in oak woodlands, shall establish, shall continue enforcement" although supporting in very general ways the Policies and Goals, leaves ample discretion for setting priorities that will compromise natural vegetation. This is a comment that applies to many sections throughout the document.

However helpful these statements about implementation may be, the Plan, Chapters/ Sections (e.g, Foothill Growth Management Plan), appears to intend to allow extensive development in areas presently "natural", quite outside existing development. Reference is made to criteria that are to be considered in such projects, but there is clear provision for decisions to be allowed that will adversely affect natural areas.

For example, the use of 'discourage', as in FGMP (8.1, 8.7) is likely not to be effective, nor is 'encourage', when land use other than to protect/preserve natural vegetion is a favored option. How will FGMP, 8.9 be accomplished in the face of permitted development in natural foothill areas? In FGMP 8-12, who says

what is "unnecessary"?

I5-4 cont'd

At this point I want to interject and call attention to accepted ground rules, considerations that are fundamental in planning for "protecting and preserving" natural communities and habitats: I5-5

Connectivity and Size. Scattered "postage stamp"" preserves accomplish little or nothing over time. Well-managed, appropriately sized areas need to be connected. These are generally agreed-upon basic concepts, and the Plan does not acknowledge or discuss these, nor do the sections about natural resource planning indicate that these have been accepted as primary, underlying principles for such planning. It further is important to remind planners and decision makers that all biological resources essentially depend on, interact with, and are based on plants.

Turning to the RDEIR, Chapter 3: I5-6

Fig. 3.11-2, Protected Lands, shows six sites as Preserves that do not at this time have assured permanent protection for biological resources. Five other sites, Refuges and Reserves, are managed for long-term preservation for plants and animals in natural areas. Properties, lands, with easements that actually do 'protect and preserve" are not shown.

Chapter 3, Section 3-11, addresses potential impacts of allowed, planned for, not specifically "forbidden", projects. It also outlines five alternative ways of attempting to meet stated Goals. The Introductory, Regulatory, Environmental setting (essentially included with greater detail as 9.9 in Background Report) are adequate. Seven of nine Sensitive Habitats types in the County are plant dominated, and 3 of 8 Critical Habitat Requirements are based on the need to protect plant taxa. This further emphasizes that native plants are a major component of "biological resources". As noted above, they support all other life. I5-7

Chapter/Section 3.11-31, summary of impacts, makes it clear that there will be substantial adverse effects on Special Status Species. Other sentences mention "encouraging" (that weasel word again) growth outside natural landscapes, working with other groups, agencies, or.... and lists mitigation banking as one way of reducing impacts. This approach seldom and not necessarily will lead to connected Reserves. We can only hope that Tulare County is truly concerned, willing to utilize all possible means of "protection and preservation", as primary priorities in their role as land planners. Once gone, not recoverable. I5-8

Chapter 4 outlines 5 Alternatives, employs the term "feasibilty", states that determination of what this means is up to the Board of Supervisors, leaving it subject to personal opinion, or consideration of short term political, and economic effects. Employing separate easements, suggested as a mitigation measure for I5-9

"taking" of natural areas, generally results in "postage stamp" size areas and is an opportunistic rather than carefully thought through method of designating habitat. I5-9 cont'd

Alternative 5 is apparently an attempt to confine growth, is discussed as "environmentally superior", but this is only relative to comparisons with the other Alternatives. Impacts are evaluated as lying along a continuum of cumulative, significant, or irreversible. In conclusion, the RDEIR "has determined that implementation of the General Plan Update could result in potentially significant impacts to.... biological resources.". And elsewhere,...."nevertheless.... still will result in conversion of some open space and habitat areas... resulting in overall reduction of habitat." I5-10

In the face of these general conclusions, we suggest that it would be useful for planners to consider, adopt and utilize guidelines that make it possible to avoid impacts in the first place.

I recognize and understand the enormous and complicated task that county staff has completed in preparation and distribution of this set of documents. I have worked on similar planning efforts and appreciate the care and time that lies behind completion of this work. Neverthelesss, I need to call attention to a plant species that is included as Table 3-11.2. A grass, *Imperata brevifolia* is listed as of concern, yet a currently standard reference for the plants of California notes this as a "Noxious Weed". Page 3.11-20 lists Sequoia Riverlands Trust as a "habitat"....???? I5-11 I5-12

Finally, I, speaking for California Native Plant Society in Tulare County, see nothing that will make the long term protection/presevation goal for native plant diversity actually happen if the present Plan is adopted and used for the next 20 or so years. Enlarging and connecting protected areas, areas that are kept natural, with biodiversity intact, and buffered from surrounding more developed areas, is not at present spelled out in the County Plan as high priority, and therefore it is difficult to anticipate how the County will meet its goal of "protecting and preserving" biological resources if the proposed Updated Genertal Plan is our guide in coming years. I5-13

Comments, General Plan 2030 Update and Environmental Report
5 May, 2010
From Joan G. Stewart, PhD, for California Native Plant Society
37759 Hwy 190, Springville, CA 93265

Letter I6

May 5, 2010

From: Carole A. Clum and J. Peter Clum

To: David Bryant, Project Planner, Tulare County Resource Management Agency

Subj: Our Request of April 26 to Correct the Executive Summary, RDEIR Tulare County General Plan and Restart the 60 Day Public Comment Period

1. In addition to the matters noted in our April 26 letter, we just discovered additional errors in the Executive Summary; (1) no discussion of the alternatives to the proposed project, (2) no identification of areas of controversy known to the lead agency including issues raised by agencies and the public, and (3) no indication of the issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects. I6-1

2. The rationale and requests stated in our letter of April 26, remain in effect. I6-2

Respectfully,

Carole A. Clum

J. Peter Clum

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Letter I7

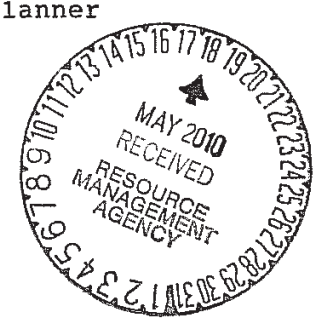
I7

Del Strange
464 E. Jackson Ave.
Tulare, CA 93274
May 15, 2010

Mr. Jake Raper, Jr., AICP, Agency Director
and
Mr. David Bryant, Project Planner
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

and

Board of Supervisors
COUNTY OF TULARE
2800 W. Burrel Avenue
Visalia, CA 93291



HAND DELIVERED

RE: Your Inadequate and Incomplete Response to My Letter Dated April 14, 2010, Leaving Little Time Remaining to Comment on Said Project; SCH #2006041162.

Dear Mr. Raper, Mr. Bryant and Board Members:

This letter is in response to your letter dated May 14, 2010 regarding my letter dated April 14, 2010. I7-1

Your lack of a timely response under the circumstances clearly demonstrates that the County of Tulare has not taken this matter seriously, is not truly interested in receiving comments from all of its citizens on the project, and has no interest in providing a copy of the CEQA documents on said project on a loan basis, under the circumstances, in order to allow unlimited review access within the prescribed public comment period and subsequent thorough and comprehensive response thereto.

Your untimely response has consumed more than half of the allotted public comment period, leaving less than two weeks remaining; and yet, the key issues have not been addressed!

First, I respectfully requested that the County make available to me, or anyone else who may request it, a printed hard copy of the CEQA documents for said project on a loan basis so that I/we can participate in this important CEQA process. To date, that matter has not been adequately addressed, even though Mr. Bryant had indicated that the Resource Management Agency staff had rejected the request. I told Mr. Bryant that I would appeal that matter to the Board of Supervisors immediately, which I did in my April 14, 2010 letter. Again, no response!

Second, the County has inhibited my ability to participate in this CEQA process by a delay of almost two weeks from the opening date of the public comment period before notifying me of that fact and the additional month or more waiting for your response to my April 14, 2010 letter of appeal, just now received. (Please carefully review my letter of April 14, 2010 for the details in this matter.)

I have been and continue to be very much interested in participating in matters relating to the County and its people, especially in planning for our future. However, this is the first time that the County has turned me away, even though it has managed to at least loan me a copy of any pertinent CEQA documents for my careful study and review in the past.

Regretably, the County has apparently chosen to ignore the true spirit and intent of CEQA by intentionally inhibiting and/or stonewalling my ability to participate in this project's CEQA process, as well as countless others who may have otherwise wished to take part. This is in direct violation of CEQA and all that it stands for! I7-1 cont'd

I respectfully ask that the County of Tulare and the Board of Supervisors reconsider this matter and once again allow for full public participation in the "People's Business!"

Awaiting your prompt reply to this most important and timely matter.

Thank you.

Respectfully yours,

Del Strange

Letter I8

LAW OFFICES OF
ROBERT KRASE
132 EAST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257

ROBERT KRASE
LEE GUTHRIE
ALLAN M. BAILEY

FRED SPALLINA (1948-2002)

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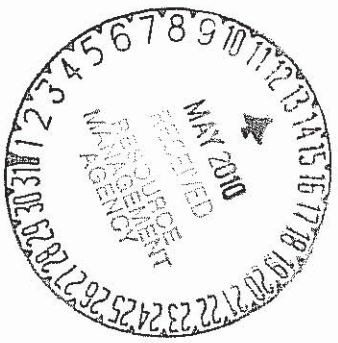
krase@kraselaw.com



May 11, 2010

Theresa Szymanis, Chief Planner
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Re: *Comments to Environmental Impact Report*
Tulare County General Plan Update

Dear Ms. Szymanis:

I am presenting the following comments to the proposed Tulare County General Plan Update. My comments focus solely on air quality and how it is addressed in the proposed Plan. I8-1

I. Overview

The value statements in the proposed Tulare County General Plan state that "The health and safety of its residents will be protected and enhanced." and that "Growth will pay its own way ...." Both of these principles must be kept in mind when addressing air quality.

Air quality is a substantial problem in Tulare County that is understated in the proposed Plan documents. It is one of the major detriments to residing in Tulare County, and it has continuously become an increasing problem over the years. The extremely poor air quality in Tulare County creates a huge economic burden on the County because of the health issues that it creates and the secondary problems from those health issues. The poor air quality detracts from the quality of life of both residents and visitors. I8-2

If the new General Plan is going to protect and enhance the health of the County residents, then the Plan must have teeth to prevent air quality from continuing to degenerate. Also, all new growth must "pay its own way", as the Plan states, as to air quality as well, by providing mitigation so that the air quality does not degenerate because of growth. I8-3

The General Plan tends to assume that because of the County's geographic location that the County cannot do much about its poor air quality. It also suggests that because the problem is regional, Tulare County will be adequately addressing the problem by simply joining in with the surrounding agencies. This is clearly an inadequate approach. While the poor air quality in Tulare County may be due to its geographic location and geographic features, that is not a basis to avoid confronting the issue. Just as a county that has heavy rainfall will have to address flood control in its plan, Tulare County has to address in its General Plan its own action to improve air quality and reduce air pollution. Furthermore, there is nothing that prevents Tulare County from taking the lead in reducing air pollution rather than simply waiting for its neighbors to act first, or only acting jointly with other surrounding agencies. I8-4

Based on the County's own value statements in the proposed General Plan and the information contained in the County's own documents, no project should be allowed in Tulare County if that project increases air pollution or decreases air quality. This must be explicitly stated in the Plan. The Plan should then state when, if ever, there should be exceptions. The Plan fails to put any teeth in any of the air quality provisions and, therefore, essentially is ignoring the air quality issue in Tulare County. This makes the Plan as proposed unacceptable. I8-5

II. Specific Provisions

The following is a list of some of the specific provisions in the proposed Plan where air quality is either ignored, or referred to without having any enforcement procedures to actively protect air quality: I8-6

1. PF-1.1 at page 2.7 states that the County shall strive to maintain urban edges. The failure to maintain urban edges increases motor vehicle use and, therefore, increases air pollution. The provision should state that whenever air quality will be degradated by proposed projects that fall outside of an existing urban edge, then the project will not be allowed absent full mitigation. That is, if a similar project within the urban boundary would generate less air pollution than one outside of the boundary, then the outside the boundary project cannot be allowed to proceed unless it can mitigate completely its additional contribution to air pollution.

2. PF-2.2 on modification of urban development boundaries must include a requirement that the additional air quality issues arising out of the project, including transportation, must not be greater than developments within the boundaries, and that public transportation and other mitigation must be provided to mitigate the excess air quality degradation. Because all growth under the value statement must pay its own way, that public transportation and other mitigation must be funded by the developer. I8-7

3. PF-5.2 which lists criteria for new towns completely omits any mention of air quality. A specific provision must be added stating that the new town/planned community must I8-8

not adversely affect air quality more than a comparable project built as an infill in existing communities would cause. The developer must provide for public transportation or other means to reduce adverse air quality effects of the new town/planned community. I8-8 cont'd

4. Under the Prosperity Guiding Principles (page B-1), a principle must be added stating that for prosperity to be true prosperity, it must not degradate the air quality. I8-9

5. Under AG-2, a provision must be added stating that agricultural development shall be done in a manner that does not adversely affect air quality as compared to the prior use of that same parcel of land. I8-10

6. Add to the Smart Growth and Healthy Communities provision LU-1.1 a statement that such healthy communities would include reducing air pollution by providing public transportation, walkways and bike paths. I8-11

7. LU-1.4 is a positive statement as to air quality. I8-12

8. LU-1.8 needs to have a specific provision that no out-fill will be allowed if it increases air quality degradation over what a comparable infill project would cause. Without such strong language, provision LU-1.8 is essentially meaningless. I8-13

9. In LU-2, a sub-topic must be added that air quality is one of the elements of this goal. I8-14

10. LU-4.1 concerning neighborhood stores is a good feature for protecting air quality. I8-15

11. Add to the list of factors under ED-1 that a healthy and diverse local economy will be one that does not increase air quality degradation. That same factor must be added under ED-2. I8-16

12. Under ED-5, in developing tourism, the reduction of poor air quality must be mentioned. A separate subparagraph must be added stating that improving air quality is a significant factor in promoting tourism. I8-17

13. Under the environment component, air quality, under concepts at page C-1, the concept must be strengthened by adding the means of protection: by both the actual implementation of advanced technology and the prevention of new uses and new growth that adversely contribute to air quality degradation. I8-18

14. The three air quality principles on page C-2 must be strengthened. For example, principle 1 should require that we would only pursue economic, land use and transportation I8-19

programs that improve air quality .... Under principle 2, rather than merely "encouraging" reduction in air polluting activities, the Plan should provide that the County will require reduction in air polluting activities. In Principle 3, promoting land use patterns that reduce vehicle emissions should be replaced with the County will require that land use patterns do not increase vehicle emissions, and it will promote reduction of vehicle emissions. I8-19 cont'd

15. Under Scenic Landscapes, the Plan fails to mention that scenic landscapes cannot be seen if air pollution is not reduced and cannot be enjoyed when there is poor air quality. I8-20

16. The air quality chapter, while filled with all sorts of technical jargon and numbers, presents no cohesive plan to reduce adverse emissions or to protect Tulare County from further air quality degradation. In particular: I8-21

a. AQ-1 limits Tulare County to cooperating with other regional agencies. This is inadequate. Tulare County must also act alone in protecting air quality and take the lead in protecting air quality, even when its neighbors are unwilling to do so.

b. AQ-1.3. The question arises why any development should be allowed that adversely impacts air quality, when air quality in Tulare County is so poor. This proposed provision suggests that spreading the adverse air quality impacts around the County so its effects are more hidden is an acceptable alternative to actually protecting air quality. This approach should be only a last choice.

c. AQ-1.4 essentially says that a project is OK if its adverse emissions will be blown elsewhere. This is not a morally acceptable approach. In fact, Tulare County complains that pollution is blown into the County from elsewhere, and it should not now say that such actions are OK.

d. AQ-1.5. Air quality impacts should always be mitigated, and not mitigated only "when feasible." The "when feasible" language simply says that air pollution is OK; these two words have to be deleted.

e. AQ-2.3 concerning developing transportation alternatives merely provides for studies. The provision should also provide that the best alternative resulting from such studies should be implemented.

f. AQ-3. This provision lacks teeth. For example, AQ-3.1 talks about encouraging, whereas ancillary employee facilities services should be required near employment centers when those employment centers are being permitted. AQ-3.2 speaks about infill, but does not require that infill be done when it will impact air quality less than out-fill.

g. A provision about brush and Ag burns should be added to AQ-4. Those should never be allowed in Tulare County because of the area's adverse air quality, regardless of what people have historically done. I8-21 cont'd

17. Under HS-1, there should be added a provision to protect residents from adverse air quality. I8-22

18. The animal containment element is not being considered with the General Plan, but being updated separately. The 2000 animal containment element has significant defects in its control of air quality issues which hopefully will be addressed in the update. I8-23

19. TC-1 concerning transportation should have a sub-topic, a provision on air pollution and air quality, since transportation is a major source of air pollution, and that as part of the General Plan, Tulare County intends to reduce emissions and improve air quality. I8-24

20. Under TC-4, Public Transportation, one of the sub-topics should state that the development of public transportation will improve air quality and will be supported by the County. I8-25

III. Conclusion

There are many other places in the proposed General Plan where air quality should be mentioned as a factor but it is not. When air quality is mentioned, there are no teeth in the Plan to require that a project not adversely affect air quality. These must be corrected. The only way that the plan can protect and enhance the health of Tulare County residents is by prohibiting any project that will increase air pollution. Since growth must pay its own way, growth must bear the cost of mitigating fully all air quality impacts. I8-26

I ask that you address my concerns by revising the proposed plan to correct the shortcomings that I have raised as to air quality.

Yours truly,

Robert Krase

RK/kb

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May 27, 2010

Dave Bryant
Div. Manager - Special Projects
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Re: Comments on the Tulare County Draft Climate Action Plan as part of the Re-circulated Draft Environmental Impact Report of the General Plan 2030 Update

Dear Mr. Bryant:

Edgar & Associates, Inc. represents Pena's Material Recovery Facility & Transfer Station (Pena's) regarding future planning, permitting and regulatory compliance matters in Tulare County. Currently, Pena's is proposing an expansion of its facility in an effort to address the growth in the region, and the waste and recycled materials that are inherent to that growth. Additionally, the expansion will place Pena's MRF & Transfer Station at the forefront of compliance with AB 32, the California Global Warming Solutions Act of 2006. The AB 32 Scoping Plan adopted a series of measures which has explicitly tasked California with implementing new goals to expand mandated commercial recycling capacity, promote organic feedstocks such as food waste processing for compost and anaerobic digestion facilities (as listed below), and generate renewable energy. I9-1

Recycling and Waste Sector Recommendation - Landfill Methane Capture and High Recycling/Zero Waste (MMTCO2E in 2020)

Measure No.	Measure Description	MMTCO2E Reductions
RW-1	Landfill Methane Control (Discrete Early Action)	1
RW-2	Additional Reductions in Landfill Methane • Increase the Efficiency of Landfill Methane Capture	TBD
RW-3	High Recycling/Zero Waste • Mandatory Commercial Recycling • Increase Production and Markets for Organics Products • Anaerobic Digestion • Extended Producer Responsibility • Environmentally Preferable Purchasing	 5 2 2 TBD TBD
	Total	10

Pena's MRF was designed to serve the Northern Tulare County region to meet AB 939 recycling mandate to achieve a 50% landfill diversion by 2000 and continual that diversion level thereafter. Pena's Disposal and the MRF have a proven record of performance for AB 939 and are poised to expand to reach the AB 32 challenge. The Pena's MRF proposes to provide mandated commercial recycling processing capacity for the region and produce organic feedstock as required in the AB 32 Scoping Plan, and generate renewable energy in the process. I9-1 cont'd

The Project will greatly assist the Tulare County Consolidated Waste Management Authority to exceed the recycling goals and reduce their carbon footprint to 1990 levels by 2020, and provide the community with critical technological components to achieve energy, economic, and environmental sustainability. The following components are proposed to be part of the Pena's MRF Expansion and meet the needs of the draft Climate Action Plan. A copy of the Draft Project Description is attached.

- Increase the tonnage to meet the needs of AB 32 and the General Plan Update to 2030.
- Expand programs to accommodate the AB 32 mandate of providing commercial recycling to all business and multi-family units.
- Expand the outdoor green waste processing operations to allow the processing of co-collected residential green waste with food waste, to produce compost feedstock and/or anaerobic digestion feedstock.
- Explicitly include the processing of commercial food waste inside the MRF building to produce compost feedstock and/or anaerobic digestion feedstock.
- Explicitly include the addition of solar panels on top of the MRF building.
- Add a 1 mega-watt wood waste biomass gasification plant.
- Calculate the carbon footprint for baseline operations and the proposed project.

I9-2

The County of Tulare is in the processing of updating their General Plan to 2030, which includes a Climate Action Plan. The following measures are being proposed for the Solid Waste Reduction and Recycling and Agriculture sectors: I9-3

- Encourage the use of recycled materials in its own operations and purchases
- Provide sites and publicity for recycling events
- Work with recycling contractors on innovative programs to encourage residents and business to take advantage of recycling services
- Reduce agricultural burning though cogeneration and composting

Pena's supports the endeavors made by Tulare County to address Climate Change through its Draft Climate Action Plan. Edgar & Associates hereby offers the following comments on Pena's behalf regarding the recent Draft Climate Action Plan that has been issued as part of the Tulare County Re-circulated Draft Environmental Impact Report. I9-4

5.1.4 – Solid Waste Reduction and Recycling

I9-5

Pena's is in support of the Solid Waste Reduction and Recycling Measures that are included in this section, and notes that the measure to 'work with recycling contractors on innovative programs to encourage residents and business to take advantage of recycling services' is currently part of the culture at Pena's, and is embedded in the proposed MRF expansion, and meets the mandates set forth by AB 32, where commercial recycling will be mandated throughout California. Pena's believes that the County of Tulare should take further advantage of the existing business recycling infrastructure that supports business recycling, and additionally, make room for its inclusion in the RDEIR as a mandated goal set forth from AB 32.

Pena's believes that the draft Climate Action Plan could be stronger with the specific diversion of organic materials (green waste and food waste) into composting in order to produce products that have a multitude of benefits to agriculture, such as water conservation, erosion control, disease suppression, and increased yield.

6.1 - Agriculture

I9-6

Pena's is in support of the County's support of agriculture and wishes to see the County expand the projects and initiatives that go beyond just reducing agricultural burning, and promote compost facilities that also use urban waste such as green waste and food waste, to promote the value of compost to the agricultural community.

Edgar & Associates also works with composting companies in Napa County where a Climate Action Framework in now under discussion. Being a rich agricultural county like Tulare County, the Napa Community Draft Review Plan contains a series of distinct measures to "Reduce Consumption and Solid Waste" as well as "Conserve Agriculture, Natural Resources, and Urban Forest.". A copy of their draft plan is attached as a framework of ideas of how waste by-products can be tuned into compost for the benefit of agricultural, and as a means to reduce greenhouse gases.

We appreciate the opportunity to comment on the Climate Action Plan. Should you have any questions, please call me at (916) 739-1200.

Sincerely,

Evan W.R. Edgar, Principal

community review draft

napa countywide community climate action framework

December 2009

DRAFT

Napa County Transportation & Planning Agency
707 Randolph St
Napa, California
www.nctpa.net

900 College Avenue
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www.migcom.com

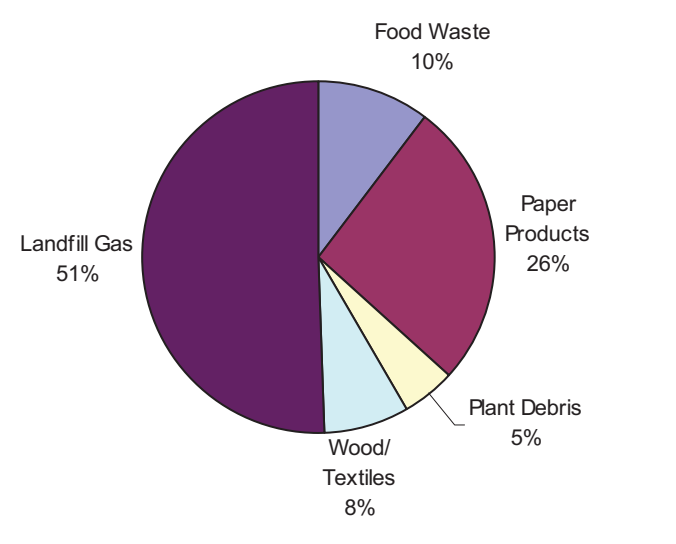
Support from the following made this plan possible:

Bay Area Air Quality Management District (BAAQMD), Napa County Transportation and Planning Agency (NCTPA), Napa Valley Community Foundation, and the Cities of American Canyon, Calistoga, Napa, St. Helena, Yountville, and the County of Napa.

Goal 3. Reduce Consumption and Solid Waste (SW)

Direct greenhouse gas emissions in the solid waste sector come primarily from anaerobically decomposing organic material in landfills (such as food scraps, yard debris, and paper) that produce methane and carbon dioxide. Significant quantities of indirect emissions are also connected to mining, manufacturing and transport of products and packaging. Substituting recycled materials for virgin materials in the manufacturing process reduces the GHG emissions, sometimes dramatically as in the case of aluminum, and less so with other materials, like glass.

Community Waste Greenhouse Gas Emissions 2005



Landfill gas and paper products are the major waste sources of greenhouse gases in Napa County.

GHG emissions from solid waste are reduced by removing organic waste from the wastestream prior to landfill by diverting organics to composting or other recycling efforts, and by managing emissions from landfills. At a minimum, burning landfill gas in a flare reduces GHG impacts from methane. Even better is using the landfill gas as a fuel for electric power generation. This energy source can increase the renewable fraction of the community energy supply and reduce the need for energy produced from fossil fuels.

Solid waste produced by Napa County in 2005 accounts for 54,209 tons of GHG emissions, equal to 4.7 percent of the County's total GHG emissions.[32]

Napa County's solid waste is currently disposed at two locations, the Keller Canyon Landfill in Contra Costa County and the Clover Flat Landfill near Calistoga. The area served by the Clover Flat Landfill is essentially the same as the area of the Upper Valley Waste Management Agency, with about 20% of the county's waste buried there annually. The remaining 80% of Napa's waste is currently transferred from the Devlin Road Recycling & Transfer Facility to the Keller

[32] Napa County ICLEI 2005 Inventory

Canyon Landfill site. Both sites have landfill gas recovery systems that are estimated by the USEPA to be approximately 75% effective in recovering and controlling emissions of landfill gas.[33]

In 2009 the Keller Canyon Landfill installed a landfill gas-to-energy plant to generate electricity and is therefore productively utilizing Napa County's and other North Bay communities' waste.

In contrast, the Clover Flat Landfill only flares the gas collected from the landfill. Based on industry experience and communication with Upper Valley Disposal & Recycling Company, owner of the Clover Flat Landfill, this facility may now be generating enough landfill gas to enable installation of a landfill gas-to-energy plant that could produce a significant amount of GHG-free electricity..[34] This possibility merits serious study and follow up.

Methods to Reduce Waste

Modern solid waste management uses a hierarchy of approaches in order of greatest to least environmental and climate benefit:

- First—**REDUCE** the amount of waste created through efficient use of resources, more durable products, less packaging, buying less stuff, etc.
- Second—**REUSE** products and packaging as much as possible, i.e., thrift stores, coffee mugs instead of single-use cups, reusable produce crates/pallets, etc.
- Third—**RECYCLE** discards, including products, packaging, and organics (through composting).
- Finally, after doing all the above, landfill what's left, and then collect and use the landfill gas productively through energy production.

From a climate protection perspective, the ideal is to reach "zero waste" where nothing is landfilled and no fossil fuel is used to manage or transport waste. This is a concept equivalent to natural biological processes where the "wastes" from one organism are "food" for others, in a continuous cycle, or more accurately, an interconnected web.

Collecting, processing and burying municipal solid waste in landfills requires a significant amount of energy. Emissions from these activities are compounded by subsequent emissions of landfill gas. Although proper management of landfills can significantly reduce the impact of these gas emissions, landfills still release some methane, a very potent greenhouse gas. An effective method for reducing landfill methane emissions is by reducing the organic fraction of the waste being buried. These organics can be composted to create soil amendments or used as a fuel for energy production.

Objective SW1: Achieve overall waste diversion of 75% to 90% by 2020.

The actions described below will achieve overall waste diversion by:

- Increasing overall diversion rates
- Reducing the amount of waste generated

[33] http://www.epa.gov/lmop/faq-1.htm
[34] Conversation between Ken Wells, consultant for CPC, and Bob Pestoni, owner, UVDS on Sept. 11, 2009.

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- Reusing products and packaging
- Recycling or composting discards

Increasing Overall Diversion Rates

Diverting waste minimizes the land required for disposal sites for solid waste. Waste in landfills affects groundwater and soil; waste diversion from landfills supports clean and productive land. When waste is diverted, the environmental impact is reduced. Construction waste, demolition and organic wastes contribute a high volume of material to landfills. Recycling and composting such material can reduce the overall volume of waste added to landfills every day, while providing resources for other economic sectors. Reused construction waste and compost, for example, can act as a valuable commodity for construction companies, salvage yards and nurseries.

ACTION SW1.1: Enact ordinances and create incentives to increase construction and demolition debris waste diversion from 75% to 90% by 2020.

Additional Opportunities

Additional opportunities to increase overall diversion rates include:

- Enact mandatory recycling ordinances and provide financial incentives to increase residential, commercial, and construction and demolition debris recycling.
- Require multi-tenant commercial/residential building owners/managers to provide on-site access to recycling and composting containers/service.
- Create and support other collaborative and regional programs, such as the Napa County Green Business Program, environmentally preferable purchasing policies and joint-purchasing agreements among all local jurisdictions, to support the 75% or more overall waste diversion goal.
- Implement an intensive social marketing program to address barriers to recycling behaviors and promote resource conservation.

Reducing the amount of waste generated

Actions to reduce the amount of waste generated are primarily focused on shifting consumption behaviors to less GHG-intensive products. These regulatory tools, education efforts, and economic incentives are intended to create long-term changes in consumer behavior. Therefore, establishing short-term potential greenhouse gas reduction estimates is very speculative. The costs related to these actions are ongoing and primarily for staffing and various types of communications. The social marketing aspects of this action can be integrated into the recycling education efforts described above.

Ordinances and incentives that could reduce waste generated include:

- Encourage the efficient use of resources through buying less stuff, more durable products, and less packaging.
- Reduce the volume of organics handled by the solid waste collection system through on-site agricultural, commercial and residential composting which reduces the emissions

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associated with moving this material from the generator to the compost facility or disposal site, as well as the emissions generated by production of synthetic fertilizers that can be offset by use of organic soil amendments.

- Support legislation and other efforts at local, state and federal levels that extends producer responsibility for managing their products and packaging at the end of their intended use.
- Encourage purchasing locally manufactured products.
- Provide criteria for purchasing locally produced items with recycled content.
- Educate residents and businesses on purchasing decisions. Identify and display the carbon emissions of products.
- Eliminate, through local ordinance, the use of non-recyclable takeout food containers.

ACTION SW1.2: Enact ordinances and create incentives to achieve organic (food and green) waste diversion of 75% by 2020, including waste diversion from restaurants and special events.

Reusing products and packaging

Reuse is a means to prevent solid waste from entering the landfill and to distribute discarded products to those who want them. In many cases, reusing products and packaging supports local community and social programs while providing donating businesses with tax benefits and reduced disposal fees. The Napa County Recycling and Waste Services have inaugurated a pilot program for commercial food composting involving 8 local restaurants, caterers and stores, some of which now divert 100% of their food waste from land fills.

Reuse requires fewer resources, less energy, and less labor, compared to recycling, disposal, or the manufacture of new products from virgin materials. Reuse strategies and programs provides an alternative to other waste management methods since it reduces air, water and land pollution, and limits the need for new natural resources.

ACTION SW1.3: Create and support other programs, such as the Napa County Green Business Program, that help achieve the 75% to 90% overall waste diversion goal.

ACTION SW1.4: Adopt environmentally preferable purchasing policies and explore joint-purchasing agreements with partner agencies, and local jurisdictions and businesses.

Recycling or composting

Recycling and composting actions are primarily focused on removing organic wastes that have higher immediate greenhouse gas impacts than other waste types. Revenue to cover the costs for this action set can be collected in a number of different ways, most commonly through refuse collection rates and user fees, although franchise fees on waste haulers, landfill host fees and AB 939 fees can also be utilized. In order to divert 75% of the overall Napa County wastestream, about 40% (70,000 tons) of the 177,000[35] tons of wastes still going to landfill need to be diverted.

[35] CIWMB 2005 Diversion/Disposal Rate Reports, see Appendix I.

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By applying the California Integrated Waste Management Board's (CIWMB) 2003 California waste characterization data[36] to Napa's waste quantities, we can assume that 30% of Napa's waste going to landfill is organic. Of this compostable fraction, diverting two thirds of this from the landfill would represent about 35,000 tons per year or 100 tons per day of additional compost feedstock which can be composted or used as an energy source in an anaerobic digester. Applying the USEPA WARM tool to this type and quantity of organic waste results in a 3,700 ton per year reduction in greenhouse gas emissions (see calculation in Appendix I) from the solid waste sector attributable to Napa.

ACTION SW1.5: Establish collection services in all cities for segregated food waste from commercial sources and establish a local food composting facility.

ACTION SW1.6: Encourage home composting of organic waste.

Costs and Funding Opportunities

Funding and financing for the solid waste sector offer some special opportunities for local governments. User fees on waste generators to fund recycling education and other diversion efforts can be implemented by local jurisdictions—without going to a public vote—in a number of different ways, including collection rates, franchise fees on waste haulers, landfill host fees and AB 939 fees. Additionally, energy programs using solid waste and landfill gas are considered renewable energy sources, and are eligible for California and federal rebates, tax incentives and special financing.

Increasing Overall Diversion Rates

Increasing overall diversion rates is primarily focused on removing typical recyclables from the waste going to landfill. By recycling these materials and using them to replace virgin materials, significant GHG emissions are avoided. Although the reduced GHG emissions are substantial, much of the savings are indirect and accounted for in transportation and other savings. Costs for this action set can be collected in a number of different ways, including waste collection rates, franchise fees on waste haulers, landfill host fees and AB 939 fees. In order to divert 75% of the overall Napa County wastestream, about 40% (70,000 tons) of the 177,000[37] tons of wastes still going to landfill need to be diverted. By applying the CIWMB's 2003 California waste characterization study to Napa's waste quantities, we can assume that 40% of the wastestream is recyclable paper, metal, plastic and glass. Of this recyclable fraction diverting one-half (20% of the total waste stream) would represent about 35,000 tons per year or 100 tons per day of additional recyclables. Applying the USEPA WARM tool to this type and quantity of mixed recyclables results in a 90,000 ton per year reduction in Scope 3 greenhouse gas emissions (see report in Appendix I).

Reusing Products and Packaging

Reusing products and packaging requires staff time and communications, education and community outreach to maximize diversion opportunities.

[36] http://www.ciwmb.ca.gov/Publications/LocalAsst/Extracts/34004005/Tables.pdf
[37] EPA's Global Warming—Waste, "Measuring Greenhouse Gas Emissions from Waste" http://www.epa.gov/climatechange/wycd/waste/calculators/Warm_Form.html, see Appendix I for calculations.

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The social marketing and community outreach aspects of this action should include other resource conservation behaviors. Educational cost estimates are based on spending $5 per household per year above current recycling educational expenditures. With about 50,000 households in Napa County an annual outreach budget of $5 per household is $250,000. This funding level provides one to two contacts per household per year.

Regulations establishing economic incentives to reduce waste and encourage reusable packaging are more efficient when enacted at the state or federal level; however this action set can be used as a local action. If implemented locally, it should be considered a regional approach to avoid other unintended economic impacts, such as shifting consumer purchase patterns from one community to another. Due to the diffuse and indirect greenhouse gas impacts from this action, establishing a potential greenhouse gas reduction estimate is very speculative. The cost of the social marketing aspects of this action can be integrated into the recycling education efforts described above.

Recycling and Composting

Based on other similar programs such as Jepson Prairie Compost in Yolo County and Sonoma Compost in Sonoma County, mixed organics can be processed into compost for about $40/ton, with an annual cost of about $1.4 million. With offsetting savings from reduced landfill tipping fees, this program could result in little to no net cost increase. Funding necessary for the collection and processing of the organics can be obtained with solid waste collection fees.

In order for this program to increase organics diversion and composting beyond the levels already achieved, focused efforts are necessary to inform and increase participation by residents and businesses. These outreach efforts to increase organics diversion can be combined with other waste recycling goals for a more cost-effective outreach effort. Educational cost estimates are based on spending $5 per household per year above current recycling educational expenditures. This cost is included with Action SW1.1.

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Emissions Reduction Summary – Reduce Consumption and Solid Waste

Solid Waste	Implementer	Feasibility	Potential tons GHG reduced by 2020

Objective SW1. Achieve overall waste diversion of 75% to 90% by 2020.			
Increasing overall waste diversion (Action SW1.1)	UVWMA, N-VWMA, County, cities	Moderate	90,000 tons/year (reductions not counted toward target)
Reducing the amount of waste generated (Action SW 1.2)	UVWMA, N-VWMA, County, cities	Easy to Difficult	To be determined
Reusing products and packaging (Action SW1.3)	UVWMA, N-VWMA, County, cities	Moderate	To be determined
Recycling or composting (Action SW1.5, SW1.6)	UVWMA, N-VWMA, County, cities	Moderate	3,700 tons/year (reductions not counted toward target)

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Goal 4. Conserve Agriculture, Natural Resources, and Urban Forests (AN)

Globally, about 25 to 30 percent of annual GHG emissions are due to deforestation. The carbon dioxide sequestered in soil, trees, and other vegetation is released into the atmosphere when land is converted to other uses, including agriculture. While the agriculture and forest sectors represent less than 4 percent of GHG emissions in Napa County, they have the potential, with new practices, to act as a sink, tying up or sequestering GHG emissions from the atmosphere in the form of soil and wood carbon.

Agriculture

Agricultural areas are widespread throughout the County, with vineyards and rangeland countywide. Of Napa County's approximately 485,000 acres, 51,000 acres (or 10.5 percent of the total area) are active agricultural lands consisting primarily of vineyards with smaller areas of crops and orchards. The County has approximately 53,800 acres of existing grazing land.[38] Additionally, acreage under vineyard cultivation is expected to continue to grow in Napa County, with an additional 10,000 acres projected by 2030.

While Napa County is known for its wine grape growing, a small variety of agricultural crops are also grown, including walnut and olive orchards, strawberries, artichokes, among others.[39] Agriculture is the leading source of revenue for Napa County.

Total GHG emissions from the agricultural sector are a result of a complex network of sources including livestock, agricultural equipment, fertilizer application, soil tillage, crop residue burning, land conversion for agricultural use, processing, refrigeration, and distribution.[40] For this reason, calculating the GHG emissions from the agricultural sector of Napa County is more demanding than for other sectors in this Framework.

Given this complexity of calculations, agriculture emissions for Napa County are not determined except for the CO_2 equivalent emissions from tractors and other farm equipment. In 2005, the BAAQMD estimated these emissions at 33,046 metric tons, which is approximately 3% of the total countywide GHG emissions.

In general, methane gas from livestock and manure is 23 times more potent than CO_2 and therefore can be a significant contributor of GHG emissions. In Napa County, however, given the very small number of livestock (approximately 9,000),[41] the methane gas is considered insignificant. The Napa County General Plan Environmental Impact Report (EIR) explored four land use scenarios for future development in the County. Each scenario evaluates environmental impacts resulting from projected development. The scenarios range from a minimum development, or "No Build," scenario to a "Build Out" scenario. Ultimately, the Draft

[38] Napa County Baseline Data Report, Chapter 10, Agricultural Resources.
[39] Napa County Baseline Data Report, Chapter 10, Agricultural Resources.
[40] Winery emissions related to fermentation are not relevant to this analysis since only use of ancient carbon related emissions are considered.
[41] US Department of Agriculture. *2007 Census of Agriculture: Napa County California.* Available online at: www.agcensus.usda.gov

EIR determined that less future development will promote future GHG emission reduction goals.[42]

The proposed actions will not only reduce emissions from current agricultural practices, but will also act to remove and sequester carbon dioxide from the atmosphere. That is, the actions move toward a net reduction of atmospheric carbon dioxide. This is a feature that makes agriculture and forestry unique: they can act as carbon "sponges" to soak up carbon dioxide. So these actions not only reduce emissions to zero, they go "beyond zero" to create carbon sinks.

One-sixth of GHG emissions from agriculture are from burning or fossil fuels to run machinery and vehicles. If other aspects of the farming industry are incorporated, such as food production and transportation, agriculture is associated with almost one-quarter of US emissions.[43] The farther food travels to Napa's cities and county from its source, the more fossil energy is expended and the more carbon is released into the atmosphere. Researchers estimate that it takes about 10 calories of fossil energy to put one calorie of food on our plates in North America. About 70 percent of these calories are dedicated to transportation and processing.[44]

Organic and local food practices, however, produce less energy to maintain, produce fewer GHG emissions, avoid the use of chemical fertilizers and are more resilient in the face of drought of any kind, including that brought on by climate change.[45] Sustainable agriculture and localized food systems have the potential to mitigate nearly thirty percent of global GHG emissions and save one-sixth of global energy use.[46]

Woody and herbaceous plants, manure, and algae (or biomass) generates energy when burned that can be used directly as heat or can be converted into electricity. Some types of biomass can be used directly as heat or can be converted into electricity. It is considered a carbon neutral energy source.[47]

Agricultural Waste Strategies

Agricultural "waste" is a resource that can be used to create additional revenue, increase soil health, and increase yields.

- Create on-farm and centrally located facilities to process all residential "green can" waste, as well as equestrian and agricultural waste.
- Explore feasibility of processing this waste in anaerobic digesters and use in energy production and soil management.

[42] Napa County. *Napa County General Plan Draft Environmental Impact Report.* February 2007.
[43] Climate Action Project. *Agriculture and Rural America.* October, 2008. Available online: www.climateactionproject.com.
[44] Pimentel, David and Marcia H. Pimentel. *Food, energy, and society.* Boca Raton, Florida: CRC Press, 2008.
[45] *Regenerative Organic Farming: A Action to Global Warming*. LaSalle, T., Ph.D. and Hepperly, P., Ph.D. 2008 Rodale Institute. www.rodaleinstitute.org/files/Rodale_Research_Paper-07_30_08.pdf
[46] Ho, Dr. Mae-Wan and Lim Li Ching. *Mitigating Climate Change through Organic Agriculture and Localized Food Systems.* ISIS Report 31/1/08
[47] ICLEI – Local Governments for Sustainability. Biomass Technologies.

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Objective AN1: Encourage responsible and sustainable agricultural and landscaping practices.

Actions described below will encourage responsible and sustainable agricultural and landscaping practices by:

- Supporting local agriculture, food production, and community gardens
- Promoting water conservation

Supporting Local Agriculture, Food Production, and Community Gardens

ACTION AN1.1: Adopt policies and ordinances that support local agriculture, food production, and community gardens. Support efforts by local growers and restaurants to produce and use locally grown food products, and remove associated regulatory hurdles.

ACTION AN1.2: Support efforts by local growers and restaurants to produce and use locally grown food products and remove associated regulatory hurdles. (See also T10 and AN1.)

Promoting Water Conservation

ACTION AN1.3: Adopt water efficient landscape ordinances that promote climate-appropriate plants, efficient irrigation, and non-potable water sources.

Natural Resources

Water is a valuable natural resource in Napa County. Many of the areas in the eastern regions of the county have very limited water resources, and in some areas where there is water, the boron concentration is quite high and too high for crop production.[48] There are a total of 22,431 acres of water in the county, or 4.43 percent of the total land.[49] Suitable climate and an irrigation water source will likely continue to support future conversion of land.

Access to clean water, energy, mineral resources, and availability of productive land are all threatened by changes in climate. The warmer winter and spring temperatures of recent years could adversely affect the capacity and reliability of the California water system with respect to water shortage and flood management, and requires changes in water reservoir management rules.

Urban water conservation, reclamation and reuse of water, land and water use, and drainage management protect and conserve valuable water resources. Water reclamation systems provide an exemplary infrastructure to use water efficiently. Gray water is tap water soiled by use in washing machines, tubs, showers and bathroom sinks. It is not sanitary, but it is also not toxic and generally disease free. Gray water reclamation is the process by which households make use of gray water's potential instead of simply piping it into overburdened sewage systems with all water that travels down the drain.

[48] Napa County Baseline Data Report, Chapter 10, Agricultural Resources.
[49] Napa County Baseline Data Report, Chapter 10, Agricultural Resources.

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Reducing water used outdoors can make the biggest difference in saving water in Napa County. Water efficient landscaping opportunities include: water-efficient irrigation systems and climate appropriate plants and trees. These design decisions are based on the following principles: proper planning and design, soil analysis and improvement, appropriate plant selection, practical turf areas, efficient irrigation, use of mulches and appropriate maintenance.[50]

Benefits of this type of landscaping include: conservation of natural resources, decreased energy use, and reduced runoff and irrigation water that carries top soils, fertilizers and pesticides into lakes.

Objective AN2: Reduce water use and protect local water resources.

Actions described below will reduce water use and protect local water resources by:

- Reducing demand of potable water and developing water service and infrastructure

Reducing demand of potable water and developing water service and infrastructure

ACTION AN2.1: Develop and implement water conservation plans that include financial incentives, educational programs, and ordinances that reduce the per capita demand of potable water.

ACTION AN2.2: Develop and enhance recycled water service and infrastructure to serve all areas of Napa County.

Financing Options

Also known as Mello-Roos, Community Facilities District Funding provides a means through which local government agencies obtain funding for public improvements, such as water and wastewater systems, roads, schools, etc. The district sells bonds to finance the improvements, and taxes from real property owners in the district pay off the principal and interest on the bonds. Formation requires two-thirds majority vote of residents within the boundaries of the district. These bonds can pay for facilities that transmit and distribute potable and nonpotable water.

In addition to Community Facilities District Funding, the California Department of Water Resources provides grants annually for water use efficiency projects. The Bay Area Air Quality Management District periodically provides grants to help fund climate protection programs and policy development projects in the Bay Area. The Community Foundation provides funding, as well, to communities who are interested in exploring innovative planning projects and processes.

Forests

Forests and urban trees reduce atmospheric carbon dioxide (CO_2) through sequestration and other greenhouse gases by conserving energy used for space heating and cooling. Carbon

[50] US Environmental Protection Agency. *Water-Efficient Landscaping: Preventing Pollution and Using Resources Wisely.*

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sequestration is the process by which CO_2 is transformed into above- and below-ground biomass and stored as carbon.

Conversion of forestland to development and agriculture releases CO_2 and also diminishes the future capacity of the forest to remove CO_2 from the atmosphere. As mentioned in other sections of this Framework, current projections indicate that lands in vineyard cultivation will increase significantly in the next 20 years, although it is not clear how much of this additional vineyard land will be converted from forest land. The County has roughly 40,000 acres of land that is capable of growing timber, with 30,000 acres that are currently functioning as timberland.[51] Commercial timber species include Coast Redwoods, Incense Cedar, Douglas Fir, Western Red Cedar and Jeffrey Pine, among many others.

These lands can be conserved to minimize the CO_2 emissions associated with conversion of timberland to other uses, such as vineyards. Additionally, land can be restored and managed to remove additional CO_2 from the atmosphere, while also providing wood products and many other public benefits. The proposed actions to preserve, restore, and manage the County's forestlands and change impactful agricultural practices will result in minimizing emissions and maximizing carbon uptake.

By fostering and restoring forests and other terrestrial ecosystems that offer significant carbon mitigation potential, Napa's cities and County will reduce total GHG emissions and protect valuable natural resources. Major contributors to GHG emissions, such as vehicle traffic and energy use, can be reduced on a local level through the implementation of sustainable development policies.

Planting trees in communities can make a difference when it comes to protecting the climate and mitigating the impacts of climate change.[52] Planting trees strategically to shade east and west walls of residential buildings would reduce air conditioning energy use. Shade trees also dramatically reduce the heat island effect of urban areas, which refers to built up areas that are hotter than nearby rural areas.[53] Implementing living (or green) roofs and transitioning from dark surfaces to light surfaces help to keep urban area temperatures cool and can reduce the summer peak electric load.[54] If tree planting actions were applied statewide, it is estimated that the amount of total CO_2 reduction annually would be 3.6 percent, equivalent to retrofitting homes with energy-efficient electric appliances.[55]

There are many best practices throughout the country that provide guidance to Napa's cities and County. The City of Los Angeles developed a method for locating potential tree-planting sites in urban areas, for example. The efficacy and cost-effectiveness of various forest management activities requires the development of reliable, accepted carbon measuring and

[51] Napa County Baseline Data Report, Chapter 10, Agricultural Resources.
[52] US Forest Service, Climate Change Resource Center, Urban Forests and Climate Change, August 2009.
[53] US Environmental Protection Agency. Heat Island Effect. September 2009. Available online at: www.epa.gov.
[54] Columbia University Center for Climate Systems research and Nasa/Goddard Institute for Space Studies. *Mitigating New York City's Heat Island with Urban Forestry, Living Roofs, and Light Surfaces: New York City Regional Heat Island Initiative*. The New York State Energy Research and Development Authority, June 2006.
[55] US Forest Service, Climate Change Resource Center, Urban Forests and Climate Change, August 2009.

monitoring protocols.[56] The US Forest Service Urban Forest Project Reporting Protocol provides detailed guidance to insure that tree planting projects meet eligibility requirements, produce GHG reductions that are additional to a baseline, are sustained for at least 100 years, and do not detract from management of existing trees.

Similarly, the Board of Forestry (BOF) has been involved in the development of forest protocols. The California Air Resources Board's (CARB) Scoping Plan states that the forest sector must achieve a "no net loss" target, which means it must achieve reductions in CO_2 equivalent to the current statewide forest carbon budget. Although regulatory protocols are still under development, such a policy suggests that if forestland is converted to vineyards, any loss in CO_2 sequestration capacity would need to be mitigated. BOF has developed strategies to reach this target and plans to use a combination of regulatory, statutory and incentive-based approaches to meet these goals.[57]

Objective AN3: Protect and increase the amount of vegetation and biomass in soil and reduce emissions from agricultural sources.

Actions described below will protect and increase the amount of biomass in soil and reduce emissions by:

- Promoting sustainable business
- Assessing impacts on carbon sequestration
- Protecting habitat

Promoting sustainable business

ACTION AN3.1: Support and promote the Napa Green Certified Winery Program and the Napa Green Certified Land Program ("Fish Friendly Farming"), as well as other practices.

Assessing impacts on Carbon Sequestration

ACTION AN3.2: Assess the positive or negative impacts of land use changes, new vineyards, and urban development on carbon sequestration.

Protecting habitat

ACTION AN3.3: Adopt policies, ordinances, and plans that create and enhance urban forests and greenways.

ACTION AN3.4: Adopt policies and ordinances to protect habitat and mitigate the conversion of oak woodlands and other important plant communities by permanently protecting similar habitats.

[56] California Energy Commission. *Methods for Measuring and Monitoring Forestry Carbon Projects in California.* 500-04-072F. April 2004.
[57] Board of Forestry, Climate Change Board. Available online at: www.fire.ca.gov.

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Financing

The US Forest Service may have the capacity to collaborate with the County and cities of Napa to implement habitat protection and urban forestry programs. Additionally, funds provided by the Bay Area Air Quality Management District, which are provided periodically, may be applicable to urban forestry and habitat restoration projects.

Emissions Reduction Summary

Given the complexity of current and projected GHG emission calculations and associated funding, proposed actions to reduce GHG emissions sourced by agricultural, natural resources and forest have not been quantifiably assessed to determine potential implementers, feasibility, potential tons of GHG reduced, co-benefits, and estimated investment of each action.

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Letter I10

(18)

Home Builders Association
of Tulare/Kings Counties, Inc.

315 West Oak Avenue
Visalia, California 93291
559.625.5447 • 559.625.2690 Fax
build@hbatk.com

May 26, 2010

David Bryant, Special Projects Manager
TCRMA - Government Plaza
5961 S. Mooney Blvd.
Visalia CA 93277

Dear David:

The attached memorandum from DPFG is the HBA's official comment(s) on the 2030 Tulare County General Plan Update. I10-1

Our areas of concern are Housing Assumptions, Fire Protection and Four Other policy issues.

After reviewing our comments we would appreciate the county comply with the HBA's recommendations and source document requests.

If you have any questions or require additional comments or information, please contact me.

Thank you.

Robert J. Keenan
President/CEO

DPFG
DEVELOPMENT PLANNING & FINANCING GROUP, INC.

4380 AUBURN BOULEVARD
SACRAMENTO, CA 95841
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MEMORANDUM

Date: 5/24/2010

To: Bob Keenan

From: Development Planning & Financing Group, Inc. ("DPFG")

Re: 2030 Update Tulare County General Plan (Draft)

At the request of the Home Builders Association of Tulare/Kings Counties, Inc. ("HBA"), DPFG performed a review of the Tulare County ("County") General Plan Draft dated February 2010 ("General Plan"), the County Draft Housing Element 2009 Update dated March 23, 2010 ("Housing Element") and the County Public Facilities Impact Fee Study dated October 21, 2008 ("PFIF"). Our comments are provided below. Comments have been categorized into the following categories (i) Housing Assumption, (ii) Fire Protection, and (iii) Other Policy Issues. I10-2

Housing Assumptions: I10-3
As indicated in the General Plan a new Housing Element was formally adopted by the Board of Supervisors on March 23, 2010. DPFG collected the Housing Element from the County and performed a comparative review of the Housing Element housing assumptions as compared to the housing assumptions contained in the PFIF.

Our findings indicate the housing assumptions used in the Housing Element are not consistent/comparable to the housing assumptions used in the PFIF. These inconsistencies are as follows:

1. Housing Element annual growth projections reflect an accelerated absorption over PFIF annual growth projections by approximately 61% with an estimate of 938 units per year as compared to 573 units per year.

2. Existing housing unit assumptions in the Housing Element reflect housing units in 2009 figures, whereas the PFIF existing housing units are expressed in 2008 figures.

3. The Housing Element assumptions are based on a County planning cycle from January 1, 2007 to June 30, 2014 ("Planning Cycle") with total estimated units at the end of the Planning Cycle or June 30, 2014 of 51,908. Whereas the PFIF housing assumptions are based on 2030 buildout projections with total estimated housing units at buildout of 57,900.

4. Data as sourced from Construction Monitor indicates that the average annual absorption in the unincorporated County from 2000 to 2009 is approximately 530 units per year. Based on this resource absorption projections outlined in the Housing Element appear to be overstated. Verification of the growth patterns and growth rates in the unincorporated County should be verified.

It is recommended that the housing assumptions are adjusted for consistency between the Housing Element and the PFIF and that verification of the growth patterns and growth rates in the unincorporated County is conducted.

Fire Protection:
The PFIF currently utilizes the inventory approach to calculate the County fire fees. The current demand for fire services is based on a service population that includes residents and workers as well as the City of Exeter. The PFIF indicates that the County Fire Department plans to prepare a master facilities plan for fire facilities as well as a County needs assessment study for fire facilities. I10-4

Please provide copies of the master facilities plan for fire facilities as well as the County needs assessment study for fire facilities, or the status of the development of the respective facilities plan and needs assessment study.

Other Policy Issues: I10-5

1. Persons per household assumptions as identified in the General Plan state the "average household size" in 2006 is 3.27 persons per household. PFIF average persons per household assumptions are closer to approximately 2.90 persons per household, based on delineation between single family and multi-family land uses. Actual persons per household assumptions for single family and multi-family land uses have not been clearly defined in the General Plan. It is recommended that persons per household assumptions for single family and multi-family are clearly defined in the General Plan.

2. General Plan park acreage requirements reflect 5 acres per 1,000 population whereas existing park acreage as identified in the PFIF is 1.62 acres per 1,000 population. Additionally, new policies have been identified in the General Plan for additional park acreage above County guidelines for neighborhood and community parks which adjoin schools, which could reach in excess of 5 acres per 1,000 population. Additionally, implementation measures and indirect operation and maintenance costs associated with the additional park acreage requirements are not clearly defined in the General Plan. It is recommended that implementation measures and indirect operation and maintenance costs associated with the additional park acreage are clearly defined in the General Plan. I10-6

3. Infrastructure requirements strive to maintain existing service levels; however existing infrastructure service levels are not clearly defined. It is recommended that any General Plan service level recommendations are defined. I10-7

4. Impact mitigation requirements state that new development shall be required to pay its proportionate share of the costs of infrastructure improvements; however proportionate share is not clearly defined. It is recommended that new developments "proportionate share" of the cost of infrastructure improvements is clearly defined in the General Plan. I10-8

In summary, our recommendations and source document requests are as follows: I10-9

1) Housing assumptions – It is recommended that the housing assumptions are adjusted for consistency between the Housing Element and the PFIF and that verification of the growth patterns and growth rates in the unincorporated County is conducted.

2) Fire protection - Please provide copies of the master facilities plan for fire facilities as well as the County needs assessment study for fire facilities, or the status of the development of the respective facilities plan and needs assessment study, so that General Plan service level policy and corresponding infrastructure requirements may be evaluated.

3) Person per household assumptions - It is recommended that persons per household assumptions for single family and multi-family are clearly defined in the General Plan.

4) General Plan park acreage requirements - It is recommended that implementation measures and indirect operation and maintenance costs associated with the additional park acreage are clearly defined in the General Plan.

5) Infrastructure service levels - It is recommended that any General Plan service level recommendations are defined.

6) New development share of infrastructure costs – it is recommended that new developments "proportionate share" of the cost of infrastructure improvements is clearly defined in the General Plan.

Please contact me with any questions or to discuss the recommendations outlined above.

Sincerely,

Greg Angelo

Greg Angelo
Manager

Letter I11

SIERRA CLUB

KERN-KAWEAH CHAPTER

May 26, 2010

Carole A. and J. Peter Clum
45638 South Fork Drive
Three Rivers CA 93271
(559) 561-4661

David Bryant, Project Planner,
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia CA 93277

Re: Comments on the Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (RDEIR)

Dear Mr. Bryant:

Enclosed are our Comments on the Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (RDEIR), which consist of: I11-1

Section I – Comments on:

The County's Interpretation of CEQA Guidelines § 15088.5(f)(1) is Incomplete and Misleading and Requires Restarting the Public Comment Period 3

The RDEIR's Summary Fails to Comply with CEQA's Mandatory Content Requirements and Constitutes a Violation of CEQA's Informational Purposes 4

Dumbing Down of Significance Criteria for Impacts 3.6-2, 3.6-5, and 3.8-6 from that of the 2008 DEIR and CEQA Guidelines Appendix G . . . 6

Failure to Establish the Environmental Setting and Thresholds of Significance for Forestry Resources and to Analyze Impacts on Them . . 10

Failure to Comply with Assembly Bill No. 162 Approved October 10, 2007, Which Amends and Adds to Certain Sections of the Government Code Relating to Local Planning 12

Population Growth and Distribution 13

Failure to Adequately Consider the Potentially Significant Impacts Identified in the Yokohl Ranch Project Initial Study Evaluation of Environmental Impacts 14

Failure to Analyze and Mitigate for the Public Health Impacts Resulting from Air Quality and Water Quality Impacts of the General Plan 19

The RDEIR Contains a Defective Water Baseline and Inadequately Analyzes and Mitigates the General Plan's Water Supply Impacts 21

The RDEIR's Analysis of the General Plan's Alternatives, Growth-Inducing Impact, Cumulative Effects, Significant and Unavoidable Impacts, and Significant Irreversible Environmental Changes is Flawed 30

I11-1 cont'd

Section II - Comments on:

Impact 3.2-1	Page 1
Impact 3.3-3	14
Impact 3.3-4	16
Impact 3.6-1	18

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Impact 3.6-3	50
Impact 3.6-4	68
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Impact 3.6-6	89
Impact 3.7-1	92
Impact 3.8-6	94
Impact 3.9-1	122
Impact 3.9-5	132
Impact 3.9-8	137

I11-1 cont'd

Section III – Comments on:

Farmland Conversion	Page 1
Air Quality	8
Traffic	15
Global Warming	18
Energy	28

Section IV - *General Comments*

Attachments:

1. Our letter dated April 26, 2010 to David Bryant, Project Planner, Tulare County RMA

2. Our letter dated May 5, 2010 to David Bryant, Project Planner, Tulare County RMA

3. Letter from Agency Director, Tulare County RMA dated May 14, 2010 to J. Peter Clum and Carole A. Clum

4. Tulare County Guidelines for the Implementation of the California Environmental Quality Act of 1970

5. Assembly Bill No. 162 approved October 10, 2007 amending and adding to certain sections of the Government Code relating to local planning

I11-1 con'td

6. Notice of Preparation and Initial Study for Yokohl Ranch Project dated February 2008

7. "Valley water loss seen via satellite," The Fresno Bee, December 15, 2009

8. "NASA Data Reveal Major Groundwater Loss in California," December 14, 2009

9. "New Hydrologic Model Provides Insights in Water Supplies," Valley Voice, August 6, 2009

10. "California Central Valley Groundwater Study: A Powerful New Tool to Assess Water Resources in California's Central Valley." USGS Fact Sheet 2009-3057, July 2009

11. "Groundwater Level Sets New Record," Valley Voice (Tulare Voice Section), July 9, 2009

12. "Water Table at Lowest Level Ever," Valley Voice, September 10, 2009

13. "Wells Continue to Dry Up, Get Clogged," Times Delta/Advance Register, September 19-20, 2009

14. Kaweah Delta Water Conservation District Annual Average Fall Groundwater Depths 1970 to 2007 from 2007 Annual Groundwater Report, Kaweah Delta Water Conservation District

15. "Valley Still Leads in Worst Air Report," Valley Voice, May 6, 2010

16. "Traffic Pollution Linked to New Cases of Asthma, Valley Voice, May 7, 2009

17. Letter to Supervisors from Carole Clum, dated March 22, 2010

18. Nitrate Contamination Spreading in California Communities, Visalia Times-Delta, May 15-16, 2010

19. Public Water Supply Violations, Tulare County Environmental Health, January 10, 2010

20. Jim May's Presentation to Tulare County Water Commission, January 10, 2010

21. NOAA's Western Regional Climate Center Data, National Oceanographic and Atmospheric Administration, May 4, 2010

22. Flood Potential in Tulare County by Carole Clum, March, 2010

23. Three Rivers Town Hall Meeting by Carole Clum, January 11, 2010

24. California Firefighters' Mission, Wall Street Journal, August 17, 2009

25. Builders Criticized for Raising Fire Risk, Fresno Bee, July 30, 2009

26. Wildfires Speeding Up Global Warming Pace, San Francisco Chronicle, April 24, 2009

27. Farm Water Transfers, State Department of Water Resources, 2010

28. State Water Project, Valley Voice, May 6, 2010

I11-1 cont'd

29. Improving Water Quality in Mattheny Tract, Visalia Times-Delta, May 15-16, 2010

30. County Faces $7 Million Budget Shortfall, Valley Voice, March 18, 2010

31. Unemployment in Tulare County, Valley Voice, March and April 2010

32. West is Hit Hardest by Joblessness, Wall Street Journal, April 17, 2010

33. Fewer in U.S. Move as Economy Falters, Wall Street Journal, April 23, 2009

34. Economic Crisis Curbs Migration of Workers, Wall Street Journal, July 1, 2009

35. Ailing Economy Slows Americans' Mobility, San Francisco Chronicle, April 23, 2009

36. Written Comments on 2008 DEIR by J. Peter Clum dated April 14, 2008 submitted to David Bryant, Project Planner, Tulare County RMA

37. Written Comments on 2008 DEIR by J. Peter Clum dated April 23, 2008 submitted to Tulare County Planning Commission

38. Written Comments on 2008 DEIR by J. Peter Clum dated February 26, 2008 submitted to the joint hearing, Tulare County Board of Supervisors and Planning Commission

39. Written Comments on 2008 DEIR by Carole A. Clum dated April 14, 2008 submitted to David Bryant, Project Planner, Tulare County RMA

40. Written Comments on 2008 DEIR by Carole A. Clum dated April 23, 2008 submitted to Tulare County Planning Commission

I11-1 cont'd

41. Written Comments on 2008 DEIR by Carole A. Clum dated February 26, 2008 submitted to the joint hearing, Tulare County Board of Supervisors and Planning Commission

42. Written Comments on 2008 DEIR by Kimball R. Loeb dated April 14, 2008 submitted to David Bryant, Project Planner, Tulare County RMA

43. Written Comments on 2008 DEIR by Mineral King Group, Kern-Kaweah Chapter, Sierra Club, dated April 14, 2008 submitted to David Bryant, Project Planner, Tulare County RMA

44. Sample Kern County Farmland Conversion Condition

45. Rosedale Ranch - Sierra Club Settlement Agreement

46. Agricultural Land Conservation Tools Developed by the California Department of Conservation

47. 25 Most Polluted Counties by Year-Round Particle Pollution (Annual PM 2.5), Ozone Pollution, and Short Term Particle Pollution (24-hour PM 2.5)

48. 25 Most Polluted Cities by Year-Round Particle Pollution (Annual PM 2.5), Ozone Pollution, and Short Term Particle Pollution (24-hour PM 2.5)

I11-1 cont'd

Attachments 36, 37, 38, 39, 40, 41, 42 and 43 are copies of written comments submitted on the 2008 DEIR. These 2008 written comments are expressly adopted as if set forth in our current written comments.

In the General Plan and RDEIR, the County has again failed, apparently deliberately, to incorporate clear, adequate, measurable, and enforceable policies and implementation measures, thus defeating CEQA's underlying purpose of identifying feasible mitigations and alternatives to avoid or reduce a project's significant effects on the environment. Without adequate, feasible mitigation

I11-2

significant effects on the environment. Without adequate, feasible mitigation measures, there can be no substantial evidence to support the RDEIR's impact analysis and conclusions. I11-2 cont'd

Regrettably the goals, policies, and implementation measures contained in the General Plan are for the most part the very same as the 2008 version with a number of adjustments (most not for the better.) Table ES-3 pages ES-8 to 11 RDEIR lists revised or new policies identified in the RDEIR as additional policies or implementation measures. This table lists 29 policies and six implementation measures. There are actually seven new implementation measures. Agricultural Element Implementation Measure #15 was identified on page 3.10-15 but omitted from Table ES-3. The most significant changes to the General Plan occur in Part II-Foothill Growth Management Plan. These changes are hardly a model of adequate and enforceable mitigation. So we have the epitome of form over substance, all at the expense, both figuratively and literally, of Tulare County's residents. And the RDEIR leaves no doubt that this plan is at the direction of the Tulare County Board of Supervisors. The Supervisors apparently believe that aggressive development should be allowed throughout the County as market forces dictate. For the reasons noted above and delineated in detail below, the RDEIR is inadequate and fundamentally flawed. The General Plan and RDEIR must be revised in their entirety and the RDEIR recirculated. I11-3

Sincerely, I11-4

Carole A. Clum

Carole A. Clum
Member
Kern-Kaweah Chapter
Sierra Club

J. Peter Clum

J. Peter Clum
Executive Committee
Kern-Kaweah Chapter
Sierra Club

Section I

I11-5

The County's Interpretation of CEQA Guidelines § 15088.5(f)(1) is Incomplete and Misleading and Requires Restarting the Public Comment Period 3

The RDEIR's Summary Fails to Comply with CEQA's Mandatory Content Requirements and Constitutes a Violation of CEQA's Informational Purposes 4

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Section I

The County's Interpretation of CEQA Guidelines § 15088.5(f)(1) is Incomplete and Misleading and Requires Restarting the Public Comment Period I11-6

CEQA Guidelines § 15088.5(f) is intended to ease the administrative burdens of recirculation. The County cites § 15088.5(f)(1) as reason why it will not respond to comments on the 2008 DEIR. However, § 15088.5(f) and its subsections must be read in their entirety. We suggest the County ignored the last two sentences of § 15088.5(f) which provide: "This dual approach avoids confusion over whether the lead agency must respond to *comments which are duplicate or which are no longer pertinent due to the revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.*

As noted throughout these comments, the General Plan and RDEIR do not provide much, if any, improvement from the 2008 version. While the County has assured the public they considered their prior comments, the 2010 version of documents leads one to conclude otherwise. We have nothing but the County's assurance unsupported by any meaningful improvements to the General Plan. More importantly, the language quoted above does not say in no case shall the County "fail to consider" but rather says "fail to respond to pertinent comments on significant environmental issues." I11-7

The County's Notice of Availability of the recirculated draft EIR dated March 25, 2010, would have been complete if it had included the language quoted in the first paragraph. But it did not. The result is to undermine the fundamental public disclosure and informational purpose of CEQA. How many members of the public were discouraged from commenting on the RDEIR this time around after having been told the County would not respond to their earlier comments? That they will have to do it all over again regardless of their earlier comments which may have raised significant environmental issues. This perception would only be reinforced by their very possible negative reaction that despite their earlier comments the County had made few, if any, substantive changes to reduce the General Plan's substantial or potential adverse effects on the environment. This failure by the County requires that the Notice of Availability be corrected as noted above and the public comment period on the RDEIR be restarted. I11-8

The RDEIR's Summary Fails to Comply with CEQA's Mandatory Content Requirements and Constitutes a Violation of CEQA's Informational Purposes

I11-9

An environmental impact report is an informational document intended to inform public agency decision makers and the public generally of the significant environmental effect of a project (Tulare County General Plan Update 2030), identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. CEQA Guidelines § 15120(c) specifies: "Draft EIR's *shall contain* the information required by sections 15122 through 15131. CEQA Guidelines § 15123(6) states:

> The Summary *shall identify*.
>
> (1) Each significant effect with the proposed mitigation measures and alternatives that would reduce or avoid that effect;
>
> (2) Areas of controversy known to the lead agency including issues raised by agencies and the public;
>
> (3) Issues to be resolved including the choice among alternatives and whether or now to mitigate the significant effects.

CEQA Guidelines § 15123 clearly sets forth mandatory content requirements for an EIR's summary (referred to in the RDEIR as Executive Summary). A review of pages ES-1 through ES-26 indicates the RDEIR is in near total non-compliance with this section. The summary does list significant effects, Table ES-4, pages ES-12 to 26, but it fails to contain anything approaching an accurate listing of the mitigation measures discussed in the RDEIR that would reduce or avoid effects. (It sets forth only recommended additional mitigating policies and implementation measures proposed in the RDEIR. And this is despite the RDEIR's assertion to the contrary on page ES-8.

> Table ES-3 lists the revised or new policies and implementation measures that were identified through the CEQA process as additional mitigating policies or implementation measures for potential impacts analyzed in this RDEIR. Table ES-4 presents a summary of impacts and mitigation measures identified in this RDEIR including those proposed in this RDEIR.

The RDEIR's summary totally fails to identify alternatives that would reduce or avoid each significant effect, areas of controversy known to the Lead Agency including issues by agencies and the public (there is at least one: the on-going dispute over the General Plan between the County and Tulare County's eight incorporated cities), and the issues to be resolved including the choice among alternatives and whether or now to mitigate the significant effects. I11-10

The purpose of the summary is, of course, to inform the public and the decision makers about these matters. It is the very first item listed in the RDEIR's table of contents and the first part of the RDEIR after the table of contents and the first part of the RDEIR after the table of contents. It is the reader's first introduction to the RDEIR, and they should be able to rely on it to provide it an accurate overview of the RDEIR. But the RDEIR fails miserable in this regard. It is hard to imagine how the County got it so wrong. I11-11

By attachments 1 and 2, we brought the deficiencies of the Summary to the County's attention. We requested the summary be corrected, that corrected copies be made available to the public at no additional expense, and that the public comment period be restarted on the date the corrected summary was available for public review and comment. We received the County's response on May 15, 2010. Attachment 3. It is worth noting the County mischaracterized our request as a request for an extension, elected not to address the substance of the request, and offered no rationale for the decision. Such an approach, while non-responsive, is at the discretion of the County's representative. What is not at the discretion of the County is the inclusion of CEQA's mandatory content requirements for an EIR's summary. The County's failure to correct and recirculate the RDEIR's summary constitutes a contemptuous disregard for CEQA's informational purposes. I11-12 I11-6

The RDEIR's summary must be corrected to comply with CEQA Guidelines § 15123(b) and the RDEIR recirculated. I11-13

Dumbing Down of Significance Criteria for Impacts 3.6-2, 3.6-5, and 3.8-6 from that of the 2008 DEIR and CEQA Guidelines Appendix G

I11-14

A. Impact 3.6-2, page 3.6-40 RDEIR provides:

> The proposed project would result in impacts to groundwater supply, recharge, and secondary impacts to groundwater resources.

The 2008 DEIR version, WR-3 page 4-128 DEIR provides:

> The General Plan Update would have the potential, in the long-term, to deplete groundwater supplies or interfere substantially with groundwater recharge such as that there would be a net deficit in aquifer volume or a lowering of the groundwater table.

CEQA Guidelines Appendix G IX (6) provides:

> Would the project: substantially 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 level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses for which permits have been granted?

What is the rationale for and substantial evidence supporting this rewording in Impact 3.6-2 from the 2008 version and from the CEQA Guidelines Appendix G? How does this rewording serve the informational purposes of CEQA? How does this rewording make the impact statement more descriptive? How did this rewording effect impact analysis and evaluation of mitigation measures? What is the professional judgment of the County of Tulare and its consultants which produced this change? Who decided to make this change and why?

I11-15

We believe the effect of this adjustment is to nullify the descriptive value of the impact, to draw less attention to the impact, and to raise the threshold of significance. Perhaps the County did not want to draw attention to the fact that the Kings, Kaweah, and Tule sub-basins have been in critical overdraft for years and that our groundwater overdraft continues in lineal decline (discussed later in a subsequent section of our comments)

and raise serious and warranted questions about where the water will come from for the General Plan 2030 buildout especially in light of the unenforceable and ineffectual mitigation measures discussed in other sections of these comments. I11-15 cont'd

We find this rewording of Impact 3.6-2 not only problematic but also troubling, as we can think of no bona fide reason for it. On Page 3.6-36 while discussing the methodology of arriving at impacts 3.6-1 through 3.6-6, the RDEIR states, "The first step in the impact analysis was to establish significance criteria consistent with CEQA and the Tulare County Guidelines that was (sic) used as a basis for identifying and evaluating impacts." We requested and received a copy of the Tulare County Guidelines for the Implementation of the California Environmental Quality Act of 1970 (Attachment 4). We have examined them. They appear to have little, if anything, to do with establishing thresholds of significance. The CEQA Guidelines Appendix G: Environmental Checklist Form provides: I11-16

> Note: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. . . . The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

The RDEIR states "The CEQA Guidelines Amendments approved by OPR on December 31, 2009 make clear that the identification and adoption of appropriate CEQA thresholds is a matter left to the discretion of the lead agency." We would note that again the County is making and/or relying on incomplete statements. CEQA has a substantial evidence standard and it applies to thresholds of significance, called significance criteria by the County. The most current CEQA Guidelines Amendments became effective on March 18, 2010. Most of the Amendments have been pending for well over a year. CEQA Guidelines § 15064.7 provides: I11-17

> When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, *provided the decision of the lead agency to adopt such thresholds is supplied by substantial evidence.*

CEQA Guidelines § 15064(f) provides:

> The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

I11-17 cont'd

See also CEQA Guidelines §§ 21082 and 21083.

B. Impact 3.6-5, page 3.6-52 RDIER provides:

I11-18

> The proposed project would expose people or structures to flood hazards from development within a 100-year Flood Hazard Area or from increased rates or amount of surface runoff from development.

The 2008 DEIR addressed flood impacts in HS-9 and HS-10 on page 4-84 and 4-86 respectively using the same language contained in CEQA Guidelines Appendix G IX(g), (h) and (i). IX(g) and (h) were combined in Impact HS-9. Impact HS-9 restated IX(i). CEQA Guidelines Appendix G IX(g) provides:

> Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

CEQA Guidelines Appendix G IX(h) provides:

> Would the project place within a 100-year flood hazard area structures *which would impede or redirect flood flows?*

CEQA Guidelines Appendix G IX(i) provides:

> Would the project expose people or structures to a *significant risk of loss, injury or death* involving flooding, including flooding as a result of failure of a levee or dam?

What was the reason for this rewording and rearranging of the pertinent CEQA Appendix G Guidelines and for departing from the 2008 DEIR format? Why was the language of CEQA Guidelines Appendix G IX(h) <u>structures which would impede or redirect flood flows</u> omitted? Why was <u>to a significant risk of loss, injury or death</u> appearing in IX(i) deleted? How did the rewording effect impact analysis and evaluation of mitigation measures? And what is the basis for the statement on page 3.6-36 RDEIR "Given the nature of the impacts, it is anticipated that implementation of the proposed project would

result in similar impacts to all geographic planning areas of the County." Where is there any discussion in the RDEIR of these impacts in the foothills or mountains to support such a conclusory statement? Our same discussion set forth under Section A above applies here. I11-18 cont'd

C. Impact 3.8-6 states: I11-19

> "The proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fire."

The 2008 DEIR addressed wildland fire impact with Impact HS-11 on page 4-89 using the same language as that contained in CEQA Guidelines Appendix G VIII(h).

> Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, *including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

What was the reason for deleting this seemingly descriptive language contained in the 2008 DEIR Impact HS-11 and CEQA Guidelines Appendix G VIII(h)? How did the rewording effect impact analysis and evaluation of mitigation measures? Was it to better inform the public? We think not. We find this change especially troubling given the planned aggressive development envisioned by the General Plan in the foothills and mountains, all unincorporated areas which are classified as "high," "very high," and "extreme" fire zones Figure 3.8-2 (Wildland Fire Threat) page 3.8-31 RDEIR. Figure 3.8-2 does not depict extreme fire hazard areas such as chaparral. However, Figure 3.11-1 (Habitat) page 3.11-7 RDEIR does. The "extreme" rating would apply to chaparral areas. One already planned massive development in the foothills, Yokohl Ranch Project (identified on page 5-6 RDEIR as a General Plan Initiative allowed to proceed) contains chaparral area. See page 4, Notice of Preparation and Initial Study for Yokohl Ranch Project, February 2008. Attachment 5.

Equally problematic is the statement on page 3.8-30 RDEIR: I11-20

> Given the nature of the impacts, it is anticipated that implementation of the proposed project would result in similar impacts to all geographic planning areas of the County.

Such a conclusory statement not only is contrary to good judgment, common sense, and common knowledge but also is a rejection of information set forth in the 2009 California Climate Adaptation Strategy. See pages 24, 36, 111, and 122 thereof. This conclusion is contrary to the information contained in pages 8-20 to 22 2010 Background Report and to the Insurance Services Office (ISO) rating explained on page 3.9-26 RDEIR. Both page 8-20 Background Report and page 3.9-26 note that the ISO rating in unincorporated areas is an average of 8. ISO ratings range from 1 to 10, 1 being the best and 10 being the worst. The RDEIR's discussion of Urban and Wildland Fire Hazards, pages 3.8-27 to 35, and of Fire Protection, pages 3.9-24 to 26 and 3.9-59 to 61, make short shrift of the information contained on pages 20 to 22 Background Report. Our same discussion set forth under Section A applies here. I11-20 cont'd

Failure to Establish the Environmental Setting and Thresholds of Significance for Forestry Resources and to Analyze Impacts on Them I11-21

Amendments to CEQA Guidelines Appendix G: Environmental Checklist Form II Agricultural *and Forestry* Resources became effective March 18, 2010. The amending language is italicized below. These changes were initiated by the Office of Planning and Research in January 2009, have been available for review for over one year, and were initially scheduled to become effective January 1, 2010. As amended, CEQA Guidelines Appendix G II now reads:

> *II.* AGRICULTURE *AND FORESTRY RESOURCES.*
>
> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. *In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.* Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural *use or conversion of forest land to non-forest use?*

I11-21 cont'd

Public Resources Code section 12220(g) defines forest land as follows:

> Forest land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Without explanation, the County has elected not to establish the environmental setting for forestry resources, not to establish thresholds of significance to determine whether the General Plan's impact on the existing forestry resources environment is significant, and not to do an impact analysis. This void occurs despite the County's aggressive development plans for the foothills and mountains. What is the rationale for this decision? What is the substantial evidence supporting the lack of such analysis? How does such a decision fulfill the informational purposes of CEQA? How can intelligent decision making occur about the environmental consequences of the General Plan? How can the General Plan's effect on greenhouse gas emissions, watersheds, water supply, water quality, soil

erosion, and wildfire be evaluated? The County must correct this deficiency in the General Plan and RDEIR and recirculate them. I11-21 cont'd

Failure to Comply with Assembly Bill No. 162 Approved October 10, 2007, Which Amends and Adds to Certain Sections of the Government Code Relating to Local Planning I11-22

Among changes made by AB 162 (attachment 5) are some to a general plan's conservation and safety elements and which have an inception date specified "upon the next revision of the housing element on or after January 1, 2009." The County formally adopted a new housing element on March 23, 2010, and as of that date must in this General Plan comply with certain provisions of AB 162. These requirements should come as no surprise to the County as AB 162 has been the law of California for over two years. At a minimum, the County has not complied with the portions noted below. The County's consultants who drafted the RDEIR note this non-compliance on pages 3.6-29, 3.6-53, and 3.6-8 RDEIR. The pertinent statutory provisions are Government Code section 65302(d)(3) and sections (g)(2)(A)(vii), (g)(2)(A)(viii), (g)(2)(A)(ix), and (g)(2)(A)(x) which provide:

> (d)(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.
>
> (g)(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:
> (A) Identify information regarding flood hazards, including, but not limited to, the following:
> (vii) Maps of levee protection zones.
> (viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.
> (ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.
> (x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

Policies HS-5.4, WR-1.5, WR-3.1, WR-3.6, and Implementation Measures #6, #10, and #27 (Goals and Policies Report, Part I, page 10-9, 11-7, 11-9, 11-12, 11-13, and I11-23

11-16, respectively), even if they had been drafted with enforceable and measurable language, do not satisfy the above statutory requirements of Government Code section 65302(d)(3). Likewise, the Flood Hazards Policies HS-5.1 through 5.11 and Implementation Measure #14 (Goals and Policies Report, Part I, pages 10-8 through 10-10, and pages 10-20), even if they had been drafted with enforceable and measurable language, do not satisfy the above statutory requirements of Government Code sections 65302(g)(2)(A)(vii) through (x). I11-23 cont'd

While checking the General Plan for compliance, Carole Clum spoke to a member of Tulare County's Resource Management Agency at 11:25 A.M., April 5, 2010, about a reference she could not find in the Health and Safety element of the General Plan Policy HS-5.2 Development in the Floodplain Zones (Goals and Policies Report, Part I, page 10-9) refers the reader to ERME IV-C; Urban Expansion Recommendation 2, p. 11 which does not exist in the document. The staffer told her it was old language that referred to the 1972 Tulare County Flood Control Master Plan which also does not exist in the document. He also told her that what she was looking for (construction standards for building in a flood zone) did not exist in the old General Plan or the 1972 Flood Control Master Plan. These standards do not exist in the 2010 General Plan either. I11-24

The County must correct the General Plan's non-compliance with the planning and zoning law and, then, to comply with the informational purposes of CEQA, correct and recirculate the General Plan and RDEIR.

Population Growth and Distribution I11-25

Page 5-4 RDEIR suggests there was confusion among the County's consultants about population growth projections and the percentage of population growth which would occur within incorporated cities and the County Adopted City Urban Development Boundaries (CACUDB) and within the unincorporated areas of the county. The second paragraph under Cumulative Setting provides:

> The **overall assumption of this RDEIR** is that the majority **(85%)** of the net new growth will occur within incorporated city and CACUDBs as opposed to within the unincorporated areas, which will contain a much smaller **(15%)** portion of the net new growth. This distribution of growth is shown in Table 5-1 and Table 2-11 of Chapter 2 of this RDEIR.

Of course, the 85%/15% split does not conform with the tables. So no harm, no foul. But not so fast. The boldfaced quoted language raises the very real

possibility the various employees of ESA (Chapter 6 RDEIR lists 12 ESA employees assigned to report preparation) were utilizing different population projection numbers and net growth distribution percentages when performing their assigned tasks. Or maybe the stated "overall assumption" is what they all or most of them used. Who knows? In any case, the language raises questions about the validity of the RDEIR. I11-25 cont'd

Failure to Adequately Consider the Potentially Significant Impacts Identified in the Yokohl Ranch Project Initial Study Evaluation of Environmental Impacts I11-26

The Yokohl Ranch project is identified on page 5-6 RDEIR as a General Plan Initiative taken into consideration for the cumulative impact discussion and analysis. We believe that the Yokohl Ranch Project should have been considered as part of the County's environmental analysis in Chapter 3 RDEIR and not just as a cumulative impact in Chapter 5. Pages 3 and 4 of the Notice of Preparation and Initial Study for the Yokohl Ranch Project dated February 2008 (NOP) (attachment 6) describe the project's setting and description: I11-27

> Yokohl Ranch encompasses approximately 36,324 acres in the Sierra Nevada foothills, within the unincorporated areas of Tulare County
>
> . . .
>
> The Yokohl Ranch site is characterized as an area with varied terrain, ranging from nearly flat ranch lands along Yokohl Creek, to the gentle valleys and rolling hills to the south and north along the main valley to steeper hills and canyons in the northern portion of Yokohl Ranch. Vegetation types include riparian and oak woodlands, grasslands, and chaparral. Yokohl Creek flows from the southern portion of the project area west to the western boundary of the project site. Due to its rocky soils and shallow soil depths, Yokohl Ranch lands are not suitable for intensive commercial agricultural uses. Therefore, the property has been historically used for cattle grazing and ranching, as well as ranch family housing and support facilities.
>
> The project includes the phased development (over 20-30 years) of the Yokohl Ranch master planned community. The project is divided into 3 subareas: The Valley, The Meadows and The Oaks. Approximately 30 percent (9,500 acres)* of the ranch is proposed for development with approximately 70 percent (26,000 acres)* of the property to remain as open

space and ranchlands. The project would construct 10,000 residential units, which would include active adult units; approximately 550,000 square feet of mixed use commercial areas; public/quasi-public areas; and infrastructure (e.g., roads, utilities, etc.) within three smaller planned areas on 36,324-acres. Yokohl Ranch would include fire and police facilities, public schools and public parks, which will serve both local and county residents. The project will require approval of the following discretionary actions:

I11-27 cont'd

1) Amend the General Plan to include:

   a) Amend the Foothill Growth Management Plan (FGMP), to establish procedures for a Planned Community Area (PCA);

   b) Re-designate the 36,324-acre Yokohl Ranch site from Foothill Agriculture to "Planned Community Area" by establishing a Planned Community Area (PCA) boundary for the project;

2) Rezone the site to a Planned Community Zone (PCZ) (Section 18.8) to replace the Foothill Agriculture and Planned Development – Foothill Combining – Special Mobile Home Zone (PD-F-M) for the project area;

3) Approve the Master Development Plan (all phases);

4) Approve the Area Development Plan Phase I;

5) Tentative Map for Phase 1.

* We note that as of the date of the RDEIR, the County lists 40% (14,400) acres of the ranch is proposed for development with 60% (21,600 acres) of the property to remain as open space and ranchlands. See page 5-6 RDEIR.

At present, there are approximately 12 people living in six houses on the 36,324 acres of Yokohl Ranch. Pages 9 and 10 of the NOP describe the Yokohl Ranch master planned community development as:

> The layout and design of the proposed Yokohl Ranch community would be based on a MDP prepared to guide development in conformance with the Planned Community (PC) Zone described above. The Yokohl Ranch project

proposes to create a planned community to include 10,000 residential units in three neighborhoods, which would include active adult units; mixed use commercial areas; public schools and parks; open space areas; public/quasi-public areas; and infrastructure. No development would occur on ridgelines or on slopes over 30 percent. Figure 3 shows the locations of the proposed land uses within the MDP, which are discussed below. Table 1 summarizes the acreage of the proposed land uses and densities of residential areas upon buildout of the community. I11-27 cont'd

Table 1. Phased Development Summary of Land Uses for the Yokohl Ranch Project

Land Use	Phase I		Phase II		Phase III	
	Gross Acres	Target Units	Gross Acres	Target Units	Gross Acres	Target Units
Residential Uses						
Very Low (0-2 du/ac)	0.0	0	975.5	500	4,105.4	317
Low (1-3 du/ac)	1,054.2	2,108	1,383.3	2,767		0
Medium (3-10 du/ac)	816.5	2,858	271.5	950		0
High (10-20 du/ac)	See MU	See MU	0.0	0		0
Subtotal Residential	*1,870.7*	*4,966*	*2,630.1*	*4,217*	*4,105.4*	*317*
Non-Residential						
Mixed-Use Commercial	27.8	500	0.0		0.0	
Tourist Commercial (Resort)	0.0		0.0		60.0	
Public/Quasi-Public	114.0		0.0		0.0	
Schools	48.4		11.7		0.0	
Public Park	16.0		34.0		0.0	
Golf Course	307.5		0.0		0.0	
Private Recreation	0.0		0.0		0.0	
Open Space/Ranch Land	4,890.8		4,751.8		17,101.0	
Reservoir	129.2		0.0		0.0	
Circulation	95.7		57.7		72.4	
Subtotal Non-residential	*5,629.4*	500	*4,855.2*		*17,233.4*	
Phase Totals	**7,500.2**	**5,466**	**7,485.4**	**4,217**	**21,338.8**	**317**
Population Estimate						
Standard Units (@3.2 pers/du)	4,100 @ 3.2 = 13,119		3,163 @ 3.2 = 10,120		317 @ 3.2 = 1,014	
Active Adult Units (@2.0 pers/du)	1,367 @ 2.0 = 2,733		1,054 @ 2.0 = 2,108		0 @ 2.0 = 0	
Total Population	15,852		12,229		1,014	

Obviously there are many potential significant impacts in store for Yokohl Valley and Tulare County as a result of the Yokohl Valley Project. The consultants preparing the NOP recognized this and identified potentially significant impacts in all environmental factors, except mineral resources, on page 19 NOP. Examining pages 29 through 33 NOP, we see the consultants listed the following potentially significant impacts. These are listed in the center of the page. To the right are I11-28

listed the County's assessment in the RDEIR of the same environmental factors as they relate to the General Plan. I11-28 cont'd

Impact Would the project: RDEIR	Yokohl Ranch Project NOP	General Plan
1. Result in substantial soil erosion or loss of topsoil?	Potentially significant	Less than Significant Impact 3.7-1
2. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially significant	Less than Significant Impact 3.7-3
3. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Potentially significant	Less than Significant Impact 3.8-6
4. * Violate any water quality standards or waste discharge requirements?	Potentially significant	Less than Significant Impact 3.6-1
5. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	Potentially significant	Less than Significant Impact 3.6-3
6. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	Potentially significant	Less than Significant Impact 3.6-3
7. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Potentially significant	Less than Significant Impact 3.6-4
8. *Otherwise substantially degrade water quality?	Potentially significant	Less than Significant Impact 3.6-1

* The RDEIR combined 4 and 8 into one paragraph and 5 and 6 into one paragraph.

Table 5-1, Population Growth and Distribution, page 5-2, RDEIR reflects that under the General Plan the unincorporated areas of Tulare County would have a net new population growth of 78,490. Table 1 of the NOP reflects total population for all three phases of the Yokohl Valley Project at 29,095. We note that the project is described as a phased development over 20-30 I11-29

years. We also note that phase I and II account for the vast majority of population growth, 28,081. The Yokohl Ranch project will account for up to 37% of the new population growth in the unincorporated area of Tulare County.

I11-29 cont'd

By any method of evaluation, the Yokohl Ranch project is projected to account for a substantial portion of the projected growth in the unincorporated areas of the County under the General Plan buildout. The project constitutes a massive development in the foothills of Tulare County. We certainly hope that, if the Yokohl Ranch project goes forward, many of its impacts can be mitigated. However, we find it very hard to understand how the County can prejudge in the RDEIR analysis the impacts of a project of the Yokohl Ranch magnitude as less than significant under the General Plan buildout when the Yokohl Ranch project NOP judged them as potentially significant. Perhaps the county has a crystal ball? Or perhaps the County is looking forward to tiering the Yokohl Ranch project off the General Plan. Then the County's faulty impact assessment will become a self-fulfilling prophecy with the County determining in the future tiered EIR that certain environmental impacts such as wildfire risk, water quality, soil erosion, polluted water runoff had been determined in the RDEIR of the General Plan to be less than significant.

For the reasons stated above, we believe the County's environmental impact analysis is inadequate and resulted in numerous erroneous determinations that impacts were less than significant resulting in an extensive failure to consider appropriate mitigation measures and appropriate project alternatives. The County must correct this pervasive deficiency and recirculate the RDEIR.

Finally, we note the County on page 3-5 RDEIR states "To the extent feasible, the environmental analysis contained in this chapter identifies impacts specific to each planning area for the County." In our comparison above, we did not delineate the RDEIR's impact analysis by planning areas because, when the various impact summaries contained within the RDEIR are examined, one finds that without exception the impact assessment is the same whether by overall general plan or by plan areas. A statistical anomaly no doubt, as unlikely as this may seem. We encourage the reader to examine the summaries of impacts. See Table 3.1-6 on page 3.1-18, Table 3.2-6 on page 3.2-26, Table 3.3-4 on page 3.3-18, Table 3.4-4 on page 3.4-26, Table 3.5-4 on page 3.5-22, Table 3.6-6 on page 3.6-37, Table 3.7-3 on page 3.7-

I11-30

16, Table 3.8-5 on page 3.8-13, Table 3.8-6 on page 3.8-25, Table 3.8-7 on page 3.8-33, Table 3.9-7 on page 3.9-16, Table 3.10-8 on page 3.10-11, Table 3.11-3 on page 3.11-31, and Table 3.12-2 on page 3.12-16. I11-30 cont'd

Failure to Analyze and Mitigate for the Public Health Impacts Resulting from Air Quality and Water Quality Impacts of the General Plan I11-31

Written comments were submitted by Peter Clum on April 14 and 23, 2008 and February 26, 2008 to the 2008 DEIR and are adopted as if set forth herein and are incorporated in these comments as attachments 36, 37 and 38. Regrettably, the RDEIR still does not analyze public health impacts in the meaningful fashion envisioned by CEQA Guidelines § 15126.2. Page 3.3-3 RDEIR has an updated version of the table contained on page 6-5 of the 2008 Background Report. The RDEIR does add an additional air quality impact, "Impact 3.3-4: The proposed project could expose sensitive receptors to substantial pollutant concentrations that could effect public health" and evaluated the impact as a significant unavoidable impact. I11-32 But the impact analysis on page 3.3-25 to 26 is still the same generic, antiseptic, brief comment. There is no meaningful discussion of the adverse impacts on air quality and the resultant adverse effect on human health and quality of life. The air quality policies and implementation measures still fail to incorporate enforceable and measurable mitigation measures. Policy AQ-4.5 (Goals and Policies Report, Part I page 9-10), meant "to promote public awareness of the seriousness and extent of existing air quality problems" still lacks an implementation measure and receives no mention by the consultants in the impact analysis pages 3.3-25 to 27 RDEIR. The General Plan's promotion of rampant sprawl at any cost will only exacerbate the problem.

The RDEIR assesses the General Plan's impact on water quality, Impact 3.6-1, as less than significant and recommends no additional mitigating policies. I11-33 Page 3.6-37 RDEIR. The County continues to deliberately avoid addressing serious water quality problems. The result is a **faulty water quality baseline**. Without a proper water quality baseline, significant environmental effects cannot be determined, a project's impacts cannot be assessed, and mitigation measures considered. Without a sufficient baseline, the informational purposes of CEQA are undermined and there can be no intelligent decision making.

Peter Clum's comments submitted April 14, 2008 addressed these deficiencies and attached supporting material. See enclosures (12) through (21) of attachment 36. The reader is encouraged to examine these enclosures. Enclosures (19) and (20) express the concern Tulare County health officials have with issues of deteriorating water quality, which they believe will be exacerbated by the continuing overdrafting of groundwater. Apparently, these concerns were ignored or rejected. I11-33

The RDEIR is particularly egregious in its cherry-picking of favorable and less unfavorable water quality information from the Background Report for inclusion in the Goals and Policies Report, Part I, pages 11-3 and 4 and for inclusion in the RDEIR's description of the environmental setting for water quality on page 3.6-27. This description totals a brief 22 line long misstatement of and glossing over of the facts. The Tully and Young Report, RDEIR Appendix G, addresses water quality in the same manner on page 24. The reader is encouraged to compare the above cited pages in the RDEIR and Goals and Policies Report with Appendix C of the Background Report, pages 6 through 18 and 20 to 21. The RDEIR's impact analysis contains the same generalized, non-quantified analysis representative of so much of the RDEIR. The General Plan's policies and implementation measures mentioned in the 3.6-1 impact analysis are lacking in specific, measurable and enforceable language. Impact analysis 3.6-1 and others are discussed in detail later in these comments. I11-34

We cannot help but notice that the RDEIR's evaluation of water quality impacts as less than significant is inconsistent with the RDEIR's significant unavoidable impact assessment of Impact 3.9-2 on page 3.9-50 and Impact 3.9-3 on page 3.9-55. "Impact 3.9-2: The proposed project could result in wastewater treatment demand in excess of planned capacity that cannot be met by a new or expanded facilities" is assessed as significant and unavoidable. "Impact 3.9-3: The proposed project would produce substantial amounts of solid waste that could exceed the permitted capacity of a landfill serving the County" is assessed as significant and unavoidable. The RDEIR's water quality impact assessment also appears inconsistent with the impact analysis of Impact 3.9-1 on page 3.9-36 which states "In other cases, insufficient water treatment and conveyance facilities or water quality issues could result inability (sic) of domestic water service providers to meet water demands." I11-35

The RDEIR is deficient in its analysis of water quality impacts in general and of air and water quality impacts on public health and in methods to mitigate these impacts. The General Plan and RDEIR must be corrected and recirculated. I11-36

The RDEIR Contains a Defective Water Baseline and Inadequately Analyzes and Mitigates the General Plan's Water Supply Impacts I11-37

- Adequate analysis should contain the following:
  - identification of water sources needed for full buildout
  - assessment of the environmental impacts associated with providing water for the General Plan
  - where there are both short-term and long-term supplies needed, analysis of long-term supplies and their impacts
  - assessment of the extent to which identified water sources are certain or likely to be available
  - when it is impossible to confidently determine the availability of anticipated water supplies, identification of possible alternative water sources and analysis of the environmental impacts of curtailing development due to inadequate supplies
- The RDEIR is deficient in all these areas.

- The RDEIR states on page 3.9-47 during the analysis of Impact 3.9-1 that: "Overall, it is important to note that Tulare County lacks a comprehensive water supply assessment and approach, and the implementation strategy to address complex, regional water supply issues." I11-38

- There is some troubling misinformation contained in both the Background Report pages 7-9 to 34 (Domestic Water Infrastructure, Existing Conditions) and the RDEIR page 3.9-17, Table 3.9-9 (Summary of Domestic Water Supply Conditions for Unincorporated Communities in Tulare County) about the ability of the domestic water service providers in the unincorporated communities to supply water for growth under the General I11-39

Plan. RDEIR Table 3.9-9 is an essential part of the information presented in RDEIR's environmental setting for water and wastewater, pages 3.9-2 to 18. This information is the very same information contained in the 2008 Background Report pages 7-10 to 36 and the 2008 DEIR Table 4-5 pages 4-107 to 4-119. The 2008 Table 4-5 is identical to the 2010 Table 3.9-9. I11-39 cont'd

While preparing to comment on the 2008 General Plan and DEIR, Carole Clum reviewed the information in the 2008 Background Report and DEIR pertaining to the domestic water supply conditions of the unincorporated communities. She suspected some of the information was incorrect and contacted by phone all but two or three of the smallest water service providers. (They never answered the phone and had no answering machine.) Some of the water suppliers were contacted more than once. During these phone conversations, she learned of numerous discrepancies with what was reported in the 2008 documents and Table 4-5. Generally, what she learned was that the domestic water service providers had more problems and less capacity to accommodate growth than what was reported in Table 4-5 and the 2008 Background Report and 2008 DEIR. She documented this information in detail in her written comments dated April 14, 2008 on the 2008 Tulare County General Plan DEIR. See attachment 39 pages 37 to 46, and enclosure (10) thereto. The reader is encouraged to review the information.

Despite the County's assurance that it has considered the comments submitted on the 2008 DEIR, we note with concern that the very same information which was wrong in 2008 is still wrong in 2010. As best we can tell, the County used the identical information in the 2010 Background Report and RDEIR as it did in 2008. Table 3.9-9 is identical to its 2008 version Table 4-5. It appears the County made no effort to verify the information after receiving the 2008 comments. However, the County did make one change on page 3.9-17 after the RDEIR's textual reference to Table 3.9-9. As if to add some authoritative or technical support, it inserted "Information in the table was obtained by Omni Means during 2006 and 2007. Discussions were held with those service providers that do not have adopted MSRs (municipal service reviews) in order to complete the table."

Written comments were submitted by Carole Clum on April 14 and 23, 2008 and February 26, 2008 on the 2008 DEIR and are adopted as if set forth herein and are incorporated in these comments as attachments 39, 40 and 41.

The RDEIR's total failure to verify and correct the information contained in Table 3.9-9 is yet another reason the RDEIR's water baseline is defective and its water supply impact analysis and evaluation of mitigation measures inadequate. Such a flawed approach not only undermines the factual basis of the water supply analysis but also defeats the environmental protection and accountability goals of CEQA. I11-39 cont'd

- This approach of failure to document information results in an unacceptable piece of misleading and wrong information on page 3.9-39 in the portion of the RDEIR reciting impacts and mitigation measures for "Impact 3.9-1: The proposed project would require new or expanded water supplies, facilities and entitlements.," The last sentence in the first full paragraph on page 3.9-39 states: *"Additional benefits are expected to be realized with the implementation of the seismic retrofit of Success Dam and the recent enlargement of Success Reservoir."* There has been no recent enlargement of Success Reservoir. In fact, Lake Success has not been filled to more than two-thirds capacity since 1999 due to structural flaws and an inadequate spillway discovered in 1999 during testing and assessment. I11-40

It is completely unsatisfactory for the RDEIR to claim "additional benefits are expected to be realized . . . with the recent enlargement of the Success Reservoir" and also fail to note that Lake Success Reservoir can be filled to only two-thirds capacity. Is it simply a case of plugging in supposed details to promote the desired outcome? Clearly such misstatements, regardless of motivation, erode the credibility of the RDEIR's analysis of water supply and of impacts and appropriate mitigation measures.

As to the claimed "Additional benefits are expected to be realized with the implementation of the seismic retrofit of Success Dam," we note the project has not yet been funded. Remediation for seismic and seepage problems will cost $500 million according to Calvin Foster, Southern Area Manager for the Army Corps of Engineers, telephonically contacted on May 13, 2010. He also said it would cost $10 million to purchase 125 acres of real estate below the dam, relocate people, survey, do an environmental analysis, and deal with hazardous material issues. Mr. Foster did not know the cost of raising the spillway. We have learned during a conversation with personnel from R.L. Schafer and Associates that five years ago the cost was estimated at $30 million.

- Neither the RDEIR Appendix G, Water Supply Evaluation (Appendix G) nor the RDEIR ever answer the question whether there be enough water and what is the likelihood there will be enough water. See Appendix G and RDEIR pages 3.6-14 to 26, 3.6-40 to 47, 3.9-2 to 18, and 3.9-36 to 50. Nor does the Background Report in Chapter 7 section 7.2, Chapter 10 section 10.2, or Appendix C. Nor do they identify water sources needed for full buildout other than a hope and a prayer for continued groundwater and help from infusions of surface water. The whole emphasis seems to be "well maybe this or maybe that." Appendix G, pages 24 to 26 notes how essential groundwater is to Tulare County and that our three principal sub-basins, Kings, Kaweah, and Tule, have been in critical overdraft for decades. But there is no coming to grips with this very serious situation of continuing lineal decline of groundwater or proposals of adequate, measurable mitigation. I11-41

How will continued lowering of groundwater levels effect existing wells? Are there any other alternative long-term water supplies? What uncertainties are associated with long-term groundwater or alternative water supplies? What are the environmental impacts associated with securing and delivering these supplies? What mitigation is feasible for these impacts? I11-42

The General Plan and RDEIR should scream out the critical information that the important sub-basins in Tulare County are in critical overdraft and emphasize what exactly critical overdraft means. But they do not. Appendix G relegates the definition of critical overdraft to a footnote, footnote 43 on page 25 wherein it states, "Water code § 12924. 'A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts.' (DWR Bulletin 118-2003, p. 98)." And then the footnote states "As of 2003, this determination has not been revisited." What is the purpose of such phraseology other than to suggest that perhaps Tulare County's vital sub-basins are no longer in a state of critical overdraft? Such language subtracts from the significance of the impacts and from the increasing need to impose enforceable and measurable mitigation measures. How does such an approach contribute to the analysis of water supply and to the determination of a valid water supply baseline? I11-43

Clearly the groundwater in Tulare County continues in decline as documented in the following articles: I11-43 cont'd

- "Valley water loss seen via satellite." The Fresno Bee, December 15, 2009. Attachment 7
- "NASA Data Reveal Major Groundwater Loss in California." December 14, 2009. Attachment 8
- "New Hydrologic Model Provides Insights in Water Supplies." Valley Voice, August 6, 2009. Attachment 9
- "California's Central Valley Groundwater Study: A Powerful New Tool to Assess Water Resources in California's Central Valley." USGS Fact Sheet 2009-3057, July 2009. Attachment 10
- "Groundwater Level Sets New Record." Valley Voice (Tulare Voice section) July 9, 2009. Attachment 11
- "Water Table at Lowest Level Ever." Valley Voice, September 10, 2009. Attachment 12
- "Wells continue to dry up, get clogged." Times Delta/Advance-Register, September 19-20, 2009. Attachment 13

Tulare County's groundwater is in serious trouble and the General Plan's and RDEIR's selective avoidance of confronting this circumstance has resulted in a profoundly inadequate assessment of impacts and analysis of mitigation measures and alternatives. The ship is sinking, and no one is being told to start bailing. I11-44

- Appendix G's water supply analysis consists of too many assumptions. Many of the local irrigation and water districts have detailed records extending over years. For example, the Kaweah Delta Water Conservation District prepares a variety of reports such as the Kaweah Delta Water Conservation District Annual Groundwater Report. By way of example, a Historical Graph of Average Annual Fall Groundwater Depths 1970 to 2006 is attached. Attachment 14 I11-45

- Appendix G relies too heavily on the Department of Water Resources (DWR) draft water budget for Tulare County, and does not make use of much more detailed studies that have been done in recent years, such as: I11-46

  - Water Resources Investigation of the Kaweah Delta WCD by Fugro West, Inc. (2003).

  - Annual reports of the Tule River Water Master.

  - Recent reports on groundwater conditions in the Kings River service area, including Alta Irrigation District.

- Extensive water level hydrographs are available on the DWR website that show actual historical water level changes in many hundreds of wells in Tulare County. More than 100 water level hydrographs were provided and evaluated in the Kaweah Delta WCD report referred to above, none were utilized in Appendix G. I11-47

- A water budget for only one year such as 2003 used in Appendix G produces results that are not necessarily representative of other years. Normally, a hydrologic base period (period of average surface water supplies) is used that extends for at least about 10 years. For the Kaweah Delta WCD report, an 18-year period was used. I11-48

- Most of the Kaweah sub-basin is in the Kaweah Delta WCD. Instead of referencing DWR Bulletin 118 updates in Appendix G, the Kaweah Delta WCD report should be used, which is much more technically applicable. I11-49

- The information on irrigation districts groundwater extractions in Table 3.1, page 16 Appendix G is from an outdated source. I11-50

- For Alta Irrigation District, how much of the values cited in Section 3.1.2.1, page 18 Appendix G are for Tulare County? I11-51

- Section 3.2.3, pages 24 to 26 Appendix G on groundwater overdraft is very incomplete. The Kaweah Delta WCD report indicated an average annual overdraft ranging from only about 18,000 to 36,000 acre feet per year. This portion of the Kaweah Delta WCD report is alluded to on page 3.6-44 RDEIR. Those or slightly greater values are more meaningful than the supposed overdraft in a much larger area. I11-52

- Section C, Water Resources, of the Background Report does contain some figures depicting groundwater depth. These were not referred to in Appendix G or anywhere else in the RDEIR that we could find. Background Report Figure 4-7, Groundwater Elevation Contours from Kaweah and Tule Groundwater Basin Maps for Spring 2004; and Figure 4-8, Average Groundwater Elevations, City of Visalia, from 1986 to 2005. I11-53

- Appendix G and the RDEIR emphasize the water supply evaluation is focused chiefly on the valley floor, not the foothills and mountains. See section 2 page 1 Appendix G; section 2.2 page 6 Appendix G; section 3.2.1 page 19 Appendix G; and page 3.6-21 RDEIR. I11-54

- Water supply in the foothills and mountain areas is referred to at pages 4 to 6 Appendix C Background Report; in Table 3.2 (upper watershed) page 25 Appendix G; Table 3.6-4 page 3.6-22 RDEIR; page 22 (last full paragraph) Appendix G; and page 3.6-24 (last full paragraph) RDEIR. These last two cites contain the same statement: "In the eastern portion of the county in the Sierra foothills, wells are less productive as the groundwater aquifer characteristics are less suitable to large-scale groundwater storage. Specifically, moving into the foothills the permeable and loamy soils give rise to fractured rock aquifers." This quote and the tables alluded to appear to be the extent of information on groundwater from fractured rock (a phrase preferred by some instead of fractured rock aquifer). Not exactly the level of detail you would want if you were planning aggressive development, as the General Plan is, in the foothills and mountains.

- Appendix C Background Report at pages 4 through 6 does contain some more information noting, but in less detail than does the Department of Water Resources (DWR) in the 2009 California Water Plan/Update, Tulare Lake Hydrologic Region page TL-20; "The upland areas rely heavily on fractured rock groundwater wells. Available water from fractured rock wells fluctuates and is vulnerable to even short periods of low precipitation. Population growth in the upland areas has increased the number of wells with dropping water levels and declining yields." There is no mention of these factors in either the General Plan or the RDEIR. The impact analysis of Impact 3.6-2, pages 3.6-40 to 47 and Impact 3.9-1 pages 3.9-36 to 50 does not discuss water supply from fractured rocks, impacts thereto, or mitigation of the impacts. Incredibly, the RDEIR states in the Summary of Impacts for all 3.6 series impacts (page 3.6-36) and all 3.9 series impacts (page 3.9-35): "Given the

nature of impacts, it is anticipated that implementation of the proposed project would result in similar impacts to all geographic planning areas of the County." That's right. There is no difference in water supply impacts between the Corridor Framework Plan, the Rural Valley Lands Plan, the Foothill Growth Management Plan, or the Mountain Framework Plan despite the General Plan's expansive scope of development envisioned for these planning areas and spelled out on pages 2-19 and 20 RDEIR. Such a statement is ridiculous on its face and reflective of the General Plan's emphasis of development everywhere at any cost. This totally inadequate analysis of impacts throughout the planning areas has resulted in a less than sincere effort to develop adequate, enforceable mitigation measures.

I11-54 cont'd

- The General Plan's aggressive development plans in the corridors, rural valley lands, foothills and mountain areas seem to reject the science that development of watershed and aquifer recharge lands will impair water supply reliability and quality. Development in the watersheds makes them susceptible to damage and degradation. That damage threatens to significantly impact the ability of watersheds to function by reducing water infiltration, degrading water quality, increasing erosion related impacts, and changing runoff patterns. The RDEIR makes no valid attempt to analyze these impacts and how they vary between planning areas. The RDEIR does mention groundwater overdraft in a general abstract fashion on page 3.9-39, repeating information from page 26 Appendix G under the caption Groundwater Overdraft.

I11-55

> "As described in the previous sections, the groundwater basin in the Tulare Lake HR has experienced substantial overdraft. In addition to depletion of water faster than it can be naturally or artificially recharged, declining water tables can impact the basin as a resource. Impacts can include (i) increased pumping expenses, (ii) impacts to water quality, and (iii) subsidence that can in some cases permanently decrease the storage capacity of the aquifer. Thus overdraft itself can have effects beyond depletion of an existing quantity of water, but also can impact the ability to use the basin as a storage facility. The future value of such storage capacity in California is potentially very high, and should be taken into account in today's groundwater management. It should also be noted that such impacts are not limited to the portion of the basin directly underlying the water user responsible for the overdraft, but can impact neighboring users as well."

A sterile recitation of possible impacts resulting from groundwater overdraft is not a substitute for meaningful analysis of impacts and consideration of mitigation measures required by CEQA. The RDEIR makes no assessment of what impact extensive development in the foothills and mountains will have on the amount of water moving down to the valley to recharge the Kaweah, Kings and Tule sub-basins and how this might affect the natural storage of water and water quality. The RDEIR makes no assessment of the impact that decreasing levels of water in aquifers can have on water quality. Nor does the RDEIR assess how the variations in precipitation and runoff patterns projected to occur with climate change might impact water supply reliability, water quality, and the General Plan's buildout. Additionally, given the uncertainty of water supply, the RDEIR must consider the environmental impacts of inadequate water supply for the General Plan buildout and of curtailing development. It does not.

I11-55 cont'd

- Section II of these comments details at length the inadequacies of the General Plan's mitigation measures for a variety of impacts. But prior to moving on to those comments, the reader is encouraged to review some of the General Plan's policies and implementation measures relating to water supply. All references are to the Goals and Policies Report. LU-7.16 Part I page 4-32; ERM-1.6 Part I page 8-10; ERM-5.8 Part I page 8-16; HS-5.4 Part I page 10-9; all WR series policies and implementation measures Part I pages 11-6 to 11-16; and the FGMP-8 series policies and implementation measures Part II pages 3-11 to 3-12 and 3-21 to 3-28. The vast majority of these measures lack enforceable, measurable criteria or performance standards, and are vague and subject to the whim of the interpreter. By way of example, turn to WR Implementation Measure #1, Part I page 11-11. The "shall develop" sounds like a good start relative to a groundwater ordinance, but the rest of the measure is full of vague words subject to varying interpretations, is unenforceable and lacking in measurable criteria or performance standards. Back to the "shall develop." It is worthwhile noting that at the April 26, 2010, session of the Tulare County Water Commission we heard at least two of the commissioners express displeasure with the use of language "shall develop" in relation to a groundwater ordinance. This occurred during a briefing to the commission by the Project Planner for the General Plan. The end result was the Chair of the Tulare County Water Commission, who is also a Tulare County Supervisor, essentially directed the General Plan Project Manager to change the "shall" to "may." Now that's progress in developing an enforceable mitigation measure pertaining to impacts on a groundwater supply already in critical overdraft.

I11-56

- The RDEIR fails to establish the water supply baseline and makes no legitimate effort to meaningfully analyze impacts to water supply and develop adequate, enforceable, and feasible mitigation measures. Accordingly, the General Plan and RDEIR must be corrected and recirculated. I11-57

The RDEIR's Analysis of the General Plan's Alternatives, Growth-Inducing Impact, Cumulative Effects, Significant and Unavoidable Impacts, and Significant Irreversible Environmental Changes is Flawed. I11-58

The RDEIR's inadequate analysis of impacts, failure to propose measurable and enforceable mitigation measures, or otherwise consider feasible mitigation cripples its evaluation of the five topics listed in this subject heading. We have addressed this pervasive deficiency in the RDEIR in Section I and will more specifically focus on it while reviewing specific impacts in Section II.

The RDEIR **fails to consider a reasonable range of alternatives** which offer substantial advantages to the General Plan. The alternatives discussed in Chapter 4 seem to have been preordained to offer little essential or practical difference. Significantly, the County has refused to consider, without explanation, "The Healthy Growth Alternative" submitted by Tulare County Citizens for Responsible Growth in comments on the 2008 DEIR. This proposal is clearly an environmentally superior alternative and would meet most of the objectives of the General Plan. Meaningful analysis is further obscured by unsubstantiated conclusory statements skewed to support the General Plan. The discussion deliberately omits comparison of the wildland-urban interface fire area risk between alternatives. In places, the discussion of hydrology and water quality approaches not only the disingenuous but nonsensical. For example page 4-21, when comparing what the RDEIR has called the City-Centered Alternative, concludes, "Overall, hydrologic and water quality impacts under Alternative 2 are considered to be similar to those of the proposed project." Setting aside for a moment that the so-called City-Centered Growth Alternative is really that in name only, how can the impacts in any way be similar to those which foreseeably would result from aggressive development in the foothills and mountains. Turning to the Hazards and Hazardous Materials analysis in the paragraph above, fire is not even mentioned. And that's because the RDEIR can decipher no difference between fire hazards in the City-Centered Growth Alternative and the General Plan's expansion into the foothills and mountains where of course any reasonable individual might perceive a difference in fire hazards. Not surprisingly, the alternative analysis concludes there is no differences in I11-59

Energy and Climate Change and Geology and Soils. Similar conclusions are reached about the Confined Growth Alternative on pages 4-34 and 35. Such is characteristic of the RDEIR's superficial and preordained alternatives analysis. Perhaps this is why Table 4-3 pages 4-7 to 4-12 lists fewer impacts (25) than Table ES-4 (28) pages ES-12 to 26 (There are a different number of noise impacts), the RDEIR does not bother to check the details. I11-59 cont'd

The RDEIR's **analysis of the growth-inducing effect of the General Plan** is flawed by the same type of predeterminative, hollow rationale. The purpose of analyzing growth-inducing impacts is to encourage the public and decision makers to foresee and consider the consequences of suburban sprawl before irreversible decisions that make such sprawl a *fait accompli*. The RDEIR concludes on page 5-3 under Direct Impacts "In addition, the proposed project encourages orderly growth of new development to occur in areas adjacent to existing urban uses and requires developers to provide service extensions. As a result, while the proposed project would result in an increase of growth locally, the policies included in the proposed project reduce the potential for negative impacts associated with directly induced growth." Whoever wrote this forgot about the General Plan's aggressive development portrayed on pages 2-19 to 21 RDEIR or typified by the Yokohl Ranch Project discussed earlier for which the General Plan changes the Foothill Growth Management Plan to allow for planned communities. This analysis is so deceptive and self-serving that it defeats the environmental protection and accountability goals of CEQA. I11-60

The RDEIR's **Cumulative Impacts Analysis** suffers from the same infirmities. It undermines its own credibility by the statement on page 5-4, "The overall assumption of the analysis in this RDEIR is that the majority (85%) of the net new growth will occur within incorporated cities and CACUDBs as opposed to within the unincorporated areas, which will contain a much smaller (15%) portion of the new growth. This distribution of growth is shown in Table 5-1 and Table 2-11 of Chapter 2 of this RDEIR." Of course the distribution of growth shown in the tables is not 85%/15%, but rather 75%/25%. This error, as we noted earlier, raises a number of questions and is indicative of the approach of the RDEIR, why bother with the details when you know the outcome. I11-61

The RDEIR's **analysis of Significant Irreversible Environmental Changes** which would result from the General Plan's buildout makes short shrift of a topic which we think deserves more than 32 lines of discussion. What about discussing the conversion of forest land to non-forest use? What about the conversion of oak woodlands? What about the secondary effects of highway or road improvement I11-62

adjacent to a roadless area which may irretrievably increase access to an otherwise inaccessible area? What about the indirect effects of converting rural open space or agricultural land to urban uses? Because of the length of time many greenhouse gases remain in the atmosphere, the direct or indirect emission of greenhouse gases should be considered an irreversible effect. What about the effect of continued critical overdrafting of our important water basins in Tulare County? Will land subsidence occur to such an extent that compression of the aquifer will permanently decrease the storage capacity of the aquifer. Will loss of aquifer storage capacity lead to such an increase in pollutants that our water quality will deteriorate further?

I11-62 cont'd

Impact
3.2-1

Section II

Impact 3.2-1 The proposed project would result in a substantial increase in vehicular traffic – Significant and Unavoidable for the overall county and each plan area. I11-63

CEQA Appendix G Environmental Checklist Form wording for this impact is: "Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?"

What is the rationale for the 2010 RDEIR change of wording, other than to obscure the magnitude of this impact?

Impact Summary

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: No Additional Feasible Mitigation Available
Resultant Level of Significance: Significant and Unavoidable

Impact Analysis

The Transportation and Circulation Existing Conditions, pages 5-27 section of the Background Report seems to be out of date. Most of it appears to have been written in 2001. Measure R funding was inaugurated three years ago but revenue is less than expected because in August 2008 the housing bubble burst. Investment firms and banks began to fail, people lost 30% of the value of their investments, many houses went into foreclosure, bringing down home values and property taxes to the County. In March, 2010 the unemployment rate in Tulare County was 19.4%. People are afraid of losing their jobs or part of their pensions. So, there is less spending which means less sales tax collected in Tulare County. The County expects to have a $7 million shortfall this year. California expects a $19.1 million shortfall. The federal government has a multi-trillion dollar deficit. I11-64

Measure R funds may be reduced further by amendments. On Tuesday, January 12, 2010 the Tulare County Board of Supervisors voted 3 to 1 to allow Measure R funds to be used to buy tracks, equipment and right of way for an east county 32 mile railroad line owned by Rail America. This decision was supported by the Tulare County Association of Governments (TCAG). Rail America abandoned the short line because it was not profitable. If TCAG eventually decides to purchase the rail line, it will cost an estimated $28.5 million in Measure R funds. Supervisor Pete Vander Poel, who cast the lone dissenting vote, said the amendment was too much of a departure from the transportation tax voters approved in 2006. Money spent on a railroad line is money not spent on roads, bicycle trails and pedestrian trails which was the intent of Measure R. If the railroad line is purchased, it will probably be a financial albatross for the County. Another worry is the liability expense of owning and operating a railroad. An accident and a lawsuit could beggar the County. I11-64 cont'd

So, where is the money coming from to widen roads improve intersections, widen bridges? The Background Report on page 5-27, paragraph 4 states, "Many requested projects will not be funded through the 2007 Regional Transportation Plan (RTP) because of lack of funding; this includes approximately $250 million in deferred maintenance in the unincorporated roads in the county and over $20 million in deferred maintenance on the Tulare County Regional Road System. In addition, a third of total maintenance costs for the CALTRANS road system improvements is underfunded." "Funds from the federal stimulus program will have virtually run out by 2012, according to the National Conference of State Legislatures," Wall Street Journal April 15, 2010.

Despite this dire recitation, the section ends, optimistically with, "Although the funding picture still looks bleak, Tulare County is better equipped to handle increasing congestion and continued maintenance." Better than what?

Carole Clum
45638 South Fork Drive
Three Rivers CA 93271

January 11, 2010 Three Rivers Town Hall Meeting

I am concerned about the steady deterioration of our county roads. Locally, South Fork Drive beyond mile marker 4.5 and Dinely Drive are in poor shape. The road to Badger (Dry Creek Road) is in poor condition. In fact, according to Tulare County Surveyor Craig Anderson, "90% of our foothill and mountain roads are substandard." The national, state, and county standards for county roads is two 12-foot-wide lanes with two 4-foot-wide shoulders. Roads should be properly graded with 9 inches of road base and 3 inches of asphalt at a minimum. I11-65

Johnny Wong, the engineer in charge of the road yards in Transportation Operations for Tulare County, told me on December 8, 2009, "There are 3000 miles of county roads in Tulare County. Even with Measure R money we won't be able to keep up with maintenance of the county roads. They will continue to go downhill."

Some small, disadvantaged communities (Seville, Sultana, East Orosi, Plainview, Tuleville, Tonyville) in Tulare County have only unpaved roads.

The roads that serve the dairies in our county are poorly maintained. The heavy milk trucks have ground those roads into dust. Dust that we have to breathe.

I have been walking four to six miles a day on South Fork Drive (Mountain Road 348) for 16 years. There has been a steady deterioration the entire time. If Matthew, the road maintenance man for Three Rivers, patched pot holes every work day of the year, he could not keep up with the deterioration of Three Rivers' roads.

What is wrong with South Fork Drive, for instance? It is too narrow; the paved area is only 11.5 feet to 16 feet wide in places beyond the Grouse Valley Road turn off. It has hundreds of pot holes. Road edges are broken off in big chunks. It is alligatored with cracks. There are parallel cracks along the downslope edge due to subgrade failure. Retaining walls are needed in many places. There are many blind turns. No speed limit is posted. Some people drive 50-55 miles per hour. Speed limit signs that reflect actual road conditions should be posted on Tulare County's

mountain roads. The asphalt is less that one inch thick. There is no road base. There is no shoulder on the gutter side for most of the way. Every time it rains dirt and rocks erode from the bare, steep slopes above. I11-65 cont'd

After the Grouse Valley Road turnoff (Mountain Road 319), the two lane road narrows considerably and the center line disappears. The farther you drive the worse the road becomes.

So, why are our roads in such bad shape? Tulare County is cash-strapped. And it still does not impose impact fees on new development. Every new house, business, industry, commercial park, and housing development should pay its own way for infrastructure. Then the impact fees would support police and fire protection, ambulances, roads, libraries, jails, and trash collection.

It's not good for our economy to have poor county roads. No one wants to buy land and build a house on a miserable road. No business wants to operate on a steadily deteriorating road. My message to our supervisors is, "You are spending our tax dollars. Fix our roads. Bring them up to safe standards **before** you approve any more roads you will have to maintain." Even if a developer builds roads to his remote development, the county will be responsible for maintaining those roads. And our existing county roads will deteriorate faster because more miles of county roads will have to be maintained with even less money. The property tax and sales tax revenues of Tulare County will be lower in 2010 and 2011, perhaps longer.

Why is the Tulare County GPU encouraging development in the mountains and foothills when they are the most expensive to build in and when these lesser traveled roads have the lowest priority for repair? Foothill and mountain roads aren't even mentioned in the Road System Condition of Transportation and Circulation. All county foothill and mountain roads are in poor condition. Ninety percent of them were built before the Federal standards of two 12-foot-wide lanes and two 4-foot-wide shoulders were enacted. Valley residents who live on seldom-traveled roads (small farms, disadvantaged communities) are out of luck when it comes to road maintenance. First priority for funding road repairs goes to roads serving the greatest number of users. See page 5-41, paragraph 3, Background Report.

Carole Clum

I11-66

We have included page 5-39 through 5-43 of the Background Report, Transportation and Circulation, 5.5 Road System Condition, following:

5.5 Road System Condition

INTRODUCTION

This section addresses the status of the county's rural roads. The current physical status of the county roadways is noteworthy. Due to a significant reduction of available funding for road maintenance over the past two decades, the county has not been able to adequately maintain its roadway system. This is critical for the agricultural industry that uses these roads for farm-to-market trips and also significantly contributes to road deterioration.

Methods

Information for this section was primarily gathered from the Tulare County RMA.

Key Terms

Pavement Management System (PMS)

EXISTING CONDITIONS

Currently, rural road conditions are deteriorating at an accelerated rate. These county roads are increasingly used by the agricultural and dairy industries to haul their product to market. Large potholes, alligator cracking, and deterioration of the asphalt exist on county roads.

From a capacity standpoint, widening of county roads may not be necessary; however, maintenance to these facilities is critical. Heavy-duty vehicles associated with the agricultural and dairy industries use the roads regularly and are the primary factor for the roads increased deterioration. The increase in dairy and other agricultural activities has exceeded original loading capacities of these rural roads. For over three decades, the increased use of county roads and limited funding for repairs has left many miles of these roads in poor condition.

Heavy duty trucks contribute to the damage of roads much faster than do automobiles. According to the American Association of State Highway and Transportation Officials (AASHTO), a fully loaded truck (80,000 pounds) has an impact on roads equal to the passage of approximately 9,000 cars. In addition, deferred maintenance and water intrusion in the roadbed results in further degradation of roadways.

Understanding that agriculture is the region's economic base, Tulare County strives to maintain and improve the transportation infrastructure that is essential to this industry. For years it has been increasingly difficult to keep pace with necessary maintenance on

existing facilities due to financial constraints. In some cases deferred maintenance has become evident. According to Tulare County RMA, deferred maintenance for these poorly maintained roads is estimated to be at least $250 million dollars. The diffused movement of farm to market and other truck dependent industries result in high maintenance costs that restrict funds that otherwise would be used for much needed expansion.

I11-66 cont'd

Maintenance for the county's 3,072 miles of roads is provided by four road yards located in Dinuba, Visalia, Porterville, and Terra Bella. Services include road repair projects, pothole patching, snow removal, debris removal, and road drainage. Traffic operations are centralized in Visalia and perform duties including installing and replacing traffic control signs, traffic signal maintenance, and roadway striping. The Operations Division of the Tulare County RMA oversees contract administration, bridge maintenance, road use investigations, materials testing, and coordinates road yard activities. The Project Coordination Division is also responsible for road funding and the Road Pavement Management system.

The *Tulare County Infrastructure Valuation Report*, dated June 2005, found the value for the Tulare County road system. The breakdown was $844 billion for 3,072 miles of roads, $209 billion for 390 bridges, and $950 billion for 18,000 acres of right of way. The conditions of Tulare County roads were rated as either in good, fair, or poor quality. 54.0% of the roads are in good condition, while 36% are in fair condition, and 10% are in poor condition. Gravel roads are rated as being in poor condition.

In the past 30 years there has been an overall increase in road costs. Motor grader has increased by five times and construction maintenance worker labor has increased 3.5 times. In 1966, road oil prices were approximately $22.00 dollars per ton; 40 years later, the cost has now been raised to ten times that at $220.00 dollars per ton.

According to the American Public Works Association (APWA), there has been a significant increase in truck traffic. There has been a steady increase of truck and commodity growth in Tulare County. 30 years ago there were 150,000 trucks with 4,000,000 in tonnage; now, there are 550,000 trucks with 14,000,000 in tonnage.

In Tulare County there is an increase in costs and reduced buying power. For example, in 1970 nearly three times more roadwork was completed than in 2003 (689 miles vs. 250 miles). If the 1970 work was done in 2003, it would have costs (sic) nearly five times more than what was available for 2003 ($42 million vs. $9 million). The Pavement Management System Policy that was adopted January 12, 1999, is as follows:

> "Adopted the Pavement Management system that includes a strategy of first priority to funding road repairs serving the greatest number of users and that can be preserved by cost effective preventative maintenance procedures."

The findings of the Pavement Management System are:

I11-66 cont'd

- Deferred road repairs have resulted in $254 million of immediate needs to restore the road system;
- Predicts that some roads will low traffic volumes will revert to gravel roads over the next ten years;
- By implementing a strategy of prioritized funding, the overall deterioration of the road system can be slowed but not halted;
- Present funding is inadequate to allow pavement repairs to keep up with the rate of deterioration; and
- Surface deterioration has advanced to the point of needing costly reconstruction in many cases and is the result of deferred maintenance over many years.

Maintenance to Bridges

The widening of any type of roadway often takes into account the high amount of funding that goes along with replacing a bridge for modification to the new roadway system. With Tulare County's abundance of irrigation canals and rivers from the Sierra Nevada mountain range and freeway over crossings, bridge maintenance is a concern.

The Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provides bridge funding with the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Locally, Caltrans Headquarters oversees this program in Tulare County. The purpose of this program is to replace or rehabilitate public highway bridges over waterways, other topographical barriers, other highways, or railroads when the State and FHWA determine that a bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

Bridge replacement project candidates selected for the HBRR program shall be structurally deficient or functionally obsolete, have a sufficiency rating below 50, and shall be selected from bridges shown on the federal eligible bridge list (EBL). The EBL is available from the Caltrans District Local Assistance Engineer. Bridge rehabilitation project candidates selected shall be deficient or functionally obsolete, have a sufficiency rating less than or equal to 80, and shall be selected from bridges shown on the EBL.

Reimbursable scopes of work include replacement, rehabilitation, painting, scour countermeasure, bridge approach barrier and railing replacement, low water crossing replacement, and ferry service replacement.

In Tulare County, bridges cross rivers, creeks, canals, ditches, and sloughs. The EBL includes 79 such bridges in Tulare County, Currently, all but one of the 79 bridges are eligible for rehabilitation (a sufficiency rating less than or equal to 80) and 19 bridges (25%) are eligible for bridge replacement (a sufficiency rating below 50).

I11-66 cont'd

RURAL ROAD FUNDING

Population instead of road miles apportions monetary funding of roads. Tulare County has nearly 3,100 miles of county maintained roads but proportionally the county has a small population compared (sic) other counties in the state. Tulare County has as many as 50 miles of road scheduled for improvements.

The Tulare County RMA receives approximately $6,8 million per year for maintenance with an estimated need of $16.4 million to maintain county roads. Due to this shortage, the county pursues other funding sources to address the unprogrammed needs. Local Transportation Funds (LTF) available for transit can also be utilized for maintenance of local streets and roads, only if there are no unmet transit needs determined.

As stated throughout this document, given the overall increase in sources of local, state, and federal funds that have materialized over the past decades, the current transportation funding situation for regional and local agencies has resulted in a revenue shortfall both in the areas of capital improvement projects, maintenance and rehabilitation. It is anticipated that revenue shortfalls will continue because the revenues that support the maintenance and improvement of the transportation network are not increasing enough to keep pace with inflation. However, it should be noted that Measure R will lessen that shortfall.

Why is the Tulare County GPU encouraging development in the mountains and foothills when they are the most expensive to build in and when these lesser traveled roads have the lowest priority for repair? Foothill and mountain roads aren't even mentioned in the Road System Condition of Transportation and Circulation. All county foothill and mountain roads are in poor condition. Ninety percent of them were built before the Federal standards of two 12-foot-wide lanes and two 4-foot-wide shoulders were enacted. Valley residents who live on seldom-traveled roads (small farms, disadvantaged communities) are out of luck when it comes to road maintenance. First priority for funding road repairs goes to roads serving the greatest number of users.

I11-67

Every additional mile of roadway built in Tulare County will add to the inventory of roads to be maintained. The acceleration of road deterioration due to deferment of maintenance will jeopardize the safety of Tulare County residents and those

vehicles passing through our county . Under the GPU and current economic conditions these hazards cannot be mitigated. They must be avoided. More industry in every plan area will bring more and heavier trucks. I11-67 cont'd

Mitigating Policies and Implementation Measures I11-68

TC-1.1 Provision of an Adequate Public Road Network

. . . within the constraints of funding capacity.

Implementation Measure 1

Through the Pavement Management System (PMS), the County shall continue to maintain a database of all County maintained roadways to determine which roadways should no longer be maintained and allowed to return to rural/ agricultural roads.
(Dirt/gravel roads mean a big increase in particulate matter in the air. Dirt/ gravel roads in the foothills will be dangerous. There will be more erosion of substandard, narrow, winding roads with very narrow or non-existent shoulders and subgrade failure.)

Implementation Measure 2

The County shall develop an impact fee program to offset the cost of development and maintenance of County roadway system as necessitated by development. (The County has promised to devise and impose impact fees for 3 years. Nothing has happened. This is deferred mitigation with no true commitment.)

Implementation Measure 3

The County shall utilize local community road improvements under Measure R to upgrade local community roads and farm to market roads. (Measure R funds have fallen short of expectations. Tulare County had 19.4% unemployment in March 2010. People are spending less so less sales tax is being collected. This Implementation Measure is hopeful, not realistic. Will roads in foothills and mountains be upgraded or even maintained?

I11-68 cont'd

TC-1.2 County Improvement Standards

. . . within the constraints of funding capacity.
(The County cannot afford to maintain the 3,100 miles of roads it currently has. Twenty years of deferred maintenance has caused roads to deteriorate at an accelerated rate. Local, state, and federal funding are dropping. This is wishful thinking. Stimulus funding from the federal government will dry up in 2012. The county won't be able to update all the transportation corridors to handle the economic, industrial, commercial and planned community growth it proposes. The Level of Service on these roads will be much lower than predicted in Table 3.2-7, pages 3.2-27 through 30 RDEIR, Roadway Segment Analysis.)

TC-1.3 Regional Coordination

No comment

TC-1.4 Funding Sources

See comments for TC-1.2

TC-1.5 Public Road System Maintenance

The County shall give priority to . . .
(See Background Report, Transportation and Circulation Element, Road System Condition, pages 5-39 through 5-43. Road maintenance has been deferred for 20 years.)

TC-1.6 Intermodel Connectivity

. . . whenever possible
(This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.7 Intermodal Freight Villages

The County shall consider . . . (This is deferred mitigation with no true commitment and no measurable standards.)

I11-68
cont'd

TC-1.8 Promoting Operational Efficiency

The County shall give consideration to . . . (This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.9 Highway Completion

No comment

TC-1.10 Urban Interchanges

(This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.11 Regionally Significant Intersections

(This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.12 Scenic Highways and Roads

(How will all the commercial and industrial development along transportation corridors lend any road to be eligible for a scenic highway designation? Our supervisors like neon signs, biofuel plants, food processing plants and confined animal facilities, etc. This is definitely a hollow promise with no commitment.)

TC-1.13 Land Dedication for Roadways and Other Travel Modes

. . . where warranted . . .

(Another hollow promise. This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.14 Roadway Facilities

(This is deferred mitigation with no true commitment and no measurable standards.)

I11-68
cont'd

TC-1.15 Traffic Impact Study

(This is deferred mitigation with no true commitment and no measurable standards. There is no Implementation Measure or starting date or plan for when impact fees kick in. Why does the analysis only apply to LOS "D" or worse or projects that may generate over 100 peak hours trips per day? What about cumulative impact of every single car on the road on a given day?)

TC-1.16 County Level of Service (LOS) Standards

The County shall strive . . . (this is a knowingly false promise considering the County's, State's, and federal governments' budget deficits. This is deferred mitigation with no true commitment.)

TC-1.17 Level of Service Coordination

The County shall work with . . .
(This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.18 Balanced System

The County shall strive . . .
(This is deferred mitigation with no true commitment and no measurable standards.)

TC-1.19 Balanced Funding

The County shall promote . . .
(This is deferred mitigation with no true commitment and no measurable standards.)

What a sorry, dishonest slew of policies.

LU-1.10 Roadway Access

No comment

LU-4.4 Travel-Oriented Tourist Commercial Uses

I11-68

(Too flexible. Allows exceptions for resorts and retreat related development. Weak policy. What does "traffic patterns oriented to major arterials and highways mean? Sounds too inclusive.)

LU-5.4 Compatibility with Surrounding Land Use

The County shall encourage the infill of existing industrial areas and ensure that proposed industrial uses will not result in significant harmful impacts to adjacent land uses.
(Boy, is this reassuring. Development everywhere at any cost. This is deferred mitigation with no true commitment and no measurable standards.)

Impact
3.3-3

Impact 3.3-3 The proposed project could conflict with or obstruct implementation of an applicable air quality plan. I11-69

Impact Summary

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: No Additional Policies or Mitigation Measures Are Available
Resultant Level of Significance: Significant and Unavoidable

Impact Analysis

The Impact Analysis on page 3.3-25-26 RDEIR fails to analyze the adverse impacts on public health. "The goal of the CARB guidance document "Air Quality and Land Use Handbook [CARB 2005] is to protect sensitive receptors, such as children, seniors, and acutely ill and chronically ill persons from exposure to Toxic Air Contaminants (TAC) emissions by encouraging adequate separation between new sensitive land uses (residential, educational, and healthcare) proposed adjacent to TAC sources in order to minimize land use incompatibility. The recommendations provided are voluntary and do not constitute a requirement or mandate for either land use agencies or local air districts." Too bad Tulare County does not care enough about the health of its residents to adopt these recommendations and make them mandatory.

If the GPU banned fireplaces and woodstoves in new development, wood smoke which is laden with fine particulates (PM 2.5) and which aggravates asthma and chronic heart disease could be reduced in the future. "Spare the Air" days do not motivate people to stop burning. People don't do the right thing until they are legislated into doing the right thing. The County should ban all greenwaste burning. That would reduce woodsmoke from agricultural burning and foothill residents. I11-70

We agree that the impact is Significant and Unavoidable. We would like to point out that the Summary of Air Quality Impacts by General Plan Area, Table 3.3-4 on page 3.3-18 in the RDEIR incorrectly lists this impact as Less than Significant for all plan areas.

There is feasible mitigation for this impact:

1) Require all new development to offset its air quality impact 2:1

2) Direct 95% of all new development into eight incorporated cities where there is public transit, walkable neighborhoods, mixed use development, jobs and services.

3) Ban fireplaces and woodstoves in all new development.

4) Ban all greenwaste burning.

I11-70 cont'd

Impact
3.3-4

I11-71

Impact 3.3-4 The proposed project could expose sensitive receptors to substantial pollutant concentrations that could affect public health.

Impact Summary

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: No Additional Mitigation Measures Are Available
Resultant Level of Significance: Significant and Unavoidable

Impact Analysis

The County seems to be hell-bent on County-wide development despite the fact that the air quality will adversely affect sensitive land uses and sensitive receptors. What do these abstract categories refer to?

Sensitive land uses - long-term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds near ten transit corridors, foothill growth corridor, highway 99, and near New Towns

Sensitive Population Groups - elderly
infants
children
individuals with asthma, emphysema, lung cancer, chronic bronchitis
residents near ten transit corridors, foothill growth corridor, highway 99, and near New Towns

How many residents of Tulare County will be affected? What proportion of the population is it? What will be the cumulative effects of this GPU and those of all eight Central Valley counties on public health? Don't our Supervisors care about people's health?

See attachment 15 "Valley Still Leads in Worst Air Report"
See attachment 16 "Traffic Pollution Linked to New Cases of Asthma"

It is the policy of the county's road maintenance department (Transportation Operations) to either chip and shred obstructing branches pruned from roadsides or burn them. Burning greenwaste increases air pollution. See attachment 17, "Letter to Supervisors." It would be feasible mitigation to prohibit burning of green waste, Instead, in Part I Health and Safety, Urban and Wildland Fire Hazards HS-6.11 Fire Buffers: The County shall strive to maintain fire buffers along heavily traveled roads within high and extreme hazard zones by thinning, disking, or controlled burning.

I11-71 cont'd

The best feasible mitigation to reduce impact of air pollution on public health is to direct 95% of future population growth into the eight incorporated cities in Tulare County. Another feasible mitigation is to require all new development to offset its air quality impacts 2:1.

Impact
3.6-1

Impact 3.6-1 The proposed project could violate water quality standards or waste discharge requirements, or otherwise degrade water quality. I11-72

Impact Summary

Level of Significance Before Mitigation: Less Than Significant
Required Additional Mitigation Policies and Implementation Measures: None required
Resultant Level of Significance: Less than Significant

The Yokohl Ranch Project Initial Study listed its impact to violate any water quality standards or waste discharge requirements as Potentially Significant. The population projections for Yokohl Ranch of 29,095 residents plus tourists in three hotels and a 200 room resort and regional sports facility equals a substantial proportion of development proposed by the GPU.

Carole Clum's comments on the 2008 DEIR which pertain to water quality are contained on pages 25-26, 28, 31-36, 37-46, 53-54, 56-63 in attachment 39. I11-73

The County states the GPU will have a Less than Significant Impact on water quality. It can be successfully argued otherwise by considering the great increase in: Septic systems
Wastewater treatment plants' overuse
Industry
Hazardous waste generators
Landfill use
Dairy barns, feedlots, manure lagoons, fields of alfalfa and other crops on which liquid manure is repeatedly applied. See GIS map of Dairy Land of Tulare County available from Resource Management Agency
Impervious surfaces
Grading and excavation

Some of the above new development will be in the 100-year flood plains, behind failing levees, and in the path of dam inundation exacerbated by climate change.

The Impact Analysis on page 3.6-38 of the RDEIR states: I11-74

"Nonpoint source of water pollution, such as urban runoff, are typically discharged via . . . storm drains to "Waters of the United States" and are

therefore regulated under the federal Clean Water Act (CWA). Consequently, the County must comply with provisions of the CWA, including federal water quality, waste discharge, and total maximum daily load standards. Development of the proposed project would potentially impact the quality of runoff and other pollutant loadings to receiving waters. Water Quality impacts also may be significantly greater during the rainy season. I11-74 cont'd

The construction and use of new individual or community septic systems would occur throughout the County subsequent to the General Plan. Septic systems and their associated leach fields can be a source of groundwater contamination. Depending on site specific characteristics, such as proximity to surface water and groundwater resources, soil type, and slope, septic systems could be restricted in certain parts of the County. Determination of site suitability for septic systems would be analyzed on a case by case basis."

There is <u>no place</u> in the Goals and Policies document that restricts septic systems on the basis of proximity to surface or groundwater resources, soil type, or slope.

The Yokohl Ranch Project NOP/IS considers the impact on water quality standards or waste discharge requirements as Potentially Significant because:

"(Yohohl) Valley . . . has been degraded by historic grazing activities. . .. The proposed project would require excavation and grading on approximately 9,500 acres for the phased development of the planned community. Development of the proposed project would have potential to impact water quality or waste discharge requirements due to grading and excavation, increased impervious surface area, sediment transport and surface runoff from the proposed phased development. In addition, the project proposes to construct a water supply reservoir and water and wastewater treatment plants, which would all be subject to water quality standards."

The Yokohl Ranch project NOP/IS considers the impact on "substantially degrading water quality as Potentially Significant because of:

"grading and excavation, increased impervious surface area, and surface runoff associated with the proposed development."

Extensive and intensive grading on steep slopes leaves loose soil with no vegetative cover.

By any calculation, the 14,400 acres and the estimated 29,095 residents in the proposed Yokohl Ranch development in unincorporated areas equals a substantial proportion (37%) of the expected increase in Tulare County's population of 78,490 in unincorporated areas by 2030. I11-74 cont'd

Tulare County has multiple groundwater pollution sources: I11-75

Foothill citrus belt	- nitrates
Arsenic	- naturally occurring
Agriculture	- DBCP, nitrates, herbicides, pesticides, fertilizers
Dairies	- 500 dairy manure lagoons
	- 334 milking barns
	- 60-70 feedlots
	- numerous alfalfa fields (not tracked) where liquid cow manure is spread repeatedly

Untreated stormwater runoff from cities, communities and hamlets
Thousands of septic tanks and leach fields

26	Wastewater treatment plants
5	RCRA hazardous waste generators, large
411	small hazardous waste generators
206	medium hazardous waste generators
136	leaking underground storage tanks
9	Cortese List sites
2	Superfund cleanup sites
21	landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites

See attachment 18, Nitrate Contamination Spreading in California Communities.

These is no one map showing the location of all these sites. And there is no map showing the 100-year flood zones, levee inundation zones, and dam inundation zones in relation to these sites. Development is proposed all over the County with no restrictions based on groundwater contamination. All new development (except for Yokohl Ranch project) will depend almost entirely on groundwater. Where groundwater and surface water flows in relation to these contaminated sites is all important.

There are many contaminated sites in 100-year floodplains.

There are hundreds of sites throughout the County where hazardous wastes are generated, stored, disposed of, treated, and have contaminated the soil and/or the groundwater. There is no map of these sites. The County must generate a large scale (30" X 42") map of the hazardous waste sites overlaid by the FEMA map of the 100-year flood plain. The map needs to show the locations of the 324 dairy barns, feedlots, manure lagoons, the many fields where liquid cow manure is spread repeatedly, and locations of all hazardous material and waste sites on the Cortese list. The map needs to depict all the wastewater treatment plants in Tulare County since none of them provide tertiary treatment to wastewater. And finally, arrows showing the general direction of groundwater flow and those areas where deep, powerful wells create a large cone of depression and inward flow and the recharge areas from which groundwater flows outward in every direction. This map should be consulted by the well permitting division, the Planning Commission, and the Board of Supervisors prior to approving wells or development in those areas. Real estate agents need a copy and must disclose any groundwater contamination risk to potential buyers. In the Tulare County General Plan Background Report on page 8-14, the county warns "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 flood plain for the rivers probably do not reflect the true extent and risk of flooding hazards in Tulare County."

I11-75

According to Karen Burrow of the U.S. Geological Survey (USGS) in Sacramento, California on May 14, 2010, nitrates above MCL are in shallow groundwater in one third of domestic wells in Tulare County. The nitrates which come from dairies, alfalfa fields spread repeatedly with liquid cow manure, leaking septic systems, and agriculture's over-application of nitrogen fertilizer is leaching deeper into groundwater and affecting wells of cities and suburbs which can afford to remove the contaminant. Poorer rural communities have no access to clean-up technology. Homes built on former alfalfa fields are especially vulnerable to above MCL of nitrates in their domestic well water. These families cannot drink or cook with the water. The aggressive development proposed by the General Plan will locate more people on land with contaminated groundwater. Neither the County nor the Regional Water Quality Control Board keeps track of where liquid cow manure is spread or in what concentration.

In the RDEIR, 3.4 Energy and Global Climate Change, Wildland Fire Hazards, page 3.4-19, "studies indicate that there is a potential for significant increases in the

I11-76

number of fires escaping initial attack, particularly in areas in which the fuels are dominated by grass and brush. These studies indicate that subtle shifts in fire behavior of the sort that might be induced by the climate changes anticipated for the next century are of sufficient magnitude to result in an increase in the number of fires in areas where brush fuels dominate. . ." These areas are the foothills of Tulare County. Wildfire in the foothills would result in denuded slopes which during intense storms predicted by climate change would erode and produce increasing peak runoff volumes. Stormwater runoff and siltation would degrade water quality. I11-76 cont'd

The RDEIR has rated the risks of 100-year flood hazard (Impact 3.6-5) and inundation by dam or levee failure (Impact 3.6-6) Significant and Unavoidable. We have convincingly demonstrated that despite the RDEIR listing of stormwater runoff, soil erosion, and siltation as Less than Significant (Impact 3.6-3), it is in fact Significant and Unavoidable. Therefore, this GPU will have a Significant and Unavoidable impact on water quality. I11-77

There are chronic drinking water issues throughout the San Joaquin Valley. See attachment 19, Public Water Supply Violations, for a listing of Tulare County wells that do not have safe drinking water due to contamination by DBCP and nitrates above MCL. This list was provided by Tulare County Environmental Health.

According to Susana De Anda, co-executive director of the Community Water Center, in Visalia on April 22, 2010, "Tens of thousands of residents in the San Joaquin Valley have lacked access to safe drinking water in their homes and schools for years." The Safe Drinking Water Plan is required by the California Safe Drinking Water Act and is to be completed every five years pursuant to state law, must include an analysis of California's overall drinking water quality, with an emphasis on water systems with fewer than 10,000 service connections and contaminated water sources. Contrary to this legislative mandate, the California Department of Public Health has not submitted the plan to the State since 1993.

What are the criteria for finding the GPU's impact on water quality Less than Significant? This finding flies in the face of common sense.

Another factor affecting water quality is groundwater overdrafting. New development will depend on groundwater extraction. As the water table drops, contamination becomes concentrated. As the wells are driven deeper, they encounter the saline water at the bottom of the aquifer.

What is the impact of all this new development on public health? Nowhere is that analyzed.

I11-77 cont'd

Although the RDEIR states the GPU has a Less than Significant impact on water quality, it is logical to conclude that climate change's intense storms, increased risk of 100-year floods, greater risk of dam and levee failure, and dwindling groundwater supply will result in increased groundwater and surface water contamination. Almost all cities, communities, and single rural homes depend solely on groundwater supply. Remediating groundwater that does not meet Safe Drinking Water Act standards could be prohibitively expensive. Appendix G, Phase 1 Water Supply Evaluation for Tulare County recognizes that conversion of farmland to urban uses will result in increased pumping of groundwater.

Policies designed to minimize this impact through appropriate levels of water, wastewater, and storm drainage infrastructure planning, financing and construction include the following:

I11-78

ERM-2.7 Minimize Adverse Impacts

The County will minimize the adverse effects on . . . water quality . . . flood plains . . . (The County cannot just promise to fix future problems from 2010-2015, without any performance standards. This is deferred mitigation without any true commitment and no performance standards.)

Implementation Measure 27

The County shall devise procedures as part of the Zoning Ordinance update to mitigate significant conflicts arising from incompatible land uses. (What conflicts are we talking about here? What is significant? This isn't due to happen until 2015-2020. This is deferred mitigation without any true commitment and no performance standards. How does this protect water quality?)

Implementation Measure 29

Areas containing mineral springs and seeps, where such seeps and springs seem to be vital to the continuation of wildlife in the area, shall be protected. (This is deferred mitigation without any true commitment and no performance standards.)

ERM-5.20 Allowable Uses on Timber Production Land

I11-78 cont'd

The County shall allow uses (not related to forest production) . . . provided it is demonstrated that it will not degrade the watershed and/or water quality due to increased erosion. (Who is going to do this, when and how? This is deferred mitigation without any true commitment and no performance standards.)

No Implementation Measure

FGMP-8.5 Protection of Lakes

The County shall protect Lake Kaweah and Lake Success from contamination due to runoff, underground seepage of waste effluent, or intrusion of incompatible land uses . . . (This policy dates to FGMP 1981. It is a failed policy. We can point to many leach fields on the South Fork of the Kaweah and the Main Fork of the Kaweah River (in Three Rivers which empties into Lake Kaweah) where leach fields are in the riparian zone, where there is soil eroding from banks into the river. Cattle graze right down to the river. The County has shown no commitment to water quality.)

Implementation Measure 30

No commitment to eliminating sedimentation and contamination. This is an empty promise. Where are the performance standards?

FGMP-9.5 Alternate Sewage Disposal

The County may allow unconventional methods of disposing of sewage effluent provided the system meets the performance standards of the Water Quality Control Board and the Tulare County Health and Human Services Agency. Such systems may include, but are not limited to common leach field, soil absorption mounds, aerobic septic tanks, or evapotranspiration systems. (These alternate sewage disposal systems are inferior to leach fields. Why would the County allow systems that commonly fail or don't treat effluent as effectively? Water quality will get worse. The soil absorption mound for the Comfort Inn in Three Rivers has failed repeatedly. The motel is near the river. The County allowed the motel to expand the number of rooms. Big layoffs are coming in

Tulare County Health and Human Services. They won't be able to oversee this. The unconventional disposal methods need to be prohibited.) I11-78 cont'd

Implementation Measure 31

See above comment. This is an empty promise.

HS-4.4 Contamination Prevention

The County shall review new development proposals to protect . . . surface water and ground water . . . (This is an empty promise, deferred mitigation with no measurable standards, no commitment.)

No Implementation Measure

PF-5.2 Criteria for New Towns (Planned Communities)

. . . the project provides . . . adequate . . . sewer facilities
(This is deferred mitigation with no true commitment and no measurable standards.)

No Implementation Measure

PFS-1.3 Impact Mitigation

The County shall review development proposals for their impact on infrastructure . . .
(This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-2.5 New Systems or Individual Wells

Where connection to a community water system is not feasible per PFS-2.4. Water Connections, service by individual wells or new community systems may be allowed if the water source meets standards for quality or quantity. (The County does not require water from new wells be sampled, tested and submitted to the county prior to development. This is meaningless. This policy

has no true commitment and no measurable standards. How does this protect water quality?)

I11-78 cont'd

No Implementation Measure

PFS-3.1 Private Sewage Disposal Standards

The County shall maintain adequate standards for private sewage disposal systems to protect water quality and public health.
(This is deferred mitigation with no true commitment and no measurable standards. The County does not inspect septic systems now or monitor water quality in the rivers of Tulare County. The County doesn't have the money or manpower to do this. In the RDEIR the County claims water quality problems are Less Than Significant despite scientific studies refuting this assertion. Many communities have municipal wells that don't meet Safe Drinking Water standards. No county-wide study of domestic well water quality has been completed. No study of agricultural [dairy and citrus] well-quality is even contemplated.)

Implementation Measure 6

The County shall prepare and distribute information on the care and maintenance of private sewage disposal systems. (This is ineffective.)

Implementation Measure 7

The County shall consider amendments . . . in 2010-2015 (This is deferred mitigation with no true commitment and no measurements standards.)

PFS-3.3 New Development Requirements

The County shall require all new development . . . to connect to the wastewater system, where such systems exist. The County may grant exceptions in extraordinary circumstances . . . (There are very few wastewater systems in the unincorporated areas. This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

I11-78

PFS-3.7 Financing

The County shall cooperate with special districts . . . (This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-4.7 NPDES Enforcement

The County shall continue to monitor and enforce provisions to control non-point source water pollution . . .
(How will the County do this? Who is in charge? How often will it monitor? What are the penalties for polluting? This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

ERM Implementation Measure 45

Developers of new subdivisions who propose to build recreation facilities shall be required to post adequate bonds or cash deposits to assure completion of the entire facility to ensure long term maintenance. (Not pertinent.)

FGMP Implementation Measure 30

The wastewater disposal system shall be designed to meet the requirements of the Tulare County Health Department and the Regional Water Quality Control Board.

WR-1.2 Groundwater Monitoring

The County shall support the collection of monitoring data for facilities or uses that are potential sources of groundwater pollution as part of project approvals, including residential and industrial development. ("shall support" is weak. What about agricultural sources of groundwater pollution? They are the main culprits in Tulare County. This is deferred mitigation with no true commitment and no measurement standards.)

I11-78

Implementation Measure 2

Solid waste disposal areas shall not be located where there is a possibility of ground or surface water contamination. (Where would that be? Out of the 100-year flood zone? Away from dam or levee inundation zones? On another planet? Will the County be using groundwater flow maps? Will land subsidence be taken into consideration?)

Implementation Measure 1

The County staff shall develop an ordinance that will regulate the permanent extraction and exportation of groundwater from Tulare County . . . Find and determine that the extraction will not substantially increase the overdraft of the groundwater underlying the County . . . (First, this is scheduled for development from 2010-2015. This measure says "develop" not "adopt." Second, what is "substantial increase in the overdraft" and who determines that? This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 4

Where feasible the County shall participate in coordinated local, regional and Statewide groundwater monitoring and planning programs. (This is weak with no true commitment.)

Implementation Measure 5

The County shall encourage active participation by local stakeholders. . . (This is weak with no true commitment.)

Implementation Measure 7

The County shall work with federal, state, and regional agencies . . . (This is weak with no true commitment.)

Implementation Measure 8

The County shall encourage responsible agencies and organizations to install and monitor additional groundwater monitoring wells in areas where data gaps

exist. (Why doesn't the County install these wells now? This is deferred mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

WR-1.7 Collection of Additional Groundwater Information

The County shall support additional studies . . . (How will the County do this? With funding? This is weak, deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 3

The County shall assure that all watershed planning is done on a complete regional and watershed basis, and that such planning considers a balance between urban and agricultural demands. (What does a balance between urban and agricultural demands have to do with groundwater monitoring?)

Implementation Measure 7

The County shall work with federal, State, local and regional agencies to improve local groundwater pollution detention and monitoring. (This is weak.)

Implementation Measure 8

The County shall encourage responsible agencies and organizations in 2010-2015 . . . (This is weak, deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 9

The County will research the development of an education program to inform homeowners in Valley and Mountain areas regarding water quality concerns from 2010-2015. (This is weak, deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 11

The County shall identify and evaluate conditions within established watersheds which are causing deterioration of water quality . . . in 2010-2015. (This

is weak, deferred mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

WR-1.9 Collection of Additional Surface Water Information

The County shall support the additional collection of water quality and flow information . . . (This is weak, deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

WR-2.2 National Pollutant Discharge Elimination System Enforcement

The County shall continue to support the State in monitoring . . . (This is weak deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 12

Development projects involving drainage alterations shall be constructed to minimize soil erosion and silt transport. (How will the County manage this when strict capture and detention of stormwater runoff is not mandated? The County has not adopted Low Impact Development measures. This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.3 Best Management Practices

The County shall continue to require the use of feasible BMPs . . . (This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 12

(Already commented on the Implementation Measure above.)

Implementation Measure 14

. . . to prevent unnecessary substantial amounts of soil erosion. (So, are there necessary substantial amounts of soil erosion? The County must adopt Low Impact Development measures. This is infuriatingly weak mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

WR-2.4 Construction Site Sediment Control

The County shall continue to enforce provisions to control erosion and sediment from construction sites. (We can see how effective that will be by reading Implementation Measure 14, immediately above.)

WR-2.5 Major Drainage Management

The County shall continue to promote protection of each individual drainage basin within the County. (Very weak wording. Incidentally, although this policy says "New Policy based on ERME IV-B; Land Resources; Recommendation 9. Pg. 24. ERME IV-C; Surface Water; Recommendation 20, Pg. 53", this element does not exist in the GPU 2010 or GPU 2008. It comes from an old version of the General Plan. Five times in Water Resources Element the ERME element is referenced. This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 6

The County shall avoid destruction of established recharge sites through such means as clustering development to leave such areas in open space, avoidance of lining channels and streams, alteration of existing agricultural practices, or substitutions made of drainage methods that will transport polluted waters away from such sites. (First, the County has almost no established recharge sites. Why would you develop in a recharge basin? What does clustering mean? How much of the recharge basin is allowed to be covered by impervious surfaces? Does alteration of existing agricultural practices mean farmland conversion? The County allows lining of channels elsewhere in the GPU. What does "substitutions made of drainage methods" mean? By developing recharge basins the County is creating polluted runoff over a recharge basin. This is disingenuous and ludicrous. It constitutes non-compliance with AB 162.)

WR-2.6 Degraded Water Resources

The County shall encourage and support the identification of degraded surface water and groundwater resources and promote restoration where appropriate. (This is weak mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

Implementation Measure 17

The County shall amend the well ordinance to require deeper seals in areas of known contaminants. (The County has yet to make a meaningful attempt to determine where contamination exists. What good does a deeper seal do? Now wells are sealed to 20 feet. How deep does the contamination percolate? How much deeper will the seal go? Wells should be prohibited in areas where there has been long term contamination. This will be accomplished in 2010-2015. This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.7 Industrial and Agricultural Sources

The County shall work with agricultural and industrial concerns to ensure that water contaminants and waste products are handled in a manner that protects the long-term viability of water resources in the County. (In what manner will this be handled? How does "working with" agricultural and industrial concerns guarantee water quality? This is weak, deferred mitigation with no true commitment and no measurement standards.)

WR-2.8 Point Source Control

The County shall work with the Regional Water Quality Control Board . . . (Where is the true commitment to clean water? Why hasn't the County adopted Low Impact Development measures and maintained levees and created basins into which to divert floodwaters? This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 6

(We've already commented on this confused, counter-productive measure above.)

WR-2.9 Private Wells

The County shall ensure that private wells are adequately constructed to provide protection from bacteriological and chemical contamination and do not provide a hazard as to contaminate the aquifer. (What does this mean? What

are the performance standards? No one from the County inspects private wells during construction. This is deferred mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

Implementation Measure 17

(We have already commented on this above.)

WR Implementation Measure 14

Groundwater and soil conditions shall be identified prior to subdividing (on) road and building construction and such development properly engineered to control or avoid potential landslides in areas of unstable soil, as well as to prevent unnecessary substantial amounts of soil erosion. (Cut-and-fill grading on slopes an average of 30° create steeper gradients and loose unstable soil. This is what will happen on the Yokohl Ranch project and other hoped-for planned communities in the foothills and mountains. As stated before, "unnecessary substantial amounts of soil erosion" is an outrageously low standard. Yokohl Ranch project intends to build on a large landslide. GEOCON engineering recommended removal of large amounts of debris and shoring up the remaining loose material. This sounds like a recipe for disaster regarding soil erosion, stormwater runoff and septic systems. Simply identifying soil conditions doesn't prevent unwise construction in an unfavorable environment. There is no true commitment here or measurement standards.)

WR Implementation Measure 16

The County shall consider expanding the role of the Water Commission to examine contaminant management in cooperation with the agricultural community and industrial interests. (Carole Clum has attended all Tulare County Water Commission meetings since its inception. They have accomplished nothing. Some members heatedly deny there is a water quality problem in Tulare County. Some of the members care nothing for residential water quality problems. They resist the development and adoption of a strong well ordinance and groundwater monitoring. This is a worthless promise.)

I11-78

WR Implementation Measure 17

The County shall amend the well ordinance to require deeper seals. (This is inadequate. Requiring deeper seals in areas of known groundwater contamination doesn't solve the contamination problem. Prohibit wells in these areas. Is the County checking for groundwater contamination? No. Does the County know the depth of contamination? No. Is the County tracking plumes of contamination in groundwater? No. This is a feeble attempt to guard against well water contamination.)

Policies designated to minimize water quality impacts associated with stormwater, water, and wastewater utility infrastructure needed to serve existing and planned urban areas include:

ERM-5.7 Public Water Access

The County shall give a high priority . . . shall be encouraged . . . special consideration should be given . . . (Hogwash. The policy dates to the 1964 General Plan and it refers to a goal or policy that doesn't exist in this document. This is deferred mitigation with no true commitment and no measurable standards.)

ERM-7.3 Protection of Soils on Slopes

Unless otherwise provided for in this General Plan, building and road construction on slopes of more than 30 percent shall be prohibited, and development proposals on slopes of 15 percent or more shall be accompanied by plans for control or prevention of erosion, alteration of surface water runoff, soil slippage, and wildfire occurrence. (This policy allows development on slopes greater than 30°. In the Foothill Growth Management Plan, roads and buildings are allowed on an average of 30 degree slopes. This is hardly protection from soil erosion. The policy offers no standards for measurement. It is not a true commitment. Where is the commitment to Low Impact Development? This policy was written to allow cut-and-fill development even on steep slopes in the Yokohl Ranch development. It should read "prohibits development on 30° or more slopes. What are the standards for control or prevention of erosion? It also refers to the ERME element that doesn't exist in this GPU.)

I11-78 cont'd

Implementation Measure 52

The County shall adopt standards . . . in 2010-2015. (What will those standards be? This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 53

(Already commented on above.)

FGMP-8.2 Development of Drainage Patterns

The County shall assure that drainage patterns of foothill developments are designed to prevent contamination and sedimentation due to soil erosion. (Exactly how will the county do this? What standards will be adopted? This is weak mitigation with no true commitment and no measurement standards.)

Implementation Measure 29

The County shall require submission of a drainage plan with development projects in conjunction with site plan review. (What are the standards development is to be held to? This Implementation Measure refers to the 1981 Foothill Growth Management Plan. We have a new FGMP in this 2010 GPU. This is deferred mitigation with no true commitment and no measurement standards.)

FGMP-8.4 Development of Wastewater Systems

No comment.

FGMP-8.6 Development in the Frazier Valley Watershed

The County shall ensure that projects proposed in the Frazier Valley watershed portion of the Tule River Development Corridor do not aggravate the downstream flooding problem by generating additional runoff from the project site. (This is deferred mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

Implementation Measure 24

Drainage plans shall be required for all projects within the "Foothill Mixed Use" areas of Frazier Valley . . . (What standards for drainage plans will be adopted? The words "prohibit additional stormwater discharge from project that would aggravate downstream flooding problems" sound like zero runoff into the stream. The County has no policy for this. Why can't this standard be applied to all development projects?)

HS-5.8 Road Location

The County shall plan and site new roads to minimize disturbances to banks and existing channels and avoid excessive cuts and accumulations of waste soil and vegetative debris near natural drainage ways. [ERME; Water; Issue 4; Recommendation 1, Modified] [ERME; Pg 28]. (This reference is to the old General Plan and does not exist in this GPU. What are the measurement standards? What is the definition of an "excessive cut"?)

No Implementation Measure

HS-5.9 Floodplain Development Restrictions

The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas. (The best way to do this is to not build in these areas. What an empty promise. This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PF-5.2 Criteria for New Towns (Planned Communities)

(This is a very long policy with no performance standards for drainage, sewage and wastewater treatment facilities. This is a lengthy promise with no true commitment and no measurement standards.)

No Implementation Measure

I11-78 cont'd

PFS-3.5 Wastewater System Failures

The County shall require landowners to repair failing septic tanks, leach field, and package systems that constitute a threat to water quality and public health or connect to an existing community system . . . (This will be a challenge for the County since it doesn't monitor individual wastewater systems. Most people don't know or care if their septic tank or leach field fails and they will hardly notify the County. In most rural areas there is no existing community system to hook up with. The County gives people permits to build homes and septic systems very close to riparian zones now. This policy is meaningless and not enforceable, an empty promise.)

No Implementation Measure

PFS-3.6 Care of Individual Systems

The County shall promote and support programs to educate homeowners . . . (This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 6

The County shall prepare and distribute information on the care and maintenance of private sewage disposal systems. (Don't know if this has been done. Never seen a pamphlet. It is described as both a new policy and on-going.)

PFS-4.1 Stormwater Management Plans

The County shall consider the preparation and adoption of stormwater management plans for communities and hamlets . . . ("Shall consider" sinks this policy. This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measure 8

The County shall consider financial tools to prepare and implement drainage plans . . . ("Shall consider" shows no true commitment. This is listed as on-going.)

I11-78 cont'd

PFS-4.3 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance. (What a lie. Elsewhere in the GPU "clustered" development is allowed in floodplains; there is no limitation of impervious coverage; there are no standards for reducing or eliminating stormwater runoff or soil erosion or sedimentation. "Shall encourage" shows no true commitment. This is a deferred mitigation with no measurement standards. "Appearance" is not the point. The idea is to retain the natural hydrological drainage patterns.)

No Implementation Measure

PFS-4.4 Retention Facilities

The County shall require on-site detention/retention facilities and velocity reducers when necessary to maintain existing (pre-development) storm flows and velocities in natural drainage systems. The County shall encourage the multi-purpose design of these facilities to aid in active groundwater recharge. (This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-4.5 Detention/Retention Basins Design

The County shall require that stormwater detention/retention basins be visually unobtrusive and provide a secondary use, such as recreation, when feasible. (This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

I11-78 cont'd

PFS-4.6 Agency Coordination

The County shall work with the Army Corps of Engineers and other appropriate agencies to develop stormwater detention/retention facilities . . . (This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-4.7 NPDES Enforcement

(Already commented on this policy above.)

No Implementation Measure

WR-1.9 Collection of Additional Surface Water Information

The County shall support . . . (Already commented on this policy above.)

WR-2.1 Protect Water Quality

All major land use and development plans shall be evaluated . . . as necessary . . . (This is listed as a new policy but the reference to ERME element which does not exist in this GPU or the 2008 GPU shows it is an old General Plan element. Apparently this policy hasn't worked well since there is so much groundwater contamination. Why does this GPU only intend to evaluate "major" land use and development plans? This is deferred mitigation with no true commitment and no standards of measurement.)

Implementation Measures 2, 4, 5, 7, 8, 17

(Already commented on these implementation measures above.)

WR-2.2 National Pollutant Discharge Elimination System Enforcement

(Already commented on this policy above.)

WR-2.3 Best Management Practices (BMPs)

I11-78 cont'd

The County shall continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from adverse impacts . . . (This is inconsistent with earlier policies. There is no requirement to employ Low Impact Development techniques in new development. This is deferred mitigation with no true commitment and no measurement standards.)

Implementation Measures 12, 14

(Already commented on above.)

WR-2.4 Construction Site Sediment Control

(Already commented on above.)

WR-2.5 Major Drainage Management

(Already commented on above.)

WR-2.6 Degraded Water Resources

The County shall encourage and support . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.7 Industrial and Agricultural Resources

The County shall work with . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.8 Point Source Control

The County shall work with . . . (This is deferred mitigation with no true commitment and no measurement standards.)

I11-78 cont'd

WR-2.9 Private Wells

The County shall ensure that private wells are adequately constructed to provide protection from bacteriological and chemical contamination and do not provide a hazard as to contaminate the aquifer.
(The County does not inspect private well drilling or construction so how is the County going to ensure they provide protection from bacteriological and chemical contamination . . . ? This is deferred mitigation with no true commitment and no measurement standards.)

WR-10 Diversion of Surface Water

. . . should be prevented . . . (This is deferred mitigation with no true commitment and no measurement standards.) When a Supervisor was notified by an irate resident that unreasonable and non-beneficial amounts of surface water had been diverted by a ditch company, causing the river to dry up for 1½ miles in length, no action was taken.)

WR Implementation Measures 14, 16, 17

See comments above.

FGMP Implementation Measure 33

. . . shall consider . . . (This is deferred mitigation with no true commitment and no measurement standards. What does a financing plan have to do with diversion of surface water?)

PFS Implementation Measures 1, 2

No comment.

PFS Implementation Measures 3,7

(This is deferred mitigation with no true commitment and no measurement standards. Development and adoption of impact fees won't occur until 2010-2015. The County shall consider in 2010-2015 restricting the number of lots allowed with septic tanks and leachfields.)

The above policies and implementation measures are meaningless, deferred mitigation which will not improve water quality or waste discharge. There are no standards for measurement of success. With the level of development permitted by this General Plan, there will be a considerable decline in water quality which will affect the health and welfare of the residents of Tulare County. See attachment 20, James May's Presentation to Tulare County Water Commission on Stormwater. I11-78 cont'd

What is the effect on public health of this General Plan Update? I11-79

At the April 26, 2010 Tulare County Water Commission Dennis Keller of Keller-Wegley civil engineering company in Visalia spoke about testing of Mill Creek (for the Kaweah sub watershed of Southern San Joaquin Valley Water Coalition) for adverse chemicals as part of the Irrigated Lands Program. He said they don't know where all the contamination comes from. He suspects multiple discharges to the irrigation channel from point and non point sources (like the Visalia wastewater treatment plant, Highway 99 runoff, and railroad line runoff. Meanwhile $12,000-20,000 a month is being spent on water testing and Mill Creek is being held responsible for contaminated water (some of which came from upstream sources) by the Regional Water Quality Control Board. Supervisor Allen Ishida commented that these were unintended consequences of the Irrigated Lands Program. I11-80

On April 29, 2010 Dennis Keller told me that in Tulare County stormwater runoff is captured, but not treated, and diverted to groundwater recharge, natural channels, and captured and reused by farmers like the Modoc Ditch Company which has a contract with the city of Visalia for a portion of its storm drain water. Denis Keller is an at-large-member of the Tulare County Water Commission. His firm, Keller-Wegley, consults with public agencies, water districts, irrigation districts, CSDs, and cities.

At the Tulare County Water Commission session April 26, 2010, Commissioner Chris Kapheim stated Alta Irrigation District has issues with stormwater. The County discharges stormwater runoff at 50-60 locations in Alta Irrigation District. He said cities and communities should put their stormwater into ponds. The minutes of that meeting can be found on the Tulare County website.

Impact
3.6-2

Impact 3.6-2 The proposed project would result in impacts to groundwater supply recharge, and secondary impacts to groundwater resources I11-81

CEQA Environmental Quality Act 2010 Statute and Guidelines wording for this impact is:

Substantially 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 groundwater table level (e.g. the production rate of nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?

What is the County's rationale for dumbing down this impact? It should be clear to the reader that this impact addresses depletion of groundwater supplies, lowering the groundwater table and negatively impacting neighbors' wells. This is extremely serious in the critically overdrafted Tulare Lake Basin.

Impact Summary I11-82

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: None Available
Resultant Level of Significance: Significant and Unavoidable

Carole Clum's comments and enclosures dated April 14, 2008, submitted on the January 2008 DEIR, pages 24 through 72 are expressly adopted here.

Impact Analysis

The Tule, Kaweah and Kings sub-basins are in a "critical condition of overdraft" and have been since 1980, according to the State Dept. of Water Resources. Land subsidence has occurred in Tulare County limiting the storage capacity of the aquifer. The proposed development permitted by the GPU would result in an increased demand on groundwater. Wells have been going dry in the County. Deeper wells lead to increased pumping expenses (and more GHG emissions), impacts to water quality (increased concentration of contaminants) and subsidence which can permanently decrease the storage capacity of the aquifer. Such impacts are not limited to the portions of the basin directly underlying the water user responsible for the overdraft but can impact neighboring users as well. The

County cannot make the assumption that future State mandated water efficiencies will offset increased use of water by a larger population. The County itself refuses to mandate water conservation measures. The County also cannot assume agricultural water conversion to urban uses will create a surplus water supply. It's likely with climate change agriculture will have a higher water demand because of a longer, drier growing season and increased evaporation and transpiration. There is not enough grant money to fund a groundwater management plan. I11-83

In the Public Services, Recreation and Utilities Section 3.9 of the RDEIR on page 3.9-17 is the same table (Summary of Domestic Water Supply Conditions for Unincorporated Communities in Tulare County) with exactly the same Domestic Water Service Providers and their Facilities' Ability to serve General Plan Population Growth that appeared in the 2008 DEIR page 4-107, Table 4-5. Supposedly discussions were held with those service providers . . . in order to complete the table" in 2006 and 2007. Carole Clum called the managers and maintenance people of each of these water service providers in January and February of 2008 to fact check their ability to provide adequate water, to find out if they had well water that was not safe drinking water and if they had infrastructure problems (sewer hookup moratorium, leaking pipes, leaking tanks, needed grants to repair infrastructure or drill another well and so on). Carole Clum refuted the conclusions of this table in detail in her comments on the 2008 DEIR. These are substantial environmental concerns. The County has not responded to them. That is a CEQA violation. I11-84

If the unincorporated communities are struggling <u>now</u> to serve their residents, how will they cope with large increases in population? Many of these communities are poor.

There are many demands on groundwater in Tulare County now and there will be more in the proposed development. There is heavy groundwater pumping by the 324 Tulare County dairies and those in adjacent Kings, Kern, and Fresno counties. The owner of Consolidated Testing, an industrial well driller, told Carole Clum most of his customers were dairymen who are drilling more and deeper wells. The Supervisors are encouraging industries, including food processors and biofuel plants which are big water users, to locate in Tulare County in the following 25 policies:

General Plan Policy AG-2.5	High-Value-Added Food Processing
General Plan Policy AG-2.6	Biotechnology and Biofuels

General Plan Policy ED-2.11	Industrial Parks
General Plan Policy LU-2.6	Industrial Development
General Plan Policy LU-5.1	Industrial Developments
General Plan Policy LU-5.2	Industrial Park Developments
General Plan Policy C-1.2	Urban Corridor Plans
General Plan Policy C-1.4	Regional Growth Corridor Plans
General Plan Policy C-1.5	Agricultural Enterprises
General Plan Policy C-1.6	Regional Growth Corridor Opportunity Areas
General Plan Policy C-1.7	Highway 99 Valley Corridor
General Plan Policy C-1.8	Commercial and Industrial Highway Growth
General Plan Policy FGMP-1.7	Commercial Recreation
General Plan Policy FGMP-1.9	Light Industrial Uses
General Plan Policy FGMP-1.12	Legally Conforming Commercial Uses
General Plan Policy M-1.10	Mix of Uses
General Plan Policy M-1.2	Plan Guidance
General Plan Policy M-1.15	Commercial Services
General Plan Policy M-1.16	Outlying Commercial Service
General Plan Policy M-1.17	Commercial Design Review
General Plan Policy M-1.18	Low Intensity Recreation
General Plan Policy M-1.26	Recreation-Oriented Uses
General Plan Policy M-1.27	Commercial Strips
General Plan Policy M-1.28	Mountain Service Areas
General Plan Policy M-1.30	Existing Land Use Designation

I11-84 cont'd

Mitigating Policies and Implementation Measures

I11-85

Policies designed to minimize groundwater impacts through the early identification of required infrastructure and the orderly construction and rehabilitation of the facilities needed to serve existing and planned urban areas include the following policies:

WR-1.1 Groundwater Withdrawal

The County will cooperate . . . to help promote . . . (Hogwash. This is deferred mitigation with no true commitment and no measurement standards.)

WR-1.2 Groundwatering Monitoring

The County shall support . . . (This is deferred mitigation with no true commitment and no measurement standards.) I11-85 cont'd

WR-1.3 Water Export Outside County

The County shall regulate the permanent export of groundwater and surface water resources . . . The County shall strive for no net loss." (This is a disastrous policy. Striving for "no net loss" doesn't show a strong commitment. It's not clear the County has control over export of water, permanent or temporary. Clearly we can't afford to lose any water. This is deferred mitigation with no true commitment and no measurement standards.)

WR-1.4 Conversion of Agricultural Water Resources

For new urban development, the County shall discourage the transfer of water used for agricultural purposes (within the prior ten years) for domestic consumption including but not limited to the following:

- The water remaining for the agricultural operation is sufficient to maintain the land as an economically viable agricultural use

- The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin.

(The "but not limited to" is worrisome. The Tulare Basin has been in a condition of critical overdraft at least since 1980. Removing water from agricultural land would greatly reduce its value as an agricultural operation. More groundwater pumping would occur, lowering the water table farther, or the land would be good only for dry land wheat farming. Much water in irrigation channels and on the crop land percolates into the aquifer. Remove that water and you remove groundwater recharge. Any loss of that recharge will impact the groundwater basin. Finally, who decides what is a significant impact? What measurement standards will be used? This is deferred mitigation with no true commitment and no measurement standards.)

I11-85
cont'd

WR-1.5 Expand Use of Reclaimed Wastewater

. . . The County shall seek opportunities . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-1.6 Expand Use of Reclaimed Water

The County shall encourage . . . (There is no Implementation Measure for this. It is clearly another empty promise. This is deferred mitigation with no true commitment and no measurement standards.)

WR-1.7 Collection of Additional Groundwater Information

(This is proceeding at a snail's pace in the Tulare County Water Commission. This is deferred mitigation with no true commitment and no measurement standards.)

WR-1.8 Groundwater Basin Management

The County shall take an active role . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.2 Develop an Integrated Regional Water Plan

The County will participate with other agencies . . . and implement appropriate Water Management Plans within the County. (This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.6 Water Use Efficiency

The County shall support education programs . . . (This is deferred mitigation with no true commitment and no measurement standards. Why not mandate water use efficiency?)

WR-3.9 Establish Critical Water Supply Areas

The County shall designate Critical Water Supply Areas . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.10 Diversion of Surface Water

Diversions of surface water or runoff from precipitation should be prevented . . . (This is deferred mitigation with no true commitment and no measurement standards. Even if water available for groundwater recharge is reduced, the best the County can do is "should." This shows a real failure to confront appropriative rights and ditch companies.)

WR-3.4 Water Resources Planning

The County shall continue participating . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.7 Emergency Water Conservation

The County shall develop an emergency water conservation plan . . . (The County's plan is a list of priorities. This is totally inadequate. This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.8 Education Programs

The County shall encourage the development . . . (This is deferred mitigation with no true commitment and no measurement standards.)

WR-3.11 Policy Impacts to Water Resources

The County shall monitor actions taken at State and federal level . . .

I11-85 cont'd

All of the above policies and mitigation measures are weak, unenforceable and ineffective. "No additional feasible mitigation is currently available," page 3.6-47 in the RDEIR.

There are many effective mitigation measures that would conserve water:

1. Complying with AB 162 (creating water recharge basins to catch floodwaters)
2. Mandating drought tolerant landscaping, drip irrigation, and heavy mulching in all new development

I11-86

3. Enforcing AB 1881 Model Water Efficient Landscape Ordinance (MWELO)

4. Providing incentives to replace lawns in existing development with drought tolerant landscaping and drip irrigation

5. Mandating the most water efficient showerheads, washing machines, dishwashers, toilets and hot water heaters in all new development

6. Providing incentives for replacing water inefficient appliances in older homes, especially in disadvantaged communities

7. Requiring new development to offset their water demand 2:1

I11-86 cont'd

Impact
3.6-3

Impact 3.6-3 The proposed project could substantially alter the existing drainage pattern of the area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding.

I11-87

The Yokohl Ranch Project Initial Study lists the project's impact on altering existing drainage pattern of the site or area, including through the alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site as Potentially Significant.

I11-88

Impact Summary

Level of Significance Before Mitigation: Less than Significant
Required Additional Mitigation Policies and Implementation Measures: None required
Resultant Level of Significance: Less than Significant

Impact Analysis

Since permeable pavement, driveways, sidewalks, roads and parking lots, bio-swales and all the other Low Impact Development measures recommended by the Department of Water Resources are not mandated for new development which will be permitted all over the County, there will be greatly increased amounts and speed of runoff. The RDEIR does not even consider the runoff created on 30° and greater slopes in the foothills and mountains. Grading for roads, homes, industry, commerce and planned communities loosens soil and leaves it vulnerable to erosion. Cut-and-fill grading creates even steeper slopes. Vegetation including trees will be removed. There will be siltation in streams and reservoirs and increased flooding. Silt will accumulate in Lake Kaweah, Lake Success and other dams and lakes. These bodies of water will not be able to hold as much water when spring rains bring heavier flows due to Climate Change. How can the resultant level of significance be less than significant? It defies reason. What is the RDEIR's threshold for significance?

I11-89

According to the RDEIR in the Executive Summary on page ES-19, the GPU would have Significant and Unavoidable adverse impacts on 100-year flood risk to people and structures and on dam and levee failure which would expose people or

structures to risk from flood hazards. Where would the floodwaters come from? 80-86% of the precipitation in Tulare County falls in the foothills and mountains. One third of Tulare County is flat valley. Two thirds of the county is foothills or mountains. The valley receives 6-12" of precipitation per year (a valleywide average of 10" of precipitation). The foothills receive an average of 15" of precipitation a year. The mountains receive an average of 50" of precipitation per year. An average of both is 30". By any calculation, 80-86% of the total precipitation falling in Tulare County falls in the foothills and mountains. See attachment 21, NOAA's Western Regional Climate Center data. Since the foothills and mountains comprise 2/3 of the area of Tulare County, the gradient is much steeper, the rainfall far heavier, and the runoff much greater, the impact in the foothills and mountains outweighs the impact in the valley. I11-89 cont'd

As these floodwaters are coursing downslope, they will create erosion and stormwater runoff on slopes "an average of 30°" which have been extensively graded for roads, housing, resorts, industry, commercial recreation and New Towns and which have very extensive impervious surfaces. The siltation carried into the streams and rivers along with pollution from industry, automobiles, gardens, and golf courses will degrade water quality. The stormwater runoff will accelerate across paved areas on slopes and become warmer. Stormwater drainage systems will be overwhelmed. Development on the scale proposed by the GPU will substantially increase polluted runoff. New Town development will alter the existing drainage pattern of the foothills. The Yokohl Ranch project NOP/IS states it intends to alter the channel and course of Yokohl Creek and perhaps other streams. This New Town has planned cut-and-fill grading on slopes initially an average of 30°. How could this not substantially increase erosion, surface runoff, and on-site and off-site flooding? Flooding in the valley and behind dams starts as intense rain on foothill and mountain slopes. I11-90

The proposed Yokohl Ranch Project which covers 14,400 acres and will undergo extensive and intensive grading and which will accommodate 29,095 residents accounts for 37% of projected population growth in the unincorporated areas of the county. Its buildout is 20-30 years according to the Yokohl Ranch Project NOP/IS. The Yokohl developers expect to get approval in November or December 2010. So it is potentially entirely within the scope of the GPU 2030. Together with other development proposed for the foothills and mountains, it will account for most of the development in the unincorporated areas. As previously mentioned, the Yokohl Ranch Project NOP/IS considers Potentially Significant its impact on drainage patterns, stream alteration, soil erosion and siltation. How does the

County come up with a Less than Significant finding for this impact? What is your threshold of significance? I11-90 cont'd

Seemingly at the buildout of the GPU stormwater runoff, soil erosion, and siltation would be much less in the valley than in the foothills and mountains. However, a lot of development is proposed in the development boundaries of incorporated cities, unincorporated communities, hamlets, 10 transit corridors, the Rural Valley Lands Plan and valley portions of the Foothill Growth Management Plan. There would be a great increase in impervious ground cover. The RDEIR does not mandate the capture and detention of stormwater runoff, as recommended by the Central Valley Water Quality Control Board's Low Impact Development measures. I11-91

Neither Low Impact Development nor any other form of capture and detention of stormwater close to where rain falls is mandated in the RDEIR. In the foothills and mountains building is permitted on "an average of 30° slopes" which could be graded using cut-and-fill techniques which would render the slopes steeper. Serious stormwater runoff, soil erosion, and siltation are inevitable in the foothills and mountains. See attachment 17, Letter to Supervisors.

Climate change has not been taken into account. More intense storms have been predicted. They would create greater stormwater runoff, soil erosion and siltation. I11-92

Impact 3.6-1 (Water quality), Impact 3.6-3 (alteration of drainage patterns/ erosion/siltation) and Impact 3.6-4 (polluted runoff or exceeding capacity of drainage) cannot be Less than Significant. It is not logical. It seems a political decision was made here. I11-93

In the RDEIR, 3.4 Energy and Global Climate Change, Wildland Fire Hazards page 3.4-19, "Studies indicate that there is a potential for significant increases in the number of fires escaping initial attack, particularly in areas in which the fuels are dominated by grass and brush. These studies indicate that subtle shifts in fire behavior of the sort that might be induced by the climate changes anticipated for the next century are of sufficient magnitude to result in an increase in the number of fires in areas where brush fuels dominate . . ." These areas are the foothills of Tulare County. Wildfire in the foothills would result in denuded slopes which during intense storms predicted by Climate Change would erode and produce increasing peak runoff volumes. I11-94

What are the criteria for finding the GPU's impact on soil erosion and siltation Less than Significant? This finding flies in the face of common sense. I11-95

FGMP-8.2 Development of Drainage Patterns I11-96

The County shall assure that drainage patterns of foothill developments are designed to prevent contamination and sedimentation due to soil erosion.
(This policy references the 1981 FGMP which will be superseded by the 2010 FGMP. The County has given a promise here with no standards for achieving it. This shows no true commitment and is deferred mitigation.)

Implementation Measure 29

The County shall require submission of a drainage plan with development projects in conjunction with site plan review.
(Where are the standards to be complied with? It should be capture and detention of stormwater on-site as close to where rain falls as possible. This is a lame implementation measure.)

FGMP-8.6 Development in the Frazier Valley Watershed

I11-269

The County shall ensure that projects proposed in the Frazier Valley watershed portion of the Tule River Development Corridor do not aggravate the downstream flooding problem by generating additional runoff from the project site.
(This policy could be improved by requiring capture of all runoff from the project site. Obviously flooding was a problem downstream of Frazier Valley in 1981 when this policy was written for the 1981 Foothill Growth Management Plan. By not allowing runoff from a project's site, that would decrease the amount of runoff post construction, therefore decreasing potential for flooding.)

Implementation Measure 24

Drainage plans shall be required for all projects within the "Foothill Mixed Use" areas of Frazier Valley . . .
(There should be measurement standards and Low Impact Development measures required.)

I11-96

HS-5.9 Floodplain Development Restrictions

The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.
(What is the County's definition of adverse impact in this case? Any development in a floodplain can divert floodwaters in an unpredictable way. Every structure built in a floodplain will displace floodwaters and raise the base elevation of the flood. There need to be measurement standards now.)

No Implementation Measure

PF-5.2 Criteria for New Towns

(This is a very long policy we do not intend to copy. It requires a drainage plan as part of the master infrastructure plan but there are no standards, no threshold of significance for erosion or siltation. As such it is deferred mitigation with no true commitment.)

No Implementation Measure

PFS-1.3 Impact Mitigation

The County shall review development proposals for their impacts on infrastructure (for example, sewer, water, fire stations, libraries, streets, etc. New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. The lack of available public or private services or adequate infrastructure to serve a project, which cannot be satisfactorily mitigated by the project, may be grounds for denial of a project or cause for the modification of size, density, and/or intensity of the project.
(The County intends to review projects for impact mitigation. What standards will they use? Will on-going operating expenses or maintenance (of roads, fire stations, sheriff's stations, libraries, etc.) be included when impact fees are developed? Who makes the decision? There are no impact fees for infrastructure now. For over three years the County has said they are working on it. Recently, the Supervisors said they would be spelled out in the General Plan Update. Guess

what? They're not. This is deferred mitigation with no true commitment and no measurement standards.)

I11-96 cont'd

No Implementation Measure

PFS-4.1 Stormwater Management Plans

The County shall consider the preparation and adoption of stormwater management plans for communities and hamlets to reduce flood risk, protect soils from erosion, control stormwater, and minimize impacts on existing drainage facilities, and develop funding mechanisms.
(How can this be merely a consideration? It is all important to control stormwater runoff on site considering the magnitude of development and its inevitable impervious surfaces proposed by this GPU. This is deferred mitigation with no true commitment and no measurement standards. Adopt Low Impact Development measures for all new development.)

Implementation Measure 8

The County shall consider financial tools to prepare and implement drainage plans such as drainage acreage fees . . .
(Instead of considering financial tools, mandate capture and retention on-site of all rainfall as a condition for a development permit.)

PFS-4.2 Site Improvements

The County shall ensure that new development in UDBs, UABs, Community Plans, Hamlet plans . . . includes adequate stormwater drainage systems. This includes adequate capture, transport, and detention/retention of stormwater.
(What is "adequate"? What are the measurement standards? In Tulare County stormwater is directed to irrigation channels, stream beds, and water retention basins. Polluted runoff is entering groundwater and irrigating crops. Why not capture it where it falls, infiltrate it into the ground in vegetated swales, filtering it through the roots and recharging the groundwater? LID measures are cost effective and eliminate stormwater runoff and soil erosion.)

I11-96 cont'd

Implementation Measure 3

The County shall develop and adopt an impact fee program for new development to provide financing mechanisms to ensure the provision, operation, and on-going maintenance of appropriate public facilities and services.
(We guess this pertains to stormwater treatment plants. There are none in Tulare County at this time. Why not mandate Low Impact Development measures for all new development? Then the new development would not have to pay for storm drains or a stormwater treatment plant.)

PFS-4.3 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance.
("Shall encourage" needs to be replaced by "shall require." "Where feasible" needs to be eliminated. The point of preserving pre-construction hydrological patterns of drainage is successful drainage and recharge. "A natural watercourse appearance" may not achieve that. There is no true commitment here to curtail stormwater runoff and soil erosion.)

No Implementation Measure

PFS-4.7 NPDES Enforcement

The County shall continue to monitor and enforce provisions to control non-point source water pollution contained in U.S. EPA National Pollution Discharge Elimination System (NPDES) program.
(Who monitors non-point sources? Where do they monitor and with what frequency? What constitutes enforcement? Since there is no Implementation Measure it's hard to know how effective this promise is.)

PFS Implementation Measure 7

The County shall consider in 2010-2015 amendments to the Subdivision Ordinance to restrict the number of lots allowed with septic tank and leach line systems, and review and upgrade the standards for such systems.
(It's hard to believe the County is serious about this. First, the words "shall consider" and "in 2010-2015" sounds like deferred mitigation. The fact that almost

every house, business, and industry in the unincorporated areas of the County is on a septic tank and leach field because there are almost no wastewater treatment plants makes this mitigation highly unlikely.)

I11-96 cont'd

WR-1.9 Collection of Additional Surface Water Information

The County shall support the additional collection of water quality and flow information for the County's major drainages as part of project approvals.
(The County needs to require this and impose strict standards for the information gathering. Better yet, the County should pay for this to be done. Surely the Kaweah Water Conservation District which covers much of the valley portion of Tulare County could collect this information. The Tule Irrigation District is a natural choice too. In the foothills the Three Rivers CSD and in Springville the utility district (SPUD) could do the work. Sequoia and Kings Canyon National Parks as well as Sequoia National Forest are probably already collecting this information. What is the County waiting for?)

WR-2.1 Protect Water Quality

All major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. The County shall confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site.
(What a weak, weaselly policy. There is no true commitment here. If all development were required to capture and retain all stormwater close to where it falls using DWR recommended Low Impact Development measures there would be almost no runoff or soil erosion.)

Implementation Measure 12

Development projects involving drainage alterations shall be constructed to minimize soil erosion and silt transport.
(Change "minimize" to avoid." Otherwise we are left to guess what "minimize" means. There is no true commitment here.)

I11-96 cont'd

Implementation Measure 14

Groundwater and soil conditions shall be identified prior to subdividing or road and building construction and such development properly engineered to control or avoid potential landslides in areas of unstable soil, as well as to prevent unnecessary substantial amounts of soil erosion.
(Talk about setting low standards. Yokohl Ranch project proposes to build housing on a large landslide according to the GEOCON engineering report (Report of Geotechnical Evaluation for Environmental Impact Report Yokohl Ranch, Tulare County, California August 20, 2007). Do you think this implementation measure is designed to accommodate that New Town? The County should require new development avoid all soil erosion. Take care of the residents and farmers downslope and downstream.

WR-2.2 National Pollutant Discharge Elimination System Enforcement

The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program . . .
(How will the County support this program? The only Implementation Measure for this policy is the miserably inadequate Implementation Measure 14 which we critiqued immediately above. There is no true commitment and no measurement standards.)

WR-2.3 Best Management Practices (BMPs)

The County shall continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Water Quality Control Board.
(The County has failed to require BMPs highly recommended (Low Impact Development) by the Regional Water Quality Control Board. This is disingenuous. There is no commitment to this.)

Implementation Measure 12

Development projects involving drainage alterations shall be constructed to minimize soil erosion and silt transport.
(What are the standards of measurement? There is no true commitment here.)

I11-96 cont'd

Implementation Measure 14

(We have already commented on this Implementation Measure above.)

WR-2.4 Construction Site Sediment Control

The County shall continue to enforce provisions to control erosion and sediment from construction sites.
(It is already evident from previous policies that standards are indeterminate and weak. Enforcing them will not reduce erosion and sediment flow considering the massive proposed development of the GPU. They will increase.)

Implementation Measures 12, 14

(Inadequate.)

WR-2.5 Major Drainage Management

The County shall continue to promote protection of each individual drainage basin within the County based on the basin's unique hydrologic and use characteristics.
("Shall continue to promote shows little commitment. The County proposes to build with no strict erosion control or sediment flow or commitment to maintain pre-development hydrologic patterns.)

Implementation Measure 6

The County shall avoid destruction of established recharge sites through such means as clustering development to leave such areas in open space, avoidance of lining channels and streams, alteration of existing agricultural practices, or substitutions made of drainage methods that will transport polluted waters away from such sites.
(You avoid destruction and contamination of established recharge sites by NOT developing them. This implementation measure is not clear. It doesn't show true commitment. There are no measurement standards.)

WR-2.6 Degraded Water Resources

I11-96 cont'd

The County shall encourage and support the identification of degraded surface water and groundwater resources and promote restoration, where appropriate.
(This is weak and shows no true commitment. It is deferred mitigation. They don't want to know because they want to build everywhere.)

Implementation Measure 17

The County shall amend the well ordinance to require deeper seals in areas of known contaminants.
(Is the County searching for contaminated groundwater? No. Does the County prohibit wells in areas of known contaminants? No. What good will deeper seals be? How deep will these seals be? (This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.7 Industrial and Agricultural Sources

The County shall work with agricultural and industrial concerns to ensure that water contaminants and waste products are handled in a manner that protects the long term viability of water resources in the County.
(What a bunch of bunk. What does "work with" mean? Will ag and industry police themselves? "Handled in a manner that protects the long term viability of water resources in the County" means what? What are the measurement standards? What are the short term contaminants? This worthless policy makes us want to spit tacks.)

No Implementation Measure

WR-2.8 Point Source Control

The County shall work with the Regional Water Quality Board to ensure that all point source pollutants are adequately mitigated (as part of the California Environmental Quality Act review and project approval process) and monitored to ensure long-term compliance.
(The County does little monitoring and enforcement. There is no true commitment here.)

No Implementation Measure

I11-96 cont'd

WR Implementation Measures 14, 16, 17

(Already commented on Implementation Measures 14 and 17.)

Implementation Measure 16

The County shall consider expanding the role of the Water Commission to examine contaminant management in cooperation with the agricultural community and industrial interests.
(The Water Commission has accomplished nothing since its inception. Domestic well records are being sought, not agricultural or industrial wells. It's slow going due to The Patriot Act and sloppy data keeping. No results yet. The Water Commission only wants to look at nitrate contamination. The State may force them to consider other contaminants.)

FGMP-8.7 Minimize Soil Disturbances

The County shall encourage cluster-type development, narrower road widths, and minimized cut and fill projects to minimize soil disturbances. New roads in the foothills should, whenever possible, conform to the natural contours of the existing foothill landscape.
(There is no commitment here and no standards of measurement. This policy seems to be written to make development as inexpensive as possible in the steep canyons of the Yokohl Ranch project.

Implementation Measure 25

The developer will be required to phase road construction to correspond with the phases of the development proposal.
(What has phasing of road construction got to do with soil erosion and sediment runoff?)

FGMP-8.8 Erosion Mitigation Measures

The County shall require erosion mitigation measures in new developments to prevent soil loss.
(What are these erosion mitigation measures? What are the standards?)

I11-96 cont'd

Implementation Measure 3

The County shall require a grading and slope stabilization plan for that portion of the development exceeding slopes of greater than 15 percent.
(What are the standards of measurement for the plan? Zero runoff and zero erosion? If the plan doesn't seem adequate, will the project be denied? Require Low Impact Development measures. Who will review the plan? No true commitment.)

FGMP-8.12 Vegetation Removal

The County shall prohibit unnecessary removal of native trees on development sites prior to approval of development plans to control erosion, preserve wildlife habitat, and maintain the natural character of developing area.
(The word "unnecessary" sinks this policy. What about removal of native trees after approval of project? This is deferred mitigation with no true commitment and no measurement standards.)

WR-2.3 Best Management Practices

(See comments above.)

FGMP-8.3 Development in the Floodplain

The County shall prohibit development of residences or permanent structures within the 100-year floodway. (Gosh, a real mandatory policy. Does the county think there are no 100-year floodplains in the foothills? Yokohl Creek has a 100-year floodplain. The County allowed homes and a motel in the floodplain in Three Rivers along Highway 198. There is no commitment to enforce this policy.)

No Implementation Measure

HS-1.4 Building and Codes

(Good policy required by State law.)

I11-96 cont'd

HS-1.5 Hazard Awareness and Public Education

The County shall continue to promote awareness and education among residents regarding natural hazards, including soil conditions, earthquakes, flooding, fire hazards, and emergency procedures.
(This shows no commitment. Why not prohibit development in hazardous places?)

HS-1.11 Site Investigations

(This is deferred mitigation with no true commitment and no measurement standards.)

HS-5.1 Development Compliance with Federal, State, and Local Regulations

The County shall ensure that all development within the designated floodway or floodplain zones conforms with FEMA regulations and the Tulare County Flood Damage Prevention Ordinance. New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructures, and ensure safe access and evacuation during flood conditions.

(Chapter 27. Flood Damage Prevention ordinance of Tulare County allows unlimited development in the floodway or floodplain zones of homes and mobilehomes [in existing mobilehome parks or subdivisions] as long as the lowest beam of the lowest floor of the building is at or above peak flood level estimated by FEMA. Imagine a subdivision of homes built on raised aggregate foundations in a floodplain. Surely those foundations would displace a lot of floodwater and raise the water surface elevation of the base flood. Additionally, there are no restrictions on sheds, carports, fencing, vegetation, vehicles, picnic tables, etc. that could form barriers to floodwaters, be swept away onto someone else's property, or divert floodwaters down streets, increasing its velocity, and causing more damage. No one thought of cumulative effects when writing this ordinance. Or they decided to ignore them. Non-residential structures are allowed in the floodplain as long as they are flood-proofed up to the base flood elevation estimated by FEMA by one or more of the following:

(1) Installation of watertight doors, bulkheads, and shutters.
(2) Use of paints, membranes, or mortars to reduce seepage through walls.
(3) Addition of mass or weight to structure to resist flotation.
(4) Armour protection of all fill materials from scour and/or erosion.

There are no restrictions on construction materials.)

I11-96 cont'd

HS-5.2 Development in Floodplain Zones

(Part 3 allows development in floodplains of everything but critical facilities. No standards are given for development. Buildings could change flow of floodwaters and create worse flooding elsewhere, produce increased runoff, and soil erosion.)

HS-5.3 Participation in Federal Flood Insurance Program

(Mandatory.)

HS-5.4 Multi-Purpose Flood Control Measures

The County shall encourage multi-purpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of the County's streams, creeks, and lakes. Where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge facilities.
(Two "shall encourages" and one "where appropriate" show no commitment. This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

HS-5.5 Development in Dam and Seiche Inundation Zones

The County shall review projects for their exposure to inundation due to dam failure. If a project presents a direct threat to human life, appropriate mitigation measures shall be taken, including restriction of development in the subject area. (Restricting development is only appropriate if there is a direct threat to human life? What are the other appropriate mitigation measures? Suppose there is only a threat of injury or loss of property? Who decides? What standards will he use? This is deferred mitigation with no true commitment and no measurement standards, and a very dangerous policy. "Shall review" does not require projects be examined for their impact on dam or seiche inundation zones.)

No Implementation Measure

I11-96 cont'd

HS-5.6 Impacts to Downstream Properties

The County shall ensure that new County flood control projects will not adversely impact downstream properties or contribute to flood hazards. (How will the County ensure this? What are the standards of performance? When does this begin? Who is in charge? The County intends to allow development in floodplains (HS-5.2) and below dams (HS-5.5). Areas that would be inundated by failing levees are not addressed. This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

HS-5.7 Mapping of Flood Hazard Areas

The County shall require tentative and final subdivision maps and approved site plans to delineate areas subject to flooding during a 100-year flood event. (This is deferred mitigation with no true commitment and no measurement standards. The County must compare the subdivision site plan with its own FEMA 100-year floodplain map and not rely on the developer to do a good job.)

No Implementation Measure

HS-5.8 Road Location

The County shall plan and site new roads to minimize disturbances to banks and existing channels and avoid excessive cuts and accumulations of waste soil and vegetative debris near natural drainage ways.
(To what degree will the County "minimize" disturbances? What are the performance standards? What is the County definition of "excessive?" This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

HS-5.9 Floodplain Development Restrictions

The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas. (Building in a groundwater recharge area blocks absorption of

floodwaters and percolation into groundwater recharge areas. You can't have your cake and eat it too. This is deferred mitigation with no true commitment and no measurement standards.)

I11-96 cont'd

HS-5.10 Flood Control Design

The County shall evaluate flood control projects involving further channeling, straightening, or lining of waterways until alternative multi-purpose modes of treatment, such as wider berms and landscaped levees, in combination with recreation amenities, are studied. (Levees don't need to be made wider. They need to be set back to allow enough room for floodwaters. They do need to be made of the proper materials. Consult the Army Corps of Engineers. Very bad policy, allowing further channeling, straightening and lining of waterways would make water flow faster and not allow floodwaters to spread out and percolate into the ground. This is probably the worst policy in this section. Please follow Low Impact Development principles. Could this policy be intended for Yokohl Creek in the Yokohl Ranch development?)

No Implementation Measure

HS-5.11 Natural Design

The County shall encourage flood control designs that respect natural curves and vegetation of natural waterways while retaining dynamic flow and functional integrity. ("Shall encourage" shows no commitment. What does "respect" mean in this context? The County needs to require development to not alter historical drainage patterns and disturb riparian vegetation. This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-4.1 Stormwater Management Plans

The County shall consider the preparation and adoption . . . (This is deferred mitigation with no true commitment and no measurement standards.)

I11-96 cont'd

Implementation Measure 8

The County shall consider financial tools to prepare and implement drainage plans . . . (This is deferred mitigation with no true commitment and no measurement standards.)

PFS-4.3 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance. (This is deferred mitigation with no true commitment and no measurement standards.)

No Implementation Measure

PFS-4.6 Agency Coordination

The County shall work with the Army Corps of Engineers and other appropriate agencies . . . (This is deferred mitigation with no true commitment and no measurement standards.)

PFS Implementation Measures 1, 2, 3

(These are deferred mitigations with no true commitment and no measurement standards.)

Does the County not believe in preventing soil erosion, siltation, and stormwater runoff or does it not want developers to incur additional costs? Does the County think developers will flee to adjacent counties if the cost of doing business is higher here? Low Impact Development as described in detail by the Central Valley Water Control Board is the cure for soil erosion, stormwater runoff and siltation. Mandate it in all new development. It is a feasible and economical mitigation measure. The impact of the GPU will be significant and unavoidable on soil erosion, stormwater runoff and siltation.

Impact
3.6-4

Impact 3.6-4 The proposed project could create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems or provide substantial additional sources of polluted runoff. I11-97

The CEQA 2010 Statues and Guidelines wording of this impact is:

"Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

What is the rationale for omitting the words "or planned" from this impact, considering the amount of growth proposed in the Corridors Framework Plan, Hamlets, unincorporated communities, Foothill Growth Management Plan, and Mountain Framework Plan?

Impact Summary I11-98

Level of Significance Before Mitigation: Less Than Significant
Required Additional Mitigation Policies and Implementation Measures: None required
Resultant Level of Significance: Less than Significant

What is the threshold of significance given the extensive development planned for the county?

The Tulare County Guidelines which was identified in the RDEIR on page 3.6-36 under Methodology as a guide to establishing criteria and basis for identifying and evaluating impacts has NOTHING to do with establishing thresholds of significance.

Please delineate what your "professional" judgment was in listing this impact as Less Than Significant?

The Yokohl Ranch Project Initial Study listed its impact on substantial additional sources of polluted runoff as Potentially Significant. I11-99

Impact Analysis

I11-100

Much of the new development permitted in the GPU would be on agricultural land in the valley which has almost no existing impervious surfaces and on foothill and mountain areas which have various degrees of slopes and are either cattle ranching and citrus growing areas or forested areas with virtually nil impervious areas. Polluted runoff from automotive, home, and garden uses would greatly increase. There are no stormwater treatment systems in the unincorporated communities or hamlets. They would have to be built at great expense. And finally the GPU does not mandate any of the Low Impact Development techniques that the Central Valley Water Quality Control Board highly recommends. The level of significance before mitigation is very high (Significant). The mitigation measures proposed by the county are weak, ineffective, not mandatory, have no measurable criteria. The resultant level of significance is really Significant and Unavoidable. I have already reviewed all of these proposed mitigation measures. They are empty promises, deferred mitigation, without any true commitment and no measurable criteria. What is the threshold of significance?

I11-101

The impact analysis for Impact 3.6-4 on page 3.6-50 of the RDEIR says, "Pollution associated with increased stormwater and urban runoff would affect local and regional surface and groundwater quality conditions. . . . Urban runoff flows untreated through the storm drainage system. Anything thrown, swept, or poured into the street or gutter, or a catch basin (the curbside openings that lead to the storm drainage system) flows directly into ponding basins or local channels or creeks or irrigation channels. Pollutant loads can be particularly acute at the beginning of the rainy season, but can be a problem at any time due to improper disposal of products associated with home, garden, or automotive use."

This is a huge water quality problem now and will be far worse if all the development proposed by the GPU actually materializes. And yet, Impact 3.6-1: The proposed project could violate water quality standards or waste discharge requirements, or otherwise degrade water quality is listed as Less Than Significant. Explain that.

I11-102

At the April 26, 2010 Tulare County Water Commission meeting, County engineer James May informed the Water Commission that an irrigation district had disconnected stormwater pipes dumping into their channels because the pipes were sending polluted water into the irrigation channels. Now those communities have no

outlet for their stormwater runoff. See attachment 20, Jim May's Presentation to Tulare County Water Commission. I11-102 cont'd

Groundwater quality in Tulare County is impaired and can cause serious health effects. The RDEIR's assessment of Less than Significant impact of polluted runoff with no additional mitigation required was made despite: I11-103

1) that groundwater "[o]verdraft can lead to . . . water quality degradation . . ." (page 3.14, Volume 1, Bulletin 160-05)

2) the lack of comprehensive information regarding the County's groundwater resources (RDEIR, page 3.9-47)

3) the results of the State Water Resources Control Board's (SWRCB) Groundwater Ambient Monitoring and Assessment Program (GAMA) in Tulare County finding that 75 of the 181 private domestic wells tested in the County had nitrate levels over the maximum contaminant levels (MCL) [enclosure (18) dated 12/12/06 in 2008 GPU comments

4) the pre-applications for funding, enclosure 19 of Peter Clum's 2008 GPU comments, attachment 36 prepared by RMA and Tulare County Environmental Health Department and processed via Tulare County Water Commission and the Tulare County Board of Supervisors in July 2007 to address groundwater contamination from nitrates and other contaminants which note "Tulare County has many public water systems with unsafe drinking water"; "[with] decreasing surface water deliveries to the area groundwater quality and quantity will continue to decline"; "Tulare County has many public water systems with nitrate levels over the Maximum Contaminant Level (MCL) of 45 ppm. Approximately 20% of Tulare County's small public drinking water supplies are unable to meet the nitrate MCL on a regular basis, and another 20% are over half the nitrate MCL. The number of systems effected and the levels continue to increase;" "[the County has extensive groundwater quality issues primarily related to the contaminants nitrate, arsenic, DBCP, and uranium. It is estimated that contamination issues will be exacerbated by land use practices and from overdraft, drought, and the loss of Friant-Kern water due to the San Joaquin River settlement."

The RDEIR's treatment of water quality has resulted in a faulty baseline and a failure to comply with the information disclosure requirement of CEQA by omitting relevant information which precludes informed public participation and intelligent decision making. It almost seems as if there has been deliberate avoidance of groundwater quality issues. There has been no compliance with CEQA Guidelines § 15126.2 (a) which requires an EIR to discuss "health and safety problems caused by the physical changes "that the General Plan Update buildout would precipitate." There is not one word about the correlation of adverse groundwater quality impacts to resulting adverse health impacts. The RDEIR's role "as an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return," *County of Inyo v. Yorty* (1973) 32.Cal.App.3d 795, 810, has not been fulfilled. I11-104

In the RDEIR, 3.4 Energy and Global Climate Change, Wildland Fire Hazards, page 3.4-19, "studies indicate that there is a potential for significant increases in the number of fires escaping initial attack, particularly in areas in which the fuels are dominated by grass and brush. These studies indicate that subtle shifts in fire behavior of the sort that might be induced by the climate changes anticipated for the next century are of sufficient magnitude to result in an increase in the number of fires in areas where brush fuels dominate . . . " These areas are the foothills of Tulare County. Wildfire in the foothills would result in denuded slopes which during regular rainstorms and during particularly intense storms predicted by climate change would erode and produce increasing peak runoff volumes. Stormwater runoff and siltation would convey pollution and exceed the capacity of existing stormwater drainage systems. I11-105

What are the criteria for finding the GPU's impact on runoff water, polluted water and stormwater drainage systems as Less than Significant? This finding flies in the face of common sense. I11-106

There is no Conservation Element in the GPU as required by AB 162. There is a short general paragraph under Environmental Resources Management Element on page 8-6, titled Conservation. And there is a table in Part I, page 1-12, "Relations Between Tulare County's General Plan and the State Mandated Elements" which cites three elements and two plans which supposedly serve the function of a Conservation Element. The Flood Control Master Plan dates to 1972 and is not included in the GPU. The Animal Confinement Facilities Plan (ACFP-Phase 1) is not included in the GPU although flooding of feedlots, manure lagoons, alfalfa fields I11-107

heavily dosed with liquid manure, and dairy barns would contaminate surface water and groundwater. The Water Quality Element does not address flooding. The Health and Safety Element prohibits critical facilities development in floodplains but does not dictate standards for other construction in the 100-year flood plain. Elsewhere in the GPU, development is allowed in groundwater recharge basins if the development is "clustered." I11-107 cont'd

There is no large FEMA map which covers all of Tulare County in the GPU. There are 50-60 separate FEMA flood maps for small areas that together cover all of Tulare County. They have to be searched for on-line. The flood map in the Background Report on page 8-15 is a composite of USGS, CAL OES, FEMA 08, ESRI, and ESA (consultants) data. I11-108

In the Background Report under 100-year Flood Hazard on page 8-14, the county states: I11-109

> The flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures (e.g., bridges, trestles, buildings) have increased along the Kaweah, Kings, and Tule Rivers. Unsecured and uprooted material can be carried down a river, clogging channels and piling up against trestles and bridge abutments that can, in turn, give way or collapse, increasing blockage and flooding potential. Flooding can force waters out of the river channel and above its ordinary floodplain. Confined floodplains can result in significantly higher water elevations and higher flow rates during high runoff and flood events.
>
> 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. Figure 8-1 shows areas of the county that fall within FEMA-designated 100-year flood zones. 100-year flood zones are located throughout the western portion of the county from a number of streams and St. Johns River, White River, and Tule River.

Impact 3.6-5 The proposed project would expose people or structures to flood hazards from development within a 100-year Flood Hazard Area or from increased rates or amounts of surface runoff from development. I11-110

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: No feasible mitigation
Resultant Level of Significance: Significant and Unavoidable

The Yokohl Ranch Project Initial Study listed its impact on flood hazard risk Potentially Significant.

The Mitigating Policies and Implementation Measures listed in the RDEIR on page 3.6-54 are weak, inadequate, and for the most part unenforceable. We will address them later. I11-111

Impact Analysis I11-112

First, the Flood Damage Prevention Ordinance dates to 1972 and is out of date. The County must have meaningful mitigation measures that can be measured to reduce impact of the General Plan Update. The FEMA maps are recent (2008) but do not reflect the true risk and extent of flooding because vegetation chokes channels, sections of levees have been removed by property owners, and lands have been graded for development. All rivers, streams, and irrigation channels are subject to flooding during a 100-year event. Flows will be unpredictable because of aforementioned problems.

The Tulare County Chapter 27 Flood Damage Prevention document is not contained in the General Plan. It dates to 1972 and must be requested from the County. We picked up a copy for $3.50. In the 7-27-1002 Findings of Fact on page 1: I11-113

> "The flood hazard areas of the County of Tulare are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative

effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss."

I11-113 cont'd

On page 7 of the same document obstruction is defined as:

> "Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare, or collect debris carried by the flow of water, or is likely to be carried downstream."

The building standards required by this document for homes, mobile homes and other structures are minimal and not sufficient to protect people or structures from damage. They fail to prevent increase in velocity of floodwaters and do not prevent diversion of floodwaters to another area. The standards fail to consider the cumulative effect of development in a floodplain. The bottom lowest floor beam of homes and mobile homes may be built at or above the estimated base flood elevation. Raising the grade homes are built on will increase the flood level. All the auxiliary components of an American lifestyle (carport, shed, fence, landscaping, picnic tables, vehicles) will be obstructions in time of flood. The streets of homes on raised foundations will channel floodwater and increase its velocity and possibly divert floodwaters in a new direction. The septic tanks and leachfields will pollute runoff and groundwater. The usual garden, home, and automotive products will contaminate the floodwaters.

New mobile homes are allowed in existing mobile home parks and subdivisions in the 100-year flood zone. This is crazy. Proper anchoring is not a safe standard for mobile homes in floodways. The policy should be to move these people out of harm's way.

And finally, on pages 22-26, there are variances for these lax regulations (practical difficulties, unnecessary hardships, lot size, the importance of the services provided by the proposed facility, the availability of alternative locations and many more.)

There is no commitment to keep people or structures safe from floods.

What the County needs to do first is inspect the channels and levees, repair and clean them out, set back levees, and provide outlets to undeveloped natural retention basins in times of flooding. Then the county can allow development in the flood plains. If you can't mitigate, avoid. Building in the 100-year floodplain is avoidable. Nobody has a gun to the County's head. The rate of surface runoff can be completely mitigated by following Low Impact Development Standards - Sustainable Storm Water Management advocated by the California Water Quality Control Board on January 20, 2005. Low Impact Development (LID) is a sustainable practice that benefits water supply and contributes to water quality protection. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, store, evaporate, and detain runoff close to the source of rainfall. LID is a proven approach used in other parts of the country. I11-114

LID provides economical as well as environmental benefits. LID practices result in less disturbance of the development area, conservation of natural features, and is less expensive than traditional storm water controls. The cost savings applies not only to construction costs, but also to long-term maintenance and life cycle cost. LID can be applied to a range of lot sizes.

Ten LID Practices:

1. Bioretention and rain gardens
2. Rooftop gardens
3. Sidewalk Storage
4. Vegetation Swales, Buffers and Strips; Tree Preservation
5. Roof Leader Disconnection
6. Rain Barrels and Cisterns
7. Permeable Pavers (for roads, driveways, sidewalks, parking lots
8. Soil Amendments
9. Impervious Surface Reduction and Disconnection
10. Pollution Prevention and Good Housekeeping

The Porter-Cologne Act (California Water Code), federal Clean Water Act, and the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) govern water quality control and stormwater runoff reduction. I11-115

The GPU does not require (or even mention) Low Impact Development techniques. These are proven mitigation measures, feasible mitigation, economical mitigation, according to the Department of Water Resources. I11-116

Mitigation Policies and Implementation Measures

Health and Safety Element

I11-117

Policies designed to minimize this impact through the preservation of floodplain areas and the management of new development in hazardous areas include the following:

HS-1.2 Development Constraints

The County shall permit development only in areas where the potential danger to the health and safety of people and property can be mitigated to an acceptable level. (You can't mitigate an impact just by saying you are going to mitigate it. What is an "acceptable level"? This is an inadequate mitigation measure.)

No Implementation Measure

HS-1.3 Hazardous Lands

The County shall designate areas with a potential for significant hazardous conditions for open space, agriculture, and other appropriate low density uses. (What are the other appropriate low intensity uses? What is significant? What hazardous conditions? Is the 100-year floodplain considered hazardous by the County? This policy is vague and has no time frame for completion.)

No Implementation Measure

HS-1.11 Site Investigations

The County shall conduct site investigations in areas planned for new development to determine susceptibility to contamination and/or flooding. (Since there is no time frame for doing this and no implementation measure, it's hard to take this policy seriously.)

HS-1.12 Addressing

The County shall seek to expand the Street Names and House Numbering Ordinance to all areas of the County, including private roads. ("Shall seek" does not show a strong commitment. The Implementation Measure says it's planned to

be accomplished in the 2015-2020 time frame. How is having a County-authorized street number going to avoid, minimize, rectify, reduce, eliminate a flood risk or compensate for flood damage? Inadequate policy.)

I11-117 cont'd

Implementation Measure 7

The County shall develop standards for numbering buildings on private driveways to assist emergency service personnel in locating structures. It shall be done 2015-2020. (Why would this take so long to figure out?)

HS-5.1 Development Compliance with Federal, State, and Local Regulations

The County shall ensure that all development within the designated floodway or floodplain zones conforms with FEMA regulations and the Tulare County Flood Damage Prevention Ordinance. (Who will be assigned this task? Why isn't this ordinance in the GPU?)

Implementation Measure 14

The County shall maintain and annually update a Countywide database of FEMA floodplain maps to evaluate projects and provide to County residents, businesses, and developers. (Real estate agents need these maps. They should be required to disclose flood risk to potential buyers in-County and from outside the county.)

HS-5.2 Development in Floodplain Zones

- Critical facilities shall not be permitted (Agreed)
- Passive recreational activities are permissible (Agreed)
- 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 [ERME IV-C; Urban Expansion; Recommendation 2; Pg. 11].
  (This citation refers to the 1964 General Plan. It doesn't exist in this document. There are no standards in this document for building in the flood plain. This is inadequate. Even worse, this policy allows houses, schools, landfills, gas stations, wastewater treatment plants, hazardous waste generation, storage, and treatment plants, industry with toxic chemical storage, feedlots, dairy barns, and manure lagoons in the flood plain. The contamination that would spread to surface water and groundwater if the

floodplain were inundated would not be easy or cheap to remediate. The County hasn't given this policy serious consideration. This policy is dangerously inadequate.)

I11-117 cont'd

Implementation Measure 14.

(See comment on preceding policy. How does keeping the floodplain map updated annually keep the unfortunate people in the floodplain safe? Are you going to erect levees to keep their homes safe from the contaminated floodwaters? What's going to happen to their well water? When floodwaters cover leach fields, water quality suffers and a public health problem is created.)

HS-5.3 Participation in Federal Flood Insurance Program

The County shall continue to participate in the National Flood Insurance Program (NFIP).

No Implementation Measure

HS-5.4 Multi-Purpose Flood Control Measures

The County shall encourage multipurpose flood control projects . . . where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge. ("Shall encourage" and "where appropriate" are inadequate wording for a policy. It shows no commitment to mitigation.)

No Implementation Measure

HS-5.5 Development in Dam and Seiche Inundation Zones

The County shall review projects for their exposure to inundation due to dam failure. If a project presents a direct threat to human life, appropriate mitigation measures shall be taken, including restriction of development in the subject area. (What are the appropriate mitigation measures? How about a threat to livestock and human injury? The County should allow only passive recreational activities below a dam, especially considering climate change.)

No Implementation Measure

I11-117 cont'd

HS-5.6 Impacts to Downstream Properties

The County shall ensure that new County flood control projects will not adversely impact downstream properties or contribute to flooding hazards. (How will the County accomplish this and when? Who will be responsible?)

No Implementation Measure

HS-5.7 Mapping of Flood Areas

The County shall require tentative and final subdivision maps and approved site plans to delineate areas subject to flooding during a 100-year flood event.

(The County must provide up-to-date 100-year flood maps to the developer and not rely on the developer.)

No Implementation Measure

HS-5.8 Road Location

The County shall plan and site new roads to minimize disturbance to banks and existing channels and avoid excessive cuts and accumulations of waste soil and vegetative debris near natural drainage ways. (The County must follow Low Impact Development techniques and keep all runoff on-site using vegetated swales, berms, whatever necessary. Who is in charge of writing standards? When does this program begin? What are the performance standards?)

No Implementation Measure

HS-5.9 Floodplain Development Restrictions

The County shall ensure that riparian areas and drainage areas in the 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas. (Who is in charge? Who sets the standards? What is the setback from riparian areas for development? When does this program begin? There should be no runoff from the development to add to floodwaters.)

I11-117 cont'd

No Implementation Measure

HS-5.10 Flood Control Design

The County shall evaluate flood control projects involving further channeling, straightening, or lining of waterways until alternative multipurpose modes of treatment, such as wider berms and landscaped levees, in combination with recreation amenities, are studied. (It is not acceptable to do further channeling, straightening and lining of waterways. This is not the Low Impact Development technique. Design flood control properly. Do it right the first time. You'll save money. The levees need to be set further back to allow the stream/canal/river to overflow but be contained. The idea is to allow the floodwaters to infiltrate the soil and recharge the groundwater. How can that happen if the channel is lined? Straightening the channel causes the water to flow faster. Get a civil engineer with flood control experience to design this. It is clearly over the planner's head.)

No Implementation Measure

HS-5.11 Natural Design

The County shall encourage flood control designs that respect natural curves and vegetation of natural waterways while retaining dynamic flow and functional integrity. [ERME; Water; Issue 4; Recommendation 2] [ERME; Pg 28] (This reference is to the 1964 General Plan. It doesn't exist in this document. "Shall encourage" is weak and inadequate. Replace it with "mandate." I refer you to Low Impact Development techniques. Who will do the flood control designs? When will this be implemented? Have you set money aside to do it? What are the performance standards?)

There is no policy under the Health and Safety Element to remediate 100-year flood risks to development already existing in 100-year floodplains. Where is the commitment and urgency to clean and enlarge streams, channels, irrigation ditches which will carry the floodwaters? The levees need to be set back, and suitable water retention land purchased or put in easement for diversion of floodwaters. Already developed 100-year floodplains should be top priority for flood control management.

Policies designed to minimize this impact through the continued coordination with service providers, implementation of emergency response plans, and emergency training programs include the following:

I11-117 cont'd

HS-1.1 Maintain Emergency Public Services

No comment.

HS-7.1 Coordinate Emergency Response Services with Government Agencies

No comment.

HS-7.2 Mutual Aid Agreement

No comment.

HS-7.3 Maintain Emergency Evacuation Plans

No comment.

HS-7.7 Joint Exercises

The County shall encourage fire, law enforcement, emergency medical services, resource management . . . (If you don't mandate joint exercises, they will never happen. It's not until you try to execute joint exercises that you find out where the glitches are, like radio communication. They should be held regularly. Inadequate policy.)

No Implementation Measure

Implementation Measures designed to minimize this impact:

Implementation Measure 1

(How often will the training take place?)

Implementation Measure 2

No comment.

I11-117 cont'd

Implementation Measure 3

No comment.

Implementation Measure 5

No comment.

Implementation Measure 9

No comment.

Implementation Measure 17

No comment.

Implementation Measure 19

No comment.

Public Facilities and Services Element

Policies designed to minimize this impact through adherence to appropriate levels of stormwater infrastructure planning.

PFS-4.1 Stormwater Management Plans

The County shall consider the preparation and adoption of stormwater management plans for communities and hamlets to reduce flood risk, protect soils from erosion, control stormwater, and minimize impacts on existing drainage facilities, and develop funding mechanisms. ("Shall consider" is inadequate. "Mandate" is the proper verb. The State Water Quality Control Board has urged local agencies to adopt Low Impact Development techniques I have cited earlier in these Flood Hazard Risk comments. What are the performance standards?)

Implementation Measure 8

("Shall consider" must be replaced with "shall prepare." Inadequate.)

PFS-4.2 Site Improvements

I11-117

(Sounds good. Who is in Charge? When does this begin?)

No Implementation Measure

PFS-4.3 Development Requirements

The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance. ("Shall encourage" is inadequate. Replace it with "shall require." Once again, I cite Low Impact Development techniques. It is not a natural watercourse appearance that matters. It's retaining pre-development drainage patterns.)

PFS-4.4 Stormwater Retention Facilities

The County shall require on-site detention/retention facilities when necessary to maintain existing (pre-development) storm flows and velocities in natural drainage systems. The County shall encourage the multi-purpose design of these facilities to aid in active groundwater recharge. (Water retention/detention are always necessary. The County must require stormwater retention on site. Low Impact Development techniques infiltrate, filter, evaporate, and detain runoff close to the source of rainfall. Stop "encouraging" and start "requiring.")

No Implementation Measure

PFS-4.6 Agency Coordination

No comment.

I11-118

In the RDEIR on page 3.6-53 in paragraph 2 we read, "The County of Tulare has a flood management ordinance . . . that substantially complies with the new requirements" of FEMA. "However, the new laws do require updating emergency response programs based on new FEMA and DWR flood maps, flood data, and flood management requirements. 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." and unpredictable. (added by us).

I11-118 cont'd

What excellent reasons for avoiding development in the 100-year flood plain until these deficiencies are resolved.

I11-119

FLOOD POTENTIAL IN TULARE COUNTY
DUE TO LEVEE FAILURE BASED ON THE
PRESENTATION BY TULARE COUNTY CIVIL
ENGINEER JAMES MAY AT JULY 22, 2009
TULARE COUNTY WATER COMMISSION

With Global Climate Change more intense precipitation events (with increased direct run off and snowmelt run off) are predicted for the future. Both Lake Success and Lake Kaweah have silted in since the construction of their dams. Potential increases in the frequency and intensity of wildland fires due to climate change will cause more soil erosion, increased sediment loads, and more flooding. Lake Success's dam heightening has been stalled for many years by an Army Corps of Engineers (Corps) seismic study. The fuse gates of Terminus Dam on Lake Kaweah have been raised 20 feet. Phil Deffenbaugh of the Corps at Terminus Dam estimates 8000 acre feet of water capacity at Lake Kaweah has been lost since its construction in 1959. This is only an estimate. The last depth study of capacity was done in 1980. The Corps has requested another depth survey in fiscal year 2010 but it is not certain it will be approved because a depth survey costs $150,000 -$200,000. Mr. Deffenbaugh thinks Lake Kaweah will hold 185,000 acre feet when full. Meanwhile, silt accumulates every day. There was major siltation during a storm in 1997. The more silt fills Lake Kaweah and Lake Success, the less capacity they have to hold flood waters, increasing flood potential in Tulare County's rivers and irrigation canals. Global Climate Change will likely cause more flooding in late winter and early spring because of more intense storms and early melting of snow.

The Department of Water Resources (DWR) states that as peak flows and precipitation change over time, historical models for flood risk will not be accurate. Planners will need to factor a new level of safety into the design, operation, and regulation of flood protection such as dams, floodways, bypasses, and levees, as well as the design of sewers and storm drains. Despite higher flood potential in the future, there are no Tulare County water retention basins for the unincorporated areas of the county. The county has not identified potential basins

to receive floodwaters and recharge the aquifer. The basins must be close to stream beds or irrigation channels, be permeable, have adequate capacity, and not overlay contaminated groundwater. On the other hand, local irrigation and conservation districts have created recharge basins. The county has not identified potential basins to receive floodwaters and recharge the aquifer. The basins must be close to stream beds or irrigation channels, be permeable, have adequate capacity, and not overlay contaminated groundwater. There is no land set aside for water retention basins, no ordinances preventing development in potential water retention basins, no funds to purchase land, no impact fees on development in order to build a fund, and no plan for flood control. Tulare County is totally unprepared for floods. The Flood Control Master Plan adopted by the Tulare County Board of Supervisors in 1972 was not included ion the General Plan Update 2030. It can be found on-line.

I11-119 cont'd

On the other hand, Tulare Irrigation District and the Kaweah Delta Water Conservation District have created recharge basins.

Flood potential in Tulare County occurs on all rivers and streams (St. John's River, Pozo Creek, Cross Creek, Deer Creek, Cottonwood Creek, White River, Frazier Creek, Yokohl Creek, Sand Creek, Strathmore Creek, Tule River.)

All levees in Tulare County are primitive. They do not meet FEMA or Corps standards. The county does no maintenance on levees.

New FEMA flood maps were published in 2008. In the City of Visalia, there were 15,000 changes in the Flood map. In Tulare County near North Visalia, there were 867 changes in the flood map. There were no changes in flood maps elsewhere in the county. The City of Visalia hired Northwest Hydraulic Engineering Company to determine which properties were in danger of flooding. They surveyed land and used GPS to determine elevation. The City of Visalia was shocked at preliminary results and tried to terminate the study. The Bureau of Reclamation insisted the study be completed. (The previous major FEMA study was done in 1986.)

The County sets aside approximately $350,000 in property taxes annually for the Tulare County Flood Control District. The majority of the money is put in a reserve fund and used to pay for feasibility studies on rivers and on actual construction by the Corps. These studies are very expensive. There is no money left over for maintenance. The costs for the three stages of bringing levees up to standard are:

1. Reconnaissance study	Conducted by Corps County pays nothing	3-6 years
2. Feasibility study	25% paid by county 25% paid by state 50% paid by federal gov't	4 years
3. Actual construction	17 ½% paid by county 17 ½% paid by Dept. of Water Resources 65% paid by Corps	? (there are lulls in federal funding.)

I11-119 cont'd

Recent feasibility studies on White River and Deer Creek cost the county $500,000 apiece.

The problems with Tulare County's rivers and streams are constricted channels, channels choked with vegetation and trash, unpredictable flows, and bridge piers undermined by previous floods. The levees were not constructed of proper materials, not built high enough, and are not continuous. No maintenance is performed on channels.

In the General Plan Background Report under 100-Year Flood Hazard on page 8-14, the county states:

> "The Flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures (e.g. bridges, trestles, buildings) have increased along the Kaweah, Kings, and Tule Rivers . . .
>
> 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 the 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 . . ."

Groundwater overdrafting and consequent land subsidence will increase flood depths. Less water is conveyed from Northern California because of Delta smelt

and Chinook salmon judicial decisions. Also a recent Biological Opinion decreased surface water conveyance. These water losses will cause farmers to pump even more groundwater. Tulare Lake Basin has been critically overdrafted for decades. Overdrafting of groundwater leads to land subsidence. The U.S. Geologic Service (USGS) studied land subsidence in Tulare County in 2009. Since the 1960's Visalia has subsided one foot (unevenly); the city of Tulare has subsided four feet. This sinking of the land will cause deeper flooding. On the west side of the Central Valley there will be much more overdrafting of groundwater. There is worry of massive subsidence and seismic instability, possible causing a rupture of the San Andreas fault.

I11-119 cont'd

Since the 1986 FEMA flood study more homes have been built in the area of the St. John's levees. Over 1000 property owners adjoin the south levee of the St. John's River. Flood insurance is very expensive. A property owner can avoid flood insurance on a new home if it is built high enough off the ground and gets a conditional letter of FEMA map revision. Tax Levy Districts 1 and 2 on the St. John's River dissolved many years ago. Taxes had been collected for maintenance of the north and south levees. Now no money is collected from property owners adjoining the two levees.

The Corps takes a green approach now. They will build NO more dams, only water retention basins. Obviously it takes a very long time to reduce flood potential. Corps is now underfunded and undermanned.

The valley portion of Tulare County is dominated by cropland, dairies, and orchards. The foothills are dominated by cattle ranches. Almost all the residences in unincorporated Tulare County (except downtown Springville) are on septic systems. Flooding would cause failure of the septic systems. As flood waters recede, they would carry with them fecal coliform bacteria from septic fields, dairies, and cattle ranches and fertilizers, pesticides, fungicides, and herbicides from agricultural land. The inundation of contaminated water would raise the risk of typhoid, bacterial infections, and cancer.

Because Tulare County cannot afford to bring our levees up to safe standards, maintain channels, or create water retention basins to capture floodwaters, Tulare County should ban development in flood prone areas. The appropriate place for this is the Land Use Policies of the General Plan Update, as recommended in the 2009 California Climate Adaptation Strategy and the 2008 DWR's Managing An Uncertain Future: Climate Change Adaptation Strategies for California's Water.

The General Plan Update does not fully comply with AB 162 which requires a FEMA or DWR flood zone map for the whole county, a conservation element that covers flood control, and a safety element that provides protection against subsidence and dam failure. I11-120

Impact 3.6-6 The proposed project would expose people or structures to flood hazards from failure of a levee or dam. I11-121

Impact Summary

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: No feasible mitigation
Resultant Level of Significance: Significant and Unavoidable

The Yokohl Ranch Project Initial Study listed its impact of exposing people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam as Potentially Significant.

Impact Analysis I11-122

Increased development in foothills and mountains would increase soil erosion, stormwater runoff and siltation. Runoff would be far greater than historical pre-development conditions. Siltation behind dams would reduce their capacity and could cause overtopping or dam failure and substantial flooding.

The RDEIR Impact Analysis states levees typically fail in one of two ways: overtopping and structure failure. Not mentioned are the facts that the levees are not set back far enough from the channels to contain floodwaters and they have been breeched by property owners who bulldozed them to gain access to the river. Schools and homes are behind these decrepit levees.

See attachment 22, Flood Potential in Tulare County.

The RDEIR's Impact Analysis on page 3.6-55, first paragraph, states, "Although dam failure can result from numerous natural or human activities, such as earthquakes, erosion, improper siting, rapidly rising flood waters and structural and design flaws, the likelihood for this to happen remains minimal. I11-123

Success Dam on the Tule River in 1983 was found to have structural flaws and an inadequate spillway during testing and assessment of the dam. If a seismic event occurs of a certain size (8.0 on the Richter scale) on the San Andreas Fault and the event lasts a certain length of time, the thick layer of unconsolidated alluvial material that the dam rests on (sand, rock, and gravel) would liquefy, allowing the dam to settle and cause

rupture of the core of the dam. It would fail. To be safe, the dam must stand up to the worst anticipated conditions. Another problem with the dam is spillway inadequacy (not wide enough). In a maximum flood event, there is a risk of overtopping which would erode the dam and cause it to fail. This information was obtained from Calvin Foster, Southern Area Manager for the Army Core of Engineers, located in Porterville, on April 19, 2010. I11-123 cont'd

Sand Creek, Bravo Lake and Larson Dams are maintained by irrigation districts. They are not inspected by the Army Corps of Engineers. Pine Flat dam is in Fresno County, but if it failed, it would inundate the northeastern valley portion of Tulare County. The dam on Lake Isabella has multiple problems: seepage, built on unconsolidated alluvium, on an active earthquake fault, and with spillway inadequacy. If it failed, it would inundate part of Kern, Kings, and southwestern Tulare County (the old Tulare Lake). I11-124

All of these potential inundation areas must not be developed.

For the past five years, the Army Corps of Engineers has sought federal funding to finance expansion and raising of Success Dam. The project has not been funded yet. Remediation for seismic and seepage problems will cost $500 million, according to Calvin Foster, Southern Area Manager of the Army Corps of Engineers on May 13, 2010. He also said it would cost $10 million to purchase 125 acres of real estate below the dam, relocate the people, survey, do an environmental analysis and deal with hazardous material issues. An employee of R.L. Schafer and Associates, also on May 13, 2010, said raising the spillway was estimated at $30 million five years ago. Meanwhile, Success Dam can only be filled to 2/3 capacity because of seismic problems. Only 28,000 acre feet of water can be held behind the dam, hurting the farmers in the Tule Irrigation District, according to the Schafer and Associates employee. I11-125

The RDEIR lists 32 Mitigating Policies and Implementation Measures. I have reviewed all of them more than once in other hydrology, water quality and drainage impact analyses and I have found them to be ineffective, discretionary, deferred mitigation with no true commitment and no standards of measurement, except the few mandated by the federal or state government. I11-126

Low Impact Development – Sustainable Storm Water Management techniques adopted by the State Water Resources Control Board on January 20, 2005, are recommended to all local agencies. The 10 techniques would reduce stormwater runoff and flooding and subsequent potential failure of levees and dams. I11-127

We agree that this GPU would have very Significant and Unavoidable impacts on levees and dams.

I11-128

Impact
3.7-1

Impact 3.7-1 The proposed project could result in substantial soil erosion or the loss of topsoil. I11-129

Impact Summary

Level of Significance Before Mitigation: Less than Significant
Required Additional Mitigation Policies and Implementation Measures: None required
Resultant Level of Significance: Less than Significant

Impact Analysis I11-130

The RDEIR's impact analysis of the causes of soil erosion are "precipitation, running water and wind." Page 3.7-17. It overlooks degree of slope, amount, duration and intensity of rainfall, and looseness of soil as the prime causes of soil erosion. Grading for roads and buildings removes vegetation coverage and the roots which hold the soil. It loosens the soil which is then very vulnerable to erosion until it is fully vegetated, a matter of years. Foothill and mountain slopes often have a thin layer of topsoil over rock. Once it's gone, it's gone for good. The Foothill Growth Management Plan Development Standards allows construction (and presumably the roads to it) on slopes greater than 30° (standard #3), cut-and-fill grading (standard #7), and detaining as much water as possible but sets no performance standards (Standard #18) on pages 3-29 and 3-30, Part II Area Plan Policies. I11-131

Next to be considered is climate change which is predicted to bring more intense storms and consequently more soil erosion. The Impact Analysis also played down the greatly increased percentage of impervious pavement which would result from the proposed development. In the foothills and mountains this would make a huge difference in the velocity of the water coursing downslope. The Yokohl Ranch project proposes to develop 14,400 acres, some of it on steep slopes. Ten thousand homes, three hotels, a resort, a convention center, biking and hiking trails, a regional sports facility, commercial development, water treatment plant, wastewater treatment plant, sidewalks, roads, two fire stations, community center, two reservoirs, police station, library and God knows what else will result in a heck of a lot of impervious surfaces. I11-132

The Yokohl Ranch Project NOP/IS finds this impact Potentially Significant for good reason. In Three Rivers, a foothill community, soil erosion is a chronic I11-133

problem for landowners. Road shoulders and road gutter lines need repair after heavy rains. Ubiquitous pocket gophers and ground squirrels exacerbate soil erosion. Gravel roads must be regraded at least once every Spring. Gullies which have formed in swales during rains must be repaired before they become ravines and carry soil into streams and rivers. People dump chunks of recycled concrete into ravines to hold soil. Road culverts must be cleared of mud and rocks. Rock retaining walls slump downslope and must be repaired at great expense. One Tulare County road maintenance person works almost full time in Three Rivers and can't keep up with road maintenance needs. See attachment 23, Three Rivers Town Hall Meeting. I11-133 cont'd

This is the soil erosion situation now in three Rivers, where according to the 2000 U.,S. Census, there were 1,217 homes and few public and commercial buildings and four churches concentrated in a small area. The General Plan proposes aggressive development throughout the County. Consider the soil erosion which would result from the Yokohl Ranch Project's 10,000 homes, three hotels, resort, commercial center, regional sports facility, convention center, infrastructure buildings and roads on 14,400 acres.

Does the County require Low Impact Development-Sustainable Storm Water Management, which is highly recommended by the State Water Resources Board? No. Rainwater needs to be captured and detained as close to the site where it falls as possible. I11-134

The General Plan Update promotes aggressive development in the foothills, mountains and Rural Valley Lands Plan. There will be significantly increased soil erosion in the whole county, but it will be far worse in the foothills and mountains. If this plan gets adopted, we will find our topsoil in the streams and reservoirs. It is inconceivable how the County found this impact Less than Significant. I11-135

The policies and implementation measures are weak and non-enforceable. There are no measurable performance standards. I11-136

Impact
3.8-6

Impact 3.8-6 The proposed project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

I11-137

CEQA Appendix G Environmental Checklist Form wording for this impact is:

Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

What is the rationale for the 2010 RDEIR change of wording, other than to favor major development in the wildland/urban interface (Yokohl Valley project)?

Impact Summary

I11-138

Level of Significance Before Mitigation: Less Than Significant
Required Additional Mitigation Policies and Implementation Measures: None
Resultant Level of Significance: Less than Significant

Impact Analysis

The RDEIR assesses the impact of the General Plan on risk of wildland fire impacts as "Less Than Significant" for all plan areas (Corridor, Framework, Rural Valley Lands, Foothill Growth Management Plan and Mountain Framework) and requires no additional Mitigation Policies, resulting in "Less Than Significant" impact overall. How can there be wildland fires in the valley?

This is not true. Development on the scale proposed by the GPU places people and property on 30° or more slopes on poorly maintained roads in remote areas to be protected by the Tulare County Fire Department which is under funded, under staffed, lacking facilities to house equipment, needing new stations and not meeting required response times today. "The creation of residential parcels in this (foothill) area has compounded the potential for property damage from fires and has significantly complicated firefighting efforts. Foothill and mountain subdivisions have also virtually eliminated prescribed burning as a means of fire suppression." See Background Report, page 8-21. A "Less Than Significant" finding flies in the face of common sense.

In the Public Services, Recreation and Utilities Section 3.9 pages 3.9-25 through 3.9-26 under Fire Prevention and Suppression, the RDEIR states: "Public protection classifications are designated by the Insurance Services Office (ISO). The ISO bases its classifications on a number of factors, including fire department location, equipment, staffing, water supply, and communication abilities. Ratings range from 1 to 10, with 1 being the best fire protection, and 10 being the worst. The ISO ratings in the incorporated areas of the county range from 5 to 8 with unincorporated areas receiving an average rating of 8." It's safe to assume remote foothill and mountain areas have ratings of 9 or 10. How can the under funded, understaffed Tulare County Fire Department serve a much larger population, especially residents in foothills and mountains who live in Very High Wildfire Threat Areas? I11-139

The GPU allows building on an average of 30° slopes, cantilevered structures, structures on stilts as long as the horizontal surfaces are fire resistant. Imagine these structures stacked on horizontal roads on cut-and-fill steep slopes and remember that houses burn hotter than trees and most fires are caused by human activities involving motor vehicles and equipment, arson, and debris burning. See GPU Goals and Policies Report Part III FGMP 3.12 Development Standards on pages 3-29 through 3-34; Standard 3; Standard 7; Standard 47; Standard 48; Standard 50; and Standard 51. Standard 7 (Land Alternative Grading) says, "The maximum steepness of exposed cuts and fills shall meet the standards established in the Improvement Standards of Tulare County." We purchased the Improvement Standards of Tulare County on May 12, 2010 from RMA for $10.00 There is nothing in the 117 page document pertaining to cut and fill standards. I11-140

What is the rationale for using minimal wildland/urban building standards on such steep slopes, if not to keep the construction costs down for the proposed 10,000 home New Town in Yokohl Valley? The homes will be adjacent to wildland and interspersed among trees, brush, and grasses in steep canyons. There seems to be minimal consideration for the health and welfare of the foothill and mountain residents on-site and off-site. I11-141

The County needs to follow the recommendations of the 2009 California Climate Adaptation Strategy document released by the California Natural Resources Agency. I11-142

See attachment 24, California's Firefighters' Mission; attachment 25, Builders Criticized for Raising Fire Risk; attachment 26, Wildfires Speeding Up Global Warming Pace. I11-143

Many, many patches of chaparral exist in the foothills of Tulare County. The "extreme" fire threat rating applies to chaparral areas. See the foldout map, Figure 3.11-1 (Habitat) page 3.11-7 RDEIR for locations of chaparral. I11-144

What is the threshold of significance for risk of loss, injury, or death involving wildfires? I11-145

What the county should do is avoid building in these very high wildland fire threat areas. The laws that directly regulate wildfire hazards tend to be focused on code compliance, offer only the minimum standard of protection to people and structures and do almost nothing to protect biological resources. CEQA requires that wildfire hazards be disclosed, fully analyzed, and mitigated when feasible. I11-146

If the county refuses to avoid development in the foothills and mountains, real, effective mitigation measures must be mandatory. I11-147

The California Fire Code authorizes local jurisdictions to impose more stringent standards than those contained in the state code. See CAL FIRE Code §101.8. Steep slopes, chaparral, oak woodlands, cut-and-fill grading (which increases the grade) and roads stacked horizontally require stricter standards. CAL FIRE and the Tulare County Fire Department must develop enhanced Fire Protection Plans for the highest fire risk projects. The plan must mandate non-combustible building materials and ember proof vents. I11-148

According to Capt. Paul Marquez of CAL FIRE, on April 18, 2010, building standards in wildland fire zones like the foothills of Tulare County, which is classified as very high fire hazard are determined by the State of California. Public Residential Code 4290. Fire hazard severity zone. That doesn't mean the county couldn't impose stricter standards. On steep slopes (greater than 30°) building standards should be even stricter. Such as: non flammable roof, ember proof vents, no abutting wood walkways, decks or fences, no homes on stilts or cantilevered out over steep slopes. See Health and Safety Element, Policy HS-6.2 Development in Fire Hazard Zones which "promotes" the use of fire resistant materials and says "Special consideration shall be I11-149

given to the use of fire-resistant-materials and fire-resistant-construction in the underside of eaves, balconies, unenclosed roofs and floors, and other similar horizontal surfaces in areas with steep slopes". See this policy on page 10-10 of the Goals and Policies Report. According to the Background Report on page 3-21, "Steeper terrain in these areas increase the threat of wildland fires." On page 8-22 in the Background Report ". . . Many of the (fire station) facilities (are) identified as inadequate for housing fire equipment. In addition, response times in the county 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." The Tulare County Fire Department's Capital Improvement Plan identifies "the lack of funding as the main obstacle to improving fire protection."

I11-149 cont'd

According to the Background Report on page 8-22, "The Fire Department currently has minimal staffing to meet the requirements set forth under NFPA 1720-1721 for a rural area. This consists of one full time person per station per shift with either intern fire fighters (from a local community college, etc.) or paid on-call firefighters. However, while this is sufficient to meet the basic needs of the County in an emergency, this level of staffing often results in an elevated fire loss value when compared with other departments with more staff."

I11-150

Homes built in areas at risk for wildfire is a major factor in the state's growing wildfire problem. Assembly Member Dave Jones, of Sacramento says because counties approve construction in wildfire areas, "more firefighters are placed in jeopardy and more homeowners have lost their homes as new subdivisions have been built in high-risk areas without adequate fire protection.

Human activity is by far the leading cause of wildland fires, accounting for at least 70% of the fires in CAL FIRE jurisdiction from 2000-05, agency figures show.

"Any time we put more people in the wildland, it puts more risks on the firefighters," said CAL FIRE deputy Director Ken Pimlott. "Our first priority is to protect life and property."

I11-151

CAL FIRE is forced to fight fires more aggressively when houses are nearby. The presence of homes also limits the agency from using controlled burns and aerial firefighting. I11-151 cont'd

Interestingly enough, Tulare County thinks controlled burns on road buffers in the mountains and foothills are a viable option. See Part I, Goals and Policies Report, HS-6.11 Fire Buffers.

There is agreement that development increases wildfire risks. Since Tulare County's foothills and mountains are now classified by CAL FIRE as Very High Hazard zones for wildfires, greatly increased development facilitated by the GPU would raise our foothill/mountain wildfire risk to extreme.

In years past California's wildfire season arrived like clockwork in late summer and ended in early fall. But recently, the spread of housing into fire-prone regions has turned the threat into a nearly year-round problem.

In 2008, a record 1.6 million acres burned in California. Ten of the 20 biggest wildfires in California's recorded history have happened since 2000. 2007 and 2008 were classified as "siege years," with abnormally high incidents of wildfires.

Tulare County's foothills and mountains are State Responsibility Areas (SRA). The State is required to fight wildfires in SRAs. Firefighting costs weigh heavily on California budget.

Meanwhile local fire departments have had to trim their budgets in the recession. They can't afford to spare resources to support other jurisdictions via mutual aid agreements to the same extent as in the past. Pushing development into the foothills and mountains put it and existing development at risk due to limited firemen, fire trucks, and longer response times.

Climate change will bring a significant increase in wildland fire risk. Longer, hotter summers, drier vegetation, and increased winds that throw embers do not bode well for those living in the foothills and mountains in homes that are merely fire resistant. Building materials must be non-combustible. No wood walkways, decks or fences may abut homes. Ceiling sprinklers must be required for every building. Homes must be tightly clustered (townhouses

are a good example) with 100' buffer areas around them. There must be a sufficient supply of water nearby and adequate pressure to fight a wildfire. There must also be sufficient available water for any proposed fire safety strategies, such as interior sprinkler systems and wetting down landscaping. The water should be stored in tanks, not ponds which dry up, get clogged with vegetation or are otherwise not maintained. The Tulare County Fire Department must be fully funded to meet the demands of a larger population in remote areas, with an adequate number of fire stations located within or close to housing development, staffed with an adequate number of fire fighters and with sufficient equipment in order to meet the response time required by law. I11-151 cont'd

Another way to reduce risk of wildfire consuming a home is to ban highly flammable landscape materials such as eucalyptus, pampas grass, bamboo, and pine trees. This ban could be included in the Fire Protection Plan.

Wildfires that ravage California and other major forested areas around the world are speeding up the pace of global warming as they pump more and more greenhouse gases into the atmosphere, according to an international team of fire specialists from six nations. See attachment 26, Wildfires Speeding Up Global Warming Pace.

The County should refrain from permitting building in the Very High Fire Hazard zones or create and enforce a Fire Protection Plan requiring non-combustible construction materials.

The mitigating policies and implementation measures listed in the RDEIR on pages 3.8-34 and 3.8-35 will not mitigate the risk of building industry, commercial buildings, resorts, planned communities and housing in the foothills and mountains in very high wildfire threat areas. Our comments regarding them follow. I11-152

PF-5-2 Criteria For New Towns (Planned Communities)

This policy omits the need for New Towns to pay for staffing of new infrastructure. It requires each development pay its fair share.

In the Goals and Policies Report, General Plan Framework Component, Value Statements on page A-1, the fifth Value Statement is Growth will pay its own way providing sustainable, high quality infrastructure and services.

I11-152 cont'd

PFS-1.3 Impact Mitigation says "New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law.

This is inconsistent. Explain the true intent of the GPU.

Each development must pay all its infrastructure costs. Each planned community must demonstrate a 20 year water supply for full build-out. Adequate and sustainable water supplies must be proved, not just documented. Infrastructure must include a transit center. Planned communities must not cause any conversion of Prime Farmland, period, no exceptions. Indeed no farmland, even grazing land, may be converted to Planned Communities. They can be located as infill.

No Implementation Measure.

PFS-1.3 Impact Mitigation

The County shall review development proposals for their impacts on infrastructure (for example, sewer, water, fire stations, sheriff's stations, libraries, streets, etc.) New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. The lack of available public or private services or adequate infrastructure to serve a project, which cannot be satisfactorily mitigated by the project, may be grounds for denial of a project or cause the modification of size, density, and/or intensity of the project. (The development should pay all of the costs of infrastructure improvements. If adequate infrastructure cannot be provided, the project must be denied.)

No Implementation Measure.

PFS-2.1 Water Supply

The County shall work with agencies providing water service to ensure that there is an adequate quantity and quality of water for all uses, including water for fire protection, 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. (A will serve notice or equivalent must be provided for 20 years at project build out water demands.) (The County shall require agencies providing water service . . .)

I11-152 cont'd

No Implementation Measure.

PFS-7.1 Fire Protection

The County shall strive to expand fire protection . . . (The County shall expand fire protection . . .)

No Implementation Measure.

(This shows no true commitment.)

PFS-7.2 Fire Protection Standards

The County shall require all new development to be adequately served by water supplies, storage, and conveyance facilities supply adequate volume, pressure, and capacity for fire protection.
Implementation Measure 2 The County shall review and incorporate, as appropriate, the recommendations provided by CDF and Tulare County Fire Department Review Committee relative to fire protection. (The County shall incorporate the recommendations . . .)

PFS-7.3 Visible Signage for Roads and Buildings

The County shall strive to ensure all roads are properly identified . . . (If the County can't properly identify all roads, no building shall occur on them.

No Implementation Measure.

I11-152 cont'd

PFS-7.4 Interagency Fire Protection Cooperation

The County shall continue to promote cooperative fire protection agreements . . . (This is a weak commitment.)

No Implementation Measure.

PFS-7.5 Fire Staffing and Response Time Standards

The County shall strive to maintain fire department staffing and response time goals . . . (Not nearly good enough to keep residents safe.)

Implementation Measure 14.

The County shall maintain a map identifying the urban, suburban, rural and remote areas set forth in Policy PFS-7.5.

Implementation Measure 3.

The County shall develop and adopt an impact fee program for new development to provide funding mechanisms to ensure the provision, operation, and ongoing maintenance of appropriate public facilities and services (2010-2015). (This is deferred mitigation with no true commitment.)

PFS-7.6 Provision of Station Facilities and Equipment

The County shall strive to provide sheriff and fire station facilities, equipment (engines and other apparatus), and staffing necessary to maintain the County's service goals. . . . (Striving is not nearly good enough. Meet the service goals or stop development.)

No Implementation Measure.

PFS-7.7 Cost Sharing

The County shall require new development to pay public facility fees associated with new sheriff/fire station facilities and equipment necessary to maintain the County's service standards in that area. (Will these fees pay

all of the costs?) New development may also be required to create or join a special assessment district, or other funding mechanism, to pay the costs associated with the operation of a sheriff/fire station. I11-152 cont'd

No Implementation Measure.

PFS-7.11 Locations of Fire and Sheriff Stations/Sub-stations

The County shall strive to locate fire and sheriff sub-stations in areas that ensure the minimum response times to service calls. (The County shall locate . . .)

No Implementation Measure.

FGMP-10.2 Provision of Safety Services

The County shall ensure that development is located in areas of the foothills that can be adequately served by existing Tulare County fire stations and the Sheriff's department unless new facilities are proposed or required for the development. (Tulare County residents in the foothills and mountains are getting bare bones coverage now and delays in response times. The new development shall pay all the costs of building and maintaining fire and sheriff facilities.)

No Implementation Measure.

FGMP-10.3 Fire and Crime Protection Plan

The County shall require that fire and crime protection plan considerations; including financing, be incorporated into all proposed developments to ensure adequate emergency services are available and able to serve new development. (Each proposed development must require a Fire Protection Plan (FPP), not just considerations.

No Implementation Measure.

I11-152 cont'd

HS-1.4 Building and Codes

Except as otherwise allowed by State Law, the County shall ensure that all new buildings intended for human habitation are designed in compliance with the latest edition of . . . California Fire Code . . . (The California Fire Code requires minimum standards. In some projects planned on steep slopes higher standards must be required in the Fire Protection Plan.)

Implementation Measure 7

The County shall develop standards for numbering buildings on private driveways to assist emergency service personnel in locating structures in 2015-2020. (How long does it take to develop a numbering system based on distance from the nearest fire station?)

HS-1.5 Hazard Awareness and Public Education

The County shall continue to promote awareness and education among residents regarding natural hazards, including . . . fire hazards . . . (This is weak.)

Implementation Measure 4

The County shall create a program that trains volunteers to assist . . . fire . . . personnel how to perform effectively after a natural or human-made disaster, ongoing

HS-1.6 Public Safety Programs

The County shall promote public safety programs, . . . including prevention of fire hazards . . . (How will the County do this?)

Implementation Measure 4

See above.

I11-152 cont'd

HS-1.8 Response Times Planning in GIS

The County shall utilize its Geographic Information Systems (GIS) technology to track fire . . . response times and provide technical assistance to fire . . . enforcement agencies.

Implementation Measure 10

The County shall work with other local agencies within the County to develop coordinated GIS planning . . . from 2015-2020

Implementation Measure 11

The County shall maintain a fire hazard severity map based on inputs from CAL FIRE and local fire districts in the County. The County shall use this map to determine if additional fire safety conditions should be applied as conditions of approval. . . . Ongoing (Very high hazard and extreme hazard wildfire areas require additional fire safety conditions.)

HS-1.9 Emergency Access

The County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation. (Safe and ready access for emergency equipment and alternate routes must be mandatory.)

Implementation Measure 9

The County shall pre-identify and periodically review evacuation routes in anticipation of an emergency . . . (This does not ensure an alternate route.)

HS-1.10 Emergency Services Near Assisted Living Housing

In approving new facilities, such as nursing homes . . ., to the extent possible, the County shall ensure that such facilities are located within reasonable distance of fire stations. (Not good enough, what is a reasonable distance? Remove "to the extent possible.")

No Implementation Measure.

I11-152 cont'd

HS-1.12 Addressing

The County shall seek to expand the Street Names and House Numbering Ordinance to all areas of county, including private roads for emergency 911 purposes. (Weak policy.)

Implementation Measure 7

The County shall develop standards for numbering buildings on private driveways to assist emergency service personnel in locating structures 2015-2020.
(Too late.)

HS-6.1 New Building Fire Hazards

The County shall ensure that all building permits in urban areas, as well as areas with potential for wildland fires, are reviewed by the County Fire Chief.

Implementation Measure 15

CAL FIRE has 3 designations of wildfire risk in foothills and mountains-high, very high, and severe. For some reason, Tulare County has chosen to use the classification Extreme, Moderate, and Minimum. FIX THIS. Despite the inconsistent classification, in Extreme Hazard areas the County says "extreme caution should be used in allowing development, particularly critical facilities." (Well, well, well. If this weren't so serious, it would be funny. How can you approve housing and schools in Extreme Hazard areas, under any conditions? Issue NOMEX suits, fire shelters, etc.?) (2010-2015)

Implementation Measure 16

The County shall work with the Fire Chief to develop a natural hazard disclosure statement for wildland fires to be recorded along with all development approvals in all moderate and extreme hazard areas. (2015-2020) (It's a little late to issue this statement after approval of a

development.) The high and very high hazard designations have been omitted from this implementation measure.)

I11-152 cont'd

HS-6.2 Development in Fire Hazard Zones

This policy must include limited, moderate, high, very high, and extreme fire hazard zones. "Steeper terrain in these areas increases the threat of wildland fires." Page 8-21 Background Report. Steep slopes in Very High Fire Threat areas equates with Extreme threat. Cut-and-fill grading on average of 30° slopes increases the gradient radically.

The County must not "promote" use of fire resistant materials, it must mandate them to comply with the California Fire Code. "Special consideration shall be given to the use of fire-resistant-materials and fire-resistant construction in the underside of eaves, balconies, unenclosed roofs and floors, and other similar horizontal surfaces in areas with steep slopes." (This is not acceptable fire protection on steep slopes. All building materials must be non-combustible. Floors should not be exposed to fire from below. No homes on crawl spaces, or on stilts, or cantilevered out can be allowed in very high or extreme fire hazard zones.)

Implementation Measure 15

See comments above.

HS-6.3 Consultations with Fire Service Districts

The County shall consult the appropriate fire service district in areas identified as subject to high and extreme fire hazard, for particular regulations or design requirements prior to issuance of a building permit or approval of subdivisions. (Include the Very High fire hazard category. Consulting is not enough. Add "and follow the recommendations of fire service district.")

Implementation Measure 16

The County shall work with the Fire Chief to develop a natural hazard disclosure statement for wildland fires to be recorded along with all development approvals in all moderate and extreme hazard areas.

I11-152 cont'd

(What happened to high and very high hazard areas? What good is a natural hazard statement recorded along with development approvals? It doesn't lower the fire risk. This Implementation Measure doesn't kick in until 2015-2020. This is an inadequate, deferred mitigation with no true commitment.)

HS-6.4 Encourage Cluster Development

The County shall encourage cluster developments in areas identified as subject to high or extreme fire hazard . . . (What good does encouraging do? Mandate cluster development. Define cluster development. How many units per acre? Add very high fire hazard category to this policy.)

No Implementation Measure.

HS-6.5 Fire Risk Recommendations

The County shall encourage the County Fire Chief to make recommendations to property owners regarding hazards associated with the use of materials . . . (The County Fire Chief should be making recommendations to the Board of Supervisors, not property owners, regarding standards of construction, etc.)

No Implementation Measure.

HS-6.6 Wildland Fire Management Plans

The County shall require the development of wildland fire management plans for projects adjoining significant areas of open space that may have high fire loads. (Who determines what size area is significant? Who determines a high fire load? What are the standards? This is deferred mitigation with no true commitment and no standards of measurement.)

No Implementation Measure.

HS-6.7 Water Supply System

The County shall require that water supply systems be adequate to serve the size, and configuration of land developments, including fire flow

requirements. (Include grade of land. Greater slopes mean faster wildfire movement. More water supply will be needed to cope.)

I11-152 cont'd

No Implementation Measure.

HS-6.8 Private Water Supply

The County shall require separately developed dwellings with individual private water supply to provide an acceptable guaranteed minimum supply of water for fire safety, in addition to the amount required for domestic needs. (What is an acceptable minimum – 4000 gallons, 5000 gallons, 10,000 gallons? It must be in a tank. Ponds go dry or get clogged with vegetation, frogs, and trash.)

No Implementation Measure.

HS-6.9 Fuel Modification Programs

The County shall actively support fuel modification and reduction programs on public and private lands throughout the County. (The County needs to "require" not "support" this. Where will the manpower come from to monitor public and private lands throughout the County? The County does not monitor or enforce anything now.)

No Implementation Measure.

HS-6.10 Fuel Breaks

(Good policy. Who will monitor compliance with fuel breaks regulations?)

No Implementation Measure.

HS-6.11 Fire Buffers

The County shall strive to maintain fire buffers along heavily traveled roads within high and extreme hazard zones by thinning, disking, or controlled burning . . . (Add "very high hazard" zone. What is the definition of heavily traveled road? Who decides? Controlled burning is out of the question. It creates GHG emissions and makes our air quality worse. Burning greenwaste

is a hazard to public health. There isn't enough funding or manpower in Tulare County's road maintenance division to maintain fire buffers. There has been 20 years of deferred road maintenance in Tulare County which has caused accelerated deterioration of our county roads. Disking won't work in foothills or mountains where granite boulders exist above ground and below ground. This policy is a pipe dream. Striving isn't good enough. If Tulare County can't mitigate the fire risk, it shouldn't allow development in high, very high, and extreme hazard zones.)

I11-152 cont'd

HS-6.12 Weed Abatement

The County shall continue to encourage weed abatement programs throughout the County in order to promote fire safety. (How will the County encourage weed abatement? Is any money set aside? This is another empty promise.)

No Implementation Measure.

HS-6.13 Restoration of Disturbed Land

The County shall support the restoration of disturbed lands resulting from wildfires. (How will the County support this restoration? Has any money been set aside? People designated to come up with a plan?)

No Implementation Measure.

HS-6.14 Coordination With Cities

The County shall coordinate with cities to develop cohesive fire safety plans with overlapping coverage. (Who is tasked to do this? How often do they meet with the eight incorporated cities? When does this begin?)

No Implementation Measure.

HS-6.15 Coordination of Fuel Hazards on Public Lands

The County shall work with local and Federal agencies to support efforts to reduce fuel related hazards on public lands. (Who is tasked to do this? When does it start?)

No Implementation Measure.

I11-152 cont'd

HS-7.1 Coordinate Emergency Response Services with Government Agencies

(Good policy and Implementation Measure.)

HS-7.2 Mutual Aid Agreement

(Good policy except for "where necessary and appropriate" clause. Who decides this?)

No Implementation Measure.

HS-7.3 Mountain Emergency Evacuation Plans

(Good policy except wildfire was not included. Evacuation on poorly maintained sub-standard roads is going to be a huge problem.)

Implementation Measure 19

This is required by state law.

HS-7.4 Upgrading for Streets and Highways

The County shall evaluate and upgrade vital streets and highways to an acceptable level for emergency services. (This is great for valley residents. It does not help residents in high, very high, and extreme wildfire threat areas of the foothills and mountains where poorly maintained, substandard roads are low priority for maintenance. What is an acceptable level?)

No Implementation Measure.

HS-7.5 Emergency Centers

(Good policy. Are there any in foothills and mountains?)

No Implementation Measure.

HS-7.6 Search and Rescue

I11-152 cont'd

The County should continue to provide search and rescue operation capabilities for the Tulare County Sheriff's Department in mountainous areas . . .
(Does "should continue" mean you will or you won't? What about all that development encouraged in remote mountain areas (mountain service centers)? Are you going to rescue those folks in the event of a wildfire surrounding a planned community or dude ranch or some other resort facility? What if some dude wanders off and gets lost?)

No Implementation Measure.

HS-7.7 Joint Exercises

The County shall encourage . . . (Encouraging shows no commitment. The County does not have the money or manpower to do this. This is an inadequate and deferred mitigation measure.)

No Implementation Measure.

Implementation Measures #15 and #16 are flawed. See my comments above.

Does this RDEIR consider the exacerbating efforts of climate change on wildfire hazards? The answer is "no." Does it consider the cumulative impacts relating to development in the Wildland/Urban Interface? "No," again. I11-153

Would multiple planned communities change the characteristics of wildfire (e.g., making it burn hotter or spread more quickly, resulting in significant effects on biological resources? Yes. I11-154

Emergency response plans or other disaster preparedness plans need to be developed before each planned community is approved, not deferred until later. I11-155

This GPU proposes merely to comply with existing fire codes. Compliance with the California Fire Code is not adequate mitigation because foothill and mountain areas in Tulare County are located in Very High wildfire risk areas and cut-and-fill grading on slopes averaging 30° for housing will end up with steeper grades which raises wildfire risk to extreme. I11-156

The Yokohl Ranch NOP on page 1 listed the wildfire risk impact after development as "Significant." Explain how the RDEIR for the GPU rates the risk as "Less Than Significant." I11-157

The first step in assessing the potential to comment on wildfire-related impacts of a project is to determine whether the project's impacts are potentially significant. Appendix G of the CEQA Guidelines includes several checklist questions, including the following: I11-158

> Section IV(a)-(f): Would the project have a substantial adverse impact on special status species, a sensitive natural community or wetlands? Would it interfere with the movement of any native resident or migratory fish or wildlife species? Consider not just the footprint of the structures and infrastructure, but also any defensible space or fuel treatment zone requirements proposed to mitigate fire risks.
>
> Section VII (h): Would the project "expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands?"
>
> Section XIII: Would the project "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives?" In other words, would developing in a remote wildland/urban interface (WUI) area require the construction or addition of fire stations, water delivery systems or other infrastructure?
>
> Section XV(e): Would the project result in inadequate emergency access? Consider traffic levels on existing roads, condition of roads, and the number of ingress and egress points from the development.
>
> Section XVI(d): Would the project have sufficient water supplies available at buildout to serve the project from existing entitlements and resources, or are new and expanded entitlements needed? The lead agency should consider whether the project has sufficient water available for emergency fire-

fighting purposes, in addition to providing water for any proposed fire safety strategies, such as landscaping and interior sprinkling systems. There has been no hydrologic study of groundwater capacity in the foothills or mountains. I11-158 cont'd

Section XVII (b): Does the project have impacts that are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects")? Is your county considering and/or developing several projects in the WUI? Consider the cumulative impacts on water supply, biological resources, wildfire hazards, traffic, soil erosion, sedimentation, water quality.

Section XVII (c): Does this project have "environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?" Note that this threshold requires the adverse effects on human beings to be tied back to environmental effects.

The California Fire Code contains provisions specific to WUI fire areas in Chapter 47. The Fire Code's WUI fire area provisions are intended to "provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements." CAL Fire Code §4701.2. I11-159

Following are pages 8-18 through 8-20 of the Background Report, 8.4 Fire Hazards, including Existing Conditions, Fire Hazard Severity, and Fire Prevention and Suppression. I11-160

8.4 Fire Hazards
Introduction
Both urban and wildland fire hazards exist in Tulare County, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, or industrial structures due to human activities. Wildland fires affect grass, forest, and brushlands, as well as any structures on these lands. Such fires can result from either human-made or natural causes. The type and amount of fuel, topography, and climate are the primary factors influencing the degree of fire risk. Vegetation fires comprised the majority of fires in Tulare County according to the California Department of Forestry and Fire Protection (CDF). Most of the fires are caused by human activities involving motor vehicles and equipment, arson, and debris burning.

I11-160
cont'd

Methods
Information in this section was provided by the Tulare County Fire Department, the California Department of Forestry, and Tulare County staff.

Key Terms

- Fire Prevention and Suppression. Public protection classifications are designated by the Insurance Services Office (ISO). The ISO bases its classifications on a number of factors, including fire department location, equipment, staffing, water supply, and communications abilities. Ratings range from 1 to 10, with 1 being the best possible fire protection, and 10 being the worst.
- State Responsibility Area (SRA). These are areas classified by the State Board of Forestry and Fire Protection as being the primary financial responsibility of the State for preventing and suppressing fires. These lands include: lands covered wholly or in part by timber, brush, undergrowth or grass, whether of commercial value or not; lands that protect the soil from erosion, retard run-off of water, or accelerated percolation; lands used principally for range or forage purposes; lands not owned by the Federal Government; and lands not incorporated. Lands are

removed from SRA when housing densities average more than three units per acre over an area of 250 acres.

Regulatory Setting

State Regulations

- Public Resources Code Section 4290. Public Resources Code Section 4290 sets minimum fire safety standards for development in State Responsibility Areas. These minimum fire safety standards identify:
  - Road standards for fire equipment access.
  - Standards for signs identifying streets, roads, and buildings.
  - Minimum private water supply reserves for emergency fire use.
  - Standards for fuel breaks and greenbelts.

Local Regulations

- Fire Construction Standards. Tulare County established the Fire-Safe Regulations and Road Standards (Ordinance No. 542), which address requirements for signage and building addresses, zoning, water, parcel map, the subdivision ordinance, and road standards to comply with the Public Resources Code 4290. The ordinance includes the following requirements, which are implemented by the county Resource Management Agency and the Tulare County Fire Department during plan review of new projects:
  - Emergency access shall be ensured by minimum 18-foot road widths with surface accommodating conventional vehicles and 40,000-pound loads, grades not exceeding 16 percent, curve radii of at least 50 feet, dead ends meeting maximum length requirements with turnouts and turnarounds, and roadway structures and gate entrances that do not obstruct clear passage of authorized vehicles.

I11-160
cont'd

– Signing and building numbering shall facilitate locating a fire and avoiding delays in response time by being sufficiently visible, nonduplicative, and indicative of location and any traffic access limitations.
– Emergency water sources shall be available and accessible in adequate quantities to combat wildfire with labeled hydrants meeting uniform specifications.
– Fuel modification shall be practiced to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation adjacent to structures and in the general vicinity of development.

Existing Conditions

The following information provides the existing conditions of fire hazards in Tulare County. The following section describes urban fire hazards, wildland fire hazards, fire prevention measures, and construction standards in Tulare County.

The ISO ratings in the incorporated areas of Tulare County range from 5 to 8 with unincorporated areas receiving an average rating of 8. Response times in addition to more information regarding fire protection services for Tulare County are described in more detail in Chapter 7, Public Services and Utilities.

Urban Fire Hazards

Urban fires primarily involve the uncontrolled burning of residential, commercial, and industrial structures due to human-made causes. Factors that exacerbate urban structural fires include substandard building construction, highly flammable materials, delay in response time, and inadequate fire protection services.

The Tulare County Fire Department currently reviews development plans and building permits for compliance with the Uniform Building Code. Until recently, minimal enforcement of structural fire codes (for example, building codes requiring interior sprinkler systems and firesafe building materials) has taken place. As a result, many of the structures in Tulare County that were built prior to 1987 may be substandard in terms of fire safety. There is not an existing program for retrofitting such structures (with the exception of those structures that legally require inspection, such as institutional buildings).

Wildland Fire Hazards

Throughout California, 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. Suppression of natural fires allows the understory to become dense, creating the potential for larger and more intense wildland fires. Wind, steepness of terrain, and naturally volatile or hot-burning vegetation contribute to wildland fire hazard potential.

The threat of wildland fires also increases as the terrain in the county becomes increasingly steep in the foothills and mountains. Where human access exists in wildland areas, such as the Sierra Nevada Mountains and foothills, the risk of fire increases because of a greater chance for human carelessness and historic and current fire management practices. Human activities such as smoking, debris burning, and equipment operation are the major causes of wildland fires.

Although the total number of fires in the oak savannah portions of the lower Sierra foothills may have increased with five-acre lot subdivision activity, the size and duration of fires appears to have been reduced in this area due to firebreaks created by driveways and roads, reduced fuels and "checkerboard" fuel patterns through individual safe area

I11-160
cont'd

vegetation clearance (PRC 4291); increased vigilance fostering early fire reporting; and early intervention (fire suppression) efforts by individuals and fire companies.
On the other hand, the creation of residential parcels in this area has compounded the potential for property damage from fires and has significantly complicated firefighting responsibilities in the area. Wildland firefighting strategies have become similar to municipal firefighting efforts. Foothill and mountain subdivisions have also virtually eliminated prescribed burning as a means of fire suppression.

Fire Hazard Severity
According to Fire and Resource Assessment Program (FRAP) Fire Threat data, Fire Threat is a combination of two factors:

1. Fire frequency, or the likelihood of a given area burning, and
2. Potential fire behavior (hazard). These two factors are combined to create the following threat classes:

.. Little or No Threat
.. Moderate
.. High
.. Very High
.. Extreme

Within the county, over 1,029,130 acres (33% of the total area) are classified as "Very High" fire threat and approximately 454,680 acres (15% of the total area) are classified as "High" fire threat. 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. Steeper terrain in these areas increases the threat of wildland fires. These areas are shown on Figure 8-2. The western portion of the county has little or no threat of wildland fires (CDF, 2006).

Fire Prevention and Suppression
Since July 1, 2007, Tulare County fire protection has been provided by the Tulare County Fire Department. Prior to July 1, 2007 fire protection was provided by the California Department of Forestry (CDF). CDF is also responsible for providing fire protection to the State Responsibility Area (SRAs). SRAs are areas in which the State Board of Forestry has determined that the state has the financial responsibility for fire prevention and suppression. In the Sequoia National Forest, the U.S. Forest Service is the responsible fire agency.
The Tulare County Fire Department's Capital Improvement Plan (CIP, 1991) addresses current and future fire protection needs in the county, establishes priorities, sets level of service standards based on land uses, and establishes a long-range plan for fire prevention and protection. According to the CIP, conditions of the county's 16 fire stations, operated by CDF and Tulare County, range "from excellent to poor," with many of the facilities identified as inadequate for housing fire equipment. In addition, response times in the county 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. The CIP identifies the lack of funding as the main obstacle to improving fire protection. The Fire Department is currently preparing an updated CIP to present to the Board of Supervisors for approval. In the future, the Fire Department plans to update the CIP every three to five years.
The Tulare County Fire Department has 28 stations that are situated throughout the County in the most densely populated areas. The Fire Department currently has minimal staffing to meet the requirements set

forth under NFPA 1720-1721 for a rural area. This consists of one fulltime person per station per shift with either intern firefighters (from a local community college, etc.) or paid on-call firefighters. However, while this is sufficient to meet the basic needs of the County in an emergency, this level of staffing often results in an elevated fire loss value when compared with other departments with more staff. In addition to more staff, some of the Department's facilities need repairs, replacements, or relocations. Currently, relocations are planned for the South Visalia and Alpaugh fire stations. Additional fire stations in need of relocation include West Olive, Tulare, and Dinuba fire stations (Mendoza, 2009).

I11-160 cont'd

Wildfire-Safe
New Construction Tips

Roofs: The single most important issue of fire safe construction is using a fire-resistant roofing material. Class-A fiberglass, cement-tile or metal roof coverings should be used in designated high-hazard areas on all new construction, additions or repairs. Eave-end gaps in tile roofs should be fire-stopped with cement mortar or metal bird stops, which are available at most roofing-supply stores.

Exterior walls: The best case is a concrete wall system such as an insulating Concrete Form (ICF) wall, where a solid flat wall of concrete is sandwiched between two layers of EPS foam. A 6" layer of concrete provides a building shell with a wall fire rating of greater than 3 hours. (A 2x4 wall is a matter of a few minutes by comparison).

Siding or cladding: Claddings made with cement or stone are the most common fireproof siding. Examples are stucco, stone, brick or fiber-cement siding (such as Hardie Plank). These claddings can be applied over either a wood frame or over a concrete ICF wall system. Stucco should be a minimum of 7/8-inches thick and a "three coat system" is preferred from a fire safe point of view.

- If wood, vinyl or fiber exterior siding is used, it should be applied directly over standard 5/8-in. type-X gypsum wallboard, a gypsum-core panel laced with chemical additives and glass fibers that are commonly used in one-hour fire-rated walls that are between attached garages and living areas.

Soffits: Enclose eaves and rafter tails with a soffit of fireproof material. This can either be a fiber-cement board product or stucco.

Vents:

- Attic vents in all cases should be covered with a metal screen with a small grid size to prevent wind borne embers from penetrating into attic spaces. Required individual venting at gable ends and on roofs should not exceed 144 sq. in. and should be covered with 1/4-in. mesh screen.

- Venting should not be located in roof eaves or cornices or in the underside or on exposed edges of decks.

I11-161
cont'd

Decks:

- Use a fire proof or fire resistant material for decks. Best case is a concrete deck over a steel frame. Many modern synthetic materials are more resistant to fire than natural wood products.

- Skirt decks with solid sides such that flying embers or a grass fire can't get under the deck.

- Wood deck and trellis members should be a minimum 2x4 dimension; wood beams, floor joists and stair stringers a minimum 4x6 dimension; and posts a minimum 6x6 dimension.

- All such wood should be UBC-approved fire-retardant material or cement plastered.

All projections, such as roof overhangs, balconies, decks, exterior stairs, carports or patio covers, should be protected on their undersides and on exposed edges with cement plaster. Or they should be protected with a continuous wall, most likely cinder block, around the perimeter of the projection from the underside down to the existing grade; or with UBC approved fire-retardant wood specially treated with fire-retardant chemicals (*such as Dricon by the Hickson Corporation* www.dricon.com; 404-801-6600).

Roof sprinklers: Most experts agree these exterior sprinklers are ineffective in a wildfire and a waste of money. Don't bother with them. (Interior sprinklers are a different issue).

Glass in exterior openings should be dual-glazed and resistant to transmission of radiant heat from direct flame. Though there is no industry-approved uniform fire rating for dual-glazed windows, windows with an insulating-air-gap feature have proved their worth under actual fire conditions. The task force also recommends certain newly developed heat-reflective single-pane windows, which actually reflect heat back to the source at the same time that they keep the inside cool, such as the windows that are sold by O'Keefe Inc. (75 Williams Ave., San Francisco, Calif. 94124-0443; 800-227-3305). The windows are of a calcium silica-based float glass with a lab-tested 60-minute fire-resistance rating. The glass is also stronger than normal glass.

Propane tanks. Locate at least 30 feet away from the structure.

Defensible space and fire resistant materials. The same practices that apply to existing structures should be planned in for new construction.

I11-161
cont'd

There are numerous sources of further information on Firesafe construction tips for new construction on the web.

Some useful sites include:

http://www.firewise.org/

http://www.firesafecouncil.org

http://www.firewise.org/co/construction.html

Prepared by Amvic-Pacific
Distributors of Amvic Insulating Concrete Forms
Nevada City California
530-265-9085

Impact
3.9-1

Impact 3.9-1: The proposed project would require new or expanded water supplies, facilities and entitlements

I11-162

The 2008 DEIR wording of this impact is:

> The General Plan Update would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

The CEQA 2010 Statute and Guidelines wording of this impact is:

> Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environment effects.

What is the rationale for simplifying this impact so much that the public cannot grasp that water treatment or wastewater treatment plants might need to be built or existing ones expanded at the risk of significant environmental effects, if not to obscure the ramifications?

I11-163

Impact Summary

> Level of Significance Before Mitigation: Potentially Significant
> Required Additional Mitigation Policies and Implementation Measures: No feasible mitigation
> Resultant Level of Significance: Significant and Unavoidable

Impact Analysis

"Overall, it is important to note that Tulare County lacks a comprehensible water supply assessment and approach, and implementation strategy to address complex, regional water supply issues. RDEIR PFS page 3.9-47.

"Uncertainty over long-term availability of water supplies and the lack of direct County jurisdiction over public water purveyors results in a level of unpredictability about the adequacy of future water supply availability (including long-term sustainability) in some of the unincorporated areas throughout the County." RDEIR PFS page 3.9-49. Even if the County had direct jurisdiction over public water

purveyors, that would NOT ensure abundant, reliable, and safe drinking water. See Enclosure 9 of attachment 39.

I11-163 cont'd

"The Kings, Tule, and Kaweah basins were among 11 basins identified by DWR in 1980 as being in a "critical condition of overdraft." Appendix G, page 25. This happens "when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." DWR Bulletin 118-2003, p. 98.

The issues affecting water supplies are:

1. Groundwater overdraft
   a) increased pumping expenses
   b) impacts to water quality
   c) land subsidence
   d) stealing water from neighboring wells (cone of depression or lowering the water table)

2. San Joaquin River Settlement

3. Population growth in or near Tulare County
   a) increased demand for groundwater
   b) more impervious ground cover = less groundwater recharge

4. Declining groundwater levels in adjacent counties

5. Groundwater adjudication

6. Water transfers and exchanges (i.e. export of groundwater or surface water out of County resulting in a net loss of water) See attachment 27, Farm Water Transfers.

7. Delta supply restrictions on export of water

8. Climate change.
   a. Even in wet years when most reservoirs have more than normal capacity, Lake Oroville, the principal reservoir for the State Water Project may be only 71 percent of normal. See attachment 28, State Water Project.

DWR has said it will deliver just 40 percent of requested State Water Project water to cities and farms this year (2010).

b. Increased difficulty of balancing flood control and water storage.
c. Increased demand for water and higher evapo-transpiration rates.
d. Capturing increased runoff during intense storms will be difficult, leading to less groundwater recharge.

I11-163 cont'd

9. Potential groundwater management laws.

10. Regulations on allowed MCLs in drinking water are tightening.

11. Potential legal requirement that all new development must prove it has a 20 year supply of water at buildout.

12. The Tule River and the Kaweah River which is a tributary to the Tule are over-allocated.

The preceding threats to water supply are daunting. Development must proceed with caution requiring proof of adequate water supply, offsetting water use 2:1 and requiring the Best Management Practices in water conservation and water efficiency, all of which our county has failed to do.

I11-164

How are the County's water treatment and wastewater treatment plants going to handle the increased demand for safe drinking water and process all the wastewater? What damage will be wreaked on the amount and quality of our groundwater? It will be a disaster.

I11-165

"The recent enlargement of Success Reservoir" is touted as a benefit for water supply in the RDEIR Public Services and Facilities, Regional Water Supply and Entitlements on page 3.9-39. In fact, the spillway was never raised because serious structural flaws were found at the base of the dam. First, seismic retrofit (expansion of dam base) must be accomplished, then the spillway can be raised. The federal government has not funded this yet. It will be many years before more water storage is achieved at Success Dam. Meanwhile, the Corps of Engineers will not allow Success Lake to fill more than two thirds due to the dam's structural flaws.

I11-549

I11-166

All the policies designed to minimize this impact through the early identification of required infrastructure and the orderly construction and rehabilitation of the

I11-167

facilities needed to serve existing and planned urban areas in the RDEIR on page 3.9-49 would have mitigated the impact if they were required, were strict, were funded, had performance standards and were not deferred.

I11-167 cont'd

PF-2.3 UDB and Other Boundaries

I11-168

The County shall work with special districts, school districts, and other service providers when evaluating the expansion of a Community's UDB.

Implementation Measure 5

The County shall delineate and maintain UAB's, HDBs, and UDBs on the County's General Plan Land Use Diagram for reference purposes.

Implementation Measure 9

The County shall prepare a community plan that prioritizes the order in which community plan updates and their associated environmental impact reports shall be programmed as part of the budget process . . . (What good does that do? Concerned residents of Three Rivers have been trying to get the County to cooperate on creating a new community plan for 12 years. Supposedly Three Rivers is at the top of the list. There is no commitment to do this.)

Implementation Measure 10

When prioritizing community plan updates the County shall give weight to factors, including . . . (So what? No community plans are being written. No EIRs are being written. No funding has been provided. How can the communities expand sustainably?)

PF-2.4 Community Plans

The County shall ensure that community plans are prepared, updated, and maintained for each of the communities. These plans shall include the entire area within the community's UDB and shall address the community's short and long term ability to provide necessary urban services. (This is NOT happening. The most recent community plans were Ivanhoe (1990), Poplar-Cotton Center (1996), Pixley (1997) and Terra Bella-Ducor (2004). See Part I, Planning Framework, page 2-4.

I11-168 cont'd

Twelve communities have plans. Some date to 1978, 1980. There are 21 unincorporated communities. This is not a high priority.)

Implementation Measure 10

(See Comments above.)

Implementation Measure 11

Performance measures shall be included in all community plans to be used to measure and evaluate the success of the plan in achieving its goals. . . . (This is listed as a New Program and listed as On-going.)

Implementation Measure 12

Uniform Improvement Standards for communities will be developed for use in their community plans. . . . as funding allows. (This is listed as a New Program and On-going.)

PF-2.5 Collaborative Community Planning Partnerships

The County should encourage establishment of collaborative partnerships for preparation of community plan updates where one or more applicants are willing to fund the update, regardless of the position of the community on the community plan priority list. Requirements for a new town development shall be utilized to guide such public/private joint planning efforts. ("Should encourage" shows no commitment. The County seems to want someone else, anyone else, to pay for this planning. This policy most likely was written for the proposed Yokohl Ranch project. The rest of us can wait in line forever.)

No Implementation Measure

PF-2.6 Land Use Consistency

The County shall require all community plans, when updated, to use the same land use designations . . .

No Implementation Measure

I11-168 cont'd

PF-3.3 Hamlet Plans

The County shall ensure that Hamlet Plans are updated and maintained for each of the identified hamlets. . . . New Policy. The County plans to start doing this 2015-2020. (So, none of the eleven hamlets have a plan. There is no policy for funding these future plans. This is an empty promise.)

Implementation Measure 18

The County, led by the Planning Commission, (in 2015-2020) shall conduct a citizen outreach effort in Tulare County hamlets to prepare guidelines for the preparation of hamlet plans . . . (This is a promise to reach out and start thinking about the plans in 5-10 years. Will the County ever find this to be high enough priority to fund? One of the Supervisors, Phil Cox, said a few years ago that the hamlets were so poor and had such poor drinking water, etc., they should be allowed to wither away. Is this the way for a hamlet to prosper? The fourth value statement in the Goals and Policies Report, page A-1 is "Every community will have the opportunity to prosper from economic growth. So, no economic growth, no prosperity? The County sure isn't going to help you. How can a hamlet with unpaved streets and unsafe drinking water attract business?)

PF-6.5 Regional Planning Coordination

The County shall coordinate with adjacent counties and their cities, regional councils of governments, and State agencies to ensure coordination on infrastructure efforts and funding in the region. (Did the County cooperate or go along with the Blueprint Process? No. They stubbornly said they would go their own way. That was an 8-county anti-sprawl movement.)

No Implementation Measure

ED-1.6 Develop Public/Private Partnerships

The County shall pursue partnerships to encourage the development of public facilities and infrastructure improvements that benefit communities. (This seems aimed at New Towns like the proposed Yokohl Ranch Project.)

No Implementation Measure

I11-168
cont'd

PFS-1.7 Coordination with Service Providers

The County shall work with special districts, community service districts, public utility districts, mutual water companies, private water purveyors, sanitary districts and sewer maintenance districts to provide adequate public facilities. (Nice long list. We are not impressed by "shall work with." You want to shove all the new growth on unincorporated communities with no wastewater treatment plants, beleaguered water companies and you are not going to provide money to upgrade their systems? This is a bad faith policy. There aren't "adequate" facilities now with the present population.)

No Implementation Measure

(No surprise here.)

PFS-1.8 Funding for Service Providers

The County shall encourage special districts, including community service districts and public utility districts to:

- Institute impact fees and assessment districts to finance improvements
- Take on additional responsibilities for services and facilities within their jurisdictional boundaries up to the full extent allowed under State law, and
- Investigate feasibility of consolidating services with other districts and annexing systems in proximity to promote economies of scale, such as annexation to city systems and regional wastewater treatment systems.

(All the County can do is "encourage;" it can't force and it certainly isn't funding improvements. It's rich of the County to suggest these special districts institute impact fees when (1) the County hasn't imposed impact fees on new development; (2) maybe the communities don't want new development (3) the improvements the special districts are financing now are simply to keep the present systems functioning. Does the County want to take on additional responsibilities, especially financial responsibilities? Yet the County wants the special districts to foot the bill for water and wastewater for new development. In most cases in this rural county, especially in the foothills and mountains, there is no nearby district to annex or consolidate with. This is a pipedream. Is the County trying to create a

fiction that the unincorporated areas are capable of absorbing 313,000 new people?)

I11-168 cont'd

PFS-1.14 Capital Improvement Plans

No comment.

PFS-1.16 Joint Planning Efforts

The County will promote joint planning efforts between communities, hamlets, and cities . . . (This is weak, not likely to happen and has no true commitment. The County is understaffed and underfunded. There is no innovation. There is no plan here. It is just rhetoric.)

No Implementation Measure

PFS-2.1 Water Supply

The County shall work with agencies providing water service to ensure that there is an adequate quantity and quality for all uses, including water for fire protection, 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. (Ah, if only wishing for adequate and clean water would make it happen. See Enclosure 9 of attachment 39)

FGMP-9.1 Infrastructure Capacity

In reference to water needs (domestic and firefighting) and wastewater generation, the County shall not allow new development to exceed the maximum physical holding capacity (based on water availability and soils) of the parcel in question.
(What are the performance standards? Almost all development in unincorporated county is on septic systems. The County grants building permits before a well is drilled. How is this going to work? See attachment 29, Improving Water Quality in Mattheny Tract.)

Implementation Measure 27

No comment.

FGMP-9.2 Provision of Adequate Infrastructure

I11-168

The County shall require evidence, prior to project approval, which (1) describes a safe and reliable method of wastewater treatment and disposal; and (2) substantiates an adequate water supply for domestic and fire protection services. (Elsewhere in this document the County is considering reducing the number of septic system permits. Since there are very few wastewater treatment plants, if any, in the unincorporated areas, where exactly will the future 313,000 people dispose of their waste? What is an adequate domestic water supply? At some point the new wells are going to adversely impact, by lowering the water table or by their cones of depression, the existing wells. What then?)

No Implementation Measure

WR-1.3 Water Export Outside County

The County shall regulate the permanent export of groundwater and surface water resources allocated to users within the County to cities and service providers outside the County to the extent necessary to protect public health, safety and welfare. The County shall strive for no net loss where there may be water exchanges serving a public purpose.
(The County has no control over water transfers so it can't regulate it. Water will become more expensive as population grows and industry's water demand increases. A water market will emerge. The entity willing to pay the highest price per acre foot or able to drill the deepest well will gain control of the water. Farmers are the most vulnerable since they can't afford to pay as much for water. Richer cities like Los Angeles and San Diego can afford to pay more per acre foot than Porterville, Visalia, or Farmersville. They also have more political clout. The Metropolitan Water District stole water from Owens Valley. Tulare and Kern Counties are the next water banks to be raided. Water exchanges and transfers are complex. Our County staff isn't up to combating the complexity, the politics, or the subterfuge of powerful entities that want our water. Our cities, communities and hamlets are vulnerable to loss of water supply. "Shall strive for no net loss" shows no true commitment. "If locally generated water resources are allowed to transfer outside the County, an impact to the overall availability and reliability of water for County needs could result." RDEIR PFS page 3.9-41.

No Implementation Measure

I11-168 cont'd

WR-3.1 Develop Additional Water Sources

The County shall encourage, support and, as warranted, require the identification and development of additional water sources through the expansion of water storage reservoirs, development of groundwater banking for recharge and infiltration, and 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. (This is one of the most disingenuous policies in the GPU. This policy is a continuation of past water management practices. In order to accommodate 313,000 more people and a lot more industry and commercial development, more water supplies need to be found. Water conservation and water efficiencies must be required in this GPU. They are not. Instead, in this policy the County promotes, encourages, and supports water conservation, groundwater recharge and hopes the California public will vote to pay for Temperance Flat dam, a peripheral canal, groundwater recharge basins and other potential dams. The County must take responsibility for assuring adequate water supplies. The County owns and operates several small water districts. The connections are not metered. Customers are charged a flat rate for water which does not encourage water conservation. The County doesn't require water conservation in its buildings. The County wants the development but will not fund the necessary measures (dedicated water recharge basins), mandate strict water conservation, enforce AB 1881, or concentrate 95% of future population growth in the eight incorporated cities where infrastructure exists, water metering is underway, and, if necessary, strict water budgets can be imposed on residents. The County has no control over the amount of water used by agriculture. Why pretend it does?)

The remaining policies and implementation measures intended to mitigate this impact (WR-3.2 through WR-3.13 and Implementation Measures 17, 18, and 27) contain the following language, "shall review," "shall continue participation," "shall encourage," "shall identify," "shall support," "shall develop," "appropriate," "shall designate," "shall consider," "should be prevented," "shall monitor actions," "will work with," and "shall work cooperatively." This is a lot of variety of verbiage, but no true commitment or performance standards. Most of the policies are deferred to 2010-2015 or 2015-2020. What a sorry, ineffective bunch of policies and implementation measures which are not enforceable. If they had been mandatory and strong, they would have been feasible, effective mitigation.)

No real attempt was made to mitigate this impact.

Impact
3.9-5

Impact 3.9-5 The Proposed Project would increase the need or use of fire protection services in the County I11-169

CEQA Appendix G Environmental Checklist Form wording for this impact is:

"Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?"

What is the rationale for the 2010 RDEIR change of wording, other than to downplay the scope and magnitude of this impact?

Impact Summary I11-170

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigation Policies and Implementation Measures: Revised Public Facilities and Implementation #3
Resultant Level of Significance: Less Than Significant

The County has not developed or adopted PFS Implementation #3. The time frame is 2010-2015. It may never happen. It cannot be considered as mitigation for this GPU. I11-171

An impact fee would provide a one time infusion of money to build a fire station or buy equipment but it would not provide on-going operating expenses.

Impact Analysis I11-172

"The population increase in the mountain areas has caused increased wildland urban interface problems as well. Structures are being built throughout wildland areas wherein vegetation fires can spread rapidly. Providing adequate fire protection to those structures has become a major undertaking." Page 3.9-59 in RDEIR, Public Services, Recreation and Utilities Section 3.9.

In Fire Prevention and Suppression page 3.9-25 of RDEIR we find this statement, "Public protection classifications are designated by the Insurance

Services Office (ISO). The ISO bases its classifications on a number of factors, including fire department location, equipment, staffing, water supply, and communications abilities. Ratings range from 1 to 10, with 1 being the best possible fire protection, and 10 being the worst. The ISO ratings in the incorporated areas of Tulare County range from 5 to 8 with unincorporated areas receiving an average rating of 8." This is why our homeowner's insurance is so expensive despite having a house with a concrete tile roof, stucco walls, no wood deck, fencing or walkway and a 5000 gallon firefighting tank. Our homeowners insurance went up when fire protection was transferred from CDF to Tulare County Fire Department.

I11-172 cont'd

"Implementation of the proposed project would increase overall demand on fire protection services to the County. . . . New fire facilities, vehicles, equipment, and personnel will be required in order to provide adequate response times to serve future growth. Therefore, the County's costs to maintain equipment and facilities and to train and equip personnel would also increase. Additionally, growth in existing rural areas would also increase the demand for fire protection services in those areas." RDEIR Public Services, Recreation and Utilities, Section 3.9, page 3.9-59.

"However, the additional personnel and materials costs would be offset through increased revenue and fees, generated by future development. In addition, future projects will be reviewed by the County on an individual basis and will be required to comply with requirements (i.e., impact fees, etc.) in effect at the time building permits are issued". (Same page as above quote.)

There are assumptions being made in the previous paragraph. First, that impact fees will be adopted by the Board of Supervisors. The Tulare County Citizens for Responsible Growth has been urging the Supervisors to adopt adequate impact fees for more than three years. Second, the impact fees, if imposed, would actually cover all the costs of fire protection for new development. Third, there will be "increased revenue" net gain from new development despite the huge costs of new infrastructure in rural, foothill and mountain areas. Fourth, what are these "new requirements . . . in effect at the time building permits are issued."?

Fifth, where does that leave those of us in the foothills, mountains, and rural areas with poor response times and only one fireman on duty at a time in off season. We need better coverage now.

This is deferred mitigation with no true commitment or performance standards. I11-172 cont'd

Please refer to Background Report, Section 8 Safety pages 8-20 through 8-22 (Wildland Fire Hazards, Fire Hazard Severity, and Fire Prevention and Suppression.)

What is the threshold of significance for the need or use of fire protection services in the County? I11-173

On page 8-22 of the Background Report is the following statement: I11-174

"The Tulare County Fire Department's Capital Improvement Plan (CIP 1991) addresses current and future fire protection needs in the county, establishes priorities, sets levels of service standards based on land uses, and establishes a long-range plan for fire prevention and protection. According to the CIP, conditions of the county's 16 fire stations, operated by CDF and Tulare County, range "from excellent to poor," with many of the facilities identified as inadequate for housing fire equipment. In addition, response times in the county 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. The CIP identifies the lack of funding as the main obstacle to improving fire protection. The Fire Department is currently preparing an updated CIP to present to the Board of Supervisors for approval. In the future, the Fire Department plans to update the CIP every three to five years.

The Tulare County Fire Department has 28 stations that are situated throughout the County in the most densely populated areas. The Fire Department currently has minimal staffing to meet the requirements set forth under NFPA 1720-1721 for a rural area. This consists of one full-time person per station per shift with either intern firefighters (from a local community college, etc.) or paid on-call firefighters. However, while this is sufficient to meet the basic needs of the County in an emergency, this level of staffing often results in an elevated fire loss value when compared with other departments with more staff. In addition to more staff, some of the Department's facilities need repairs, replacements, or relocations. Currently, relocations are planned for the South Visalia and Alpaugh fire stations. Additional fire stations in need of relocation include West Olive, Tulare, and Dinuba fire stations (Mendoza, 2009)."

The mitigating policies and implementation measures have all been reviewed and commented on by me in Impact 3.8-6, except the following Implementation Measures: I11-175

Implementation Measure 1 in Public Facilities and Services element

The County shall prepare capital improvement programs for all County-owned and operated facilities and services to ensure consistency with the General Plan in order to maintain an adequate level of service.
(Preparing a capital improvement program and being able to fund it are two separate things. Libraries should be high priority, higher than purchasing railroad lines.)

Implementation Measure 2 in Public Facilities and Services element

The County shall annually review fees related to County-owned and operated facilities and County-provided services to ensure funding levels are both affordable and adequate to sustain these facilities/services long-term.
(What fees? This is deferred mitigation with no true commitment and no performance standards.)

Implementation Measure 3 in Public Facilities and Service element.

The County shall develop and adopt an impact fee program for new development to provide financing mechanisms to ensure the provision, operation and on-going maintenance of appropriate public facilities and services.
(This is supposed to happen in 2010-2015. This is deferred mitigation with no true commitment and no performance standards. There is no guarantee that new development will fully pay for its own fire protection. If not, funding will be taken from existing fire stations. This implementation measure provides a one time infusion of money and no money for on-going operating expenses.)

What is the effect on public health of not having good fire protection? I11-176

Does this situation satisfy the General Plan's first value statement to protect and enhance the health and welfare of the county's residents? Should the county allow more development in the foothills and mountain areas in light of present inadequate fire protection? I11-177

The county has a $7 million estimated shortfall this year. Supervisor Allen Ishida told residents at the Three Rivers Town Hall Meeting on April 5, 2010 that some county Health and Human Services employees would probably be laid off if the state did not forward the money to support several programs. Also, there might be a small reduction in fire department and sheriff funding. 95% of future development needs to be directed to incorporated cities where residents will receive adequate fire protection and other infrastructure benefits. Sprawl along the foothill corridor, the ten transit corridors, and in the "mountain service centers" will exacerbate our already bare bones fire protection. I11-178

Since the county cannot mitigate inadequate fire protection coverage because it does not and will not have the money, it must avoid this danger by choosing the Healthy Growth Alternative put forth by the Tulare County Citizens for Responsible Growth. I11-179

Impact
3.9-8

Impact 3.9-8 The proposed project would increase the need or use of libraries and other community facilities. I11-180

CEQA Appendix G Environmental Checklist Form wording for this impact is:

"Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?"

What is the rationale for the 2010 RDEIR change of wording, other than to hide the scope and magnitude of this impact?

Impact Summary I11-181

Level of Significance Before Mitigation: Potentially Significant
Required Additional Mitigating Policies and Implementation Measures: Revised Public Facilities and Services Implementation Measure #3
Resultant Level of Significance: Less than Significant

The County has not developed or adopted PFS Implementation Measure #3. The time frame is 2010-2015. It may never happen. It cannot be considered as mitigation for this GPU impact. I11-182

Impact Analysis I11-183

The County assumes impact fees, not yet adopted, generated from future development will offset the County's costs to build and maintain new facilities, purchase new books and periodicals, and hire new personnel. According to Jeff Scott, Tulare County Deputy Librarian, on April 23, 2010, impact fees on new development would provide money to build new libraries but no money for continuing operating expenses (maintenance, salaries, book purchases). Tulare County libraries are primarily funded by annual property taxes (cents on a thousand dollars). The many foreclosed homes which were sold by banks for substantially reduced prices has caused a decrease in total property tax revenue. Libraries were hit hard in 2009. They expect a 4% decrease in the library budget for 2010. This has led to furlough days, fewer days of operation and deferred maintenance.

In the RDEIR there is a list of 14 libraries and one main branch. Eight of these libraries are in incorporated cities. Presently there are 21 unincorporated communities, many of which are disadvantaged and don't have a library. A successful argument can be made that the poor communities need the libraries the most since the residents cannot afford books or computers, don't have high school educations, and don't understand the value of a good education. The parents speak English as a second language and often both parents work. A local library children could walk to after school that has an adequate book and periodical budget, plenty of internet access, meeting rooms and a safe quiet place to do their homework would be a boon to these children and their parents. Adult education could take place in the libraries at night. It could curtail gang recruitment. Gang participation is on the rise in Tulare County. The Tulare County library staff wants to serve the many unserved, disadvantaged communities. Tulare County needs more libraries, especially in poor communities, a bigger budget for books/newspapers/magazines, more staff, more open days (Monday through Friday). I11-184

According to Jeff Scott, Tulare County has applied for a $300,000 Department of Agriculture stimulus grant for disadvantaged communities in order to purchase a book machine for Cutler and a bookmobile to serve Ivanhoe and Earlimart. I11-185

New planned communities with libraries could take money away from existing libraries if <u>all</u> the costs of running a library are not paid by the new development. I11-186

Tulare County had an unemployment rate of 19.4% in March 2010. Tulare County has the second lowest median income in California (Imperial County has the lowest). The education level in Tulare County is among the lowest in California. We desperately need more and better libraries. The unincorporated areas of the county are underserved by libraries. I11-187

New development would have a significant impact on existing libraries, and would create new communities needing libraries. I11-188

<u>Mitigation Policies and Implementation Measures</u> I11-189

<u>ERM-5.5 Collocated Facilities</u>

The County <u>shall encourage</u> . . . . . and <u>shall encourage</u> joint-use agreements <u>whenever possible</u>

(Nothing in this weak, inadequate policy speaks to funding of libraries.)

I11-189 cont'd

LU-6.1 Public Activity Centers

The County shall encourage the development of centrally located public activity centers that include parks, schools, libraries, and community centers in communities via accessible, multiple modes of travel.
(This is deferred mitigation with no true commitment and no performance standards.)

PF-5.2 Criteria for New Towns

(Libraries are not specifically mentioned in the New Town criteria. The New Town should be "prepared to . . . "pay their Fair share" which is not defined, and definitely not all of the public services costs.)

PFS-1.3 Impact Mitigation

The County shall review development proposals for their impacts on infrastructure, sewer, water, fire stations, libraries, streets, etc.) New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law . . . may be grounds for denial of a project . . .

(I commented on the inadequacies of this policy in Impact 3.9-5. The Proposed Project would increase the need or use of fire protection services in the county.)

PFS-8.4 Library Facilities and Services

The County shall encourage expansion of library facilities and services as necessary to meet the needs (e.g. internet access, meeting rooms, etc. of future population growth.

(The expansion of library facilities and services are necessary now. This is deferred mitigation with no true commitment and no performance standards.)

PFS – Implementation Measures 1, 2, & 3

(These have all been reviewed earlier. They are implementation measures with no true commitment or performance standards.)

Section III

Farmland Conversion

I11-190

If the County does allow the conversion of agricultural land to urban use (potentially violating proposed Land Use Policy LU-2.1), then the Plan should include a goal to offset the conversion of agricultural land to urban use. Specifically, the Plan should require the use of permanent farmland conservation easements to preserve agricultural land elsewhere. The California Department of Conservation recommends this approach (see, for example, the Department of Conservation letter of July 31, 2007, on the Tulare Motor Sports Complex and the May 25, 2006, scoping letter on this project).

Agencies elsewhere have mandated farmland conversion mitigation that includes conservation easement requirements. For example, both Kern County and the City of Bakersfield routinely impose a farmland conversion condition that requires one-to-one mitigation. We attach a page from a current Kern County DEIR with such a measure. Attachment 44.

A number of projects in California have agreed to fund agricultural conservation easements as partial mitigation for such conversion (e.g., West Ming project in Bakersfield, Rosedale Ranch in northwest Bakersfield, Old River Ranch in southwest Bakersfield, the Blackhawk project, SV Investments project in Kern County, Lent Ranch in Elk Grove). We attach the Rosedale Ranch - Sierra Club agreement as evidence. Thus, mitigation for farmland conversion is feasible and practical. Attachment 45.

The Plan should include a performance standard that specifies the ratio of preserved mitigation farmland to converted farmland. In order to ensure that CEQA requirements for future projects are met, the Plan should include a policy that the ratio be higher than one-to-one; i.e., that more than one acre of equally good, equally at risk farmland be preserved via conservation easements for every acre of farmland converted.

The Plan should include a performance standard that specifies the quality of the preserved replacement mitigation land. There is little point in placing an unnecessary conservation easement on farmland that is so far away from urban areas that there is little or no development pressure on it. Preserving farmland

that does not need to be preserved, that is under no development pressure and will almost certainly remain farmland even without a conservation easement, does not compensate for the loss of currently producing farmland. The Plan should require that replacement land have similar conservation easement value as that of the converted farmland.

I11-190 cont'd

The Plan should include a policy that requires that a need for the project be demonstrated and that substantial evidence for this need demonstration be given when farmland is converted to urban use.

The Plan should include a policy that requires converted farmland to be contiguous to existing urban use and services.

In order to reduce overall per capita land consumption, the Plan should include goals, policies, and specific implementation measures that would increase the efficiency of development and thereby reduce the pressure to convert farmland to non-agricultural uses. While moving in this direction, Policies LU-1.4 and LU-3.3 only ask the County to "support" and "encourage" compact and high-density development and Land Use Implementation Measure #3 only asks the County to "consider" densification incentives. These policies should be strengthened so as to require increased development efficiency, and implementation measures should require specific performance standards and incentives to this end.

Agricultural Preservation Policy AG-1.6 as revised in the RDEIR states,

> "The County may develop an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in this Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conservation of important agricultural land to nonagricultural use. 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 in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation."

We have several comments and questions about this proposed policy: I11-190 cont'd

1. Does this policy replace AG-1.6 as stated in the General Plan 2030 Update?
2. This policy is so vague as to be meaningless. It leaves open the real possibility that the County may not develop an Agricultural Conservation Easement Program (ACEP). The General Plan should contain a detailed ACEP with specific performance criteria.
3. This policy is so vague that the EIR should not consider it to be effective mitigation.
4. What would replace the ACEP if it were not developed?
5. If the County does decide to develop an ACEP, when will it take effect?
6. What farmland conversion policy, if any, will be in effect in the meantime before an ACEP is adopted?
7. If the County does decide to develop an ACEP, the program "may be used for" some sort of unspecified mitigation, an in-lieu fee or other conservation mechanism; then again it may not. The General Plan should contain a detailed ACEP with specific performance criteria.
8. In the possibility that mitigation of some sort is required, the policy requires this mitigation to "recognize the importance of land value". What specific performance criterion does this statement imply?
9. In the possibility that mitigation of some sort is required, the policy requires this mitigation to be "equivalent". What specific mitigation would be "equivalent"? What specific mitigation would be inequivalent?
10. Agricultural Implementation Measure #1 only commits the County to work with cities and TCAG to establish an agricultural land mitigation program in the indefinite future. There is no requirement to work toward any specific performance standards. When will this program be implemented and what will be included in this program?
11. Agricultural Implementation Measure #15 does not seem to be included in the General Plan proper, only in the RDEIR. Will this measure be part of the General Plan? I11-191
12. Agricultural Implementation Measure #15 states that the County "shall consider the implementation" of an ACEP. According to this, the County will have the option of not implementing an ACEP depending upon where its future considerations lead it. Mitigation for significant farmland conversion is required by CEQA. The General Plan should contain a detailed ACEP with

specific performance criteria and implementation measures that commit the County to these performance criteria.

13. Performance criteria for an ACEP should include a standard that specifies the ratio of preserved mitigation farmland to converted farmland and a requirement that preserved replacement farmland be of similar conservation easement value as that of the converted farmland.
14. This policy violates CEQA's prohibition against deferral. As we noted above, it is clearly feasible and practical to formulate specific performance criteria to guide conversion of farmland to urban use since other agencies have done so and since individual development projects elsewhere have agreed to such mitigation. Without specific performance criteria, it is impossible for the public and the decision-makers to evaluate the effectiveness of this policy. The General Plan should contain a detailed ACEP with specific performance criteria and implementation measures that commit the County to these performance criteria.

I11-191 cont'd

Agricultural Preservation Policy AG-1.17 Agricultural Water Resources states,

I11-192

"The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture."

1. We find no implementation measures for this policy. How will this policy be implemented?
2. This policy is so vague that the EIR should not consider it to be effective mitigation.
3. Global warming may lead to lower levels of spring runoff from the Sierra Nevada. The EIR should address the effect of global warming on the implementation of this policy.

Land Use Policy LU-2.1 Agricultural Lands states,

I11-193

"The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban development away from valuable agricultural lands to cities, unincorporated communities, hamlets, and planned community areas where public facilities and infrastructure are available."

We have several comments and questions about this proposed policy and its relationship to other parts of the Plan:

1. Does this policy mean that the County will not allow urban development on agricultural land?
2. To which specific areas does this policy apply? Does it apply to areas under agricultural production within UDBs, UABs, and HDBs?
3. This policy seems to conflict with Policy RVLP-1.1 which only requires the County to "limit" farmland conversion outside of UDBs, UABs, and HDBs. Which policy prevails?
4. Policies PF-2.1 and PF-3.1 limit urban development to within UDBs and HDBs. Does this imply that LU-2.1 does not apply within UDBs and HDBs?
5. Policies PF-2.2 and PF-3.2 make it fairly easy to expand UDBs and HDBs so as to include, among other things, proposed non-agricultural projects on farmland. Expanding boundaries to include proposed projects, as has recently occurred with the Tulare Motor Sports Complex, would lead to more farmland conversion and would emasculate Policy LU-2.1. The Plan should incorporate strengthened policies so as to preclude this prospect.

I11-193 cont'd

6. The relative ease with which urban boundaries might be expanded under the proposed Policies PF-2.2 and PF-3.2 will almost certainly lead to more sprawl and to the adverse impacts associated with sprawl, including farmland conversion, as it has in the past. The EIR should address these potential impacts, including a determination of the amount of expansion of existing urban boundaries necessary to accommodate predicted growth.

I11-194

<u>Agricultural Preservation Policy AG-1.12 Ranchettes</u> states,

I11-195

"The County shall discourage the creation of ranchettes in areas designated Valley Agriculture and Foothill Agriculture."

We have several comments and questions about this proposed policy:

I11-196

1. American Farmland Trust (AFT), in its recent study *Paving Paradise,* considers the spread of rural ranchette development to be one of three "key issues" involved in California farmland conversion. They argue that ranchette development (i) is inefficient, (ii) makes "agricultural production more difficult and expensive", and (iii) creates "an additional market demand for rural land that in many regions is inflating its price to a level above what commercial agriculture can pay and still remain economically viable." It is important, therefore, that an effective program be in place to "discourage" ranchette development.

2. There are no implementation measures to explain how the County will "discourage" ranchette development. Without specific implementation measures, neither the public nor the decision-makers can judge the effectiveness of this policy. The Plan should include specific implementation measures for this policy.
3. This policy is so vague that the EIR should not consider it to be effective mitigation.
4. American Farmland Trust has a policy proposal to address ranchette development at the website http://www.farmland.org/programs/states/ca/documents/Ranchettes_San_Joaquin_Valley_May31_06.pdf.
   The Plan should incorporate these action items as implementation measures.
5. The EIR is deficient in that it does not address the impact of ranchette development allowed by the General Plan Update on farmland conversion in Tulare County.

I11-196 cont'd

Foothill Growth Management Policy FGMP-5.1 Protect Agricultural Lands states,

"The County shall maintain and preserve extensive and intensive agricultural uses in the foothills, whenever possible."

I11-197

We have several comments and questions about this proposed policy:

1. The phrase "whenever possible" leaves its applicability up to the whim of the decision-makers and the political situation surrounding any particular project. Therefore we cannot determine the effectiveness of this policy unless we understand the circumstances under which it will be applied. Under what specific conditions will it be "possible" to apply this policy? Under what specific conditions will it be impossible to apply this policy?
2. This policy is so vague that the EIR should not consider it to be effective mitigation.
3. The phrase "whenever possible" should be deleted from this policy.
4. How will the County "maintain and preserve" agricultural uses? In order to guide future development, the Plan should list specific performance criteria for this policy. In the case of agricultural land conversion, the Plan should require performance standards as noted above, including permanent conservation easements on similar agricultural land elsewhere as mitigation for the conversion of agricultural land.

I11-198

5. Implementation measures 12, 17, and 18 attempt to address this policy through minimum parcel sizes. What are the existing minimum parcel sizes in the proposed development corridors? What are the existing minimum parcel sizes for the proposed Yokohl Ranch project? How can these parcel sizes be changed?
6. Implementation Measure 19 states that the County "may require" a proposed development project to remain in agricultural use if "an inadequate amount of water or improper soils for waste water disposal exists." This seems to leave open the possibility that the County will approve a project even under these negative circumstances and conflicts with Policy FGMP-9.1. The phrase "may require" in this measure should be changed to "will require".
7. Implementation Measure 32 requires the County to "work with landowners and developers to promote coordinated master plans for multiple purposes." If such a development were proposed on agricultural land, the County would be required to "promote" the conversion of agricultural land to urban use. This is inconsistent with Goal FGMP-5, "To maintain and preserve extensive and intensive agricultural uses in the foothills." Implementation Measure 32 should be deleted.

I11-198 cont'd

We remark that Sequoia Riverlands Trust, an existing Tulare County land trust, can serve as a holding agency for farmland conservation easements. We suggest involving Sequoia Riverlands Trust in new Policy AG-1.18 and in work on Agricultural Implementation Measure #5, since they have experience and expertise in establishing agricultural conservation easement location criteria.

I11-199

There are a number of additional feasible mitigation measures available for the impact of the project on farmland conversion; we attach a listing of such measures developed by the California Department of Conservation. Attachment 46. While adopting additional feasible mitigation measures may not reduce the impact on farmland conversion to a level of insignificance, these measures can reduce or compensate for the impact. The EIR should address these measures.

I11-200

Air Quality

According to the American Lung Association report *State of the Air 2010,* Tulare County and the cities of Tulare County have some of the most polluted air in the nation (see http://www.stateoftheair.org/2010/assets/SOTA2010.pdf). We attach tables from this report that list Tulare County as numbers 3, 4, and 9 and Visalia-Porterville as numbers 3, 3, and 8 in the nation in various air pollution categories. Attachments 47 and 48. Given the seriousness of the air pollution problem in Tulare County, it is critical that the EIR adequately quantify the project's expected air emissions and require all feasible mitigation and alternatives to address the criteria pollutants. I11-201

The report referenced above lists Kern County and Bakersfield as even more polluted than Tulare County and its cities. Kern County is downwind of Tulare County, and it is likely that air pollution from Tulare County contributes heavily to the air pollution in Kern County. The EIR should investigate Tulare County's air pollution impact on Kern County and should identify and recommend feasible mitigation measures for this adverse impact. This investigation should include an environmental justice component for disproportionately burdened cities like Arvin with predominantly low-income residents and particularly dirty air. I11-202

Air Quality Policy AQ-1.5 California Environmental Quality Act (CEQA) Compliance states, I11-203

> "The County shall ensure that air quality impacts identified during the CEQA review process are consistently and reasonable (sic) mitigated when feasible."

We have several comments and questions about this proposed policy: I11-204

1. This is listed as a "New Policy". Since this policy only commits the County to follow state law and since the County is already required to comply with CEQA, what is "new" about this policy?
2. The one and only implementation measure for this policy, Implementation Measure #4, states that the County "shall consider standard methods for determining and mitigating project air quality impacts." What are these "standard methods"?
3. Since the County would presumably comply with CEQA even without this policy and since the Plan contains no innovative implementation measures,

only "standard methods", the EIR should not consider this policy to be effective mitigation for the General Plan's adverse impact on air quality. I11-204 cont'd

4. The emphasis on "standard methods" could lead to a bias against evaluating and implementing creative, new methods for addressing air quality impacts. Since the southern San Joaquin Valley has some of the poorest air quality in the nation, the County should actively seek new and innovative mitigation measures, and the Plan is defective in not including innovative measures and not requiring such creativity.
5. What is the difference between feasible mitigation and consistent and reasonable mitigation?
6. A number of southern San Joaquin Valley developers (including the West Ming project, the Stockdale Ranch project, the Rosedale Ranch project, and the Old River Ranch project, all in Bakersfield) have agreed to participate in an Emissions Reduction Program above and beyond Rule 9510 through the SJVAPCD. Through this program, developers contract with the SJVAPCD to completely offset the emissions associated with their project through onsite design features and offsite pollution reduction projects. The General Plan should include an implementation measure for Policy AQ-1.5 that would require new development to sign an agreement with the SJVAPCD to completely offset the air pollution associated with their project. I11-207
7. The EIR should evaluate requiring new development to participate in an Emissions Reduction Program as described in the above paragraph. Participation in such a program has been shown to be clearly feasible and effective in reducing air quality impacts to zero, both project-specific impacts and, hence, cumulative impacts, since zero project-specific impact could not add to the cumulative impact.

Policies AQ-2.2, AQ-4.2, AQ-4.3, and AQ-4.4 all commit the County to enforcing various rules of the SJVAPCD, rules with which new development already must comply. I11-205

1. Would the County not enforce SJVAPCD Rules 9510, 8061, 4901, and Regulation VIII if the General Plan did not contain these policies? I11-206
2. If the County would enforce these SJVAPCD rules and regulations even without the proposed policies above, the EIR should not consider these policies to be effective mitigation for the General Plan's adverse impact on air quality.

Policies AQ-1.6, AQ-2.3, AQ-2.4, AQ-2.5, AQ-3.1, AQ-3.3, AQ-3.4, AQ-3.5, AQ-3.6, and AQ-4.5 are weakened by the inclusion of words like "encourage", "study", and "promote". Moreover, the Plan lacks strong implementation measures for these feeble policies. I11-207

1. For lack of resources due to inadequate funding or in the service of political expediency or for other reasons, these policies can be and likely will be ignored. Because they are so vague, neither the public nor the decision-makers can understand their effect, and the EIR should not consider these policies to be effective mitigation for the General Plan's adverse impact on air quality.
2. These policies should be upgraded by replacing the words "encourage", "study", and "promote" by "require".
3. Implementation measures should be strengthened and expanded.

Air Quality Policy AQ-3.4 states, I11-208

> "The County shall encourage the use of ecologically based landscape design principles . . .".

AB 1881 requires Tulare County to adopt and implement a water efficient landscape ordinance by January 1, 2010.

1. Has Tulare County adopted a water efficient landscape ordinance to satisfy AB 1881?
2. How does Policy AQ-3.4 complement Tulare County's water efficient landscape ordinance?
3. The Plan should include performance standards to indicate how this measure will be implemented.

Air Quality Policy AQ-3.5 states, I11-209

> "The County shall encourage all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to maximum extent feasible."

The word "encourage" in this measure makes it so vague that it is impossible for the public and decision-makers to determine the effectiveness of this measure.

1. The word "encourage" should be replaced by the word "require".
2. The phrase "to maximum extent feasible" weakens the policy so as to make it impossible to understand how effective it will be. This phrase should be deleted.
3. The EIR should not consider this policy to be effective mitigation.
4. The Plan should include performance standards to indicate how this measure will be implemented.

I11-209 cont'd

Air Quality Implementation Measure 12 states,

"The County shall encourage LEED and LEED- ND certification for new development or similar rating system that promotes energy conservation and sustainability."

I11-210

The word "encourage" in this measure makes it so vague that it is impossible for the public and decision-makers to determine the effectiveness of this measure.

1. The word "encourage" should be replaced by the word "require".
2. Land Use Implementation Measure #24 violates CEQA's prohibition against deferral. In a settlement with the Sierra Club and the California Attorney General, the City of Stockton agreed to specific green building standards. In another settlement with the Sierra Club, the Rio Bravo Ranch mixed use project in Bakersfield agreed to LEED Silver standards for commercial buildings and to 90 points on the *Build It Green* checklist for residential buildings. Thus, it is clearly feasible and practical to formulate specific performance criteria to implement a green building policy.
3. The Plan should include performance standards to indicate how this measure will be implemented.

The RDEIR fails to quantify construction related air pollution in Tulare County and admits on page 3.3-19 that "it is reasonable to assume that some large-scale construction activity would exceed SJVAPCD adopted thresholds over the next 21 years and would potentially increase health risks associated with criteria pollutant exposure . . . ". It nevertheless concludes without substantiation and quantification

I11-211

that because of SJVAPCD regulations, construction related air pollution impacts would be less than significant. The RDEIR is deficient in this regard. I11-211 cont'd

Table 3.3-5 of the RDEIR lists annual operational emissions for Tulare County. It seems not to have included many area source and stationary source emissions (for example, particulate emissions from the timber processing plant in Terra Bella) and other commercial and industrial emissions. It purports to be quantifying criteria air pollutants, but it does not include construction emissions, emissions that will be ongoing throughout the life of the Plan. Why does the EIR not quantify all emission sources in Tulare County? I11-212

New research indicates that dairies are responsible for a far greater portion of ozone production than previously thought. According to the article *Reactive Organic Gasses from Livestock Feed Contribute Significantly to Ozone Production in Central California* by Howard, Kumar, and others, "Ozone production calculations based on feed consumption rates, ROG emissions rates, and OFP predict that animal feed emissions dominate the ROG contributions to ozone formation in the SJV with total production of 25 ± 10 t O_3 day^{-1}. The next most significant ROG source of ozone production in the SJV is estimated to be light duty vehicles with total production of 14.3 ± 1.4 t O_3 day^{-1}." The article can be found at http://pubs.acs.org/doi/abs/10.1021/es902864u?prevSearch=&searchHistoryKey=. The EIR should use this information to incorporate ROG emissions from livestock feed into Tulare County emissions totals. I11-213

The RDEIR considers 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) to be significant and unavoidable. We agree. There are, however, feasible mitigation measures described below that would lessen the severity of this impact. The RDEIR errs in stating, "No additional feasible mitigation measures are available." I11-214

A number of southern San Joaquin Valley developers (including the West Ming project, the Stockdale Ranch project, the Rosedale Ranch project, and the Old River Ranch project, all in Bakersfield) have agreed to participate in an Emissions Reduction Program above and beyond Rule 9510 through the SJVAPCD. Through this program, developers contract with the SJVAPCD to completely offset the I11-215

emissions associated with their project through onsite design features and offsite pollution reduction projects. The General Plan should include an implementation measure for Policy AQ-1.5 that would require new development to sign an agreement with the SJVAPCD to completely offset the air pollution associated with their project. I11-215 cont'd

The EIR should evaluate requiring new development to participate in an Emissions Reduction Program as described in the above paragraph. Participation in such a program has been shown to be clearly feasible and effective in reducing air quality impacts to zero, both project-specific impacts and, hence, cumulative impacts, since zero project-specific impact could not add to the cumulative impact. While adopting additional feasible mitigation measures may not reduce the impact on air quality to a level of insignificance, this measure can reduce or compensate for the impact. The EIR should address this measure. I11-216

Table 3.3-4 of the RDEIR lists Impact 3.3-3 as LTS (less than significant) whereas on page 3.3-23 this same impact is listed as significant and unavoidable. Table 3.3-4 is in error. I11-217

It is a goal of SB 375 to reduce vehicle miles traveled (VMT), and AB 170 requires the Plan to incorporate vehicle trip reduction measures among other air quality improvement strategies. I11-218

1. Why does the Plan not include specific feasible standards and implementation measures to reduce VMT?
2. How does the Plan satisfy AB 170?

Air Quality Impacts 3.3-2, 3.3-3, and 3.3-4 are all considered to be significant and unavoidable. In a settlement with the Sierra Club and the California Attorney General, the City of Stockton agreed to monitor VMT as a key indicator of growth and jobs/housing goals and to keep the increase in VMT to an annual rate less than the population growth rate. Given that transportation is a major contributor to air pollution, such a restriction on the annual VMT increase would serve as an additional mitigation measure for the Plan's adverse impact on air quality. The Plan should include a policy and an implementation measure to this end. While adopting and effectively implementing such a policy may not reduce the impact on air quality to a level of insignificance, this measure can reduce or compensate for the impact. The RDEIR errs in stating, "No additional feasible mitigation measures are available." The EIR should address such a measure to restrict VMT. I11-219

Energy Resources Goal ERM-4 commits the County I11-220

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

The RDEIR considers this goal and the six policies that follow to be mitigating measures for the Plan's air quality impact.

1. Why does the Plan contain no implementation measures for this goal and for Policies ERM-4.1 through ERM-4.6?
2. The Plan should include specific performance standards to indicate how this measure will be implemented.
3. This goal and its policies are so vague that without specific implementation measures, neither the public nor the decision-makers can understand or judge their effectiveness as air quality mitigation. The EIR should not consider it to be effective mitigation.
4. The word "encourage" should be replaced by the word "require".

Land Use Implementation Measure #3 states, "the County shall consider appropriate incentives to encourage smart growth implementation . . . ". I11-221

1. What specific incentives will be both appropriate and considered?
2. How will the County determine which of the considered and appropriate incentives will be adopted, if any?
3. This implementation measure and the policies it implements are so vague that, without specific performance standards, neither the public nor the decision-makers can understand their effect, and the EIR should not consider them to be effective mitigation.

U.S. EPA maintains an extensive Smart Growth web page with links to examples, literature and technical assistance, and financial resources. See http://www.epa.gov/smartgrowth/index.htm. The Plan should evaluate and incorporate performance standards and incentives to develop an active program for smart growth implementation. I11-222

Traffic

Traffic and Circulation Policy TC-1.16 'County Level Of Service (LOS) Standards' states, I11-223

> "The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of "D" or better in accordance with the LOS definitions established by the Highway Capacity Manual *[New Policy]*."

Of the 172 roadway segments listed in Table 3.2-7 of the RDEIR, only 23 operate currently at level of service less than LOS C. Why is the County willing to accept lower than currently existing LOS on 87% of listed roadways?

On page 3.2-32, the RDEIR states that there are "no additional technologically or economically feasible mitigation measures" available to reduce Impact 3.2-1 (that the General Plan Update "would result in a substantial increase in vehicular traffic") to less than significant. While we agree that the impact will likely remain significant, measures that would require the effective implementation of a number of proposed General Plan policies would reduce the impact, and CEQA requires feasible measures to this end. For example, I11-224

1. Policy LU-1.1 (Smart Growth and Healthy Communities) directs the County to "discourage sprawl" and "encourage infill". These vague notions make it impossible for the public to ascertain the effectiveness of this policy. Were this policy to be reworded, strengthened, and effectively implemented, Impact 3.2-1 would be reduced.
2. Policy LU-1.4 (Compact Development) only commits the County to "actively support" compact development that would "reduce travel distances". Were this policy to be reworded, strengthened, and effectively implemented, Impact 3.2-1 would be reduced.
3. Policy LU-1.8 (Encourage Infill Development) only directs the County to "encourage and provide incentives for infill development." Were this policy to be reworded, strengthened, and effectively implemented, Impact 3.2-1 would be reduced.
4. Policy AG-1.6 (Conservation Easements) only states that the County "may develop" a conservation easement program to preserve farmland. Were the County to actually commit to and implement a strong ACEP, development would be directed towards existing infrastructure and infill. Were this

policy to be reworded, strengthened, and effectively implemented, Impact 3.2-1 would be reduced. I11-224 cont'd

5. Policy AG-1.7 (Preservation of Agricultural Lands) only commits the County to "promote" such preservation. Were this policy to be reworded, strengthened, and effectively implemented, new development would be directed toward existing development and Impact 3.2-1 would be reduced.
6. Policy AQ-1.7 (Support Statewide Climate Change Solutions) only commits the County to "support" statewide efforts. SB 375 works toward reduction in vehicle miles traveled (VMT), and other entities are arriving at targets for VMT reduction. If the County were serious about such support, and if this policy were to be reworded, strengthened, and effectively implemented, Impact 3.2-1 would be reduced.
7. On page 3.4-28, the RDEIR lists policies designed to reduce VMT. As we note elsewhere, these policies are so weakened by words like "encourage" that their effectiveness cannot be accurately ascertained. Effective VMT reduction would reduce Impact 3.2-1. The RDEIR is defective in not requiring strong performance standards for VMT reduction.
8. Traffic Implementation Measure #2 requires the County to develop a traffic impact fee program. This measure should be strengthened to allocate a significant fee amount to public transportation so as to reduce VMT and Countywide traffic impacts.
9. Other implementation measures to address increased funding for improved and more effective public transportation should be included.

As they stand, these and other policies are so vague and ineffectively worded and implemented that neither the public nor the decision-makers can understand or judge their effectiveness as traffic mitigation. Were they to be strengthened so as to be effective, their implementation could serve as feasible mitigation measures for reducing Traffic Impact 3.2-1. The RDEIR is defective in not requiring strong enforceable performance standards and in not evaluating the effectiveness and feasibility of strengthening and implementation of these policies.

Below are two Transportation and Circulation policies: I11-225

TC-1.18 Balanced System

The County shall strive to meet transportation needs and maintain LOS standards through a balanced transportation system that provides alternatives to the automobile *[New Policy]*.

TC-1.19 Balanced Funding

I11-226

The County shall promote a balanced approach to the allocation of transportation funds to optimize the overall County transportation system *[New Policy]*.

1. The Plan should specify the balance in these balanced approaches. What percentage of transportation funding will be allocated to alternatives to the automobile?
2. The California Attorney General recommends that the Plan "Give funding preference to investment in public transit over investment in infrastructure for private automobile traffic." How will the County implement and interpret this funding preference?
3. Without specific performance standards, the commitment of the Plan and the RDEIR to the Attorney General recommendations is shallow and compromised. , The RDEIR is defective in that it does not present substantial evidence that the Plan's measures in Table 3.4-5 actually address the Attorney General's recommendations.

Global Warming

I11-227

There are several websites with important information about global warming/climate change and the California Environmental Quality Act (CEQA):

The draft Climate Action Team 2009 report at http://www.energy.ca.gov/2009publications/CAT-1000-2009-003/CAT-1000-2009-003-D.PDF concludes that some climate change effects could be more serious than previously thought.

The State of California regards reducing global warming emissions to be a statewide priority. The Attorney General website, http://ag.ca.gov/globalwarming/ceqa.php, contains much useful information, including lists of potential mitigation measures and modeling tools.

The California Air Pollution Control Officers (CAPCOA) website, www.capcoa.org, contains a White Paper entitled *CEQA and Climate Change.* This 155-page document from January 2008 is subtitled *Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

Recent scientific assessments have outstripped the predictions issued by the Nobel Prize-winning U.N. Intergovernmental Panel on Climate Change in 2007 according to a recent report by the United Nations Environment Program. The report can be found at http://www.unep.org/compendium2009/.

Climate change will mean that California will have less water, experience a loss of cropland and see soaring wildfire rates, as documented by an August, 2009, CEC research paper at the website http://www.energy.ca.gov/2009publications/CEC-500-2009-014/CEC-500-2009-014-F.PDF.

The Environmental Protection Agency has recently issued a finding that greenhouse gasses endanger public health and welfare. See the website http://epa.gov/climatechange/endangerment.html.

Global climate change will likely lead to water resource shortfalls. According to the CEC document referenced above, "there is a disquieting preponderance of simulations that become significantly drier during the twenty-first century." Also, "The incidence of years with very low spring snowpack and associated low soil moisture in late spring and early summer occur much more frequently." According to the CEC document *Using Future Climate Projections to Support Water Resources Decision Making in California* at http://www.energy.ca.gov/2009publications/CEC-500-2009-052/CEC-500-2009-052-F.PDF, "The 30-year trend indicates that the fraction of annual runoff occurring from April through July decreases from about 35% for the historical base scenario (historical conditions with no increase in air temperature) to about 15% for the +4°C scenario."

I11-227 cont'd

These websites and the information they contain make it all the more critical that this project's adverse global warming impact be fully addressed.

The RDEIR considers the adverse impact of the Tulare County General Plan Update on global climate change to be significant (page 3.4-39).

I11-228

- CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." The County should require all feasible global climate change mitigation measures.
- CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code §21002.1(b).
- Without substantial supporting evidence, the County's draft Climate Action Plan (CAP) sets a 26.2% reduction target for development related greenhouse gas (GHG) emissions. The document contains no argument that the precise 26.2% value is the cutoff point between mitigation feasibility and infeasibility. How does the County justify a 26.2% cutoff point if mitigation beyond that value is feasible?
- CEQA requires that "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. Of Supervisors*, 91 Cal.App.4th 342, 360 (2001).

- Substantial federal funding is available by the U.S. Department of Energy through Energy Efficiency and Conservation Block Grants to reduce fossil fuel emissions, reduce total energy use, and improve energy efficiency so that implementation of greenhouse gas mitigation measures is economically feasible. I11-228

We include a list of potential climate change mitigation measures below. I11-229

Given the seriousness of the global warming issue, the County should be addressing the issue with specific feasible, enforceable GHG performance standards and mitigation measures. There are a number of potential feasible mitigation measures, including:

- Green building measures might include:
  - A requirement that buildings be at least 35% more energy efficient than Title 24 standards current when permits are pulled.
  - A requirement that new commercial and industrial buildings satisfy LEED standards. The Rio Bravo Ranch project in Bakersfield has agreed to LEED Silver standards on commercial buildings.
  - A requirement that new residential buildings achieve at least 90 points on the BuildItGreen checklist, also part of the Rio Bravo Ranch agreement.
- Design features to reduce Vehicle Miles Traveled (VMT). New project features might include transit-oriented development such as adjacent bus stops and/or other public transportation. Environmental documents should determine the amount of such transit-oriented building that would make public transportation economically feasible, and it should determine GHG reductions associated with such transit-oriented development. Similar considerations are built into the recent agreement between the City of Stockton and the Sierra Club and Attorney General.
- A requirement that solar photovoltaics (PV) and solar water heating be built into new structures. The Rio Bravo Ranch project in Bakersfield will build solar PV into 25% of the new residences. Every kilowatt of solar PV power offsets about a ton per year of global warming gasses that would have otherwise been produced by a fossil fuel-fired power plant (according to Environment California Research and Policy Center in a publication entitled *The Economics of Solar Homes in California*).
- A transfer fee requirement of new projects that would be applied at each sale of a building or business in the future. Transfer fee monies could go to

SJVAPCD or some other appropriate entity to fund projects that would offset GHG emissions.

- A requirement of new projects for partial funding of an area energy efficiency program creating equivalent reductions in carbon emissions.
- A requirement that new projects partially subsidize public transportation in order to reduce area VMT.
- A requirement that the developer of a new project retrofit solar PV on existing area facilities. Retrofitting existing area facilities with solar PV would effectively offset emissions associated with this project in much the same way as the SJVAPCD uses ISR funds to fund offsite projects to offset criteria pollutants associated with development projects. The Rio Bravo Ranch project in Bakersfield has agreed to fund a 200 kW solar PV system to be used in agricultural operations.
- A condition that new parking lots be covered and that parking lot roofs contain solar PV.
- A requirement that the developer of a new project contribute funding for area solar PV incentives. Most solar PV incentive programs use funding rebates to encourage PV construction. The City of Lemoore has such a program.
- A requirement that the developer of a new project contribute a GHG fee to the San Joaquin Valley Air Pollution Control District to be used to fund projects that would reduce GHG emissions elsewhere. This could be built in to a criteria pollutant Emissions Reduction Agreement with the SJVAPCD as the Air District has suggested in the past.
- A requirement that dairies construct anaerobic digesters to capture methane emissions from manure.
- An aerobic composting of manure requirement for dairies.
- A requirement that the developer of a new project purchase high quality, reliable carbon offsets to make up for remaining CO_2e emissions. There are a number of issues regarding the quality of carbon offsets that should be addressed. See *A Consumer's Guide to Retail Carbon Offset Providers.* Clean Air-Cool Planet, 2006.
- The Bay Area Air Quality Management District (BAAQMD) has assembled a list of potential general plan policies and mitigation measures, many of which have not been included in the proposed Tulare County General Plan Update. These may be found in the following document between pages 98 and 110 at the website

I11-229 cont'd

http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx.

I11-229 cont'd

The County should address each of these measures in order to determine its feasibility and effectiveness in reducing or offsetting the GHG emissions associated with this project.

I11-230

According to the RDEIR on page 3.4-32, CO_2e emitted in Tulare County will increase from 5.2 million tons per year in 2007 to 6.1 million tons per year in 2030, an increase of 897,420 metric tons per year. This 17% greenhouse gas (GHG) increase is in stark contrast to the massive and difficult statewide reductions necessary to address the impact of global warming and to meet 2020 and 2050 goals. The RDEIR admits that this increase "places the proposed project in conflict with the (2020) goal of the State to reduce up to 174 million metric tons CO2e/yr." There are feasible mitigation measures that the rest of the state will have to adopt in order to reach these goals. Why should Tulare County not only not do its share of reductions but also make it more difficult, because of its excess, for the rest of the state to achieve its goals?

I11-231

Air Quality Policy AQ-1.7 Support Statewide Climate Change Solutions states,

> "The County shall monitor and support the efforts of Cal/EPA, CARB and the SJVAPCD, under AB 32 (Health and Safety Code §38501 et seq.), to develop a recommended list of emission reduction strategies. As appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies."

Assuming that this wording supersedes the wording of AQ-1.7 in the General Plan Update document, we have several comments and questions:

1. Under what conditions will it be "appropriate" to evaluate new projects for consistency?
2. How is it that increasing CO_2e emissions from 5.2 million tons per year in 2007 to 6.1 million tons per year in 2030 is supporting statewide climate change solutions?
3. There are many potential emission reduction strategies available for evaluation now. Why does the County have to wait for the State to devise a list of specific emission reduction strategies?

4. A Climate Action Plan should include specific, quantifiable, and enforceable performance standards and strategies to reduce CO_2e emissions.
5. For example, the California Solar Initiative and the Million Solar Roofs Bill are statewide climate change initiatives included in the CARB Scoping Plan (see page 3.4-7 of the RDEIR), the sort of solutions to which AQ-1.7 commits the County. The Plan should contain specific measures that would implement these statewide climate change solutions.

I11-231

The introductory statement to the Draft Climate Action Plan states,

I11-232

> "As an implementation measure to the Tulare County General Plan 2030 Update (General Plan Update), the County will consider the adoption of a Climate Action Plan in close proximity and subsequent to the adoption of the General Plan Update."

This vague commitment to addressing global climate change at some uncertain future time is repeated in the RDEIR's new policy AQ-1.8 and AQ Implementation Measure #16.

1. How will the County address global climate change in the interim until a Climate Action Plan (CAP) is approved?
2. What is the status of the draft CAP included with the General Plan Update documents?
3. What performance standards will be required of this future CAP?
4. What options to achieve these performance standards will be available?
5. How much commitment to mitigation for the impact of these emissions can we expect?
6. Under these conditions, deferring a CAP until some unspecified later date is inconsistent with the requirements of CEQA.
7. Because these measures are so vague, neither the public nor the decision-makers can understand their effect, and the EIR should not consider these policies to be effective mitigation for the General Plan's adverse impact on global climate change.

The RDEIR contains a long list of proposed General Plan policies and implementation measures that purport to mitigate the Plan's impact on global climate change. In addition, Chapter 5 of the draft Climate Action Plan contains 86 of these proposed General Plan policies that purport to fulfill "many sustainability and greenhouse gas reduction objectives." Of these 86, 33 are compromised by the use of the word "encourage", 12 are weakened by the use of the word "support", 9 commit the County only to "work with" other agencies in some nonspecific way, and 21 others are diluted by the use of phrases like "consider", "strive", "promote", "seek opportunities", "coordinate", "where feasible", "as appropriate", "develop", "create", and "examine the feasibility". Of the remaining few, several only commit the County to follow existing laws and regulations (e.g. utilize design standards required by the Streets and Highways code, comply with the California Fire Code). I11-233

1. Because these policies are so vague and feeble, neither the public nor the decision-makers can understand their effect, and the EIR should not consider these policies to be effective mitigation for the General Plan's adverse significant impact on global climate change.
2. Section 15183.5 of the CEQA Guidelines requires the County to "specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level."
3. The General Plan Update, the RDEIR, and the potential Climate Action Plan should include specific, quantifiable, and enforceable performance standards and strategies to reduce CO_2e emissions.
4. These measures should be supported by quantification and substantial evidence for their effectiveness.

In the event that the County actually considers the draft CAP included with the General Plan Update, we have a number of comments: I11-234

On page 10, the draft Climate Action Plan (CAP) states, "Dairy and feedlots will have their own target set through a separate process. On January 26, 2010, the Tulare County Board of Supervisors approved a General Plan Initiation (GPI10-001) for a general plan amendment to the Animal Confinement Facilities Plan and Program EIR. During this process, a CAP specific to dairies and feedlots will be developed." I11-235

1. Emissions from dairies and feedlots account for 63% of all GHG emissions in Tulare County according to Table 1 of the Climate Action Plan and Table 3.4-2 of the RDEIR. It is impossible to judge the effectiveness of mitigation for the impact of the Plan on GHG emissions without consideration of emissions from dairies and feedlots. Why are essential impact and mitigation studies for this major portion of GHG emissions deferred until a later CAP? I11-235 cont'd
2. What performance standards will be required of this future CAP?
3. What options to achieve these performance standards will be available?
4. How much commitment to mitigation for the impact of these emissions can we expect?
5. Under these conditions, deferring a CAP specific to dairies and feedlots until some unspecified later date is inconsistent with the requirements of CEQA.

On page 12 the draft CAP states, I11-236

> "The BAAQMD also proposes a 26-percent reduction requirement for CAPs that focus on land use sector emissions. This is the approach that Tulare County has used in this CAP."

The Bay Area Air Quality Management District (BAAQMD) is currently adopting CEQA Guidelines. I11-237

1. The CAP errs in that the 26% reduction from business-as-usual (BAU) referenced in the CAP comes from an earlier draft version of a BAAQMD document. The current May 2010 BAAQMD document contains no such proposal. I11-238
2. The May 2010 BAAQMD CEQA Guidelines document contains no reference whatsoever to reductions from BAU as potential GHG impact significance thresholds for General Plans. The County should not use this BAAQMD reference as justification for the use of controversial "reduction from BAU" protocol. I11-239
3. Section 15183.5 of the CEQA Guidelines requires the County to present "substantial evidence" for the 26% GHG emissions level, "below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable". The CAP and the RDEIR are defective in that no such evidence has been presented. I11-240

The notion of significance determination based on comparing hypothetical BAU with the proposed project is inconsistent with the mandates of CEQA. The California Attorney General, in a November 4, 2009, letter to the SJVAPCD opined that such an approach "will not withstand legal scrutiny and may result in significant lost opportunities for . . . local governments to require mitigation of greenhouse gas (GHG) emissions." The AG's letter can be accessed at http://ag.ca.gov/globalwarming/pdf/comments_SJVAPCD_threshold_proposal.pdf. I11-241

Comparisons to hypothetical projects that represent the maximum extent of potential development frustrate CEQA's informational purpose by encouraging gaming and incentivizing "project proponents to artificially inflate the hypothetical project to show that the proposed project is, by comparison, GHG-efficient." (Attorney General Letter to SJVAPCD, page 4.)

Determining significance based on comparison to hypothetical BAU violates CEQA. The California Attorney General, in a December 8, 2009, letter to San Diego County available at http://ag.ca.gov/globalwarming/pdf/comments_Merriam_Mountains_Specific_Plan.pdf states, "The appropriate baseline under CEQA is not a hypothetical future project, but rather existing physical conditions." CEQA requires significance determination to be made by comparing the project's impact to existing conditions, conditions that, in the case of global climate change, do not allow the atmosphere to absorb additional greenhouse gasses without risking catastrophic long-term consequences. Even small GHG emissions should be considered cumulatively significant.

The draft CAP sets a target 26.2% CO_2 emission reduction from business-as-usual presumably to be consistent with 2020 emission reduction targets in AB 32. The emission reduction targets set forth in AB 32 mark only a first and interim step toward avoiding dangerous climate change. By myopically focusing on AB 32, the project ignores the long-term emission reductions necessary to stabilize the climate. These reductions are significant and simply cannot be achieved if developments continue to be built in locations far from jobs and meaningful public transit. I11-242

The planning horizon for this project extends to 2030, 10 years beyond the 2020 goal for which the measure is tailored. Greenhouse gas emission reduction targets also extend beyond 2020 and are much larger than the 2020 target; Executive Order S-3-05 sets an 80% reduction of GHG from 1990 levels in 2050 as a goal. In order to achieve GHG emission reduction goals beyond 2020, the County should require feasible mitigation measures that would reduce development related GHG emissions beyond the 26.2% below BAU 2020 requirement.

I11-242 cont'd

The AB 32 GHG emission reduction goal would require an across-the-board 29% reduction by 2020. The draft CAP focuses only on reductions from new projects. If emissions from existing sources are not also reduced by 29%, the AB 32 goal cannot be reached. How will the Tulare County General Plan achieve these reductions from existing sources?

Energy

The RDEIR considers Impact 3.4-1: "The proposed project could result in the wasteful, inefficient, or unnecessary consumption of energy by residential, commercial, industrial, or public uses associated with increased demand due to anticipated population growth in the County" to be less than significant. As mitigation, it lists a number of proposed policies and implementation measures on page 3.4-28. I11-243

1. The RDEIR presents no substantial evidence that, even before mitigation, this impact is less than significant.
2. As we noted earlier, most of these policies are weakened by the use of words like "encourage" and " consider". Because these policies are so vague and feeble, neither the public nor the decision-makers can understand their effect, and the EIR should not consider these policies to be effective mitigation for the General Plan's adverse significant impact on global climate change and energy.
3. The RDEIR presents no substantial evidence that these policies mitigate the Plan's energy impacts to less than significant.
4. We don't understand why the RDEIR refers to minimizing "impacts to bicycle and pedestrian facilities and opportunities" in this context.

Energy Resources Goal ERM-4 commits the County I11-244

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

The RDEIR considers this goal and the six policies that follow to be mitigating measures for Impact 3.4-2: "The proposed project could result in the wasteful, inefficient, or unnecessary consumption of energy in the construction and operation of new buildings."

5. Why does the Plan contain no implementation measures for this goal and for Policies ERM-4.1 through ERM-4.6?
6. The Plan should include specific performance standards to indicate how this measure will be implemented.
7. This goal and its policies are so vague that without specific implementation measures, neither the public nor the decision-makers can understand or

judge their effectiveness as air quality mitigation. The EIR should not consider it to be effective mitigation.

8. The word "encourage" should be replaced by the word "require".

I11-244 cont'd

The RDEIR considers Impact 3.4-2 to be less than significant.

1. The RDEIR presents no substantial evidence that, even before mitigation, this impact is less than significant.
2. As we noted earlier, most of the policies reputed to mitigate the impact are weakened by the use of words like "encourage" and " consider". Because these policies are so vague and feeble, neither the public nor the decision-makers can understand their effect, and the EIR should not consider these policies to be effective mitigation for the General Plan's impact on global climate change and energy.
3. Although new policy ERM-4.8 is entitled "Energy Efficiency Standards", it fails to set any standards whatsoever. As is the case with many other policies, it incorporates the word "encourage", and it dilutes the policy even more with the phrase "when feasible". This policy is so vague and weak that it should not be considered to be effective mitigation for the General Plan's adverse impact on global climate change and energy.
4. The RDEIR presents no substantial evidence that these policies, lacking in performance standards, mitigate the Plan's energy impacts to less than significant.

I11-245

Section IV

Carole Clum's comments submitted on April 14, 2008 on the 2008 DEIR pertained to unreasonably high population projections, groundwater overdrafting, groundwater contamination, inadequacy of the water supply (both surface and groundwater) to serve the projected population, and the sprawl development that would be inevitable if the General Plan Update (GPU) 2008 were adopted. Her factchecking on water supply addressed the inability of the 21 unincorporated communities to absorb as much growth as the county said they could by 2030. This is even more true in May 2010. Since January 2008, there is a lower water table and more groundwater contamination, the economy has deteriorated, and water companies have less money to spend to update or extend their water system infrastructure or drill another well. On top of that, grants and loans are even harder to get. I11-246

Carole Clum's comments on the 2008 DEIR on air quality being worsened by the GPU and big increases in greenhouse gas emissions being inevitable still stand. These are serious environmental concerns that have not been addressed, mitigated, or avoided by this GPU. AB 32 was flouted. I11-247

The scheme to build new towns in remote rural areas showed no concern for the health and welfare of the residents of Tulare County. It was obvious the 2008 GPU was written by planners and consultants under intense pressure from the Board of Supervisors, who want development at any cost. I11-248

The 2010 General Plan Update (GPU) is missing implementation measures for many of its policies. The same discretionary language in the policies and implementation measures render them meaningless and unenforceable. There are no measurement standards. Indeed, the amazing caveat on page 1-11 of the GPU tells the reader that implementation measures might not be implemented on schedule, might not be implemented due to lack of staff, money, or time, might not be top priority, and might be adjusted over time. If the County can't mitigate environmental degradation, it must avoid it. I11-249

The County is capable of writing strong, mandatory policies to protect aggregate (gravel, sand, and crushed stone), oil, gas, and timber in perpetuity from encroachment by incompatible land uses. Compare those policies and implementation standards with those for water quality, water supply, air quality, conservation of oak woodlands and other forestlands, agricultural land, biological resources, natural recharge basins, riparian zones, wetlands, and vernal pools. I11-250

The Climate Action Plan (CAP) does not comply with AB 32 or SB 375. It does not adopt the California Air Resources Board (CARB) recommendations in its Climate Change Scoping Plan of December 2008. A lot of time, effort, and taxpayer dollars for consultants have been expended trying to circumvent compliance. CAP was written after the Goals and Policy Report and the Revised Draft Environmental Impact Report (RDEIR). Apparently the county considers CAP optional since it is separate from and will be considered for adoption after the adoption of the GPU. The text states it is an implementation measure of the GPU, so will it have a public comment period? Many GPU elements (Land Use, Transportation and Circulation, Health and Safety, Water Resources, Agriculture, Housing [which was not part of the GPU], Economic Development, and Environmental Resources Management) would have looked much different if the County were committed to reducing greenhouse gas (GHG) emissions and adapting to the real and present, not "potential," effects of climate change. It doesn't matter if the Board of Supervisors does not believe in climate change. The State of California believes and AB 32 is the law of the land. Separating CAP from the GPU does not satisfy the requirements of AB 32. The voluntary measures, unsubstantiated assumptions, out-of-date and inaccurate data, and inconsistencies in the CAP make a mockery of GHG emissions reduction and adaptation to the effects of climate change. I11-251

The County ignores the fact that a separate CAP intended as an implementation measure of the GPU will require its own environmental impact report and public comment period. I11-252

Since 59% of the greenhouse gases emitted in the County emanate from 450,000 milking cows in our dairies (according to the Climate Action Plan), the first thing the Supervisors must do is stop permitting new dairies and allowing existing dairies to expand. When you find you have dug yourself into a hole, the first thing to do is stop digging. Then the County must require remediation. CEQA requires enforceable measures. The County places the onus of reducing emissions from dairies on SJVAPCD, which has voluntary incentive programs. The County must make these measures mandatory (feed supplements, frequent manure removal, and anaerobic digesters.) Each dairy cow produces 54,020 lbs of manure a year. Remember folks, those manure lagoons are contaminating our groundwater. Stop protecting dairies from expensive remediation and protect the public's drinking water. I11-253

Almost all of the General Plan Update policies touted in the Climate Action Plan as GHG reduction measures are not mandatory. They contain discretionary language such as: shall encourage, discourage, when feasible, seek opportunities, emphasize the importance of, shall identify, as appropriate, shall be evaluated, shall strive, shall review, shall promote, shall examine." How many different ways can the County say "maybe"? I11-254

The final straw is the County's intention to "consider the adoption of a Climate Action Plan in close proximity and subsequent to the adoption of the General Plan Update." It's hard to imagine why the Supervisors would be opposed to adopting such a spineless, unenforceable plan that does not impede development or dairies unless you understand the Supervisors' intense ideological opposition to the idea of climate change and their balking at the annual administrative costs of the Climate Action Plan. I11-255

The County plans to develop housing, businesses, industry, recreational resorts and planned communities (New Towns): I11-256

- in the mountains (Mountain Service Centers) under Mountain Framework Plan
- along the foothills in Foothill Growth Management Plan
- along main transit corridors (198, 99, 190, 65, 43, 63, 216, 201, 245, 137) in the Corridors Framework Plan
- in 21 unincorporated communities in Planning Framework
- in valley in Rural Valley Lands Plan
- in hamlets (Allensworth, Delft Colony, East Tulare Villa, Lindcove, Monson, Seville, Teviston, Tonyville, Waukena, West Goshen, and Yettem) in the Planning Framework

A theme has emerged – "Development Everywhere at Any Cost." There will not be enough water in Tulare County for the current population and current level of development at current water demand by the year 2030. Despite this, stringent water conservation is not mandated. This plan will greatly increase GHG emissions, air pollution, and groundwater overdrafting. I11-257

It is not possible to serve the proposed foothill and mountain communities with public transit and adequate fire and police protection. The General Plan will put more people and property at risk in CAL FIRE-Designated high, very high, and extreme wildfire risk zones. I11-258

There is not enough water in the fractured rock of the foothills and mountain areas for the scope of development envisioned. There has been no hydrologic study of fractured I11-259

rock groundwater capacity in the foothills. The General Plan will put more people and property in FEMA designated 100-year Flood Hazard Zones. I11-259 cont'd

The range of project alternatives is unreasonably narrow. All project alternatives contain the same flawed policies and implementation measures. The detailed, carefully worked out, environmentally superior Healthy Growth Alternative submitted by the Tulare County Citizens for Responsible Growth in their 2008 comments on the 2008 DEIR was not included as an alternative. I11-260

The first value statement in the 2010 Revised Draft General Plan 2030 Update is: I11-261

> "The beauty of the County and the health and safety of its residents will be protected and enhanced."

However, the General Plan risks the health and safety of its residents by:

1. Allowing development in levee and dam inundation zones. Part I Health and Safety, page 10-9, HS-5.2, HS-5.5
2. Allowing development in 100-year floodplain zones. Part II FGMP, page 3-11, FGMP-8.1 and Part I Health and Safety 5.2 page 10-9.
3. Allowing development (although it will be "clustered") in natural recharge basins, thus impairing groundwater recharge, and the storm water run-off from the development will contaminate groundwater. Water Resources, Implementation Measure 6
4. Allowing development of 30° slopes or greater if "applicant can sufficiently mitigate the inherent problems associated with developing on steep slopes"). These cut and fill slopes create significant soil erosion risks and storm water run off. *FGMP Implementation Measure 4*
5. "Restricting development in chaparral since these areas present extreme wildland fire potential." Implementation measure 30 offers no percentage of restriction and only calls for "a drainage plan which minimizes sedimentation and/or contamination of the lake environment..." *FGMP-8.15.*
6. Not requiring the State Water Resources Control Board's "Low Impact Development-Sustainable Storm Water Management" recommendations that benefits water and contributes to water quality protection.

I11-261 cont'd

7. Allowing homes on stilts or cantilevered out over slopes, increasing risk of wildfire consuming homes. Part II Area Plans, page 3-33 FGMP Fire Protection Development Standard #48.
8. Not requiring non-combustible roofs on new development in wildland-urban interface fire areas. Part II, Area Plans, page 3-33, FGMP Fire Protection Development Standard #47.
9. Not prohibiting wood decks, walkways, fences, sheds abutting homes in wildland-urban interface fire areas. Part II, Area Plans, page 3-33, FGMP Fire Protection Development Standard #47.
10. Not requiring ember-proof vents on new development in wildland-urban interface areas. Part II, Area Plans, page 3-33, FGMP Fire Protection Development Standard #47.
11. Designating many large, mixed use development areas in the Foothill Growth Management Plan, including a large one for the proposed Yokohl Ranch New Town. See Part II, Area Plans, Figure 3-1, a map of FGMP on page 3-16. The proposed Yokohl Ranch New Town will cover 14,400 acres adjacent to and intermixed with wildlands, exposing people and structures to a significant risk of loss, injury or death involving wildland fires. All of the above 10 seem tailor-made for the Yokohl Valley development. Since 1964 the foothill corridor has been designated agricultural. Citrus orchards and cattle ranches dominate the foothills, except for the communities of Three Rivers and Springville.
12. See Part II Chapter 2. Corridors Framework Plan page 2-3, Figure 2-1, which promotes commercial and industrial development along all ten major transportation corridors in Tulare County.
13. Increased development around all 21 unincorporated communities, all hamlets. Part II, Chapter 1, Rural Valley Lands Plan, page 3-16, Figure 3-1, and along much of the foothill corridor. Part II, Area Plans, FGMP page 3-16, Figure 3-1.
14. Greatly increased development in remote mountain areas. Part II, Area Plans, Mountain Framework Plan, page 4-2, Figure 4-1.
15. Having weak policies. In the Background Report on page 3-3, a policy is defined as "A specific statement of principle or guiding actions, which implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program."
16. Having illusory Implementation Measures. On page 1-11 of the General Plan, Part I - Goals and Policies Report document the County states:

"Implementation Measures describe actions that are measurable so their completion can be easily monitored in annual reports. 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.
- Because implementation will take time and will be costly the County will need to prioritize Implementation Measures. It is contemplated that this on-going process is part of the County's annual general policy-making function and budget cycle.
- While the Plan policies identify specific programs, Implementation Measures may be adjusted over time, without amending the General Plan, based on new information, changing circumstances, and evaluation of their effectiveness, so long as they remain consistent with the intent of the General Plan and adopted mitigation measures."

This is OUTRAGEOUS flexibility. These "principles" make a joke of the Implementation Measures. I11-261 cont'd

CEQA requires feasible mitigation or avoidance of the harmful impacts of a project on the environment or humans. Tulare County has a $7 million budget deficit. See attachment 30, County Faces $7 Million Budget Shortfall. There have been furloughs and firings. RMA staff is reduced, overworked, inexperienced, handling two jobs instead of one, transferred to departments they know nothing about, and demoralized. It is highly unlikely that monitoring will take place, studies will be conducted, ordinances will be created, training will take place, fines will be imposed for infractions and mitigation measures enforced. I11-262

The Supervisors have long believed development to be the economic salvation of our County. Instead, infrastructure costs of new development outweigh property tax and sales tax revenue. Residents of the County have experienced reduced infrastructure services (road maintenance, staffing, hours and days of library operation, ratio of police and firemen to population, closing of public health clinics, ambulance service). Each new development robs the rest of us of services. And it I11-263

exacerbates our poor air quality, increases greenhouse gas emissions, strains our groundwater supply (which has been in a condition of critical overdraft for decades), paves over prime agricultural land, eliminates open space, and contaminates our groundwater with septic system effluents. All of these consequences are exacerbated if the development is leapfrog and greatly decreased if it occurs within the eight incorporated cities' growth boundaries. The aforementioned consequences of sprawl contradict the General Plan Value Statement "to protect and enhance the health and safety of its residents." The Tulare County General Plan Update is a CEQA violation of the first order. Since the County is unable and unwilling to create good, healthy policies, Tulare County should adopt model ordinances, energy efficiency standards, green building standards, and a truly healthy growth alternative from other agencies, counties, or non-profit organizations like the American Farmland Trust, the California Oak Foundation, California Attorney General, Green Building Council, California Air Resources Board, and the Tulare County Citizens for Responsible Growth.

I11-263 cont'd

To truly reduce greenhouse gas emissions, 95% of future population growth must be directed into existing cities and communities with adequate infrastructure. New Towns must not be permitted. Housing density must be increased by more than the 25% decided by TCAG. SJVAPCD's Suggested Land Use and Transportation Measures must be adopted and mandated. Incentives must be offered to existing homeowners, business owners, and farmers to insulate buildings, and replace inefficient heating units, air conditioners, and water heaters.

I11-264

Population Projections to 2030

I11-265

The assumption of Tulare County's population growth of 313,900 people from 2010 to 2030 is based on TCAG projections. According to the RDEIR on page 5-2, "The U.S. Census Bureau and California Department of Finance (DOF) do not provide long term forecasts to 2030." In fact, DOF and the U.S. Census Bureau do provide population projections to 2030 for Tulare County, as well as estimates (2010) of current population in our county. Also on page 5.2 in the RDEIR, "TCAG does provide these forecasts." TCAG is both the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA) for (Tulare) County. As an MPO, (TCAG) is charged by the federal government to research and prepare plans for transportation, growth management, hazardous waste management, and air quality. Additionally, one of the many State mandated responsibilities is the development of demographic projections . . ."

The 15 members of TCAG (5 supervisors, 8 representatives of the 8 incorporated cities and 2 members-at-large have based future rates of growth on the rate of growth from 1990-2000 of 18%, from 311,920 to 368,020 people (DOF population estimates.) I11-265 cont'd

"From 2000 until 2007, the population grew steadily at an average of 2.2 percent per year to a total population of 429,010." (RDEIR page 5.2) There is no mention of the source of this population estimate. According to the Valley Voice newspaper on December 31, 2009. "Tulare County's population grew by 1.68 percent between July 1, 2008 and July 1, 2009, according to official population estimates released by the California Department of Finance." I11-266

According to TCAG population projections, the County's population is projected to exceed 742,900 by 2030." (RDEIR page 5.2)

As of May 3, 2010 the California Department of Finances released a provisional estimate of the population of Tulare County of 447,814 for 2010. According to DOF, the population of Tulare County grew by 1.68% from July 1, 2008 to July 1, 2009. TCAG's yearly growth estimate is 2.2% . Starting with the DOF 447,814 population estimate for 2010 and a growth rate of 1.68 percent compounded over 20 years, the population of Tulare County will be 614,572 in the year 2030. That is 128,398 fewer people than TCAG's estimate. The same method of computation was used. I11-267

The County has created a General Plan Update to accommodate an extra, phantom 128,398 people. The County also made an arbitrary decision that about 75 percent of the future County population will live in incorporated cities and about 25 percent in unincorporated areas. I11-268

During the Blueprint Process 6 of the 8 Central Valley counties chose to increase average density of housing units per acre by 32.6%. TCAG chose to increase average density of housing units per acre by only 25 percent. This will result in more sprawl. This contradicts SB 35 (anti-sprawl law). I11-269

No consideration was given by TCAG to the housing bust and economic collapse of the State of California and the entire country since September 2008. No consideration of the dismal unemployment rate of 19.4% in Tulare County in March, I11-270

2010. See attachment 31, Unemployment in Tulare County and attachment 32, West is Hit Hardest by Joblessness. There is far less migration to California from other parts of the U.S. and far less illegal migration from Mexico and Central America. See attachment 33, Fewer in U.S. Move as Economy Falters, attachment 34, Economic Crisis Curbs Migration of Workers, attachment 35, Ailing Economy Slows Americans' Mobility.

I11-270 cont'd

The County has an estimated $7 million shortfall this year because of lower property tax and sales tax revenue. California will have an estimated $19.1 billion shortfall. The federal government has a multi-trillion dollar deficit. Where will the money come from for this grandiose expansion of roads, business, industry, and New Towns? On April 14, 2010 the Federal Reserve Chairman, Ben Bernanke predicted a long slow economic recovery and an equally slow job recovery.

I11-271

TCAG's population projections are unrealistically high considering current economic and migration conditions. Even if the projections turn out to be accurate, isn't it prudent to concentrate population growth (95 percent) into a limited number of places (incorporated cities) in the densest manner, favoring infill first and close-in development second? Why destroy some resources irrevocably – prime farmland, water quality, biological resources, cultural resources, aesthetics, and provoke faster, more devastating climate change, if it isn't necessary?

I11-272

What is the motive for such high population projections? Is it a simple mistake? Not understanding that you can't predict the far future (20 years) on past performance? Or is it the outdated mindset that cities and counties must grow or die? Expanding growth boundaries is the only way to create more jobs and tax revenue? The cities and the County believe they need more money to do their jobs well. Doesn't this create a conflict of interest when they are charged with making demographic predictions?

I11-273

The losers are the residents of Tulare County who voted in the County-held public workshops in 2005 and 2006 for cleaner air, clean water, reliable water, no more sprawl, no more loss of agricultural land and preserving the rural character of the County.

I11-274

Letter I11

Original hand delivered to the Board of Supervisors at the Board Hearing on April 26, 2010 at the Public Hearing

File Copy

April 26, 2010

From: Carole A. Clum and J. Peter Clum, 45638 South Fork Drive, Three Rivers, CA 93271 (559) 561-4661

To: David Bryant, Project Planner, Tulare County Resource Management Agency, Government Plaza, 5961 South Mooney Boulevard, Visalia, California 93277

Subj: Request for Correction and Reissue of Table ES-4 Contained on Pages ES-12 through 26 of the RDEIR, Tulare County General Plan and for Restarting the Commencement Date of the 60 Day Public Review Period for the RDEIR

1. Page ES-8 RDEIR contains a paragraph which provides:

"Table ES-3 lists the revised or new policies and implementation measures that were identified through the CEQA process as additional mitigating policies or implementation measures for potential impacts analyzed in this RDEIR. Table ES-4 presents a summary of impacts and mitigation measures identified in this RDEIR including those proposed in this RDEIR. It is organized to correspond with the environmental issues discussed throughout the RDEIR. The table is arranged in four columns: 1) environmental impacts; 2) mitigation measure; 3) significance before mitigation; and 4) significance after mitigation."

APR 2010 RECEIVED RESOURCE MANAGEMENT AGENCY

2. Contrary to express language above, Table ES-4 only contains a summary of the proposed required additional mitigation policies and implementation measures identified

I1

in the RDEIR and listed in Table ES-3 beginning on page ES-8. It has no summary of the numerous other mitigation measures, i.e., Part I, Goals and Policies, Tulare County General Plan 2030 Update, discussed in the RDEIR. This omission defeats the informational requirements of CEQA by providing a confusing and substantially incomplete summary of mitigation measures, by interfering with the public's understanding, and by undermining informed decision making.

3. The confusion created by this apparent oversight is compounded by the misleading and erroneous language in the last paragraph on page 3-3 RDEIR:

> "Following each impact statement is a discussion of the potential impact and the General Plan Update policies and implementation measures that would help to mitigate this impact. Existing policies and implementation measures are included in a table similar to that provided below:" (Emphasis added.)

and further compounded by the unfortunate wording in the last ten lines on page 1-2, Part I, Goals and Policies Report.

4. Accordingly, we request that Table ES-4 be corrected using a format similar to that contained in Table ES-4 of the 2008 DEIR, that corrected copies be made

2

available to the public at no additional charge, and that the 60 day comment period for the RDEIR be restarted on the date the corrected table is available for public review and comment.

Respectfully,

Carole A. Clum

Copy to: Susan Fiering, Deputy Attorney General
Winter King, Shute, Mihaly, and Weinberger LLC
Matt Vespa, Center for Biological Diversity
Gordon Nipp, Kern-Kaweah Chapter, Sierra Club
Laurie Schwaller, Tulare County Citizens for Responsible Growth

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2

Letter I11

File Copy

Fax to Dave Bryant copy mail 4pp 4/53

May 5, 2010

From: Carole A. Clum and J. Peter Clum

To: David Bryant, Project Planner, Tulare County Resource Management Agency

Subj: Our Request of April 26 to Correct the Executive Summary, RDEIR Tulare County General Plan and Restart the 60 Day Public Comment Period

1. In addition to the matters noted in our April 26 letter, we just discovered additional errors in the Executive Summary; (1) no discussion of the alternatives to the proposed project, (2) no identification of areas of controversy known to the lead agency including issues raised by agencies and the public, and (3) no indication of the issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects.

2. The rationale and requests stated in our letter of April 26, remain in effect.

Respectfully,

Carole A. Clum

J. Peter Clum

Letter I11

File Copy

Recd 5/15/2010

RESOURCE MANAGEMENT AGENCY

5961 South Mooney Blvd
Visalia, CA. 93277
Phone (559) 624-7000
Fax (559) 730-2653

Britt L. Fussel — Planning
Roger Hunt — Public Works
Administration/Community Development

JAKE RAPER JR, AICP, DIRECTOR

May 14, 2010

J. Peter Clum
Carole Clum
45638 South Fork Drive
Three Rivers, CA 93271

Subject: General Plan 2030 Update Recirculated Draft Environmental Impact Report

Dear Mr. & Mrs. Clum:

The County of Tulare Resource Management Agency has received two letters sent by you dated April 26, 2010 and May 5, 2010 requesting an extension of the 60-day public review period beyond May 27, 2010 for the General Plan 2030 Update Recirculated Draft Environmental Impact Report.

The County will not extend the review period as per your request. The 60-day public review period will end on May 27, 2010. The County will respond to all comments received during the 60-day public review period in the General Plan 2030 Update Final Environmental Impact Report.

If you have any questions regarding this matter, please contact the undersigned at 624-7000.

Yours very truly,

Jake Raper, Jr, AICP
Agency Director

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Received from Chuck Przybylski 4/26/10

Policies and Procedures

TULARE COUNTY RMA, CURRENT & LONG RANGE PLANNING DIVISIONS

NUMBER:	SUBJECT:	EFFECTIVE DATE
300	Tulare County Guidelines for the Implementation of the California Environmental Quality Act of 1970	12/19/72

SOURCE: BOS: Resolution Nos. 72-3900; 73-356; 73-1202; 74-1346; 74-2165; 75-2452; 77-2229; 78-2300; 81-1670; 82-390; 83-460; 86-1419; 87-228; 87-429; 87-1278; 89-850A; 90-0803; 91-0805; 93-0489; 95-0476; 99-0479

NOTE: Tulare County Ordinance Code Section 7-08-1070, effective December 25, 1997, provides as follows:

> **Section 1-03-1070. Resource Management Agency:** The Resource Management Agency is hereby established. All references in the Tulare County Ordinance Code, any other codified or uncodified County ordinance, or any other official County contracts, resolutions or other documents, to the Tulare County Planning and Development Department, the Tulare County Public Works Department, or the Tulare County General Services Department (except as set forth in sections 2-03-1001 and 2-05-1000) shall be deemed to refer to the Tulare County Resource Management Agency.

SECTION 100. GENERAL

(a) These Guidelines are intended to be used in conjunction with the State "Guidelines for Implementation of the California Environmental Quality Act of 1970" contained in Title 14, California Administrative Code, Sections 15000 et seq., as amended (herein: State CEQA Guidelines). The State CEQA Guidelines and any future amendments thereto are hereby adopted by reference and made a part of these guidelines. All words and phrases contained in these guidelines shall have the same meanings as contained in the State CEQA Guidelines.

(b) These guidelines are primarily intended to be used for the preparation of environmental documents required by the provisions of the California Environmental Quality Act of 1970, as amended, for County projects, and private projects subject for County approval.

(c) These guidelines may also be used for the preparation of environmental documents required for Tulare County Local Agency Formation Commission projects. In such cases, the County Planning and Development Department, acting on behalf of the Local Agency Formation Commission, shall make a initial study, prepare the necessary environmental documents, and carry out the other duties imposed upon a County department responsible for a County project by these guidelines, and shall receive any fees provided by these guidelines for preparation of such documents (added by Res. 72-3900, effective 12-19-72; amended by Res. 73-1202,

Attachment 4

NUMBER:	SUBJECT:	EFFECTIVE DATE
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SOURCE: BOS: Resolution Nos. 72-3900; 73-356; 73-1202; 74-1346; 74-2165; 75-2452; 77-2229; 78-2300; 81-1670; 82-390; 83-460; 86-1419; 87-228; 87-429; 87-1278; 89-850A; 90-0803; 91-0805; 93-0489; 95-0476; 99-0479

effective 8-9-77; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

(d) These Guidelines may also be used for the preparation of environmental documents required for Tulare County Redevelopment Agency plans and projects. CEQA compliance for Redevelopment Agency projects which are to be carried out under agreement with the Tulare County Public Works Department, shall be the responsibility of the Public Works Department, while CEQA compliance for other Redevelopment Agency plans and projects shall be the responsibility of the Tulare County Planning and Development Department. In either case, the County Environmental Assessment Officer (Planning and Development Director or Public Works Director), acting on behalf of the Redevelopment Agency, shall make an initial study, prepare the necessary environmental documents, and carry out the other duties imposed upon a County department responsible for a County project by these guidelines and shall receive any fees provided by these guidelines for preparation of such documents (adopted by Res. 87-228, effective 2-17-87).

(e) These Guidelines may also be used for the preparation of environmental documents required for Tulare County Flood Control District plans and projects. In such cases, the Tulare County Public Works Department, acting on behalf of the Flood Control District, shall prepare all necessary environmental documents and carry out the other duties imposed upon a County department responsible for a County project by these Guidelines (added by Res. 87-1278, effective 9-22-87).

SECTION 100.5. PRIVATE PROJECT APPLICATIONS: SPECIAL DETERMINATIONS AND PROCEDURES: (added by Res. 86-1419, effective 11-4-86; amended by Res. 90-0803, effective 9-1-90).

(a) At the time that an initial application for approval of a private project is received and accepted as complete, the responsible County department shall determine and advise the applicant of the estimated time which will be necessary to process the application under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and these guidelines. If the applicant so desires, applicant can request, at applicant's own expense, an expedited

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environmental assessment process wherein the services set forth in subsection (d) are performed in an expeditious manner by qualified private entities or persons contracted with the County of a temporary basis.

(b) If the applicant desires to proceed with an expedited environmental assessment process, the applicant shall enter into a deposit agreement in a form approved by the Board of Supervisors and executed on behalf of the County by the County Environmental Assessment Officer.

(c) Upon execution of the deposit agreement described in subsection (b) and upon receipt of the deposit required thereunder, the Environmental Assessment Officer shall secure, on the basis of availability and/or specific qualifications or expertise, the services of one of the qualified private entities or persons on retainer with the County for this purpose.

(d) The private entities or persons contracted with pursuant to subsection (c) shall perform only those services necessary to meet the initial study requirements of the CEQA and shall not perform those functions reserved by the CEQA, the State CEQA Guidelines, or these guidelines to the decision-making body. Even though it is understood that these required reports and studies should be prepared in cooperation with the applicant, the responsibility of the entity or person under contract will be solely to the County. Accordingly, the entity or person shall make every effort to prepare the reports and studies with maximum accuracy and objectivity. Further, in all matters pertinent to the private project the entity or person under contract shall act solely as the consultant to the County and shall not act in any capacity as consultant to, representative of, or agent of the applicant.

SECTION 101. INITIAL STUDY OF PROJECT:

The County department initiating a County project, or receiving the initial application for approval of a private project, shall make an Initial Study of the project pursuant to the State CEQA Guidelines, Section 15063, to determine whether a Negative Declaration or an Environmental Impact Report is required, or whether the project may proceed without the preparation of either. In the case of a private project application, said determination shall be made within 30 days from the date on which the

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application was accepted as complete (Section 21080.2, Public Resources Code). This period may be extended 15 days upon the consent of the department and the applicant.

If the department desires the assistance of the County Planning and Development Department in evaluating the project or in preparing a Negative Declaration or an Environmental Impact Report, the Planning and Development Department shall provide such assistance upon request. If neither a Negative Declaration nor an Environmental Impact Report is required under the State CEQA Guidelines, the department may proceed with the County project, or approve the private project, in the normal manner without taking any additional steps under the California Environmental Quality Act of 1970. If the project is a ministerial or emergency project, or is categorically exempt, within the meaning of the State CEQA Guidelines, a notice of exemption may be filed as provided in Section 15062 of the State CEQA Guidelines (Note: Prior Section 105 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered Section 102 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 101 by Res. 77-2229, effective 8-9-77; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 101.1: INITIAL STUDY OF PRIVATE PROJECTS: EFFECTS ON ARCHAEOLOGICAL RESOURCES:

(a) In the case of an Initial Study of an application for a private project, the responsible county department shall determine if the project may have a significant effect on unique archaeological resources as defined in Section 21083.2 (g) of the Public Resources Code. If the Environmental Assessment Officer determines that the private project could have an adverse impact on archaeological resources, the county department shall contract with a qualified archaeologist. In such cases, the Environmental Assessment Officer shall recommend at least three qualified archaeologists to prepare the initial archaeological assessment. The applicant seeking approval of an application for a private project shall select one of the recommended archaeologists to prepare the assessment. Agreements shall be prepared between the county and the applicant and the county and the archaeologist to specify the details of the initial archaeological assessment process. The same procedures shall be followed in processing and acting on such agreements as are applicable to agreements for preparation of environmental impact reports by consultants in Section 103.1 of these Guidelines. Once the initial archaeological assessment is

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completed and accepted by the responsible county department, it shall be attached to and made a part of the Initial Study of the project as provided in Section 101 of these guidelines (adopted by Res. 83-460, effective 4-5-83).

(b) As an alternative to the procedure described in paragraph (a) of this section, an applicant for a private project may contract independently with a qualified archaeologist to perform the analysis required in paragraph (a) of this section. Said analysis shall be submitted in conjunction with the application for the private project and the application shall not be accepted as complete until the Environmental Assessment Officer has reviewed and approved the analysis. If the Environmental Assessment Officer disapproves the analysis, a new archaeological analysis shall be performed in the manner specified in paragraph (a) of this section (paragraph (b) adopted by Res. 86-1419, effective 11-4-86).

SECTION 102. NEGATIVE DECLARATION:

(a) If the county department responsible for making the Initial Study of a project pursuant to Section 101 of these guidelines determines that a Negative Declaration is required under Section 15070 of the State CEQA Guidelines, it shall file a Negative Declaration with the Environmental Assessment Officer.

(b) If the Environmental Assessment Officer approves the Negative Declaration, this fact shall be endorsed on a copy of the Negative Declaration. A notice that the decision-making body proposes to adopt a Negative Declaration shall be made available to the public in sufficient time to provide an opportunity for members of the public to respond to the findings before the project is approved. Within five (5) working days after the project is approved, the responsible department shall file a Notice of Determination with the County Clerk of the County, or counties, in which the project will be located pursuant to Section 15075 of the State CEQA Guidelines. The notice shall be posted at the County Clerk's Office and made available for public review as required by Section 21152(c) of the Public Resources Code.

(c) If the Environmental Assessment Officer disapproves of a Negative Declaration for a particular project because the Officer finds there is substantial evidence that the particular project will

NUMBER:	SUBJECT:	EFFECTIVE DATE
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SOURCE: BOS: Resolution Nos. 72-3900; 73-356; 73-1202; 74-1346; 74-2165; 75-2452; 77-2229; 78-2300; 81-1670; 82-390; 83-460; 86-1419; 87-228; 87-429; 87-1278; 89-850A; 90-0803; 91-0805; 93-0489; 95-0476; 99-0479

have a significant effect on the environment, an Environmental Impact Report shall be prepared for that particular project (Note: Prior Section 106 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered as Section 103 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 102 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 102.1. MITIGATED NEGATIVE DECLARATION:

(a) If the County department initiating a County project or receiving the initial application for approval of a private project, determines that a particular project may have a significant effect on the environment, but that such effects can be mitigated to a point where clearly no significant environmental effects would occur, the responsible department shall determine if a mitigated Negative Declaration can be prepared pursuant to Section 15070(b) of the State CEQA Guidelines.

(b) The Initial Study of the project for which a mitigated Negative Declaration is to be prepared pursuant to this section, shall specify the mitigation measures required and the nature of the modifications made in the project to avoid the significant adverse impacts originally identified for the project.

(c) If all the mitigation measures are made a part of a County project, or if the applicant seeking approval of an application for a private project revises the project plans to include such mitigation measures as a part of the project, and/or agrees to an enforceable commitment to include the mitigation measures in the project, then the County department shall prepare a Negative Declaration for submittal to the Environmental Assessment Officer.

(d) Where a mitigated Negative Declaration is approved, the decision-making body shall make a finding that there is no substantial evidence that the project as approved may have a significant effect on the environment (adopted by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

NUMBER:	SUBJECT:	EFFECTIVE DATE
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SOURCE: BOS: Resolution Nos. 72-3900; 73-356; 73-1202; 74-1346; 74-2165; 75-2452; 77-2229; 78-2300; 81-1670; 82-390; 83-460; 86-1419; 87-228; 87-429; 87-1278; 89-850A; 90-0803; 91-0805; 93-0489; 95-0476; 99-0479

SECTION 103. PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT: NOTICE OF PREPARATION:

If the County department responsible for making the Initial Study of the project pursuant to Section 101 of these guidelines determines that an Environmental Impact Report is required under the State CEQA Guidelines, or if the department has been directed to prepare an Environmental Impact Report after submitting a Negative Declaration pursuant to Section 102 of these guidelines, it shall prepare, or cause to be prepared, a draft Environmental Impact Report containing the information required by Article 9 of the State CEQA Guidelines. Before commencing preparation, the department shall send a Notice of Preparation to each responsible agency and consult with the responsible agencies and other concerned persons or organizations as required by Section 15082(a) of the State CEQA Guidelines. A copy of each Notice of Preparation sent to a State responsible agency or trustee agency shall be sent to the State Clearinghouse as required by Section 15082(d) of the State CEQA Guidelines (Note: Prior Section 107 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered as Section 104 by Res. 73-1202, effective 4-3-73; amended and renumbered as Section 103 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 103.1. PREPARATION OF ENVIRONMENTAL IMPACT REPORTS BY CONSULTANTS:

(a) If the County Planning and Development Department is unable to assist in the preparation of a Draft or Final Environmental Impact Report pursuant to Sections 101 or 101.5 of these Guidelines, the County department may elect to contract with a qualified consultant for preparation of all or a part of an Environmental Impact Report. In such cases, the Environmental Assessment Officer shall recommend at least three qualified consultants to prepare the Environmental Impact Report based upon their qualifications for the type and scale of project at hand. The County department carrying out a County project or the applicant seeking approval of an application for a private project, as the case may be, shall select one of the recommended consultants to prepare the Environmental Impact Report. In the case of a private project application, agreements shall be prepared between the County and the applicant and the County and the consultant to specify the details of the Environmental Impact Report

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preparation process. The applicant shall execute an agreement with the County concerning Environmental Impact Report preparation within 30 days of the date the County department submitted the agreement to the applicant (amended by Res. 87-1278, effective 9-22-87).

(b) In the event the applicant fails to execute such contract within said 30 days, the County department shall notify the applicant by certified mail that the application will be declared null and void, and the proposed project deemed abandoned, if the contract is not executed and received by the County department within 5 working days of the receipt of the notice.

(c) If the contract is not executed and received as provided in subsection (b) of this section, the application shall be delivered to the decision-making body who, after giving prior notice to the applicant, shall hold a public hearing and determine whether or not the application should be declared null and void for failure to comply with these guidelines. If the decision-making body is not the Board of Supervisors, the applicant may appeal the action of the decision-making body to the Board of Supervisors as provided in Section 109 of these guidelines. The decision of the Board of Supervisors on such an appeal shall be final (adopted by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

(d) As an alternative to the procedure established in subsections (a) through (c), the County department may allow an applicant seeking approval of an application for a private project to prepare and submit draft environmental impact report materials, including but not limited to a draft and/or final environmental impact report, as part of such application. In such case, the private application shall not be deemed complete until the draft environmental impact report materials are satisfactory to the County. Such draft environmental impact report materials shall be subject to the independent review requirements of Public Resources Code section 21082.1 and applicable State CEQA Guidelines (added by Res. 93-0498, effective 7-10-93).

Policies and Procedures

TULARE COUNTY RMA, CURRENT & LONG RANGE PLANNING DIVISIONS

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SECTION 103.2. USE OF PRIOR ENVIRONMENTAL IMPACT REPORTS FOR SUBSEQUENT PROJECTS:

(a) Whenever a prior Environmental Impact Report has been prepared and certified for a program, plan, policy or ordinance and a subsequent project is proposed, the Environmental Assessment Officer shall determine if the subsequent project would be subject to Section 15183 of the State CEQA Guidelines (residential projects) or Section 21094 of the Public Resources Code (tiering of EIRs).

(b) If the Environmental Assessment Officer determines that Section 15183 or Section 21094 would be applicable, the Initial Study shall assess if the subsequent project will result in impacts upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in a prior Environmental Impact Report, and/or if feasible mitigation measures exist which were not addressed in the prior EIR.

(c) If the Initial Study finds that the subsequent project will result in impacts that were not addressed as significant effects in the prior EIR, or that feasible mitigation measures exist which were not addressed in the prior EIR, either a Subsequent EIR (Section 15162) or a Supplement to the EIR (Section 15163) shall be prepared. The report shall be limited to the additional effects and mitigations, provided however that in the case of residential project subject to Section 15183, such effects need not be considered if County development policies or standards, adopted in conformance with Section 15183, will substantially mitigate such effects.

(d) If the Initial Study determines that there are no additional effects upon the environment which are peculiar to the project or the parcel and which are not addressed as significant effects in the prior EIR, no additional feasible mitigation measures exist in the Environmental Assessment Officer determines that the prior EIR is adequate for the subsequent project, no further EIR for the project shall be prepared unless an Addendum to the EIR is appropriate under Section 15164, CEQA Guidelines. In such cases the Environmental Assessment Officer shall certify the prior EIR as adequate for the project and shall authorize the notice provided in Section 105.1 of these guidelines (adopted by Res. 82-390, effective 3-9-82; amended by Res. 86-1419, effective 11-4-86).

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SECTION 104. SUBMISSION OF DRAFT ENVIRONMENTAL IMPACT REPORT:

(a) After the draft Environmental Impact Report is completed, it shall be submitted to the Environmental Assessment Officer for review.

(b) If the Environmental Assessment Officer determines that the report is adequate, he shall so indicate by endorsing his approval on the report. The Officer shall at the time determine the review period for the draft report and the public agencies and/or persons with special expertise to which the draft report shall be sent for review. The normal review period for the draft report shall be no less than 30 days nor longer than 90 days except in unusual circumstances. However, where a draft report must be submitted to the State Clearinghouse pursuant to Sections 15205 or 15206 of the State CEQA Guidelines, the Officer must set a review period at least as long as the period provided in the State review system by the State Clearinghouse.

(c) If the Environmental Assessment Officer determines that the draft report is inadequate, he shall inform the department submitting the draft report of the reasons he finds the report inadequate. The department submitting the report shall then amend the report and resubmit it for approval by the Environmental Assessment Officer (Note: Prior Section 110 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered as Section 106 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 104 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 105. NOTICE OF COMPLETION: DISTRIBUTION OF DRAFT EIR REPORT FOR REVIEW:

After a draft report has been approved by the Environmental Assessment Officer, the County department responsible for preparing the draft report shall cause a Notice of Completion to be filed with the State Clearinghouse pursuant to Section 15085 of the State CEQA Guidelines. The responsible department shall then distribute copies of the draft report to all responsible agencies and those public agencies and/or persons with special expertise designated by the Environmental

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Assessment Officer. The responsible department shall advise reviewers of the date that their comments must be received for inclusion in the final Environmental Impact Report (Note: Prior Section 111 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered as Section 107 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 7-30-74; amended and renumbered as Section 105 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78, amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 105.1. NOTICE TO AGENCIES: USE OF PRIOR EIR FOR SUBSEQUENT PROJECTS:

If a prior EIR has been approved by the Environmental Assessment Officer for use with a subsequent project in accordance with Section 103.2(d) of these Guidelines, the County department responsible for preparing the report shall not be required to prepare a Notice of Completion. However, the responsible County department shall notify all responsible agencies of the decision to use the prior EIR. If State agencies are to be notified, the State Clearinghouse shall also be notified (adopted by Res. 82-390, effective 3-9-82; amended by Res. 86-1419, effective 11-4-86).

SECTION 106. SUBMISSION OF FINAL ENVIRONMENTAL IMPACT REPORT:

(a) After the time for review of the Draft EIR has expired, the responsible County agency shall prepare a Final Environmental Impact Report and submit it to the Environmental Assessment Officer for review. This report shall contain the matters set forth in Section 15132 of the State CEQA Guidelines.

(b) If the Environmental Assessment Officer approves the Final Environmental Impact Report, he shall endorse this fact on a copy of the report. The department making the report shall then submit a copy to the decision-making body for its certification and consideration pursuant to Section 15090 of the State CEQA Guidelines prior to making a final decision on the project.

(c) The decision-making body, if it approves a project, shall within 5 working days file a Notice of Determination with the County Clerk of the County or counties in which the project will be located pursuant to Section 15094 of the State CEQA Guidelines. The notice shall be posted at

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the County Clerk's office and made available for public review as required by Section 21152(c) of the Public Resources Code (Note: Prior Section 108 adopted by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 106 by Res. 72-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 106.1. TIME LIMITS:

(a) Except where other laws require shorter time limits for action on projects, the time periods for completion and certification of EIRs and Negative Declarations for applications for approval of private projects when the County is acting as Lead Agency shall be the same as set forth in Sections 15107 and 15108 of the State CEQA Guidelines. When other laws prescribe shorter time periods than are specified in Sections 15107 and 15108 within which a lead agency must take action, completion and certification of EIRs and Negative Declarations shall be accomplished within the shorter time periods.

(b) Unless otherwise provided by law, the time limits established in subsection (a) of this section may be extended by mutual consent of the applicant and the Environmental Assessment Officer (adopted by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 106.2 MITIGATION REPORTING OR MONITORING PROGRAMS:

(a) Pursuant to Public Resources Code section 21081.6, the County officer or body approving any project for which changes have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment shall adopt a CEQA mitigation reporting or monitoring program for such project, and such CEQA mitigation reporting or monitoring program shall be imposed as a condition of project approval. Any agency having jurisdiction by law over the natural resources affected by the project may request that a mitigation measure be included as a condition or other requirement of approval of the project, provided that such agency prepare and submit a proposed CEQA mitigation reporting or monitoring program with the requested mitigation measure.

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(b) Each CEQA mitigation reporting or monitoring program shall be prepared by the responsible County department or by a consultant retained for such purpose in accordance with Section 103.1 of these Guidelines, shall be paid for by the applicant, and submitted for approval to the County officer or body considering the project at the same time as the County officer or body takes final action on the requested project approval.

(c) Each CEQA mitigation reporting or monitoring program shall be prepared as part of the environmental review document prepared on the project and shall include: 1) all conditions and mitigation measures imposed on the project separated by subject area; 2) a plan for coordination and implementation of all measures; 3) a description of all measures the applicant will be required to take to assure compliance, including field monitoring, data collection, management and coordination of field personnel and feedback to field personnel and affected County agencies; 4) a description of all measures the County and any other agencies assigned will take to assure compliance, including review of applicant reports, field monitoring or inspections, data collection, and feedback to applicant and affected County and other agencies; and 5) a description of compliance criteria.

(d) The Director of the responsible County department for a project or his/her deputy as designated from time to time shall be the County CEQA mitigation reporting or monitoring program manager for that project. As such, he or she shall coordinate preparation of CEQA mitigation reporting or monitoring programs and verification of compliance efforts by County staff, shall be the contract person through which other public agencies may participate in such programs and shall resolve conflicts between the applicant, members of the public and County staff as to any issues arising in regard to such a CEQA mitigation reporting or monitoring program, except for those issues which are more appropriately raised in the regular County public hearing and decision-making procedures on any given project.

(e) In the case of phased, major or complex projects, the County officer or body approving the project may determine that a CEQA mitigation and monitoring agreement with a consultant selected in accordance with Section 103.1 is required in order to carry out the CEQA mitigation reporting or monitoring program.

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(f) All decisions and determinations of the program manager under this section shall be appealable as provided under Section 109.

(g) Failure to comply with any provisions of a CEQA mitigation reporting or monitoring program made a condition of any project approval, or failure to comply with the provisions of any CEQA mitigation and monitoring agreement, shall be deemed to be a violation of the conditions of project approval and shall subject the applicant and/or owner to enforcement action, and to such penalty as is otherwise provided by County ordinance or state law.

(Section 106.2 added by Res. 93-0498, effective 7-10-93)

SECTION 107. TULARE COUNTY ENVIRONMENTAL ASSESSMENT OFFICER*:

***NOTE: Tulare County Ordinance Code Section 1-03-1075, effective December 25, 1997, provides as follows:**

Section 1-03-1075. Resource Management Director: The Resource Management Director shall be appointed pursuant to the procedure specified in 1-03-1020 of this Ordinance Code. All references in the Tulare County Ordinance Code, any other codified or uncodified County ordinance, or any other official County contracts, resolutions or other documents, to the Tulare County Planning and Development Director, the Tulare County Public Works Director, the General Services Director (except as set forth in sections 2-03-1001 and 2-05-1000), or the General Services Director/Purchasing Agent shall be deemed to refer to the Resource Management Director or such duly authorized and qualified division manager, or managers, as the Director shall appoint.

(a) The Tulare County Environmental Review Committee previously established is hereby terminated effective September 12, 1978.

(b) The Officer of Environmental Assessment Officer is hereby established. The Planning and Development Director shall serve as the Environmental Assessment Officer on all County projects and applications for approval of private projects except those projects and applications

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which are under the jurisdiction of the County Public Works Department. In the case of Public Works Department projects, the Public Works Director shall serve as the Environmental Assessment Officer.

(c) Both the Planning and Development Director and the Public Works Director shall have the power to delegate the duties and responsibilities of the Environmental Assessment Officer to an employee in their respective departments.

(d) The duties of the Environmental Assessment Officer shall be:

(1) To review the adequacy and appropriateness of Negative Declarations and Environmental Impact Reports for all projects.

(2) To determine that Negative Declarations are completed within the time limits specified in Section 106.1 of these guidelines (Authority: Section 15025(a)(4) State CEQA Guidelines).

(3) To recommend additions or deletions to the classes of Categorical Exemptions to be submitted to the Board of Supervisors, or the Local Agency Formation Commission, and to the State Office of Planning and Research pursuant to the State CEQA Guidelines.

(4) To recommend to the Board of Supervisors and the Local Agency Formation Commission, for adoption, a list of those specific County and Local Agency Formation Commission activities which fall within each class of Categorical or Ministerial Exemptions pursuant to the State CEQA Guidelines.

(5) To compile a listing of public agencies, particularly local agencies, which have legal jurisdiction and/or special expertise with respect to various County and Local Agency Formation Commission projects (public and private) and project locations pursuant to the State CEQA Guidelines.

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(6) To compile and maintain a list of consultants qualified for the preparation of Environmental Impact Reports (Note: Prior Section 103 adopted by Res. 72-3900, effective 12-19-72; amended and renumbered as Section 101 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended by Res. 75-2452, effective 9-2-75; amended and renumbered as Section 107 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 108. PUBLIC PARTICIPATION:

(a) List of projects under consideration. The Environmental Assessment Officer shall have posted, and revised weekly, a list, which may be supplemented by a map, of all projects currently under consideration for which a draft Environmental Impact Report or a Negative Declaration have been approved. This list, and any supplemental map, shall be posted on the bulletin board next to Room 109, Courthouse, Visalia, California.

(b) Early Consultation with Surrounding Owners. Immediately after deciding that an Environmental Impact Report (EIR) or a Mitigated Negative Declaration is required for a project, the responsible County department shall consult with surrounding owners by mailing a notice to all owners of property within 300' of the parcel or parcels on which the project is located, as those owners are shown on the latest equalized assessment roll. Such notice shall be for the purpose of soliciting public response and comment on the range of impacts identified and the adequacy of proposed mitigations. If substantial evidence is received concerning the environmental impacts of the project or the proposed mitigations, the responsible County department shall include the information in the draft EIR or Mitigated Negative Declaration.

In the case of projects as defined in Section 21065(a) and (b) of the Public Resources Code, mailed notice shall not be required if the number of owners to whom notice would be mailed is greater than 100. However, the responsible County department, in lieu of mailed notice, shall provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the area of the County affected by the project.

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The responsible County department may also conduct scoping meetings pursuant to Section 15083 of the State Guidelines if deemed appropriate to resolve issues concerning the environmental effects of the project. A record of the meeting shall be attached to the draft EIR or Mitigated Negative Declaration. If a scoping meeting is held concerning an application for a private project, the applicant shall be invited to attend the meeting (Subsection (b) added by Res. 87-429, effective 3-31-87).

(c) Notice of Intent to Adopt a Negative Declaration or Notice of Completion of Draft Environmental Impact Report. The Environmental Assessment Officer shall, within five (5) days after approving a Negative Declaration or draft Environmental Impact Report, provide the notice as set forth in Sections 15072 and 15087 of the State CEQA Guidelines informing interested persons where they may inspect or obtain copies of such Environmental Impact Report or Negative Declaration.

(d) Submission of comments. Prior to the time that the review period on a draft Environmental Impact Report has expired, and prior to the time that a final decision is made on a project for which a Negative Declaration has been prepared, interested parties may submit written comments on the adequacy of a Draft Environmental Impact Report, or on the appropriateness of a Negative Declaration.

(e) Public Hearings. Where a public hearing or hearings are held in connection with a project under a provision of law other than the California Environmental Quality Act, as amended, all notices pertaining to such hearing or hearings shall include a statement that the environmental impact of the project will be considered at such hearing or hearings. In addition, if a prior EIR is being utilized for a residential project pursuant to Section 15183 of the State CEQA Guidelines, the notice shall announce the intent of the decision-making body to make a finding as to whether the mitigation measures described in the prior EIR will be undertaken for the residential project. In exceptional cases, where the decision-making body determines that it would facilitate the purposes and goals for the California Environmental Quality Act to do so, a public hearing or hearings may be held on the environmental impact of the project not otherwise requiring a hearing before final approval or disapproval. Notice of any such hearing shall be given in the matter determined by the decision-making body for the particular project

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and shall include the information set forth above for projects requiring a hearing under other provisions of law. When such hearing or hearings are held, a summary of the comments made at the hearing or hearings on the environmental impact of the project, together with the response by the responsible County department, shall be added to any final Environmental Impact Report before its certification by the decision-making body pursuant to the State CEQA Guidelines (Former Section 109 adopted by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 108 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86).

SECTION 109. APPEALS:

(a) Any interested party, including a County department, may appeal a determination of the Environmental Assessment Officer by filing a written request for a hearing with the decision-making body within ten (10) days from the decision of the Environmental Assessment Officer. When such a request is filed, the decision-making body shall review the decision of the Environmental Assessment Officer at a hearing, noticed in accordance with Section 15202(e) of the CEQA Guidelines, at which the responsible County department, the Environmental Assessment Officer, the party requesting a hearing and any person affected by the determination shall all have an opportunity to be heard. The decision of the decision-making body as to the correctness or incorrectness of the decision of the Environmental Assessment Officer shall be final unless the decision-making body is not the Board of Supervisors. In those cases, any interested party may further appeal the decision to the Board of Supervisors in the manner provided in Section 115 of the County Ordinance Code.

(b) Any interested party may appeal any determination of a County department, official or decision-making body concerning the adequacy of exemptions, negative declarations, or environmental impact reports by filing a written request for a hearing with the Board of Supervisors within ten (10) days from the determination. When such a request is filed, the Board of Supervisors shall review the determination at a hearing, noticed in accordance with Section 15202(e) of the CEQA Guidelines, at which the responsible County department, official or decision-making body, the Environmental Assessment Officer, the party requesting a

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hearing and any person affected by the determination shall all have an opportunity to be heard. The decision of the Board of Supervisors as to the correctness or incorrectness of the determination shall be final.

(c) Unless otherwise noted, any appeals to the Board of Supervisors under this section shall be subject to Section 115 of the County Ordinance Code. (Note: Prior Section 110 adopted by Res. 74-1346, effective 4-30-74; renumbered as Section 109 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86; amended by Res. 89-850A, effective 9-9-89).

SECTION 110. FEES:

Except as otherwise provided in the Tulare County Local Agency Formation Commission Guidelines, every applicant, including public agencies, for approval by the County or the Local Agency Formation Commission of a project which requires the preparation of an initial study pursuant to Section 101.1 of these guidelines, a mitigated negative declaration pursuant to Section 102.1 of these guidelines, or an Environmental Impact Report under the California Environmental Quality Act shall pay the following fees:

a.	Initial Assessment of Archaeological Resources by qualified archaeologist (Section 101.1(a))	Total cost of initial assessment + 20%
b.	Environmental Impact Report (EIR) prepared by County (Sections 103 and 103.2)	Total cost of draft Environmental Impact Report + 10%
c.	Draft EIR prepared by Consultant under contract to County (Section 103.1)	Total amount of estimated cost of the DEIR as provided in the contract + 20%

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d.	Draft and Final EIR prepared by Consultant under contract to County	Total amount of cost of the Draft and Final EIR as provided in the contract + 10%
e.	Review of Draft and/or Final EIR Materials submitted by Applicant (Section 103.1(d))	Total cost of review of Material + 10%
f.	Environmental Assessment work performed by private entity or persons (Section 100.5)	Total amount of estimated cost of the work as provided in the contract + 10%
g.	Mitigated Negative Declaration (Section 102.1)	Total cost of the Mitigated Negative Declaration
h.	Administration of CEQA Mitigation Reporting and Monitoring Agreements entered into the County with a Consultant (Section 110.3)	Total cost of negotiated cost of work as provided in the contract + 10%

Except as provided above, the fee for the initial determination shall be incorporated into the initial project application fees. If a determination is made that a Categorical Exemption, Negative Declaration or Addendum to an EIR (State CEQA Guidelines Section 15164) is appropriate, no additional fees shall be required. If a determination is made that a mitigated Negative Declaration is required, the County Department shall bill the applicant for the total costs for preparation of the mitigated Negative Declaration. (Amended by Res. 91-0805, effective 9-7-91; amended by Res. 93-0498, effective 9-7-93)

If it is necessary to prepare an Environmental Impact Report (including a Subsequent EIR or a Supplement to an EIR), the County department shall bill the applicant for the total cost to the County

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for preparation of the draft Environmental Impact Report, plus 10% to cover the cost of preparing the final Environmental Impact Report. If it is necessary to contract with a consultant or a qualified archaeologist as herein provided, the County department shall bill the applicant for the total amount as provided in the contract, plus 10% to cover the costs of preparing any Final Environmental Impact Report and an additional 10% for administering the contract. No action approving the project shall be taken until the cost of the Environmental Impact Report is paid. As used herein, "total cost" includes all the costs associated with the preparation of the EIR or mitigated Negative Declaration, including, but not limited to, direct costs for staff time, equipment usage and materials and indirect costs for administration, overhead and services and supplies. (Note: Prior Section 109 adopted by Res. 72-3900, effective 12-19-72; amended by Res. 73-356, effective 1-23-73; amended and renumbered as Section 105 by Res. 73-1202, effective 4-3-73; amended by Res. 74-1346, effective 4-30-74; amended and renumbered as Section 110 by Res. 77-2229, effective 8-9-77; amended by Res. 78-2311, effective 8-29-78; amended by Res. 81-1670, effective 10-1-81; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86; amended by Res. 87-1278, effective 9-22-87; amended by Res. 89-850A, effective 9-9-89; amended by Res. 90-0803, effective 9-1-90; amended by Res. 91-0805, effective 9-7-91; amended by Res. 93-0498, effective 7-10-93; amended by Res. 95-0476, effective 6-10-95)

If it is necessary to contract with a consultant to carry out a CEQA mitigation reporting or monitoring program, the County department shall bill the applicant the total cost provided in the contract between the County and the Consultant, plus 10% to cover the costs of administering the contract (amended by Res. 93-0498, effective 7-10-93).

SECTION 110.1 FEES: APPEALS:

At the time of filing an appeal pursuant to Section 109 of these guidelines, the appellant shall pay a fee of Two Hundred Dollars ($200) to the responsible county department, official or decision-making body to defray the expenses incidental to the proceedings. This section shall not be applicable if the appellant is another county department (added by Res. 89-850A, effective 9-9-89; amended by Res. 90-0803, effective 9-1-90; amended by Res. 91-0805, effective 9/7/91; added by Res. 92-0796, effective 8-29-92; amended by Res. 95-0476, effective 6/10/95).

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SECTION 110.2 FEES: CHARGES TO COUNTY DEPARTMENTS:

If the County Planning and Development Department is requested pursuant to Sections 100 or 101 to provide assistance to the Local Agency Formation Commission, the Redevelopment Agency, or a county department in evaluating a project under CEQA or in preparing a Negative Declaration or an Environmental Impact Report, the Planning and Development Department shall charge the total cost of those services to those agencies. Such billing shall include all of the costs associated with the work including, but not limited to, the direct costs of staff time, equipment usage and materials, and indirect costs for administration, overhead and services and supplies. (Added by Res. 91-0805, effective 9/7/91)

SECTION 110.3 FEES: MITIGATION REPORTING AND MONITORING:

(a) Every applicant, including public agencies other than the County, for approval of a project for which a CEQA mitigation reporting or monitoring program is required under Public Resources Code Section 21081.6 and Section 106.2 of these Guidelines, shall pay the required fees as to each component included within such CEQA mitigation reporting or monitoring program or as to each CEQA mitigation and monitoring agreement.

(b) Unless otherwise provided in a CEQA mitigation reporting and monitoring agreement between an outside consultant and the county, CEQA mitigation reporting or mitigation monitoring fees shall be paid prior to the issuance of any building permit or other grant of approval required to carry out an approved project. The program manager shall review the approved project's CEQA mitigation reporting or monitoring program, determine the estimated CEQA mitigation reporting or monitoring fees required by such program and advise the project applicant. The fees shall be calculated based upon the following schedule for each County department participating in the mitigation reporting or monitoring program:

MITIGATION REPORTING/MONITORING FEE SCHEDULE

Fire Warden ..... $50/hr.

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Environmental Health . . . . . $67/hr.

Planning and Development . . . . . $65/hr.

Any other participating Co. Dept. . . . . Total cost of services

The project applicant shall deposit such estimated fees with the responsible County department. Such estimated CEQA mitigation reporting or monitoring fees shall be intended to recover the total cost of the County's services required to carry out the CEQA mitigation reporting or monitoring program for the approved project which are in excess of the costs recovered through inspection fees, plan check fees and compliance monitoring fees charged under the County's Zoning, Subdivision, SMARA, or Building Regulations. As used here, "total cost" includes all the costs associated with the County services provided under the CEQA mitigation reporting or monitoring program, including, but not limited to, direct costs for staff time, equipment usage, materials and travel and indirect costs for administration, overhead and services and supplies.

(c) Each County department participating in a mitigation reporting or monitoring program shall maintain accurate records of the hours worked and the total costs involved in each program. The records of hours worked and total costs shall be provided to the program manager upon request. Upon depleting such deposit of estimated CEQA mitigation reporting or monitoring fees to a level of 70% or more of the initial deposit, the program manager for the subject CEQA mitigation reporting or monitoring program shall advise the applicant of any revised estimate of fees due and necessary to cover the expected total cost of the County services remaining to be completed.

(d) At such time as the County officer or body approving the private project and its CEQA mitigation reporting or monitoring program authorizes termination of the CEQA mitigation reporting or monitoring program, the program manager shall review the deposit account and notify the applicant of the amount remaining on deposit and, upon written request of the applicant, the program manager shall refund any fee amounts paid in excess of the total cost of the County services provided under the CEQA mitigation reporting or monitoring program.

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CEQA mitigation reporting and monitoring fees shall also be subject to waiver or refund under Sections 107 or 108 of the Ordinance Code of Tulare County.

(e) The fees established in this section shall also apply to on-going CEQA mitigation reporting or monitoring programs in effect on the effective date of this section and shall be collected for any County services provided under such CEQA mitigation reporting or monitoring programs after the effective date of this section. Such fees shall be due and payable within thirty (30) days of notification of the applicant (or the applicant's successors-in-interest) by the program manager of the amount of fees due and owing for any particular project's CEQA mitigation or monitoring program. To that end, the program manager shall advise the applicant for each project approved by the County subject to an ongoing CEQA mitigation reporting or monitoring program of the fees established hereby, the fees due on the CEQA mitigation reporting or monitoring program for applicant's particular project and the date such fees shall be due.

(Section 110.3 added by Res. 93-0498, effective 7-10-93; amended by Resolution 95-0476, effective 6/10/95)

SECTION 111. CATEGORICAL EXEMPTIONS:

(Note: **Bold type** indicates additional exemptions adopted by County)

Section 15300.4 of the State CEQA Guidelines provides that each public agency shall list those specific activities which fall within each class of categorical exemptions subject to the qualifications that the list must be consistent with both the letter and intent expressed in the classes. The following list of projects are hereby declared to be categorically exempt from the requirement to prepare environmental documents pursuant to the authority set forth in Section 15300.4 of the State CEQA Guidelines (Note: Original list of categorical exemptions adopted by Res. 74-2165, effective 7-30-74; amended and incorporated into the Guidelines as Section 111 by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86):

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Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to (adopted by Res. 74-2165, effective 7-30-74):

(a) Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances,

(b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services,

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping or a historical building (amended by Res. 78-2311, effective 8-29-78),

(1) **All maintenance as per guidelines from State Comptroller.**

(2) **A. C. pavement overlays, seal coat and slurry seal.**

(3) **Replacement of drainage culverts at existing locations.**

(4) **Replacement of bridge deck.**

(5) **Removal of trees or limbs which are dead or diseased or for traffic safety, or pruning necessary to maintain health of trees.**

(6) **Road Maintenance Yard and Borrow Site maintenance.**

(7) **Installation of traffic control devices.**

(8) **Placement of dikes, berms, roadside ditches, down drains.**

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(9) Extension of existing culverts.

(10) Shoulder widening, including bridges.

(11) Placing of guard rails.

(12) Placing of fences and cattle guards.

(13) Improvement of bridge wing walls, abutments and piers.

(14) Construction of curb, gutter, drop inlets and related highway facilities.

(15) Channelization.

(16) Placement of slope and bank protection for highway purposes.

(17) Placement of subdrains.

(18) Construction of tractor crossings.

(d) Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood,

(1) Normal maintenance of natural or manmade channels to retain channel capacity where such work is limited to weed, grass and brush removal or control and involving only minor grading,

(2) The operation, maintenance and minor alteration of disposal facilities in accordance with state and local environmental criteria,

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(e) Additions to existing structures provided that the addition will not result in an increase or more than:

(1) Fifty percent of the floor area of the structures before the addition or 2500 square feet, whichever is less, or

(2) 10,000 square feet if:

(A) The project is in an area where all public agencies and facilities are available to allow for maximum development permissible in the General Plan, and

(B) The area in which the project is located is not environmentally sensitive (amended by Res. 83-460, effective 4-5-83).

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices,

(g) New copy of existing on and off-premises signs,

(h) Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code),

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources,

(j) (Not applicable) (deleted by Res. 78-2311, effective 8-29-78),

(k) Division of existing multiple family rental units into condominiums,

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(l) Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archaeological or architectural significance:

(1) Single family residences not in conjunction with the demolition of two or more units,

(2) Motels, apartments and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures,

(3) Stores, offices and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures,

(4) Accessory (appurtenant) structures including carports, patios, swimming pools and fences (amended by Res. 83-460, effective 4-5-83).

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources (added by Res. 83-460, effective 4-5-83),

(n) Conversion of a single family residence to office use (added by Res. 83-460, effective 4-5-83),

(o) The conversion of existing commercial units in one structure from single to condominium type ownership (added by Res. 83-460, effective 4-5-83).

Class 2: Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to (adopted by Res. 74-2165, effective 7-30-74):

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(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50%.

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity (amended by Res. 83-460, effective 4-5-83).

(c) Internal modifications to existing, fully developed areas such as replacement of buildings, parking areas, lighting, etc., which will not essentially change the use of the area and will not increase the density of the area in terms of such things as land coverage, traffic generation, need for public services, etc. (amended by Res. 83-460, effective 4-5-83).

(d) Renewal of any lease, license or permit to use an existing structure or facility where the use involves negligible or no permanent effect on the environment.

(e) Reconstruction of existing roads and bridges to current day engineering standards.

(f) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity (added by Res. 83-460, effective 4-5-83).

(g) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding (added by Res. 83-460, effective 4-5-83).

Class 3: New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small, new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two year period. Examples of this exemption include, but

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are not limited to (adopted by Res. 74-2165, effective 7-30-74; amended by Res. 83-460, effective 4-5-83):

(a) Single family residences not in conjunction with the building of two or more such units. In urbanized areas, up to three single family residences may be constructed under this exemption (amended by Res. 83-460, effective 4-5-83).

(b) Apartments, duplexes and similar structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures. In urbanized areas, the exemption applies to single apartments, duplexes and similar small structures designed for not more than six dwelling units if not constructed in conjunction with the building of two or more such structures (amended by Res. 83-460, effective 4-5-83).

(c) Stores, motels, offices, restaurants and similar small commercial structures not involving the use of significant amounts of hazardous substances, if designed for an occupant load of 30 persons or less, if not in conjunction with the building of two or more such structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of 4 or more such structures and if not involving the use of significant amounts of hazardous substances (amended by Res. 83-460, effective 4-5-83).

(d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

(f) Installation of new equipment and industrial facilities required for safety, health or environmental protection involving negligible or no expansion of use.

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(g) **Second units approved in accordance with Section 16A.6.c. of the Zoning Ordinance. (Note: Original paragraph (g) repealed by Res. 78-2311, effective 8-29-78; new paragraph (g) adopted by Res. 86-1419, effective 11-4-86).**

Class 4: Minor Alterations to Land: Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to (adopted by Res. 74-2165, effective 7-30-74):

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geological hazard (amended by Res. 83-460, effective 4-5-83).

(b) New gardening or landscaping.

(c) Filling of earth into previously excavated land with material compatible with the natural features of the site.

(d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.

(e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

(f) Minor trenching and backfilling where the surface is restored.

(g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies (added by Res. 78-2311, effective 8-29-78).

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(h) Minor relocation or alignment of existing waterways with intermittent flows not involving the removal of trees or the disturbance of wildlife to reduce erosion or flooding and improve land use.

(i) Filling of earth into previously excavated land and maintenance of land elevation in areas of land settlement and subsidence, with materials compatible with the natural features of the site.

(j) The creation of bicycle lanes on existing rights-of-way (added by Res. 83-460, effective 4-5-83).

Class 5: Minor Alterations in Land Use Limitations: Class 5 consists of minor alterations in land use limitations in areas with less than a 20% slope, which do not result in any changes in land use or density, including but not limited to (adopted by Res. 74-2165, effective 7-30-74; amended by Res. 83-460, effective 4-5-83):

(a) Minor lot adjustments, side yard and setback variances not resulting in the creation of any new parcel.

(b) Issuance of minor encroachment permits.

(c) Reversion to acreage in accordance with the Subdivision Map Act (added by Res. 83-460, effective 4-5-83).

(d) Issuance of minor encroachment permits for installation of the following:

(1) Driveways and drainage culverts.

(2) Transverse pipes under road.

(3) Curb, gutter, sidewalk and paveout including base.

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(4) Removal of spilled materials.

(5) Installation of all underground utilities.

(6) Enlargement or replacement of existing culverts.

(e) Abandonments of existing road easements on which no road improvements exist.

(f) Minor street, alley and utility easements, including conveyances thereof.

(g) Minor modifications of the conditions of previously approved tentative parcel maps, subdivision maps and use permits involving improved design features when no increase in the number of lots or parcels or change in general intensity of the particular type of use is proposed (amended by Res. 83-460, effective 4-5-83).

(h) Changes in zoning classifications or boundaries or the approval of use permits under the zoning ordinance for the sole purpose of establishing zoning conformance of legally existing nonconforming uses to a conforming status provided that:

(1) The nonconforming use is currently existing.

(2) The rezoning or use permit is limited only to the area necessary to make the nonconforming use conforming.

(3) The new zoning classification or use permit will not change or expand the existing use nor expand the number or scope of other uses of the property that are presently nonconforming; and

(4) There is no evidence that the existing use is adverse to the public health, safety or welfare.

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The use permit exemption shall be applicable only to nonconforming uses which were legally existing prior to the effective date of the law or ordinance which established the use permit requirement for such use (amended by Res. 78-2311, effective 8-29-78; amended by Res. 83-460, effective 4-5-83).

(i) Mergers of existing subdivisions pursuant to Section 66424.2 of the Government Code and Sections 7121 et seq. of the Ordinance Code of Tulare County (added by Res. 78-2311, effective 8-29-78).

(j) Actions by the Public Works Director on road right-of-way dedications and improvements pursuant to Sections 7455 et seq. of the Ordinance Code of Tulare County (added by Res. 78-2311, effective 8-29-78).

Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded (adopted by Res. 74-2165, effective 7-30-74).

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Class 7 consists of actions taken by regulatory agencies as authorized by State law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resources where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption (adopted by Res. 74-2165, effective 7-30-74; amended by Res. 83-460, effective 4-5-83).

Class 8: Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by State or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption (adopted by Res. 74-2165, effective 7-30-74).

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Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products (adopted by Res. 74-2165, effective 7-30-74).

Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples (adopted by Res. 74-2165, effective 7-30-74):

(a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

(b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Class 11: Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to (adopted by Res. 74-2165, effective 7-30-74):

(a) On-premise signs (amended by Res. 83-460, effective 4-5-83).

(b) Small parking lots.

(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms and similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use (amended by Res. 83-460, effective 4-5-83).

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SOURCE: BOS: Resolution Nos. 72-3900; 73-356; 73-1202; 74-1346; 74-2165; 75-2452; 77-2229; 78-2300; 81-1670; 82-390; 83-460; 86-1419; 87-228; 87-429; 87-1278; 89-850A; 90-0803; 91-0805; 93-0489; 95-0476; 99-0479

Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policies Report prepared pursuant to Government Code Section 65041 et seq. However, if the surplus property to be sold is located in those areas identified in Governor's Environmental Goals and Policy Report, its sale is exempt if (adopted by Res. 74-2165, effective 7-30-74; amended by Res. 83-460, effective 4-5-83):

(a) The property does not have significant values for wildlife habitat or other environmental purposes, and (added by Res. 83-460, effective 4-5-83)

(b) Any of the following conditions exist (added by Res. 83-460, effective 4-5-83):

(1) The property is of such size or shape that it is incapable of independent development or use, or

(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in Article 8 of the State Guidelines, or

(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition (adopted by Res. 78-2311, effective 8-29-78).

Class 14: Minor Additions to Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption (adopted by Res. 78-2311, effective 8-29-78).

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Class 15: Minor Land Divisions. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variance or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have a slope greater than 20% (adopted by Res. 83-460, effective 4-5-83).

Class 16: Transfer of Ownership of Land in Order to Create Parks. Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either (adopted by Res. 78-2311, effective 8-29-78):

(a) The management plan for the park has not been prepared, and

(b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

Class 17: Open Space Contracts or Easements. Class 17 consists of the establishment of agricultural preserves and Farmland Security Zones; the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included; **however, diminishment or disestablishment of agricultural preserves where there is no contract and where such action is consistent with the County General Plan, and rescinding of contracts in order to simultaneously place the land under new contracts designating the property as Farmland Security Zones is included** (adopted by Res. 78-2311, effective 8-29-78; amended by Res. 99-0479, effective 7-13-99).

Class 18: Designation of Wilderness Areas. (not applicable)

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Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities. Class 19 consists of only the following annexations (adopted by Res. 78-2311, effective 8-29-78):

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

Class 20: Changes in Organization of Local Agencies. Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to (adopted by Res. 78-2311, effective 8-29-78):

(a) Establishment of a subsidiary district.

(b) Consolidation of two or more districts having identical powers.

(c) Merger with a city or a district lying entirely within the boundary of the city.

Class 21: Enforcement Actions by Regulatory Agencies:

(a) Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to the following:

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(1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.

(2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

(b) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption (adopted by Res. 78-2311, effective 8-29-78).

Class 22: Educational or Training Programs Involving No Physical Changes. Class 22 consists of the adoption, alteration, or termination of education or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include, but are not limited to (adopted by Res. 78-2311, effective 8-29-78):

(a) Development of or changes in curriculum or training methods.

(b) Changes in the grade structure in a school which do not result in changes in student transportation.

Class 23: Normal Operations of Facilities for Public Gatherings. Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include, but are not limited to: racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks (adopted by Res. 78-2311, effective 8-29-78).

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Class 24: Regulation of Working Conditions. Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following (adopted by Res. 78-2311, effective 8-29-78):

(a) Employee wages,

(b) Hours of work, or

(c) Working conditions where there will be no demonstrable physical changes outside the place of work.

Class 25: Transfers of Ownership of Interests in Land to Preserve Open Space. Class 25 consists of the transfers of ownership of interests in land in order to preserve open space. Examples include but are not limited to (adopted by Res. 83-460, effective 4-5-83):

(a) Acquisition of areas to preserve the existing natural conditions.

(b) Acquisition of areas to allow continued agricultural use of the areas.

(c) Acquisition to allow restoration of natural conditions.

(d) Acquisition to prevent encroachment of development into flood plains.

Class 26. Acquisition of Housing for Housing Assistance Programs. Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units (adopted by Res. 83-460, effective 4-5-83).

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Class 27: Leasing New Facilities.

(a) Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this Section, the proposed use of the facility (adopted by Res. 83-460, effective 4-5-83):

(1) Shall be in conformance with existing State plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared.

(2) Shall be substantially the same as that originally proposed at the time the building permit was issued.

(3) Shall not result in a traffic increase of greater than 10% of front access road capacity, and

(4) Shall include the provision of adequate employee and visitor parking facilities.

(b) Examples of Class 27 include but are not limited to:

(1) Leasing of administrative offices in newly constructed office space.

(2) Leasing of client service offices in newly constructed retail space.

(3) Leasing of administrative and/or client service offices in newly constructed industrial parks.

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Class 28: Small Hydroelectric Projects at Existing Facilities. Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where (adopted by Res. 83-460, effective 4-5-83):

(a) The capacity of the generating facilities is less than 5 megawatts.

(b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:

(1) Rate and volume of flow,

(2) Temperature,

(3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and

(4) Timing of releases.

(c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river.

(d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment.

(e) There will be no significant existing upstream or downstream passage of fish.

(f) The discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure.

(g) The project will not cause violations of applicable state or federal water quality standards.

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(h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places, and

(i) Construction will not occur in the vicinity of any rare or endangered species.

Class 29: Cogeneration Projects at Existing Facilities. Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section (adopted by Res. 83-460, effective 4-5-83).

(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

(1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the County, and

(2) Comply with all applicable state, federal, and local air quality laws.

(b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:

(1) Meet all the criteria described in subsection (a),

(2) Result in no noticeable increase in noise to nearby residential structures, and

(3) Be adjacent to other commercial or institutional structures.

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SECTION 112. MINISTERIAL PROJECTS:

Section 15268 of the State CEQA Guidelines provides that each public agency should provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances, and are exempt from the requirements of CEQA. The following list of projects and actions are hereby declared to be ministerial under the laws and ordinances of Tulare County (adopted by Res. 83-460, effective 4-5-83; amended by Res. 86-1419, effective 11-4-86):

(a) Issuance of permits pursuant to Chapter 4 of Part VII of the Tulare County Ordinance Code (building, plumbing, electrical, etc.)

(b) Issuance of business license pursuant to Chapter 2 of Part VI of the Tulare County Ordinance Code (junk dealers, public dances and dance halls, card rooms and card dealers, circus and carnival operators).

(c) Approval of final subdivision maps and final parcel maps, including approval of improvement plans.

(d) Issuance of kennel licenses pursuant to Article 3.5 of Chapter 4 of Part IV of the Tulare County Ordinance Code.

(e) Issuance of permits for well construction, deepening, reconstruction or destruction pursuant to Chapter 7 of Part IV of the Tulare County Ordinance Code.

(f) Approvals of certificates of compliance and conditional certificates of compliance pursuant to Chapter 1.5 of Part VII of the Tulare County Ordinance Code.

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together with an estimate of the cost thereof for the current fiscal year and for the immediately ensuing fiscal year.

(b) Subject to subdivision (c), but notwithstanding any other provision of law, the board or the department is not required to proceed in accordance with subdivision (a) or with the formation of a maintenance area under this chapter if neither the board nor the department has given the nonfederal assurances to the United States required for the project. If neither the board nor the department has given the nonfederal assurances to the United States required for the project, the board or department may elect to proceed with the formation if it determines that the formation of a maintenance area is in the best interest of the state.

* * *

(c) * * * If a local agency requests the department * * * to form a maintenance area * * * by resolution duly adopted and filed with the department * * *, the department shall estimate the cost of preparing the statement of necessary work and the cost thereof, and all other applicable costs incurred by the department before the formation of the maintenance area. The department shall submit that estimate to the local agency * * *. The department is not required to perform any additional work to form that maintenance area * * * until the local agency pays the department the amount estimated pursuant to this subdivision.

SEC. 12. Section 12878.21 of the Water Code is amended to read:

12878.21. Upon the formation of a maintenance area, the department shall thereafter operate and maintain the unit until such time as the maintenance area may be dissolved pursuant to * * * this chapter. If the board or the department forms a maintenance area for a portion of a unit of a project, any remaining portion of the unit of a project not included in the maintenance area shall remain the responsibility of the local agency obligated to operate and maintain that unit.

SEC. 13. Section 12878.23 of the Water Code is amended to read:

12878.23. (a) The board or the department may modify the boundaries of any established maintenance area or zones * * * within the maintenance area, the description of works to be maintained * * * within the maintenance area, and the determination of relative benefits within any zone * * *, upon its own initiative or upon petition by the governing body of the local agency formerly responsible for the operation and maintenance of the unit or by the board of supervisors of the county in which all or a portion of the unit is located.

(b) The board or the department may consolidate maintenance areas that share a common boundary.

SEC. 14. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

ZONING AND PLANNING—LAND USE—FLOODS AND FLOOD CONTROL

CHAPTER 369

A.B. No. 162

AN ACT to amend Sections 65302, 65302.4, 65352, 65584.04, and 65584.06 of, and to add Sections 65300.2 and 65302.7 to, the Government Code, relating to local planning.

[Filed with Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 162, Wolk Land use: water supply.

(1) The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations, and provides that the conservation element may also cover, among other things, flood control.

This bill would require the land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by flood plain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources. The bill also would require, upon the next revision of the housing element, on or after January 1, 2009, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill would create a state-mandated local program.

(2) The Planning and Zoning Law also requires that a city or county general plan contain a safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.

This bill would also require, upon the next revision of the housing element, on or after January 1, 2009, the safety element to identify, among other things, information regarding flood hazards and to establish a set of comprehensive goals, policies, and objectives, based on specified information for the protection of the community from, among other things, the unreasonable risks of flooding.

The bill would also require the planning agency, upon each revision of the housing element to review, and if necessary, to identify new information that was not available during the previous revision of the safety element and would provide criteria by which cities and counties that have flood plain management ordinances may comply with these provisions.

(3) The Planning and Zoning Law also requires, prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county to consult with the Division of Mines and Geology of the Department of Conservation and with the Office of Emergency Services, as specified, and requires that at specified times prior to adoption or amendment of the safety element, each city and county submit one copy of a draft or amendment of the safety element to specified state agencies and local governments for review pursuant to specified procedures.

Existing law establishes the 7-member Reclamation Board in the Department of Water Resources and requires the board members to be appointed and serve at the pleasure of the Governor. Senate Bill 17 of the 2006–07 Regular Session, if enacted, would rename the Reclamation Board as the Central Valley Flood Protection Board, and would revise the membership of the board.

This bill would also require each city and county located within the boundaries of the Sacramento and San Joaquin Drainage District to submit the draft element or draft amendment to the safety element of its general plan to the Central Valley Flood Protection Board and every local agency that provides flood protection to territory in the city or county at least 90 days prior to the adoption of, or amendment to, the safety element. The bill would also require the board and a local agency to review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element, as specified.

(4) The Planning and Zoning Law requires, prior to action by a legislative body to adopt or substantially amend a general plan, that the planning agency refer the proposed action to specified state, local, and federal agencies.

This bill would also require that the proposed action be referred to the board when the proposed action is within the boundaries of the Sacramento and San Joaquin Drainage District.

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(5) The Planning and Zoning Law requires at least 2 years prior to a scheduled revision of a local government's housing element that each council of governments, or delegate subregion, as applicable, or the Department of Housing and Community Development, where there is no council of governments, develop a proposed methodology for distributing the existing and projected regional housing needs to cities, counties, and cities and counties within the region or within the subregion, where applicable, pursuant to specified provisions. That law requires that the methodology be consistent with specified objectives that include, among other things, a determination of the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

This bill would provide that the determination of available land suitable for urban development may exclude lands where the flood management infrastructure designed to protect the jurisdiction is not adequate to avoid the risk of flooding such that the development of housing would be impractical due to cost or other considerations.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65300.2 is added to the Government Code, to read:

65300.2. (a) For the purposes of this article, a "200-year flood plain" is an area that has a 1 in 200 chance of flooding in any given year, based on hydrological modeling and other engineering criteria accepted by the Department of Water Resources.

(b) For the purposes of this article, a "levee protection zone" is an area that is protected, as determined by the Central Valley Flood Protection Board or the Department of Water Resources, by a levee that is part of the facilities of the State Plan of Flood Control, as defined under Section 5096.805 of the Public Resources Code.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding * * * identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d)(1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity and quality of the rock, sand and gravel resources.

* * *

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f)(1) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Care Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

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(C) Passenger and freight on-line railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g)(1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction, and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

(4) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, and the board required by this subdivision.

(6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

SEC. 2. Section 65302.7 is added to the Government Code, to read:

65302.7. (a) For the purposes of complying with Section 65302.5, each county or city located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, shall submit the draft element of, or draft amendment to, the safety element to the Central Valley Flood Protection Board and to every local agency that provides flood protection to territory in the city or county at least 90 days prior to the adoption of, or amendment to, the safety element of its general plan.

(b) The Central Valley Flood Protection Board and each local agency described in paragraph (1) shall review the draft or an existing safety element and report their respective written recommendations to the planning agency within 60 days of the receipt of the draft or existing safety element. The Central Valley Flood Protection Board and each local agency shall review the draft or existing safety element and may offer written recommendations for changes to the draft or existing safety element regarding both of the following:

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(1) Uses of land and policies in areas subjected to flooding that will protect life, property, and natural resources from unreasonable risks associated with flooding.

(2) Methods and strategies for flood risk reduction and protection within areas subjected to flooding.

(c) Prior to the adoption of its draft element or draft amendments to the safety element, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the Central Valley Flood Protection Board and any local agency that provides flood protection to territory in the city or county. If the board of supervisors or the city council determines not to accept all or some of the recommendations, if any, made by the Central Valley Flood Protection Board or the local agency, the board of supervisors or the city council shall make findings that state its reasons for not accepting a recommendation and shall communicate those findings in writing to the Central Valley Flood Protection Board or to the local agency.

(d) If the Central Valley Flood Protection Board's or the local agency's recommendations are not available within the time limits required by this section, the board of supervisors or the city council may act without those recommendations. The board of supervisors or city council shall consider the recommendations at the next time it considers amendments to its safety element.

SEC. 3. Section 65303.4 of the Government Code is amended to read:

65303.4. The Department of Water Resources or the Central Valley Flood Protection Board, as appropriate, and the Department of Fish and Game may develop site design and planning policies to assist local agencies which request help in implementing the general plan guidelines for meeting flood control objectives and other land management needs.

SEC. 4. Section 65352 of the Government Code is amended to read:

65352. (a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6)(A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944 when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(B) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subparagraph (A) within 30 days of receiving this notice from the office.

(7) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

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(8) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(9) On and after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction.

(10) The Central Valley Flood Protection Board for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code.

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c)(1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 5. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b)(1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

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(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need

allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

SEC. 6. Section 65584.06 of the Government Code is amended to read:

65584.06. (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d)(1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

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(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

WATERS AND WATERCOURSES—BOATS AND BOATING—BALLAST TANKS

CHAPTER 370

A.B. No. 740

AN ACT to amend Sections 71200, 71201, 71204, and 71205 of, and to add Section 71204.6 to, the Public Resources Code, relating to vessels.

[Filed with Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 740, Laird Vessels: invasive species.

The Marine Invasive Species Act, which generally applies to all vessels carrying or capable of carrying ballast water into the coastal waters of the state after operating outside of the coastal waters of the state and to all ballast water and associated sediments taken on a vessel, imposes specified requirements on the master, owner, operator, or person in charge of one of those vessels, that operates in the waters of the state, to minimize the uptake and release of nonindigenous species, including the removal of fouling organisms from the hull, piping, and tanks on a regular basis, and the cleaning of the ballast tanks regularly to remove sediments and dispose of those sediments. The act additionally requires the master, owner, operator, agent, or person in charge of one of those vessels, that visits a California port or place, to maintain specified information related to the vessel and ballast water management, and to make that information available to the State Lands Commission. The act defines terms for its purposes.

This bill would define the terms "submerged portion of a vessel" and "hull fouling" for purposes of the act and specify that the act additionally applies to all hull fouling. The bill would require those persons to remove hull fouling organisms from hull, piping, propellers, sea chests, and other submerged portions of one of those vessels on a regular basis, as the bill would define that term for purposes of removal of hull fouling organisms until specified regulations are adopted. The bill would require the cleaning of the ballast tanks regularly to remove fouling organisms instead of sediments. The bill would require inwater cleaning of the submerged portion of a vessel while in the waters of the state to be conducted using best available technologies economically achievable.

The bill also would require the master, owner, operator, agent, or person in charge of one of those vessels, that visits a California port or place, to maintain specified records concerning drydocking, inwater cleaning of the submerged portion of the vessel, and antifouling paint applications to the vessel. The bill would require the master, owner, operator, agent, or person in charge to provide the information in electronic or written form to the commission annually upon request of the commission, beginning on January 1, 2008, and continuing until specified regulations are adopted.

The bill would require the commission, in consultation with specified entities, by January 1, 2012, to develop and adopt regulations governing the management of hull fouling on those vessels arriving at a California port or place, to protect the waters of the state.

The people of the State of California do enact as follows:

SECTION 1. Section 71200 of the Public Resources Code is amended to read:

71200. Unless the context otherwise requires, the following definitions govern the construction of this division:

(a) "Ballast tank" means a tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(b) "Ballast water" means * * * water and suspended matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(c) "Board" means the State Water Resources Control Board.

(d) "Coastal waters" means estuarine and ocean waters within 200 nautical miles of land or less than 2,000 meters (6,560 feet, 1,093 fathoms) deep, and rivers, lakes, or other water bodies navigably connected to the ocean.

(e) "Commission" means the State Lands Commission.

(f) "EEZ" means exclusive economic zone, which extends from the baseline of the territorial sea of the United States seaward 200 nautical miles.

(g) "Exchange" means to replace the water in a ballast tank using either of the following methods:

(1) "Flow through exchange," which means to flush out ballast water by pumping three full volumes of mid-ocean water through the tank, continuously displacing water from the tank, to minimize the number of original coastal organisms remaining in the tank.

(2) "Empty/refill exchange," which means to pump out, until the tank is empty or as close to 100 percent empty as is safe to do so, the ballast water taken on in ports, or estuarine or territorial waters, then to refill the tank with mid-ocean waters.

(h) "Hull fouling" means the attachment or association of marine organisms to the submerged portion of a vessel or its appurtenances, including, but not limited to, sea chests, propellers, anchors, and associated chains.

(i) "Mid-ocean waters" means waters that are more than 200 nautical miles from land and at least 2,000 meters (6,560 feet, 1,093 fathoms) deep.

(j) "Nonindigenous species" means any species, including, but not limited to, the seeds, eggs, spores, or other biological material capable of reproducing that species, or any other viable biological material that enters an ecosystem beyond its historic range, including any of those organisms transferred from one country into another.

(k) "Pacific Coast Region" means all coastal waters on the Pacific Coast of North America east of 154 degrees W longitude and north of 25 degrees N latitude, exclusive of the Gulf of California. The commission may modify these boundaries through regulation if the proponent for the boundary modification presents substantial scientific evidence that the proposed modification is equally or more effective at preventing the introduction of nonindigenous species through vessel vectors as the boundaries described herein.

(l) "Person" means an individual, trust, firm, joint stock company, business concern, or corporation, including, but not limited to, a government corporation, partnership, limited liability company, or association. "Person" also means a city, county, city and county, district, commission, the state, or a department, agency, or political subdivision of the state, an interstate body, or the United States and its agencies and instrumentalities, to the extent permitted by law.

(m) "Sediments" means * * * matter settled out of ballast water within a vessel.

(n) "Submerged portion of a vessel" means all parts of a vessel's hull and structures that are submerged in water when the vessel is loaded to the deepest permissible legal draft.

(o) "Waters of the state" means * * * surface waters, including saline waters, that are within the boundaries of the state.

(p) "Vessel" means a vessel of 300 gross registered tons or more.

(q) "Voyage" means any transit by a vessel destined for a California port or place from a port or place outside of the coastal waters of the state.

SEC. 2. Section 71201 of the Public Resources Code is amended to read:

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NOTICE OF PREPARATION
AND
INITIAL STUDY

for

Yokohl Ranch Project

Prepared for:

County of Tulare
Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277

Prepared by:

PBS&J

9275 Sky Park Court, Suite 200
San Diego, California 92123
Contact: Kim Howlett
Phone: (858) 514-1018
Fax: (858) 514-1001

February 2008

Attachment 6

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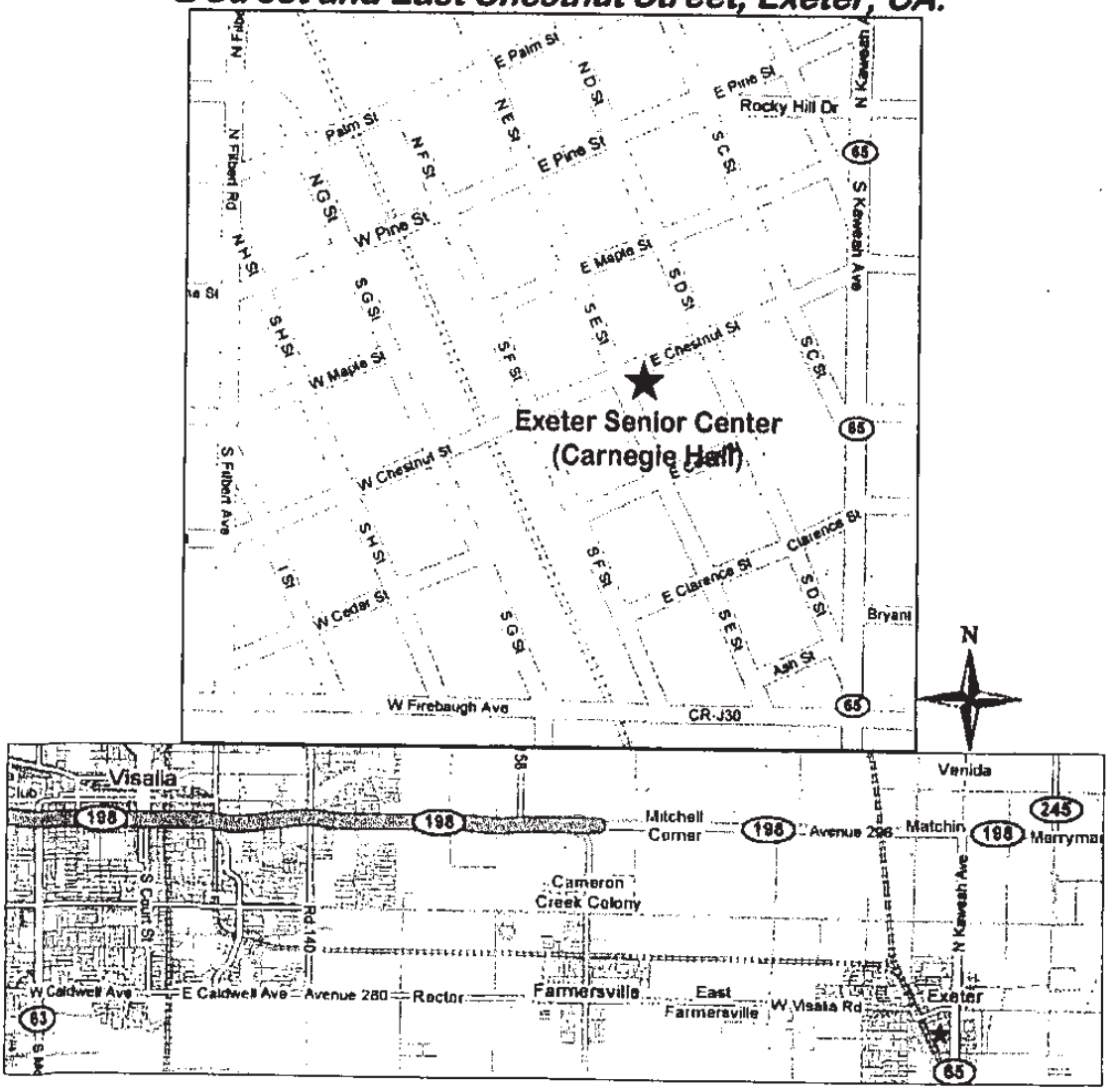
SECTION ONE

NOTICE OF PREPARATION

YOKOHL RANCH
Environmental Impact Report Scoping Meeting

If you are interested in the future content of the Yokohl Ranch Project Draft Environmental Impact Report (DEIR), please plan to attend the DEIR Scoping Meeting to register your comments regarding the environmental topics to be addressed in the DEIR. The NOP/IS is available for review at: www.co.tulare.ca.us.

Date: Monday March 3, 2008
Time: 3:00pm to 7:00pm
Location: Exeter Senior Center (Carnegie Hall)
E Street and East Chestnut Street, Exeter, CA.



SECTION 1.0
NOTICE OF PREPARATION AND SCOPING MEETING

TO: Federal Agencies
State Agencies
Trustee Agencies
Responsible Agencies
Interested Parties

FROM: County of Tulare
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277
Attention: David Bryant

SUBJECT: **NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) AND NOTICE OF SCOPING MEETING.**

The County of Tulare, Resource Management Agency will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency and interested parties as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, maps, and a summary of the probable/potential environmental effects of the proposed project are contained in the attached Initial Study (IS) materials. This NOP/IS is also available for review at www.co.tulare.ca.us. We would appreciate any comment and/or recommendations that you may have regarding the above project or impacts and mitigation measures which should be addressed in the EIR.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but not later than March 14, 2008. Please send your response to David Bryant, Division Manger, County of Tulare, Resource Management Agency, at the address shown above. Also, please provide a contact name for your agency.

SCOPING MEETING
Interested agencies and parties are invited to attend and participate. ***The meeting will be held on Monday, March 3, 2008 at 3:00pm*** in the ***Exeter Senior Center (Carnegie Hall)*** at ***E Street and East Chestnut Street, Exeter, California.*** For more information, please contact David Bryant, Division Manager, at (559) 733-6291.

PROJECT TITLE: Yokohl Ranch Planned Community

LEAD AGENCY: County of Tulare, Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

APPLICANT: The Yokohl Ranch Company, LLC
13500 Evening Creek Drive N., Ste. 400
San Diego, CA 92128

PROJECT LOCATION: Yokohl Ranch encompasses approximately 36,324 acres in the Sierra Nevada foothills, within the unincorporated area of Tulare County. Yokohl Ranch is regionally located about 15 miles east and southeast of Visalia, centrally positioned east of Exeter, northeast of Lindsay, south of Lake Kaweah, and 30 miles southwest of the entrance to Sequoia National Park (Figures 1 and 2). Primary access to the

property is via Yokohl Drive (M-296) off Highway 198 (approximately 3.2 miles south from SR 198), or via Balch Park Road off Highway 190.

GENERAL PLAN DESIGNATIONS: Existing: Foothill Agriculture
Proposed: Planned Community Area

ZONING DESIGNATIONS: Existing: Foothill Agricultural Zone (AF) and Planned Development – Foothill Combining – Special Mobile Home Zone (PD-F-M)
Proposed: Planned Community (PC) Zone

PROJECT DESCRIPTION: The project includes the phased development (over 20-30 years) of the Yokohl Ranch master planned community. The project is divided into 3 subareas: The Valley, The Meadows and The Oaks. Approximately 30 percent (9,500 acres) of the ranch is proposed for development with approximately 70 percent (26,000 acres) of the property to remain as open space and ranchlands. The project would construct 10,000 residential units, including active adult units; approximately 550,000 square feet of mixed use commercial areas; public/quasi-public areas; and infrastructure (e.g., roads, utilities, etc.) within three smaller planned areas on 36,324 acres. Yokohl Ranch would include fire and police facilities, public schools and public parks, which will serve both local and county residents. The project will require approval of the following discretionary actions:

1) Amend the General Plan including:
   a) Amend the Foothill Growth Management Plan (FGMP), to establish procedures for a Planned Community Area (PCA);
   b) Re-designate the 36,324 acre Yokohl Ranch site from Foothill Agriculture to "Planned Community Area" by establishing a Planned Community Area (PCA) boundary for the project;
2) Rezone the site to a Planned Community Zone (PC) (Section 18.8) to replace the Foothill Agricultural Zone (AF) and Planned Development – Foothill Combining – Special Mobile Home Zone (PD-F-M) for the project area;
3) Approve the Master Development Plan;
4) Approve the Area Development Plan Phase I; and
5) Approve Tentative Map for Phase I.

Other actions may include subdivision maps, development agreements, cancellation of Williamson Act Contracts, formation of agricultural conservation easements for lands to remain in agricultural use, and formation of special districts for governance and the provision of public services and facilities. Subsequent ADP Phases will be reviewed and approved, accompanied by additional CEQA documentation tiered off the Program EIR.

Signature: _____ Date: February 8, 2008

Kim B. Howlett for David Bryant, Division Manager
County of Tulare Resources Management Agency
(559) 733-6291

SECTION 2.0
INITIAL STUDY INTRODUCTION AND PROJECT DESCRIPTION

2.1 INTRODUCTION

This environmental document is an Initial Study (IS) for the Yokohl Ranch project, which proposes to amend the Tulare County General Plan and Zoning Ordinance and develop the 36,324-acre Yokohl Ranch into a planned community over 20 to 30 years.

This IS has been prepared to determine whether the project could have a significant effect on the environment, and is being prepared under the direction of the County of Tulare, Resource Management Agency. The County of Tulare is the lead agency under CEQA, in accordance with CEQA and the CEQA Guidelines and Title 14 of the California Administrative Code, as revised. The Issues Checklist, which includes 16 Issue Areas and is found below in Section Three, concluded that the project has the potential to result in potentially significant environmental impacts in all issue areas, except Mineral Resources. Global climate change (as noted below) and growth inducing impacts will also be addressed in the EIR. The Issue Areas in which the project may incur significant impacts include:

1. Aesthetics
2. Agricultural Resources
3. Air Quality and Global Climate Change
4. Biological Resources
5. Cultural Resources
6. Geology and Soils
7. Hazards and Hazardous Materials
8. Hydrology and Water Quality
9. Land Use and Planning
10. Noise
11. Population and Housing
12. Public Services
13. Recreation
14. Transportation/Traffic
15. Utilities and Service Systems
16. Mandatory Findings of Significance

Based on this IS it has been determined that an EIR should be prepared. Pursuant to Section 15082 of the State CEQA Guidelines, a Notice of Preparation (NOP) will be sent to the State Clearinghouse, each responsible agency, and to each trustee agency affected by the proposed project. "Responsible Agencies" under CEQA are agencies that are responsible for carrying out or approving a project. "Trustee Agencies" under CEQA are State agencies that have jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State, such as the Department of Fish and Game's responsibility for fish and wildlife (CEQA Guidelines Section 15386).

2.2 PROJECT LOCATION AND SETTING

Yokohl Ranch encompasses approximately 36,324 acres in the Sierra Nevada foothills, within the unincorporated area of Tulare County. Yokohl Ranch is regionally located about 15 miles east and southeast of Visalia, centrally positioned east of Exeter, northeast of Lindsay, south of Lake Kaweah, and 30 miles west of the entrance to Sequoia National Park (Figures 1 and 2). Primary access to the property is via Yokohl Drive (M-296) off Highway 198, or via Balch Park Road off Highway 190.

The Yokohl Ranch site is characterized as an area with varied terrain, ranging from nearly flat ranch lands along Yokohl Creek, to the gentle valleys and rolling hills to the south and north along the main valley to

steeper hills and canyons in the northern portion of Yokohl Ranch. Vegetation types include riparian and oak woodlands, grasslands, and chaparral. Yokohl Creek flows from the southern portion of the project area west to the western boundary of the project site. Due to its rocky soils and shallow soil depths, Yokohl Ranch lands are not suitable for intensive commercial agricultural uses. Therefore, the property has been historically used for cattle grazing and ranching, as well as ranch family housing and support facilities.

2.3 PROJECT DESCRIPTION

The project includes the phased development (over 20-30 years) of the Yokohl Ranch master planned community. The project is divided into 3 subareas: The Valley, The Meadows and The Oaks. Approximately 30 percent (9,500 acres) of the ranch is proposed for development with approximately 70 percent (26,000 acres) of the property to remain as open space and ranchlands. The project would construct 10,000 residential units, which would include active adult units; approximately 550,000 square feet of mixed use commercial areas; public/quasi-public areas; and infrastructure (e.g., roads, utilities, etc.) within three smaller planned areas on 36,324-acres. Yokohl Ranch would include fire and police facilities, public schools and public parks, which will serve both local and county residents. The project will require approval of the following discretionary actions:

1) Amend the General Plan to include:
   a) Amend the Foothill Growth Management Plan (FGMP), to establish procedures for a Planned Community Area (PCA);
   b) Re-designate the 36,324-acre Yokohl Ranch site from Foothill Agriculture to "Planned Community Area" by establishing a Planned Community Area (PCA) boundary for the project;
2) Rezone the site to a Planned Community Zone (PCZ) (Section 18.8) to replace the Foothill Agriculture and Planned Development – Foothill Combining – Special Mobile Home Zone (PD-F-M) for the project area;
3) Approve the Master Development Plan (all phases);
4) Approve the Area Development Plan Phase I;
5) Tentative Map for Phase 1.

Other actions may include subdivision maps, development agreements, cancellation of Williamson Act Contracts, formation of agricultural conservation easements for lands to remain in agricultural use, and formation of special districts for governance and the provision of public services and facilities. The subsequent ADP Phases will be reviewed and approved, accompanied by additional CEQA documentation tiered off the Program EIR.

2.3.1 General Plan Amendment

The proposed General Plan Amendment for the Yokohl Ranch project would specifically amend the Foothill Growth Management Plan (FGMP), which is an element of the Tulare County General Plan. The proposed amendment would a) amend the Foothill Growth Management Plan (FGMP), to establish procedures for a Planned Community Area (PCA) and b) re-designate the 36,324 acre Yokohl Ranch site from Foothill Agriculture to "Planned Community Area" by establishing a Planned Community Area (PCA) boundary for the project.

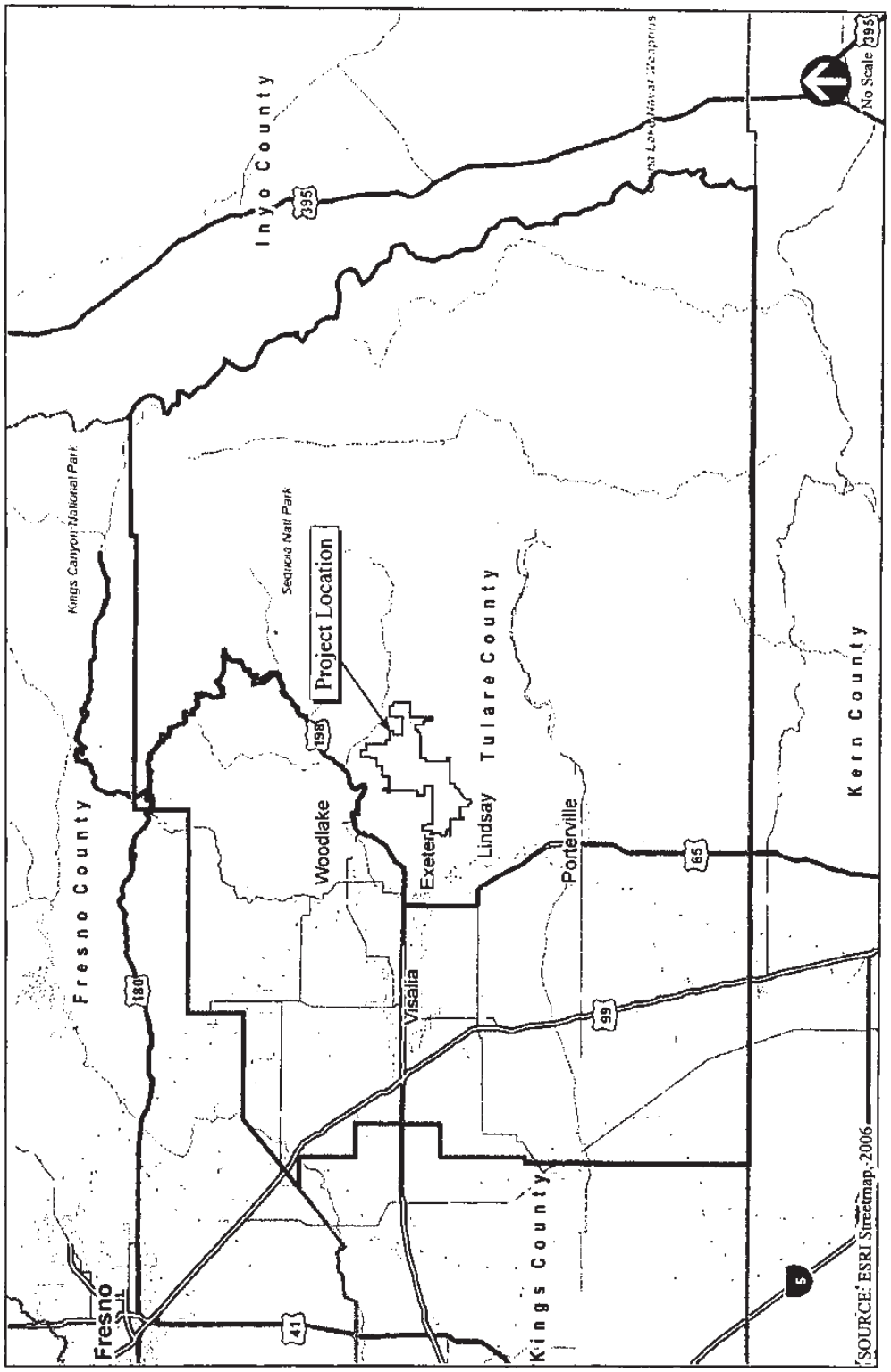
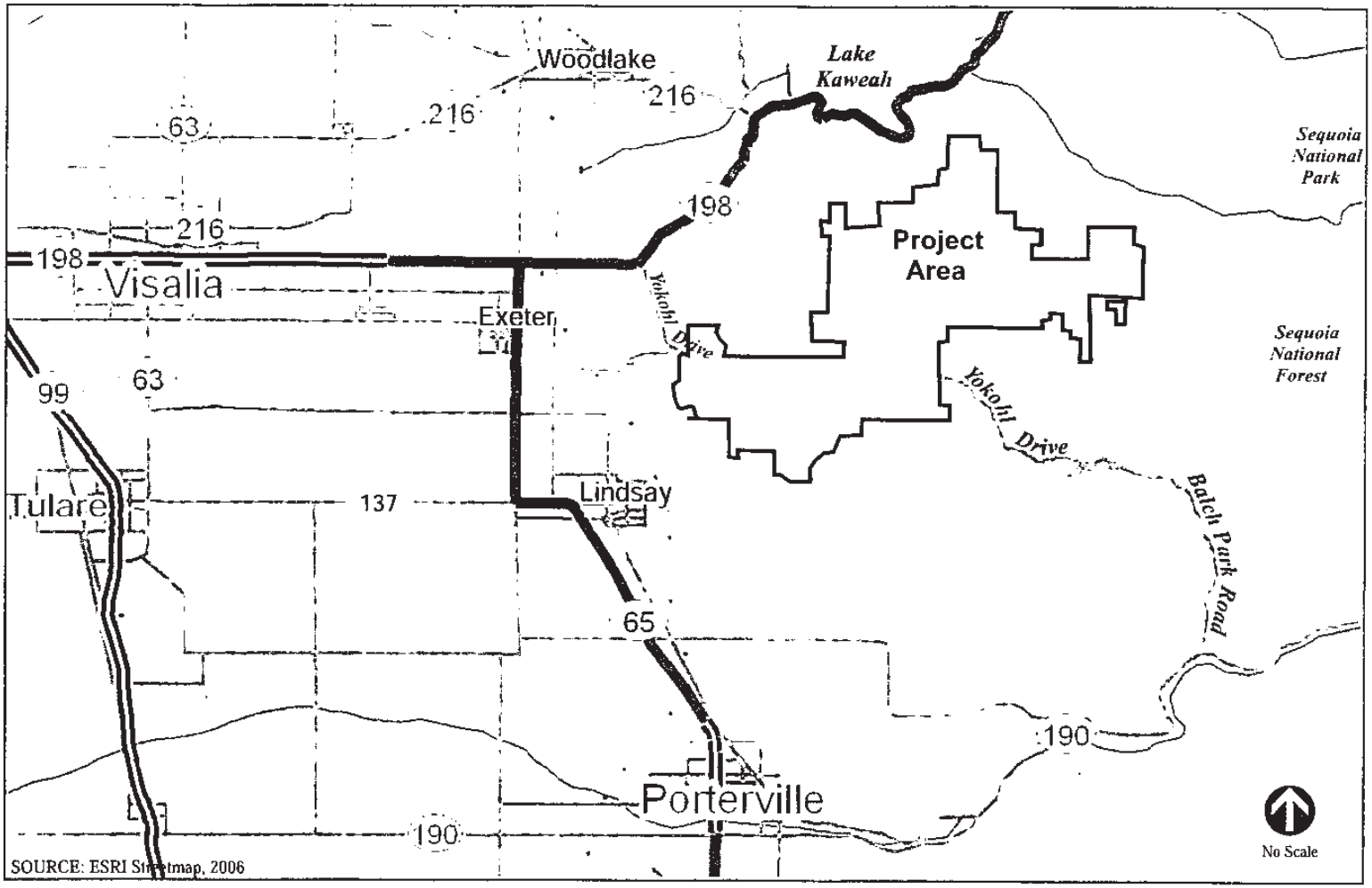


FIGURE 1

REGIONAL LOCATION MAP

Page 5



VICINITY MAP **FIGURE 2**

Letter I11

The Foothill Growth Management Plan area is a 675,000-acre area covering the eastern portion of Tulare County. Development is currently limited to areas designated as "Development Corridors." Development is not allowed on land designated as Foothill Agricultural Zone (AF) due to access constraints, excessive emergency response time, steep slopes, and biological or archaeological factors that prohibit safe development. However, the proposed amendment also would allow development within proposed Planned Community Areas. Therefore, with the proposed amendment, property designated as a Planned Community Area would have the same development status as property designated Development Corridor and would be considered suitable for urban development.

The FGMP currently uses a four-level planning strategy. This strategy is a step-down process whereby each level of analysis continues to focus in on more specific areas (and level of detail) of the foothills to determine suitability for urban development. The proposed amendment would include parallel analyses for the Planned Community Areas.

2.3.2 Zoning

The proposed project would rezone the project site from the Foothill Agricultural Zone (AF) and Planned Development-Foothill Combining Special Mobile Home (PD-F-M) for the Yokohl Ranch project site to "Planned Community Zone" pursuant to a new zone called "Planned Community Zone" (PCZ). The PC Zoning Ordinance requires the preparation of a Master Development Plan (MDP) and Area Development Plan (ADP) prior to development within the PC zone. The MDP will define land uses and development standards within the planned community. The MDP would also include the topography of the area; a conceptual grading and drainage plan; the general location of all existing and proposed uses; the approximate location of major circulation system components; conceptual locations of public and quasi-public uses, such as schools, parks, fire stations, open space, and major utility and infrastructure improvements; anticipated phasing of development by sub-area; and land use statistics for the area and each sub-area. Each planned community would be divided into planning sub-areas, which would be delineated in the MDP.

The zoning ordinance would require an Area Development Plan (ADP) prior to the approval of any development within a sub-area of a planned community. A proposed ADP would include a site plan; a description of the existing conditions of the sub-area; the proposed development of the sub-area; design guidelines for the sub-area; and a Public Facilities Financing Plan (PFFP) to ensure that the project provides adequate public facilities and services concurrent with the need created by the new development. The Area Development Plan (ADP), at a minimum, would consist of the contents required for a Specific Plan according to Section 65450 to Section 65457 of the Government Code.

The PC Zoning Ordinance would require the preparation of a MDP and an ADP prior to development of any planned community with the PC zone. The MDP would be the second in a hierarchy of planning documents that would guide the development of land designated as Planned Community Area. The first is the Tulare County General Plan, including the Foothill Growth Management Plan. However, the MDP would be the initial and overall plan for an entire planned community. The third document in the hierarchy would be the ADP which further details proposed development standards within planned community sub-areas.

2.3.3 Yokohl Ranch Master Planned Community Development

The layout and design of the proposed Yokohl Ranch community would be based on a MDP prepared to guide development in conformance with the Planned Community (PC) Zone described above. The Yokohl Ranch project proposes to create a planned community to include 10,000 residential units in three

neighborhoods, which would include active adult units; mixed use commercial areas; public schools and parks; open space areas; public/quasi-public areas; and infrastructure. No development would occur on ridgelines or on slopes over 30 percent. Figure 3 shows the locations of the proposed land uses within the MDP, which are discussed below. Table 1 summarizes the acreage of the proposed land uses and densities of residential areas upon buildout of the community.

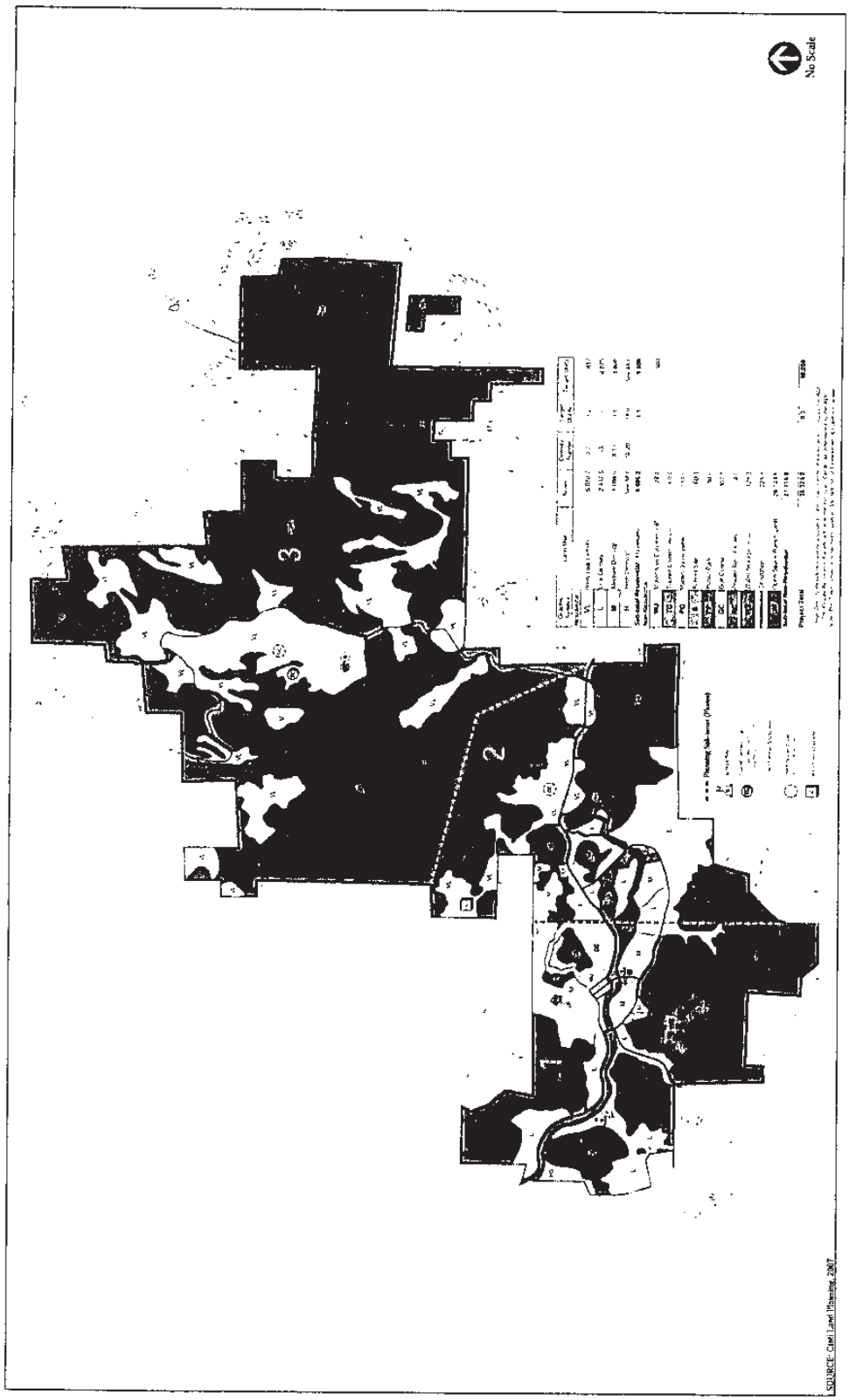
Table 1. Phased Development Summary of Land Uses for the Yokohl Ranch Project

Land Use	Phase I		Phase II		Phase III	
	Gross Acres	Target Units	Gross Acres	Target Units	Gross Acres	Target Units
Residential Uses						
Very Low (0-2 du/ac)	0.0	0	975.5	500	4,105.4	317
Low (1-3 du/ac)	1,054.2	2,108	1,383.3	2,767		0
Medium (3-10 du/ac)	816.5	2,858	271.5	950		0
High (10-20 du/ac)	See MU	See MU	0.0	0		0
Subtotal Residential	*1,870.7*	*4,966*	*2,630.1*	*4,217*	*4,105.4*	*317*
Non-Residential						
Mixed-Use Commercial (MU)	27.8	500	0.0		0.0	
Tourist Commercial (Resort)	0.0		0.0		60.0	
Public/Quasi-Public	114.0		0.0		0.0	
Schools	48.4		11.7		0.0	
Public Park	16.0		34.0		0.0	
Golf Course	307.5		0.0		0.0	
Private Recreation	0.0		0.0		0.0	
Open Space/Ranch Land	4,890.8		4,751.8		17,101.0	
Reservoir	129.2		0.0		0.0	
Circulation	95.7		57.7		72.4	
Subtotal Non-residential	*5,629.4*		*4,855.2*		*17,233.4*	
Phase Totals	**7,500.2**	**5,466**	7,485.4	4,217	**21,338.8**	**317**
Population Estimate						
Standard Units (@3.2 pers/du)	4,100 @ 3.2 = 13,119		3,163 @ 3.2 = 10,120		317 @ 3.2 = 1,014	
Active Adult Units (@2.0 pers/du)	1,367 @ 2.0 = 2,733		1,054 @ 2.0 = 2,108		0 @ 2.0 = 0	
Total Population	15,852		12,229		1,014	

Note: Additional "overlay uses" are allowed as depicted on the Land Use Map. Acreage assigned to such uses would be determined with approval of the applicable ADP.

Residential

Four residential densities are proposed: very low, low, medium, and high. Very low density areas would include single-family detached units and estates on large lots ranging from more than 8,000 square feet (sf) to several acres. Low density areas would include single-family detached units on lots ranging from 6,000 sf to 8,000 sf. The typical housing in medium density residential areas would include single-family detached units on lots ranging from 4,000 to 7,000 sf; however, some clustered site plans would include attached units or units on smaller lots. Units in the high density residential areas would include multi-family units such as townhouses and apartments and would only be found in the Town Center.



PROPOSED LAND USE PLAN

FIGURE 3

The development would be located around a Town Center within Phase I of The Valley sub-area, which would include mixed-use commercial and high-density residential uses. Medium- and low-density residential areas would be located away from the Town Center with densities becoming lower as distance from the Town Center increases and topography becomes steeper. This neighborhood would be called "The Valley," which is scheduled to be developed as Phase I. Further, to the north and east, beyond The Valley neighborhood, the residential density further decreases to very low-density. The neighborhood to the immediate northeast of The Valley would be called "The Meadows," developed as Phase II, and the neighborhood located in the northeast region of the project site would be called "The Oaks," developed as Phase III.

Commercial – Mixed Use and Tourist

The "Mixed Use" designation, located in the Town Center within The Valley, would allow a broad range of uses and facilities, including retail and office commercial, high-density residential, hotels, schools, recreation, restaurants, and public facilities. Another commercial designation would be "Tourist Commercial" which would be located in The Oaks neighborhood in the northeast region of the project site. This land use category would allow for the development of a destination resort and conference center that may include hotel facilities and a wide range of tourist and resort amenities.

Public Schools and Public Parks

Four locations are designated on the Land Use map for public school sites and five locations are designated for public parks. The specific location and configuration of these facilities would be determined within each planning sub-area's ADP. Other recreational facilities could include a golf course and private recreational facility, both located in The Valley. All but one public school area and one public park area are located in the southern portion of The Valley area.

Open Space

Approximately 70 percent of the project area would be designated and preserved as "Open Space." These areas would include generally undisturbed areas to be used as environmental protection areas, natural open space and ranch land, and could also include public infrastructure facilities, emergency access roads, fuel modification buffers, and portions of residential lots with strict development restrictions. Open space areas would continue to be used for agricultural and grazing uses. Hiking and biking trails may be constructed throughout the Yokohl Ranch project area.

Public and Quasi-public

Public facilities would be provided in areas designated as public or quasi-public. Such uses include churches, day care, public storage, utility and service districts, and buildings owned by public agencies, such as fire and police stations and medical facilities. These areas are located in the southwestern portion of the project area.

Infrastructure Improvements

On-Site Improvements. The proposed Yokohl Ranch project would develop many on-site infrastructure improvements, including roads and bridges, a wastewater treatment facility, wastewater collection, and sewer lines, a water storage reservoir and dam, water supply treatment plant, water distribution systems (potable and reclaimed), dry utilities (electricity, telephone, and cable), and storm drains. Wastewater treatment for development in Phase III may be accomplished through a septic or alternative wastewater treatment system. The project also proposes to restore, enhance, and relocate portions of Yokohl Creek, including flood control measures.

Off-Site Improvements. The proposed Yokohl Ranch project may potentially include various off-site improvements as part of the project. Some of the off-site improvements may be required for project implementation; others may be optional. All off-site improvements will be analyzed in the EIR. Figure 4 shows the proposed off-site improvements, which include:

- Upgrading, widening and relocating Yokohl Drive, one of the primary access roads to the project site;
- Upgrading and widening SR 198 from Road 204 to Yokohl Drive;
- Upgrading widening and improving Rocky Hill Drive from North Spruce Road to Yokohl Drive
- Widening and constructing roadways from the City of Lindsay along Avenue 226, Road 242, Road 244, and into the project site;
- Constructing a pump station near the intersection of Road 212 and Avenue 322 and installing a potable water supply connection system in the rights-of-way of Road 202, Avenue 320, Road 220 down to Yokohl Drive or upgrading an existing canal from Kaweah River near the base of the dam to the connection point at Yokohl Drive;
- Installing pipelines in the Yokohl Drive right-of-way;
- Installing a power line from the City of Lindsay along Avenue 226, Road 242, and Road 244 into the project site, and
- Constructing access road(s) from the northern part of the project site to SR 198.

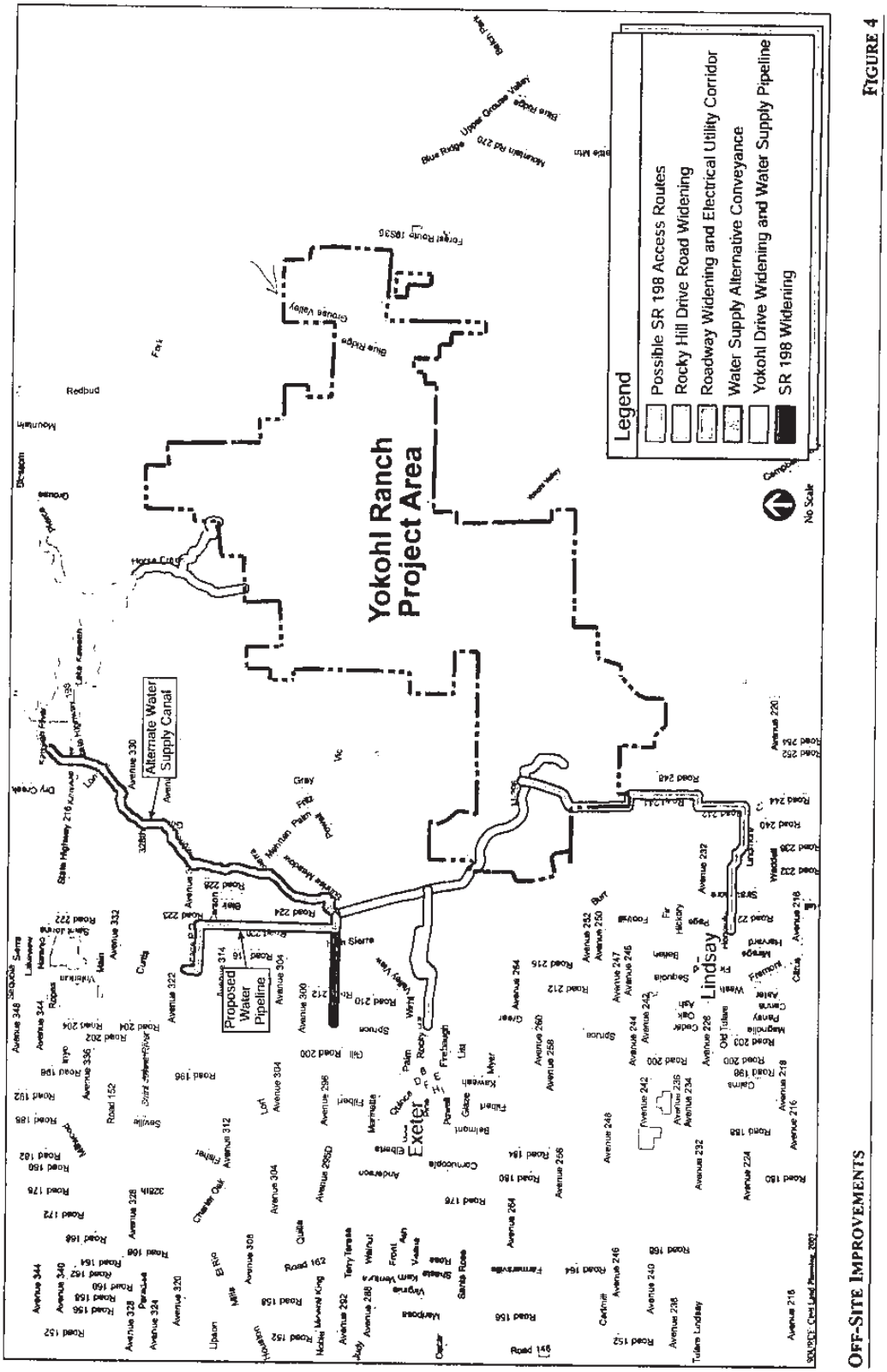
Water Supply. The owner of Yokohl Ranch will provide adequate, reliable water source for the proposed project. This water supply would be delivered to the project site through either a pipeline or a combination of a canal and pipeline. The project may include transfers of water possibly involving one or more water or irrigation districts as well as private entities.

2.4 PROJECT CONSTRUCTION AND GRADING

Substantial excavation and grading of the natural landform and demolition of a few existing structures would be required for the development of the proposed project. Construction for the project would involve the use of large to small earth moving equipment, such as scrapers, graders, excavators, bulldozers, dump trucks, and front-end loaders for grading and excavation and other construction activities.

Aggregate would be needed for development of the Yokohl Ranch project infrastructure. It is possible that some or all of the aggregate would be obtained as part of grading activities associated with the proposed project.

Three grading districts have been identified that would experience different levels of grading. The first district, located in the southern portion of the project area, where most of the development would occur, would experience the greatest intensity of grading. The second grading district, located in the valley in the northern portion of the project area, would receive only limited grading, most likely grading for residential units pads. The third grading district, located in the mountainous regions in the extreme southern, central western, and extreme eastern areas of the project site, would experience grading only for land management activities.


Yokohl Ranch
Project Area
Legend
Possible SR 198 Access Routes
Rocky Hill Drive Road Widening
Roadway Widening and Electrical Utility Corridor
Water Supply Alternative Conveyance
Yokohl Drive Widening and Water Supply Pipeline
SR 198 Widening
No Scale
Alternate Water Supply Canal
Proposed Water Pipeline
Lindsay
Exeter
Tulare
Redbud
Blue Ridge
Upper Grouse Valley
Grouse Valley
Horse Camp
Gray
Fall
Porter Mountain
Palm
Rocky Hill
Firebaugh
Lid
Myer
Kawsoh
Gaize
Powell
Belmont
Fillari
Andreson
Cornucopia
Elbetta
Marmalade
Quince
Filbert
Ward
Valley View
Sierra
Spruce
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2.5 PUBLIC FACILITIES AND FINANCING

The EIR will also include a description of the proposed governance structure. This governance description will outline the expected municipal service providers, both in the early stages of community development, as well as once the community is builtout. It will also describe the institutional framework for establishing and evolving the governance structure as well as the expected sources of financing for service provision.

The Yokohl Ranch project would include construction of two fire and a police station, public schools, and public parks that would serve both local and Tulare County residents. The PC Zone establishes implementation phasing that would ensure that public facilities would be available concurrent with development, in accordance with future Public Facilities Financing Plan (PFFP) schedules prepared with each planning sub-area Area Development Plan (ADP).

The community would bear its own financial costs, through one or more funding mechanisms, for financing and providing services and infrastructure for the Yokohl Ranch planned community. Options include, but are not limited to, community service districts, assessment districts, infrastructure districts, service area districts, community facilities districts, County service areas, public benefit areas, or other forms of service providing funding sources or districts. In addition, the Yokohl Ranch project would finance and construct its own traffic and road improvements, both on and off site, as well as other infrastructure required by the project.

2.6 FUTURE CEQA REVIEW

The EIR for the proposed Yokohl Ranch project would cover the proposed General Plan amendment, Zoning Ordinance amendment, and MDP for the phased development of the master planned community. The EIR would also address the development of the first sub-area of the Yokohl Ranch MDP, which would include both an Area Development Plan for The Valley and a Tentative Subdivision Map for The Valley. The location of the first phase of development is shown in Figure 3. Subsequent environmental review in conformance with CEQA would occur for future development of the remaining two Phases (see Figure 3).

2.7 REQUIRED ENTITLEMENTS, APPROVALS AND PERMITS

The proposed Yokohl Ranch project would require various federal, state, and local entitlements, approvals, and permits (collectively "discretionary actions") as part of the master planned community. Table 2 lists the local discretionary approvals from the County of Tulare, as the CEQA lead agency, required to implement the proposed project.

Table 3 lists public and semi-public, other than the County of Tulare, which would have discretionary approval over the project and, therefore, are considered "Responsible Agencies" under CEQA (Section 15096).

Table 2. Required Lead Agency Approvals for the Yokohl Ranch Project

Local	
General Plan Amendment	County of Tulare
Rezone to PC	County of Tulare
Master Development Plan	County of Tulare
Area Development Plan	County of Tulare
Certification of CEQA Environmental Impact Report	County of Tulare
Subdivision Maps	County of Tulare
Development Agreements	County of Tulare
Williamson Act Contracts/Cancellation/Formation of Agricultural Conservations Easements	County of Tulare
Formation of Water, Sewer and Other Districts*	County of Tulare/Local Agency Formation Commission (LAFCO)
Water supply transfers	Water agency and water district approvals for water transfers

* Requires multiple-jurisdictional approvals

Table 3. Federal, State, and Other Approvals for the Yokohl Ranch Project

Approval	Agency
Federal	
§ 404 Permit under Clean Water Act (31 U.S.C. § 1344)	Army Corps of Engineers (ACOE)
§ 7 Consultation under Endangered Species Act (16 U.S.C. § 1536)	U.S. Fish & Wildlife Service and California Department of Fish and Game.
§ 106 Consultation with State Historic Preservation Officer under National Historic Preservation Act of 1966 (16 U.S.C. § 470)	State Historic Preservation Office (SHPO)
Clean Air Act	Unites States Environmental Protection Agency (EPA)
State	
Agricultural Conservation Easement(s)	Department of Conservation and 3rd party to hold title of the easement
§ 401 State Water Quality Certification (31 U.S.C. § 1341; Cal. Water Code §§ 13160 *et seq.*)	Regional Water Quality Control Board.
§ 1602 Streambed Alteration Agreement (Cal. Fish and Game Code §§ 1600 *et seq.*)	California Department of Fish and Game.
Construction of Dam/Reservoir (Cal. Water Code §§ 6200 *et seq.*)	Department of Water Resources, Division of Dam Safety.
Authority to Construct	San Joaquin Valley Air Pollution Control District.
State Highway Preliminary Study Reports; Encroachment Permits	California Department of Transportation (Caltrans).
Wastewater Discharge Requirements	Regional Water Quality Control Board.
National Pollutant Discharge Elimination System Permits (31 U.S.C. § 1342; Cal. Water Code §§ 13370 *et. Seq.*)	Regional Water Quality Control Board.
Local	
Formation of Water, Sewer and Other Districts*	County of Tulare LAFCO, initial formation by Tulare County Board of Supervisors.
Water supply transfers	Water agency and water district approvals for water transfers.

* Requires multiple-jurisdictional approvals

SECTION THREE

ENVIRONMENTAL EVALUATION

SECTION 3.0
ENVIRONMENTAL EVALUATION

3.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

■ Aesthetics	■ Agricultural Resources	■ Air Quality Including GHG as well
■ Biological Resources	■ Cultural Resources	■ Geology/Soils
■ Hazards & Hazardous Materials	■ Hydrology/Water Quality	■ Land Use/Planning
☐ Mineral Resources	■ Noise	■ Population/Housing
■ Public Services	■ Recreation	■ Transportation/Traffic
■ Utilities/Service Systems	■ Mandatory Findings of Significance	

3.2 DETERMINATION: (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

■ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature: _____ Date: February 8, 2008

Kim B. Howlett for David Bryant, Division Manager
County of Tulare Resources Management Agency
(559) 733-6291

3.3 Evaluation of Environmental Impacts:

Introduction

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

3.4 ISSUES CHECKLIST

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project would result in the conversion of existing agricultural and rural residential land uses to designated open space/ranch land, low density estate, urban residential, and mixed commercial uses. The proposed development would occur within the Yokohl Valley and the Sierra Nevada foothills. Some of the Project area contains views to significant landmarks, including natural landforms, water features, and other scenic vistas. No portion of the project would be developed on ridgelines, contour grading would be required, and design standards for landscaping and building design for development and parking areas would be provided to protect scenic vistas. Nonetheless, the project could result in a potentially significant impact to scenic vistas which will be addressed in the Environmental Impact Report (EIR) for the project.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would substantially change the overall setting in the area, and have potentially significant impacts to scenic resources. As part of the project, scenic resources such as existing trees, rock outcroppings and a creek would be impacted by the project. There are no state scenic highways on the project site or in the project vicinity that would be affected by the project; however, there are two highways in the vicinity which are eligible for designation as scenic highways: State Routes 198 and 190. Yokohl Drive is currently designated as a County Scenic Route. Therefore, the EIR will address any potentially significant impacts to scenic resources from development of the proposed project.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	■	☐	☐	☐

Potentially Significant Impact. Construction for the proposed project would require substantial earthwork and result in the removal of existing vegetation, alteration of natural features, and an overall change in the landform on portions of the project site. Approximately 70 percent of the property would be designated as Open Space which would retain the environmental protection, natural character and regional agricultural setting for those areas of the project site. Nonetheless, the EIR will address any potentially significant impacts pertaining to degradation of the existing visual character or quality of the site from development of the proposed Yokohl Ranch project.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would introduce new sources of light from construction activities, landscape lighting, commercial areas, public facilities, parking lots, and new streets and house lighting. In addition, glare from building materials may result in substantial glare in the

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

area. The EIR will address any potentially significant impacts from new sources of substantial light or glare from the proposed project, including the night sky.

2. **AGRICULTURE RESOURCES** – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed Yokohl Ranch project would convert portions of existing agricultural and rural residential lands (homesites) to non-agricultural use. According to the California Department of Conservation Farmland Mapping Farmland Mapping and Monitoring Program the vast majority of the site is classified as Grazing Land. However, the project would still require substantial grading for development of the project and would result in a potentially significant impact to agricultural lands that may be classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The EIR will address whether there are potentially significant impacts to these farmland categories, if any, as a result of development of the proposed project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed Yokohl Ranch project would develop existing agricultural and rural residential agricultural lands within areas of the project site, some of which contain existing Williamson Act parcels. The EIR will address any potentially significant impacts to Williamson Act contract parcels and agriculture zoning from development of the proposed project. Also see 2. a) above.

c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? ■ ☐ ☐ ☐

Potentially Significant Impact. The Yokohl Ranch project proposes to convert existing agricultural and ranch farmland and very low density rural residential uses to non-agricultural uses. The EIR will address changes in the existing environment, which, due to their location or nature, could result in the conversion of farmland to non-agricultural uses. In addition, the EIR will address the potential conflict between the proposed development project and future grazing and other agricultural uses or activities that would take place on the project site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

3. **AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project would generate air pollutants from construction activities and community traffic, as well as other activities associated with the operation of the proposed community. The main operational air quality impacts associated with the proposed project would be project-related vehicular traffic that would generate air pollutants that could result in potentially significant air quality impacts. Minor air quality impacts would also be associated with area sources, such as space heating and landscaping.

The project would exceed the 152-unit threshold for "Small Project Analysis Level" that the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) has established for residential developments (San Joaquin Valley Air Pollution Control District (SJVAPCD), 2002). Construction activities could also result in air pollutants that would exceed SJVAPCD standards. The EIR will address any potentially significant air quality impacts from implementation of the proposed project, including any potential conflicts with the San Joaquin Valley Air Quality Management Plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ■ ☐ ☐ ☐

Potentially Significant Impact. As described in 3 a) above, the project would exceed the 152-unit threshold that the GAMAQI has established for residential developments; furthermore, construction activities could also result in air pollutants that would exceed SJVAPCD standards. The project would also undergo an Indirect Source Review evaluation. The EIR will address potentially significant air quality impacts from implementation of the proposed project, including potential violations with any existing or projected air quality standard. In addition, the EIR will include a discussion of the relationship between air pollutants and global climate change.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ■ ☐ ☐ ☐

Potentially Significant Impact. As described in 3 a) and b) above, the project would exceed the established GAMAQI 152-unit threshold for residential developments; construction activities could also result in air pollutants that would exceed SJVAPCD standards. The EIR will address any potential significant project-related and cumulative air quality impacts from implementation of the proposed project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	■	☐	☐	☐

Potentially Significant Impact. As described above in 3 a), the proposed project would allow for the phased development of a planned community that would generate air pollutants from construction, community traffic, and other activities. The main potential impacts to sensitive receptors would be construction-related impacts from dust, heavy machine emissions, worker-vehicle emissions traveling to and from the site, and operational impacts from project-related vehicular traffic. These construction and operational traffic activities could result in potentially significant air quality impacts to existing sensitive receptors and future planned receptors. The EIR will address potentially significant air quality impacts from the proposed project through the exposure of sensitive receptors to substantial pollutant concentrations from proposed project.

e) Create objectionable odors affecting a substantial number of people?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would entail the phased development of a planned community that would generate air pollutants from construction, community traffic, and other activities. Construction activities would include the use of diesel powered vehicles, which are considered to emit objectionable odors from tailpipe emissions, and paving and painting operations. Potential odor impacts from project operation would include impacts from vehicular traffic and certain land uses, such as the proposed wastewater treatment facility. The EIR will address potentially significant odor impacts from implementation of proposed project.

GHG →

f) Generate greenhouse gas emissions that would contribute to global climate change?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would entail the phased development of a planned community that would generate greenhouse gas emissions from construction, community traffic, and other activities. The EIR will address potentially significant global climate change impacts associated with project-generated greenhouse emissions. Global climate change will be addressed in the EIR and will consider various topics such as air quality, biological resources, and utilities and service systems.

should update ref. to 2020 with adoption figure

4. BIOLOGICAL RESOURCES – Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	☐	☐	☐

Potentially Significant Impact. A large portion of Yokohl Ranch has been altered from many years of cattle grazing and agricultural activities; however, much of it remains undisturbed and provides quality habitat, including riparian and oak woodland, grassland, and vernal pool habitat. The majority of the land

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

within Yokohl Ranch (approximately 70 percent) would be designated as open space and ranchlands. The Yokohl Ranch project proposes to incorporate sensitive design approaches that will preserve and/or mitigate impacts to sensitive habitats.

A biological assessment addressing the proposed project will be prepared and incorporated into the EIR. The biological assessment and EIR analysis will address potential direct and indirect impacts from development of the proposed project to any candidate, sensitive, or special status species, through habitat modification or other construction and operational activities. The analysis will also address biological resource impacts associated with off-site improvements, including those that may be affected from the project's water use, supply and transfer. In addition, the effect on biological resources from global climate change will be addressed.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ■ ☐ ☐ ☐

Potentially Significant Impact. The project site includes several watercourses and conditions that support riparian and other wetland habitat. Yokohl Creek runs through the project area, and has been degraded by historic grazing activities but still includes riparian and oak woodland habitat. Vernal pools, which are a sensitive natural community that is regulated by the U.S. Army Corps of Engineers, may also be affected by the proposed project. A biological assessment for the Yokohl Ranch planned community area will be prepared and incorporated into the EIR for the proposed project. The biological assessment will address potential impacts to federal and state regulated wetlands, including riparian habitat, and other sensitive natural communities from implementation of the proposed project. The analysis will also address biological resource impacts associated with off-site improvements, including those that may be affected from the project's water use, supply and transfer.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ■ ☐ ☐ ☐

Potentially Significant Impact. As described in 4 b) above, the project site includes several watercourses and conditions that support riparian and other wetland habitat. The major watercourse in the project area is Yokohl Creek, which has been degraded due to historical cattle grazing. The project proposes to restore the habitat surrounding Yokohl Creek and enhance the channel through reconfiguration and revegetation of native species. Numerous small drainages defined by the hilly foothill terrain and canyons enter Yokohl Creek from the north and south. Yokohl Creek and related drainages would be regulated as a waters of the U.S. under Section 404 of the Clean Water Act (33 USC §§1344). The biological assessment for the proposed project that will be prepared and incorporated into the EIR will address potential impacts to federal 404 regulated waters, wetlands, and vernal pools from implementation of proposed project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	■	☐	☐	☐

Potentially Significant Impact. Yokohl Ranch contains varying terrain throughout the project site, including nearly flat ranch lands along Yokohl Creek, gentle valleys and rolling hills to the south and north along the main valley, and steeper hills and canyons in the easterly portion of Yokohl Ranch. A portion of the planning area has been altered from many years of cattle grazing and agricultural activities; however, much of it remains undisturbed and provides quality wildlife habitat, including riparian and oak woodland, grassland, and vernal pool habitat that provide cover for animals and are used by wildlife for local and regional movement. The biological assessment for the proposed project, including all on-site and off-site project elements, which will be prepared and incorporated into the EIR, will address potential impacts to wildlife movement from implementation of the proposed project. The analysis will also address fishery resources both on site within creeks and off site as it pertains to the project's water use, supply, and transfer.

e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	☐	☐	■	☐

Less Than Significant Impact. The County of Tulare has not adopted a habitat conservation plan or ordinance protecting biological resources. The proposed project would not conflict with the policies and implementation included in the Tulare County General Plan Update.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	■	☐

Less Than Significant. As described above in 4 e), the County of Tulare has not adopted a habitat conservation plan or ordinance protecting biological resources on the project site, and the project is not inconsistent with the policies included in the County of Tulare General Plan Update. Therefore, the proposed project would not conflict with existing plans and the impact would be less than significant.

5. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	■	☐	☐	☐

Potentially Significant Impact. Yokohl Ranch contains varying terrain throughout the project site, including nearly flat ranch lands along Yokohl Creek, gentle valleys and rolling hills to the south and north along the main valley, and steeper hills and canyons in the easterly portion of Yokohl Ranch. A portion of the planning area has been altered from many years of cattle grazing and agricultural activities; however, much of it remains undisturbed. The areas that would be graded for the proposed Yokohl Ranch

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

development may contain some surface and subsurface cultural resources, including historical buildings and structures as defined in § 15064.5.

A cultural resource reconnaissance and survey, including a records search, will be prepared and incorporated into the EIR. The cultural resource survey will address potential historic impacts from implementation of the proposed project.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? ■ ☐ ☐ ☐

Potentially Significant Impact. The project would require substantial excavation and grading for development. It is possible that archaeological resources pursuant to §15064.5 may be present beneath the surface of the project site because of known archaeological resources found outside and near Yokohl Ranch. Disturbance or destruction of any archaeological resource, in particular from excavation for building pads, roadways and channel reconstruction, would result in a potentially significant impact. A cultural resource study will be prepared for the EIR and will address potentially significant archaeological impacts from implementation of the proposed project.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ■ ☐ ☐ ☐

Potentially Significant Impact. The Yokohl Ranch project proposes substantial excavation and grading. It is possible that paleontological resources may be present beneath the surface of the project site, including both on-site and off-site project features. Disturbance or destruction of any paleontological resource, in particular from excavation for building pads, roadways and channel reconstruction, would result in a potentially significant impact. An analysis of paleontological resources will be conducted for the EIR and will address potentially significant paleontological impacts from implementation of the proposed project.

d) Disturb any human remains, including those interred outside of formal cemeteries? ■ ☐ ☐ ☐

Potentially Significant Impact. The project would require substantial excavation and grading for development of the proposed project. It is possible that human remains may be present beneath the surface of the project site. Disturbance or destruction of any human remains, in particular from excavation activities, would result in a potentially significant impact. The cultural resource study that will be prepared and incorporated into the EIR will address potentially significant impacts to buried human remains resulting from the proposed project

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area of based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	■	☐	☐	☐

Potentially Significant Impact. According to the Five County Seismic Safety Element (1974), there are several faults known to exist within the County which are located on the edges of the San Joaquin Valley. No faults are currently known to exist within the eastern portion the County, where the Yokohl Ranch project is proposed. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the Yokohl Ranch EIR. The geotechnical investigation will provide specific analysis for site geologic conditions, including information regarding faults.

ii. Strong seismic ground shaking?	■	☐	☐	☐

Potentially Significant Impact. According to the Five County Seismic Safety Element prepared in 1974, there are several faults known to exist within Tulare County, which is located on the edges of the San Joaquin Valley. Therefore, the project site, as with most parts of California, would be subject to ground shaking from earthquakes. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis for site geologic conditions.

iii. Seismic-related ground failure, including liquefaction?	■	☐	☐	☐

Potentially Significant Impact. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis of site geologic conditions and recommend appropriate measures to address impacts resulting from strong seismic-related ground failure, including liquefaction, and other pertinent geotechnical design considerations.

iv. Landslides?	■	☐	☐	☐

Potentially Significant Impact. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis for site geologic conditions and recommend appropriate measures to address impacts resulting from landslides and other pertinent geotechnical design considerations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	■	☐	☐	☐

Potentially Significant Impact. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis for site geologic conditions and recommend appropriate measures to address impacts resulting from soil erosion or loss of topsoil and other pertinent geotechnical design considerations. A site-specific grading plan and Stormwater Pollution Prevention Plan (SWPPP) would be prepared as part of the proposed project to address soil erosion impacts. See also Issue 8, Hydrology/Water Quality, of this IS.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	■	☐	☐	☐

Potentially Significant Impact. Yokohl Ranch contains varying terrain, including nearly flat ranch lands along Yokohl Creek, to the gentle valleys and rolling hills to the south and north along the main valley to steeper hills and canyons in the upper portion of Yokohl Ranch. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis for site geologic conditions and recommend appropriate measures to address impacts resulting from unstable soils, as well as other pertinent geotechnical design considerations.

d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	■	☐	☐	☐

Potentially Significant Impact. A geotechnical investigation and reconnaissance, including test borings, will be prepared for the project site and incorporated into the EIR. The geotechnical investigation will provide specific analysis for site geologic conditions, including the identification and addressment of expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	■	☐	☐	☐

Potentially Significant Impact. The proposed project includes the construction and operation of a wastewater reclamation plant that will provide sewer service for the project. Septic tanks or an alternative waste water disposal system may be used to treat wastewater associated with development in Phase III of the project. Therefore, a potentially significant impact resulting from septic tanks may occur.

Septic tanks in Phase III

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. **HAZARDS AND HAZARDOUS MATERIALS** – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would entail the phased development of a planned community, including commercial activities and supporting infrastructure such as new water treatment and sewer treatment facilities on the project site. The operation of these facilities would likely entail the use of hazardous substances, such as chlorine, that would be transported on public roads. This issue, as well as other hazardous materials transport issues, will be addressed in the EIR.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	■	☐	☐	☐

Potentially Significant Impact. Phased development of the proposed planned community would be expected to increase the use of, transport to, and storage of hazardous materials at the property, in particular during construction. This issue will be addressed in the EIR. Naturally occurring asbestos in area rock formations will be considered as part of this analysis.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would allow for the phased development of 10,000 units with varying densities and other land uses as part of the Yokohl Ranch planned community. Public schools would be among the proposed land uses to serve the future community. The proposed schools may be located within one-quarter mile of a land use that would emit hazardous emissions, or handle hazardous or acutely hazardous materials. This issue will be addressed in the EIR which will provide a specific analysis to evaluate hazardous material contamination issues relative to school siting development, including consistency with AB 387 and SB 162 for public schools, as well as potential health risks from prolonged exposure to traffic-related pollutants.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	■	☐	☐	☐

Potentially Significant Impact. Although unlikely, there is the potential that the project is located where a hazardous materials release has occurred in the past. Therefore, the EIR will include a Phase I Environmental Site Assessment which will provide a database records search of numerous sources cataloging hazardous materials releases. The Phase I Environmental Site Assessment will address

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	☐	☐	☐	■

potential impacts from listed hazardous material sites (Government Code Section 65962.5). In addition, naturally occurring radon releases will be evaluated as part of this study and included in the EIR.

No Impact. The Tulare County Airport Land Use Commission adopted a Comprehensive Airport Land Use Plan for the nine public-use airports in Tulare County in June 1992. Of the ten airports located within Tulare County, the closest are Exeter Airport and Eckert Field, which are located between two and four miles west of the Yokohl Ranch project. The project area is not located within either airport's safety zones; therefore, this issue will not be discussed in the EIR.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	■	☐	☐	☐

Potentially Significant Impact. As described in 7 e) above, the proposed Yokohl Ranch project is not located within an airport land use plan or within two miles of a public or private use airport and the project does not include an airport within its land use plan. Due to the distance of existing airports to the proposed project site, and the fact that no airport-related uses are proposed within the Yokohl Ranch community, the project would not result in an airport related safety hazard to people residing or working in the project area. However, the site is located within a Military Special Use Airspace (military operations areas) that may result in a potentially significant impact.
Therefore, this issue will be discussed in the EIR.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project is located in an undeveloped area where it is unlikely that there is an adopted emergency response plan or emergency evacuation plan. Therefore it is unlikely that the proposed project would impair implementation of an adopted emergency response to evacuation plan. However, it is possible that project development could result in impacts to future emergency response times. The issue of emergency response will be addressed in the Public Services (police and fire sections) of the EIR

Wildland Fire

✓ Good comment

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project site is currently undeveloped and used for ranching. According to the Tulare County General Plan Safety Element, natural vegetation in the form of

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

dry grasses pose fire hazards, especially to structures located near fields if the land adjacent to development is not cleared of vegetation. Vegetation within the Yokohl Ranch project area has the potential to result in significant wildland fire impacts to homes and other uses if adequate fuel management is not provided.

Therefore, this is a potentially significant impact that will be addressed in the EIR.

8. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge requirements? ■ ☐ ☐ ☐

Potentially Significant Impact. Yokohl Ranch includes a number of drainages, among them Yokohl Creek, which runs through a valley that has been degraded by historic grazing activities. Numerous small drainages defined by the hilly foothill terrain and canyons enter Yokohl Creek from the north and south. The proposed project would require excavation and grading on approximately 9,500 acres for the phased development of the planned community. Development of the proposed project would have the potential to impact water quality or waste discharge requirements due to grading and excavation, increased impervious surface area, sediment transport and surface runoff from the proposed phased development. In addition, the project proposes to construct a water supply reservoir and water and waste water treatment plants, which would all be subject to water quality standards.

A hydrology and drainage study will be prepared and incorporated into the EIR for the proposed project. The study will compare the existing and the proposed hydrologic conditions and discuss the flooding potential and reconstruction of Yokohl Creek. Therefore, potentially significant water quality and hydrology and drainage impacts could occur and will be discussed in more detail in the EIR.

b) Substantially 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 level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ■ ☐ ☐ ☐

Potentially Significant Impact. It is anticipated that the water supply for the Yokohl Ranch project would not come from groundwater resources; however, this determination has not yet been finalized for all areas of the project. Therefore, direct impacts to groundwater would only result from grading and excavation, increased impervious surface In addition, the wastewater reclamation plant may also affect groundwater if the plant should use spray irrigation to dispose of excess reclaimed water. Finally, the use of the Kaweah River as the water supply source for the project may affect groundwater in the Kaweah River or other areas as an indirect impact. These issues may result in significant impacts and, therefore, will be addressed in the EIR.

Need to look at long term and drought. Lake says we will address in future

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off- site?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would result in alteration to Yokohl Creek and other drainages on the project site as part of project phased development. Therefore, development of the proposed project may result in substantial erosion or siltation that would have the potential to significantly impact existing drainage patterns on the project site or project vicinity. As a result, these issues will be addressed in the EIR, which will include a hydrology and drainage study for the project.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off site?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would result in the alteration of Yokohl Creek and other drainages on the project site as part of project development. In addition, the proposed project would substantially increase the amount of impervious surfaces from the existing condition throughout the project area, which in turn could result in an increase in the rate or amount of surface runoff. These issues would result in a potentially significant impact and, therefore, will be addressed in the EIR, which will include a hydrology and drainage study for the project.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	■	☐	☐	☐

Potentially Significant Impact. The proposed project has the potential to significantly alter existing drainage patterns through grading and excavation and increased impervious surface area. Therefore, the project has the potential to create or contribute to increased surface water runoff which would exceed existing or planned stormwater drainage systems. The increased amount of impervious surfaces would also provide substantial additional sources of polluted runoff associated with development. As a result, these issues will be addressed in the EIR for the project.

f) Otherwise substantially degrade water quality?	■	☐	☐	☐

Potentially Significant Impact. As described above in 8 a), 8 c), and 8 e), the project has the potential to degrade water quality from grading and excavation, increased impervious surface area, and surface runoff associated with the proposed development. These issues would result in a potentially significant impact and, therefore, will be addressed in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?	■	☐	☐	☐

Potentially Significant Impact. The project proposes to develop commercial and residential uses in the vicinity of Yokohl Creek, which periodically floods. Portions of the proposed phased development could occur within the 100-year flood zone or other flood hazard area which would result in a significant impact. Therefore, this issue will be addressed in the EIR.

h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	■	☐	☐	☐

Potentially Significant Impact. As described above in 8 g), the proposed project includes structures that may be impacted by flooding associated with a 100-year flood hazard area. This issue would result in a potentially significant impact and, therefore, will be addressed in the EIR.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	■	☐	☐	☐

Potentially Significant Impact. The project proposes to develop a 129-acre domestic water supply reservoir to provide potable water for consumption and fire protection needs of the community. The reservoir would be created through the construction of a dam and reservoir located on a side drainage located south of Yokohl Creek during Phase I of the project. The design, construction, and operation of the reservoir would require approval from the Department of Water Resources, Division of Safety of Dams pursuant to California Water Code (Section 6200 *et seq).* A dam failure analysis will be conducted to address the potentially significant impact associated with the proposed water supply reservoir. This analysis will be discussed in the EIR

j) Inundation by seiche, tsunami, or mudflow?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project site is located approximately 135 miles east of the Pacific Ocean and, therefore, would not be subject to inundation by a tsunami. The only major water body located in the project vicinity is Kaweah Lake, found approximately one mile north of the easterly part of the northern project boundary. However, Kaweah Lake is situated in a watershed separate from those associated with Yokohl Ranch; therefore, the Yokohl Ranch project area would not be affected by a seiche. However, potentially significant impacts from mudflow or water overtopping at the proposed reservoir could occur during a seismic-related event. In addition, a seiche may be generated in the proposed reservoir as a result of a seismic event. Therefore, these issues will be addressed in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	■	☐

Less Than Significant Impact. The Yokohl Ranch project area is currently used for cattle grazing and ranching, as well as ranch family housing and support facilities. It is located in the Sierra Nevada foothills east of Exeter where there is no established community. Therefore, because the proposed project would not physically divide an established community, development of the proposed project would result in a less than significant impact.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project would require amendments to the Foothill Growth Management Plan (FGMP), an element of the Tulare County General Plan, and the Tulare County Zoning Ordinance. The proposed General Plan amendment would change the land use designation on the property from Foothill Agriculture to 'Planned Community Area'. The property would be rezoned to Planned Community (PC) Zone. The PC Zone would guide development of the Planned Community Area General Plan designation These changes would result in a potentially significant impact that will be evaluated in the EIR..

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	■	☐

Less Than Significant Impact. As described in 4 e), Biology, Tulare County has not adopted a habitat conservation plan or ordinance protecting biological resources. Therefore, the project would have a less than significant impact to habitat conservation plan or natural community conservation plan.

10. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■

No Impact. Throughout Tulare County, sand, gravel, and crushed stone are used as sources for aggregate in road and building construction. The two major sources of aggregate are alluvial deposits (river beds and floodplains) and hard rock quarries. As a result, most of the mines in Tulare County are located along rivers at the base of the Sierra foothills. There are currently twenty-eight active aggregate mines in Tulare County. However, based on maps published by the *California Division of Mines and Geology* (1983), the project site is not located within the MRZ-2 mineral land classification, which identifies areas where significant mineral deposits are present or where there is a high likelihood for their presence. Therefore,

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

the buildout of the Yokohl Ranch project is not expected to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State, and will not be discussed in the EIR.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ■

No Impact. The project site has not been identified in a local land use plan as a locally important mineral resource recovery site and therefore would result in a less than significant impact. Therefore, the use of a locally important mineral resource would not be addressed in the EIR.

11. **NOISE** – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project would result in noise generation from various activities including construction activities, vehicular noise, adjacent uses and stationary sources from mechanical equipment, such as pump stations and the wastewater treatment facility. These noise sources are regulated by the Noise Element of the Tulare County General Plan. These potentially significant noise impacts will be addressed in a noise technical study and in the EIR in conformance with Tulare County's Nuisance Ordinance and Noise Element.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project would likely result in groundborne vibration associated with construction activities. This potentially significant impact will be addressed in the noise technical study prepared for the proposed project and included in the EIR.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project would entail the development of a planned community in an area that is currently used as a cattle ranch, where the ambient noise levels are relatively low. The proposed project would likely cause a permanent increase in ambient noise levels over the existing noise levels on the project site because of the noise associated with the proposed phased development. This issue will be evaluated in the noise technical study prepared for the proposed project and included in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	■	☐	☐	☐

Potentially Significant Impact. The proposed project could result in a substantial increase in temporary or periodic increase in ambient noise levels primarily associated with construction activities on the project site and from other allowable uses. This issue will be evaluated in the noise technical study prepared for the proposed project and included in the EIR.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

No Impact. The Tulare County Airport Land Use Commission adopted a Comprehensive Airport Land Use Plan for the nine public-use airports in Tulare County in June 1992. Of the ten airports located within Tulare County, the closest are Exeter Airport and Eckert Field. Both of these airports are located between two and four miles west of the Yokohl Ranch project area and service small aircraft. However, the noise contour of Exeter Airport does not extend beyond the airport property and the noise contour for Eckert Field extends less than one-half mile from the airport runway. Therefore, the proposed project would not expose people residing and working in the project area to excessive noise levels resulting from aircraft.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

No Impact. The proposed project is not located in the vicinity of a private airstrip that would expose future project residents to excessive noise levels. Therefore, this issue will not be addressed in the EIR.

12. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project would result in the phased development of a planned community of 29,000 residents in a currently undeveloped area. In addition, as part of this project, a variety of off-site infrastructure components (e.g, water and electrical supply) would be extended to the project site. Therefore, it is anticipated that the project would induce substantial population growth in the area. This issue will be addressed in the EIR..

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	■	☐

Less Than Significant Impact. The proposed project involves development of a planned community in a currently undeveloped area. As a result, the project would not displace a substantial number of existing homes; therefore, this issue would result in a less than significant impact and will not be addressed in the EIR.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	■	☐

Less Than Significant Impact. The proposed project involves phased development of a planned community in a currently undeveloped area. As a result the project would not displace a substantial number of people; therefore, this issue would result in a less than significant impact and will not be addressed in the EIR.

13. **PUBLIC SERVICES** – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire Protection?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project would provide for public facilities concurrent with development, in accordance with future Public Facilities Financing Plan (PFFP) schedules prepared with each Area Development Plan (ADP). The PFFPs would include fire stations needed to serve the community. Fire protection services to the area are currently provided by the County of Tulare Fire Department.. The physical impact associated with the demand for fire service to the project would result in a potentially significant impact, which will be addressed in the EIR. .

b) Police Protection?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project would provide for public facilities concurrent with development, in accordance with future Public Facilities Financing Plan (PFFP) schedules prepared with each Area Development Plan (ADP). The PFFPs would include police and fire stations needed to serve the community. Police protection services to the area are currently provided by the County of Tulare Sheriff's Department. The physical impact associated with the demand for police protection service to the project would result in a potentially significant impact, which will be addressed in the EIR.

c) Schools?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project would provide for public facilities concurrent with development, in accordance with future Public Facilities Financing Plan (PFFP) schedules prepared with each Area Development Plan (ADP). The PFFPs would include schools needed to serve the

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

community. The physical impact associated with demand for schools would result in a potentially significant impact, which will be addressed in the EIR.

d) Parks? ■ ☐ ☐ ☐

Potentially Significant Impact. The Yokohl Ranch project would provide for public facilities concurrent with development, in accordance with future Public Facilities Financing Plan (PFFP) schedules prepared with each sub-area Area Development Plan (ADP). The PFFPs would include public parks and other recreation facilities needed to serve the community. The physical impact associated with the development of future community parks would result in a potentially significant impact, which will be addressed in the EIR.

e) Other public facilities? ■ ☐ ☐ ☐

Potentially Significant Impact. Other public facilities are discussed under Sections 8 – Hydrology and Water Quality; 9 – Recreation; 15 – Transportation and Traffic; and 16 – Utilities and Service Systems.

14. RECREATION –

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated? ■ ☐ ☐ ☐

Potentially Significant Impact. At buildout, the proposed Yokohl Ranch project would serve a population of approximately 29,000 people. The demand for parks and other recreational facilities would be accommodated on the project site concurrently with project development in accordance with the proposed PFFP that would be prepared with each ADP. Overall, the proposed project would include 50 acres of public parks, 307 acres for use as a golf course, and a possible private recreation facility. These uses would occur throughout the project area, but would be mainly concentrated within the lower neighborhood near The Valley area Town Center and the northern Oaks neighborhood. Nonetheless, the Yokohl Ranch project could result in increased demand for the use of recreational facilities outside the proposed project area. Therefore, the proposed project could result in a potential significant impact to existing recreational facilities, such as the Balch Park. This issue will be evaluated in the EIR.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project would include recreational facilities that may have an adverse physical effect on the environment; therefore, this issue will be addressed in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project proposes to develop a master planned community that would include 10,000 units, mixed commercial uses, public/quasi-public uses, and supporting infrastructure including roads and utilities. The development would have the potential to result in significant traffic impacts to streets and intersections outside of the project boundary due to project construction and operation. The potential for significant traffic impacts within the project boundary also exists.

A traffic and circulation analysis for the proposed project will be prepared and incorporated into the EIR. The traffic report and EIR analysis will address potential construction and short- and long-term operational traffic impacts to local streets and the State Highway system from development of the proposed project.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion/ management agency for designated roads or highways?	■	☐	☐	☐

Potentially Significant Impact. The phased development of 10,000 units would have the potential to result in significant traffic impacts to streets and intersections outside of the project boundary due to project construction and operation. Based on preliminary input, the California Department of Transportation (Caltrans) anticipates that project-generated trips could have significant impacts to SR 198, Yokohl Drive, and SR 190.

A traffic and circulation analysis for the proposed project will be prepared and incorporated into the EIR. The traffic report and EIR analysis will address potential construction and short- and long-term operational traffic impacts to local streets and the State Highway system from development of the proposed project.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	■	☐

Less Than Significant Impact. As described in 7 e), the proposed Yokohl Ranch project is not be located within an airport's area of influence. Due to the distance of existing airports to the proposed project site, and the fact that no airport-related uses are proposed within the Yokohl Ranch community, it anticipated that project-related impacts to changes in air traffic patterns would be less than significant. Therefore, this issue will not be discussed in the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	■	☐	☐	☐

Potentially Significant Impact. The phased development of the Yokohl Ranch project could have the potential to result in significant increases in hazards or incompatible uses if the new roadway system and required improvements to existing roadways are not designed properly to meet the volume and type of vehicle trips that would be generated by the community. A traffic and circulation analysis for the proposed project will be prepared and incorporated into the EIR. The traffic report and EIR analysis will address roadway design features and potentially incompatible uses that could substantially increase traffic operation hazards.

e) Result in inadequate emergency access?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch community is located in an undeveloped area where it is unlikely that there is an adopted emergency response plan or emergency evacuation plan. Therefore it is unlikely that the proposed project would impair implementation of an adopted emergency response to evacuation plan. However, it is possible that construction activities associated with project development could result in impacts to future emergency response times and access to the project site. A traffic and circulation analysis will be prepared to evaluate potential project impacts to emergency access and response times which will be addressed in the EIR.

f) Result in inadequate parking capacity?	■	☐	☐	☐

Potentially Significant Impact. The proposed project is a planned community which would have the potential to result in significant impacts to parking if an adequate supply is not provided to meet the overall project demand. A parking demand study will be prepared for the project as part of the traffic and circulation study and will be incorporated into the EIR.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project would have the potential to result in significant impacts to alternative transportation plans and policies. A traffic and circulation analysis will be prepared for the project which will include an evaluation of the project's potential impacts on alternative transportation policies, plans or programs. This issue and the analysis will be incorporated into the EIR.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	■	☐	☐	☐

Potentially Significant Impact. The proposed Yokohl Ranch project is located within the Central Valley RWQCB (Region 5). The County of Tulare, Resource Management Agency, Engineering Division operates the County's CSA and Zone of benefit for Sewer and Water services. The project proposes to construct a wastewater treatment plant that would serve the proposed project. Similar to public services discussed in Issue 13, above, wastewater facilities would be provided concurrently with project development in accordance with future sub-area PFFPs. Potential impacts related to wastewater treatment will be addressed in the EIR.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	■	☐	☐	☐

Potentially Significant Impact. The project proposes to construct new water and wastewater treatment facilities. The construction of these new facilities would result in a potentially significant impact and will be addressed in the EIR.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	■	☐	☐	☐

Potentially Significant Impact. The proposed project would construct storm water drainage facilities to serve the proposed project. The installation of these facilities could result in significant environmental effects and will be addressed in the EIR.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	■	☐	☐	☐

Because of Global Climate Change increase to delta, restoration San Joaquin River restoration State Water Resources Water Supply Reliability Report less water will be available in the near term and long term in Southern California

Potentially Significant Impact. The water for the proposed Yokohl Ranch project would be provided from the Kaweah River and transported via pipeline or canal. The project also may include transfers of water possibly involving one or more water or irrigation districts, as well as private entities. As part of developing the water supply for the proposed project, a Water Supply Assessment (WSA) will be prepared in accordance with SB610 and SB221. The WSA will provide the basis for determining the impacts to both the river hydrology and river ecology, including groundwater resources. The project also proposes to construct a water reservoir to provide potable water supplies for consumption and fire protection needs. The construction of water supply facilities, the removal of water from the Kaweah River, and the construction of the reservoir would result in potentially significant impacts, which will be addressed in the EIR.

Impossible to guarantee

20 year assessment of water availability

Need to analyze

impacts on groundwater level and quality on site and off site wells and surface water diversions in Phase II and Phase III

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐

Less Than Significant Impact. The project proposes to construct a wastewater treatment facility to serve the proposed community that would be located along the western boundary of the project site. The wastewater treatment facility would be sized to accommodate anticipated wastewater generated by the proposed project. Therefore, the project would result in a less than significant impact to wastewater treatment capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	■	☐	☐	☐

Potentially Significant Impact. The Tulare County Solid Waste Division is responsible for the management of solid waste in the County. The Division administers the County Integrated Management Plan and the Source Reduction and Recycling Element; collection services; and waste reduction and disposal. The Division also develops, operates, and maintains solid waste facilities. The project would generate solid waste which would result in a potentially significant impact to the landfill capacity serving the project site. This issue will be addressed in the EIR.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐

Less Than Significant Impact. The proposed Yokohl Ranch project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, this would result in a less than significant impact.

17. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare of endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	■	☐	☐	☐

Potentially Significant Impact. The Yokohl Ranch project proposes to develop a planned community that would include 10,000 residential units, mixed commercial use areas, public/quasi-public areas, and supporting infrastructure. Based on the Initial Study analysis, the proposed Yokohl Ranch project has the potential to result in significant impacts to aesthetics, which could degrade the quality of the environment; biological resources, which could substantially reduce the habitat of a fish or wildlife species; cultural

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

resources, which could eliminate important examples of the major periods of California history or prehistory and induce growth in the foothill area.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulative considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed project has the potential to result in cumulatively considerable effects when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The EIR will address the potential for cumulative impacts associated with environmental topics addressed in the EIR.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ■ ☐ ☐ ☐

Potentially Significant Impact. The proposed Yokohl Ranch project would develop a planned community consisting of 10,000 residential units, 550,000 square feet of mixed commercial use areas, public/quasi-public areas, and supporting infrastructure. As described throughout the IS, in Issues 1 through 16, project-related development and growth in the area has the potential to result in significant impacts to many environmental issue areas that could directly or indirectly impact human beings. The EIR for the proposed project will address potential direct/indirect impacts to human beings from construction/ operation of the proposed Yokohl Ranch project.

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3.6 PREPARERS

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The Fresno Bee Tuesday Dec 15, 2009

Valley water loss seen via satellite

By Tim Sheehan
The Fresno Bee

NASA satellites orbiting 280 miles above Earth are revealing what many in the San Joaquin Valley already know: the region's underground water table is being depleted faster than it's being replenished.

But the amount of water being lost is surprising.

The volume pumped from underground for agriculture, cities and industry is "not sustainable if current trends continue," said Jay Famiglietti, a professor of Earth sciences at University of California at Irvine who worked on the study. And reduced allocations of river water for Valley farmers, he added, will likely increase pumping demands "for the foreseeable future."

Over the past 5½ years, enough water was lost in the San Joaquin and Sacramento river basins to fill Nevada's Lake Mead — the effect of an extended drought and more pumping of water for agriculture and other human needs.

Scientists from the space agency and UC Irvine presented their findings Monday to the American Geophysical Union in San Francisco.

"Everyone [in the Valley] already knows ground water is being depleted at a rapid clip," Famiglietti said. "But I was surprised at the rate of depletion."

Famiglietti and other scientists said that between October 2003 and March 2009, the overdraft totaled more than than 30 cubic kilometers of water. One cubic kilometer is about 264.2 billion gallons — enough, according to some estimates, to meet the residential water needs of about 7.2 million people for a year.

For years, the U.S. Geological Survey and water agencies have measured sample

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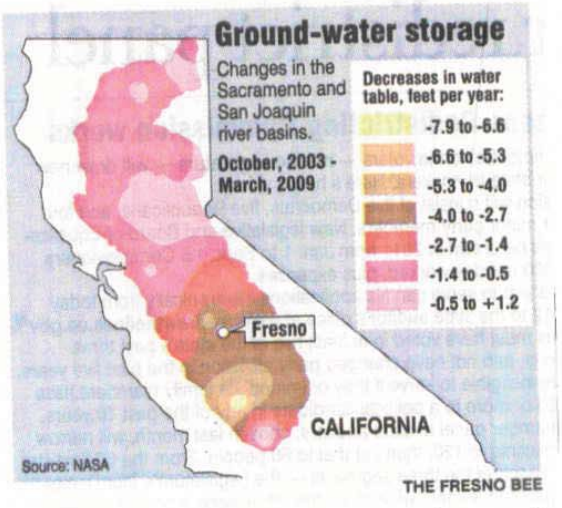

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Attachment 7

WATER

Continued from A1

wells scattered throughout the region. But Famiglietti said the accuracy of NASA's satellites — which track tiny changes in Earth's gravitational field — makes the information much more reliable.

"The [depletion] rates we found are bigger than what USGS reported," Famiglietti said. "And when you think of it, it makes sense because of the drought, the reduced water allocations for agriculture and the reduced snowpack. But it's still a surprise."

Famiglietti reported that the San Joaquin River basin, which includes the Tulare Lake Basin, is losing water at the net rate of 3.5 cubic kilometers a year (about what more than 6 million families of four would use in a year) — most from groundwater pumping. Agriculture typically uses about 80% of groundwater compared to municipal needs, he said.

In the central San Joaquin Valley, every city except Fresno and Clovis relies solely on pumped water for municipal supplies. Fresno and Clovis have small surface-water supplies to augment what they pump from underground.

NASA's twin GRACE (Gravity Recovery and Climate Experiment) satellites were launched in 2002. By measuring minute changes in gravity and mass on Earth, scientists can determine the amount of water under the ground.

The GRACE findings were no surprise to either Valley water officials or conservationists.

"The trend for years has been down, and we all know that," said Randy McFarland, a spokesman for the Friant Water Authority and the Kings River Conservation District.

"We've monitored wells for years, and there are periods when it's down and periods when it's recovered somewhat after rainy years," McFarland said. But, he added, drought has reduced the availability of surface water and forced farmers to pump more in recent years to irrigate crops.

Speck Rosekrans, a senior analyst with the Environmental Defense Fund, said the data from the satellites "just puts a better number on things."

"Groundwater overdraft is a huge problem, and it needs to be addressed," Rosekrans added. "While the NASA analysis doesn't represent new data, it may tell a story in a way that forces the public and water managers to act."

Famiglietti said he hopes the data can help politicians and water managers come up with solutions.

"There's no agenda here," he said. "We're telling people, this is what we found. If it's helpful to you, you're welcome to use it."

► The reporter can be reached at tsheehan@fresnobee.com or (559) 441-6319.

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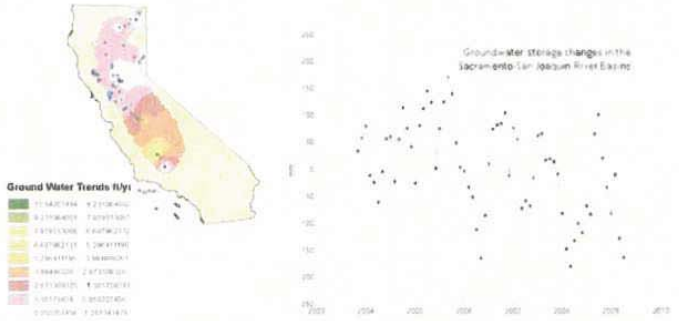
Attachment 7

8

NASA Data Reveal Major Groundwater Loss in California



Grace observed trends in groundwater levels, October, 2003 – March, 2009 Image Credit: University Of California Center For Hydrologic Modeling
› Full image and caption | › Play animation (MOV - 4 Mb) | › Play animation (High Def. MOV - 12.5 Mb)

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December 14, 2009

PASADENA, Calif. -- New space observations reveal that since October 2003, the aquifers for California's primary agricultural region -- the Central Valley -- and its major mountain water source -- the Sierra Nevadas -- have lost nearly enough water combined to fill Lake Mead, America's largest reservoir. The findings, based on data from the NASA/German Aerospace Center Gravity Recovery and Climate Experiment (Grace), reflect California's extended drought and increased rates of groundwater being pumped for human uses, such as irrigation.

In research being presented this week at the American Geophysical Union meeting in San Francisco, scientists from NASA and the University of California, Irvine, detailed California's groundwater changes and outlined Grace-based research on other global aquifers. The twin Grace satellites monitor tiny month-to-month changes in Earth's gravity field primarily caused by the movement of water in Earth's land, ocean, ice and atmosphere reservoirs. Grace's ability to directly 'weigh' changes in water content provides new insights into how Earth's water cycle may be changing.

Combined, California's Sacramento and San Joaquin drainage basins have shed more than 30 cubic kilometers of water since late 2003, said professor Jay Famiglietti of the University of California, Irvine. A cubic kilometer is about 264.2 billion gallons, enough to fill 400,000 Olympic-size pools. The bulk of the loss occurred in California's agricultural Central Valley. The Central Valley receives its irrigation from a combination of groundwater pumped from wells and surface water diverted from elsewhere.

"Grace data reveal groundwater in these basins is being pumped for irrigation at rates that are not sustainable if current trends continue," Famiglietti said. "This is leading to declining water tables, water shortages, decreasing crop sizes and continued land subsidence. The findings have major implications for the U.S. economy, as California's Central Valley is home to one sixth of all U.S. irrigated land, and the state leads the nation in agricultural production and exports."

"By providing data on large-scale groundwater depletion rates, Grace can help California water managers make informed decisions about allocating water resources," said Grace Project Scientist Michael Watkins of NASA's Jet Propulsion Laboratory, Pasadena, Calif., which manages the mission for NASA's Science Mission Directorate, Washington.

Preliminary studies show most of the water loss is coming from the more southerly located San Joaquin basin, which gets less precipitation than the Sacramento River basin farther north. Initial results suggest the Sacramento River basin is losing about 2 cubic kilometers of water a year. Surface water losses account for half of this, while groundwater losses in the northern Central Valley add another 0.6 cubic kilometers annually. The San Joaquin Basin is losing 3.5 cubic kilometers a year. Of this, more than 75 percent is the result of groundwater pumping in the southern Central Valley, primarily to irrigate crops.

Attachment 8

http://www.jpl.nasa.gov/news/news.cfm?release=2009-194 12/21/2009

Famiglietti said recent California legislation decreasing the allocation of surface waters to the San Joaquin Basin is likely to further increase the region's reliance on groundwater for irrigation. "This suggests the decreasing groundwater storage trends seen by Grace will continue for the foreseeable future," he said.

The California results come just months after a team of hydrologists led by Matt Rodell of NASA's Goddard Space Flight Center, Greenbelt, Md., found groundwater levels in northwest India have declined by 17.7 cubic kilometers per year over the past decade, a loss due almost entirely to pumping and consumption of groundwater by humans.

"California and India are just two of many regions around the world where Grace data are being used to study droughts, which can have devastating impacts on societies and cost the U.S. economy $6 to $8 billion annually," said Rodell. Other regions under study include Australia, the Middle East – North Africa region and the southeastern United States, where Grace clearly captured the evolution of an extended drought that ended this spring. In the Middle East – North Africa region, Rodell is leading an effort to use Grace and other data to systematically map water- and weather-related variables to help assess regional water resources. Rodell added Grace may also help predict droughts, since it can identify pre-existing conditions favorable to the start of a drought, such as a deficit of water deep below the ground.

NASA is working with the National Oceanic and Atmospheric Administration and the University of Nebraska-Lincoln to incorporate Grace data into NOAA's U.S. and North American Drought Monitors, premier tools used to minimize drought impacts. The tools rely heavily on precipitation observations, but are limited by inadequate large-scale observations of soil moisture and groundwater levels. "Grace is the only satellite system that provides information on these deeper stores of water that are key indicators of long-term drought," Rodell said.

Grace is a partnership of NASA and the German Aerospace Center (DLR). The University of Texas Center for Space Research, Austin, has overall mission responsibility. JPL developed the satellites. DLR provided the launch, and GeoForschungsZentrum Potsdam, Germany, operates the mission. For more on Grace, see http://www.csr.utexas.edu/grace/ and http://grace.jpl.nasa.gov/ . Other media contacts: Margaret Baguio, University of Texas Center for Space Research, 512-471-6922; Jennifer Fitzenberger, University of California, Irvine, 949-824-3969.

JPL is managed for NASA by the California Institute of Technology in Pasadena.

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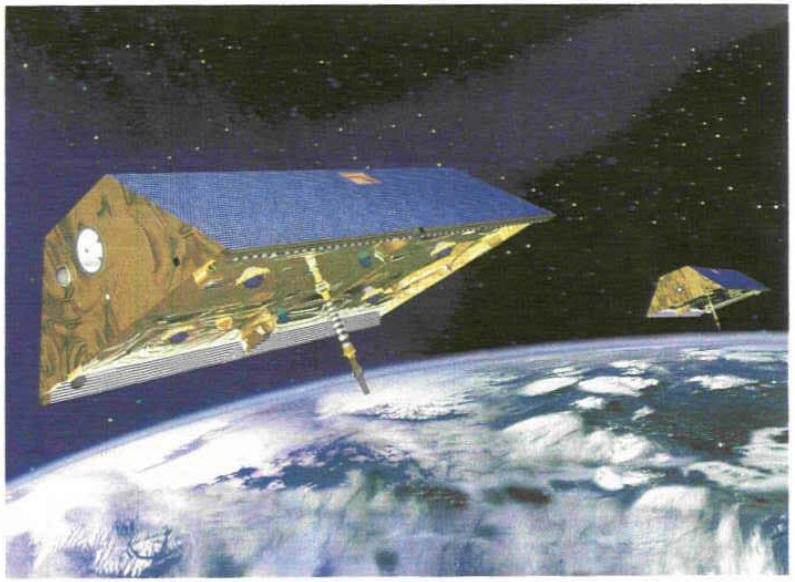
2009-194

NASA DATA REVEAL MAJOR GROUNDWATER LOSS IN CALIFORNIA'S HEARTLAND



American Geophysical Union Press Conference

December 14, 2009

CSR GFZ POTSDAM DLR JPL

Water Storage Changes in California's Sacramento and San Joaquin River Basins, Including Groundwater Depletion in the Central Valley

Jay Famiglietti, UC Irvine
Sean Swenson, NCAR
Matt Rodell, NASA GSFC

with contributions from
Karli Anderson, James Bethune, Caroline de Linage, Stephanie Ho, MinHui Lo, J.T. Reager and Hassan Syed

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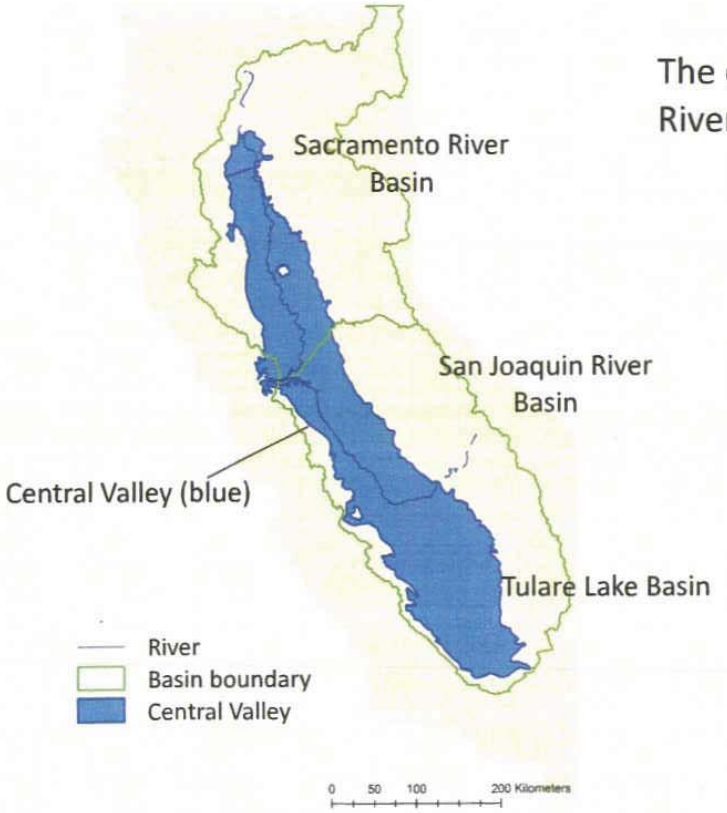

The combined Sacramento and San Joaquin River Basins

- Cover an area of approximately 154,000 km^2
- Includes California's major mountain water source, the snowpack in the Sierra Nevada mountain range
- Includes its primary agricultural region, the Central Valley (~52,000 km^2)

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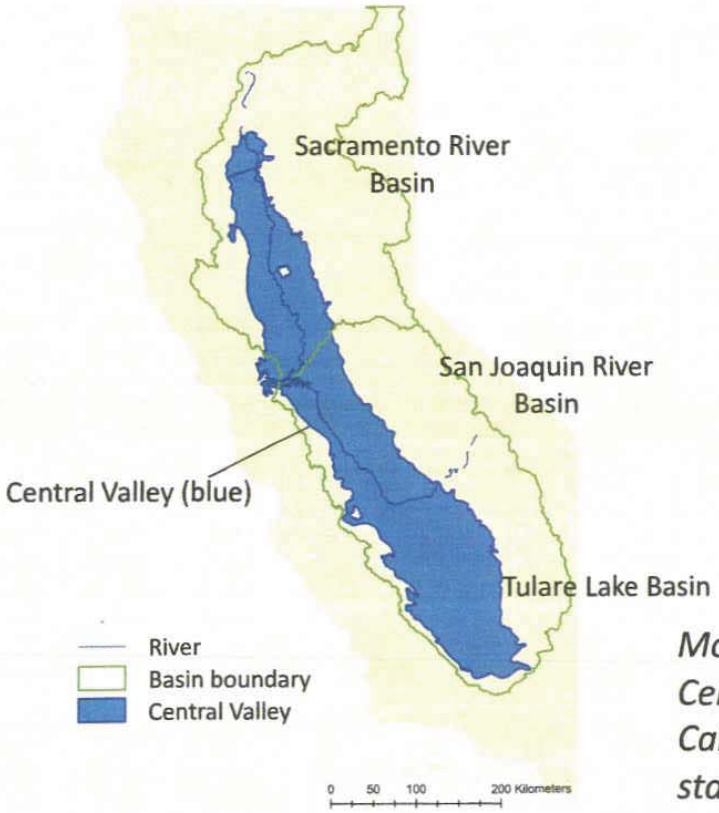
California's Central Valley



- Is one of the most productive agricultural regions in the world
- Produces more than 250 different crops worth $17 billion per year (2002), or 8% of the food produced in the U. S. by value
- Accounts for 1/6 of irrigated land in the U.S.
- Supplies 1/5 of the demand for groundwater in the U.S.
- Is the second most pumped aquifer in the U. S.

Monitoring groundwater availability in the Central Valley is critical to help manage California's water crisis, its impact on the state's economy and the Nation's food production

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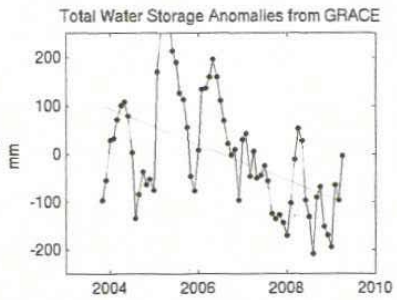
Water storage changes in the Sacramento-San Joaquin River Basins from GRACE and supplementary data, October, 2003 – March, 2009

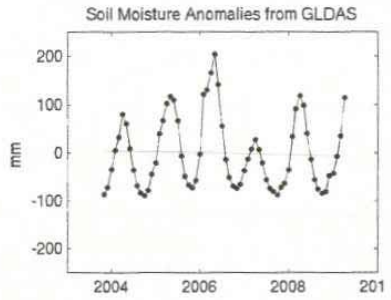
UCC HM

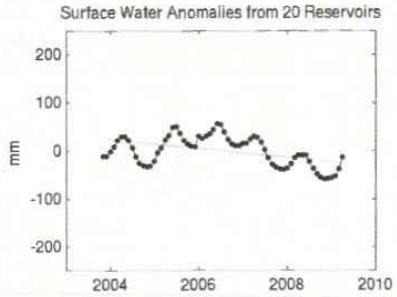
- Since GRACE 'sees' all the water storage changes on land, in order to estimate the groundwater storage change signal, the snow, surface water and soil moisture mass changes must be estimated and removed

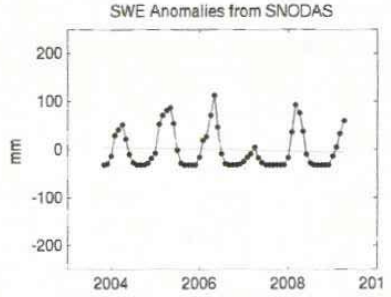
$$\Delta S_{Groundwater} = \Delta S_{Total} - \Delta S_{Snow} - \Delta S_{Surface\ Water} - \Delta S_{Soil\ Moisture}$$

- The snow, surface water and soil moisture signals were estimated using best available observed and modeled data sets









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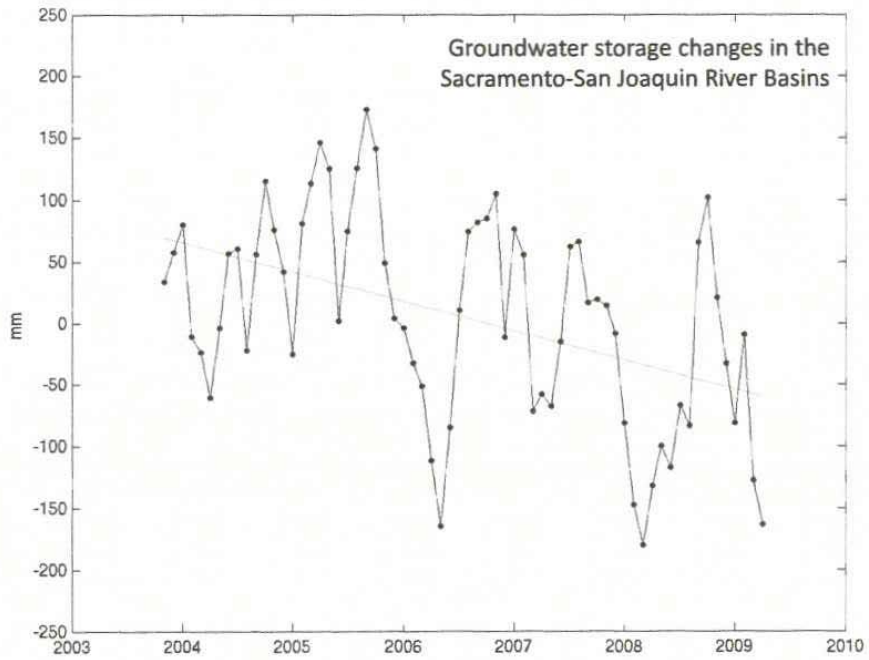
Groundwater storage changes in the Sacramento-San Joaquin River Basins from GRACE and supplementary data, October, 2003 – March, 2009



	Trend (mm/yr)	Volume lost (km^3)
GRACE Total Water Storage	-37	31.3
Snow	-2	1.7
Surface Water	-9	7.6
Soil Moisture	-2	1.7
Groundwater	-24	20.3

- In the 66 month period analyzed, the water stored in the combined Sacramento-San Joaquin River Basin decreased by over 31 km^3, or nearly the volume of Lake Mead
- Nearly two-thirds of this, or roughly 20 km^3, came from changes in groundwater storage, primarily from the Central Valley

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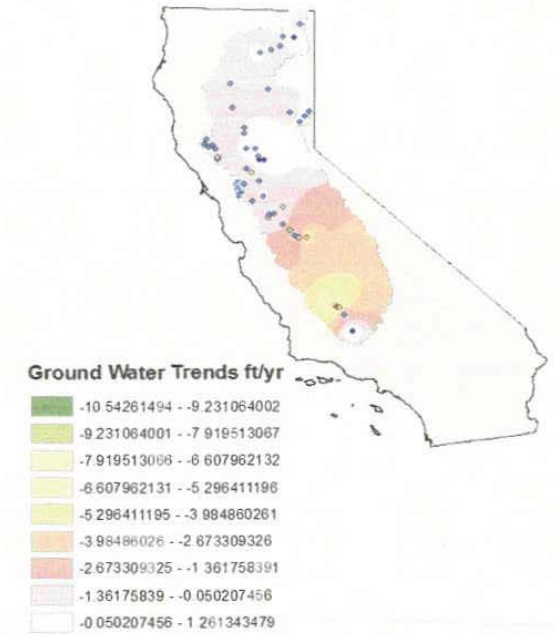
UCCHM

- Preliminary analyses suggest that as much as 75% of the groundwater loss is occurring in the San Joaquin River Basin, including the Tulare Lake basin, which is consistent with ground-based observations and other studies.
- Drought conditions since 2006 have minimized groundwater recharge and have resulted in constraints on surface water allocations to the Central Valley, triggering a reliance on groundwater resources, particularly in the San Joaquin Valley
- Groundwater is being used for irrigation at unsustainable rates, leading to declining water tables, decreasing crop sizes and continued land subsidence.
- In the long term, continued reliance on groundwater will deplete critical reserves that buffer cuts to surface water allocations. Continued depletions pose significant threats to food production in the U. S. and the state's economy
- Note that the trends are for the specified time period (October, 2003-March, 2009). This time period was selected because it maximized the overlap with the other datasets used in the study.



Observed trends in groundwater levels, October, 2003 – March, 2009

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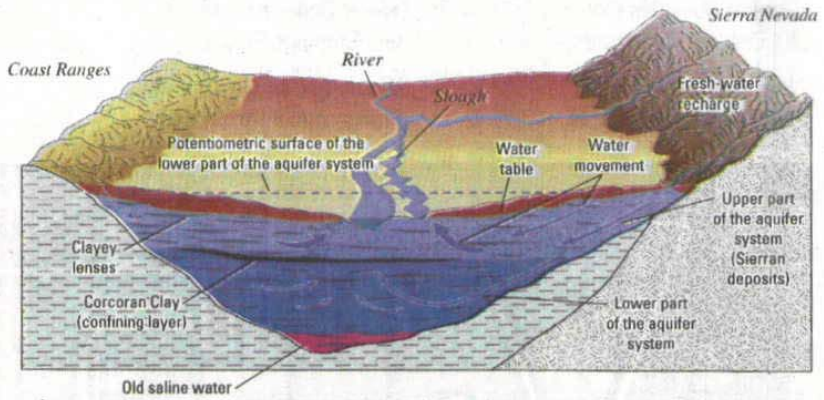
Valley Voice August 6, 2009



A slice of the San JoaquinValley and how groundwater flows.

New Hydrologic Model Provides Insights into Water Supplies

A new, three-dimensional water-modeling tool provides a detailed picture of how water flows below ground and how it relates to surface water in rivers and canals in California's Central Valley.

The Central Valley Hydrologic Model, developed by scientists at the U.S. Geological Survey, is available for use by water managers and other agencies. The model was designed to help resource agencies assess, understand and address the many issues affecting the joint use of surface- and groundwater supplies – known as "conjunctive use" – in the Central Valley.

"This new model not only details the current scarcity of groundwater, but also provides a scientific tool to help water managers remedy the situation in the future," said U.S. Secretary of the Interior Ken Salazar. "Science can be invaluable in helping to provide solutions."

The new model gives water managers the ability to simulate a number of water-management scenarios and assess possible changes in both groundwater and surface-water supplies. The model can also take into account the conversion of farmland to urban use and the potential future effects of climate change.

"The detail and breadth of this hydrologic model will make it invalu-

See WATER SUPPLY page 12

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Attachment 9

WATER SUPPLY from page 2

able to water resource managers faced with increasing water-management challenges and constraints," said Claudia Faunt, a USGS hydrologist and lead scientist on the study that developed the model. "In the future, the Central Valley Hydrologic Model could be used to evaluate regional issues such as exportation of water from the Sacramento Valley to Southern California or the upcoming restoration of salmon habitat in the San Joaquin River."

A professional paper detailing her research, "Groundwater Availability of the Central Valley Aquifer, California," is available online.

To develop the model, scientists examined more than 8,500 drillers' logs, some dating back to the early 1900s. They also examined monthly ground- and surface-water data from 1962 to 2003 to paint a picture of how the system works and how water supplies have changed.

Among their findings:

• Overall, groundwater levels are declining in the southern, Tulare Basin portion of the San Joaquin Valley as more water is pumped out than recharges naturally. But the southern Valley also shows the most promise for large-scale artificial groundwater recharge, particularly along the eastern side with its coarse-grained soils from river and alluvial-fan sediments.

• By contrast, groundwater levels in the Sacramento Valley and the northern portion of the San Joaquin Valley are generally stable.

• As the state faces its third year of below-average precipitation, groundwater supplies are under increasing pressure, according to data gathered since 2003. Landowners are drilling more and deeper wells, and underground water levels are starting to drop once again – as they did during previous droughts in the 1970s and 1980s.

The Central Valley is more than 400 miles long, comprised of the water-rich Sacramento Valley in the north and the drier San Joaquin Valley in the south. One of the nation's most productive agricultural regions, the Central Valley has the largest groundwater system in the state. The groundwater basin, or aquifer, contains one-fifth of all groundwater pumped in the nation.

It is, in effect, California's largest reservoir.

California's continuing population increase has heightened competition for water within the Central Valley and statewide. That competition is likely to be exacerbated by reduced deliveries of Colorado River water to Southern California. As water resources become more valuable, a number of issues have gained prominence, including how to conserve agricultural land; the conjunctive use of surface and groundwater supplies; changing land-surface elevation in response to groundwater pumping; aquifer storage and recovery; the effect of land-use changes on water supplies, and climate change.

To help address these issues, the USGS Groundwater Resources Program started a study in 2005 to evaluate and project groundwater conditions that result from present and planned changes in the Central Valley. The research, which cost about $1 million over four years, is one of 30 regional aquifer studies the USGS is conducting across the country that collectively will lead to an assessment of the nation's groundwater availability.

To create enough detail to be practical for water management decisions, scientists designed an extensive three-dimensional hydrologic model that encompasses the Valley's entire groundwater basin. The model divided the aquifer horizontally into 20,000 cells of one square mile and vertically into ten layers ranging in thickness from 50 to 1,800 ft.

This new tool simultaneously accounts for changing water supply and demand. It simulates irrigated agriculture and surface-water and groundwater flow across the entire Central Valley hydrologic system.

2

Attachment 9

10

USGS
science for a changing world

California's Central Valley Groundwater Study:

A Powerful New Tool to Assess Water Resources in California's Central Valley

Competition for water resources is growing throughout California, particularly in the Central Valley. Since 1980, the Central Valley's population has nearly doubled to 3.8 million people. It is expected to increase to 6 million by 2020. Statewide population growth, anticipated reductions in Colorado River water deliveries, drought, and the ecological crisis in the Sacramento–San Joaquin Delta have created an intense demand for water. Tools and information can be used to help manage the Central Valley aquifer system, an important State and national resource.

The U.S. Geological Survey (USGS) has released results from a study on the largest water reservoir in the State of California, the Central Valley groundwater system. The findings show continued loss of stored groundwater in the southern part of the valley (see figure below). Since about 1960, groundwater has been depleted by almost 60 million acre-feet, which is, on average, enough to supply every resident of California with water for 8 years.

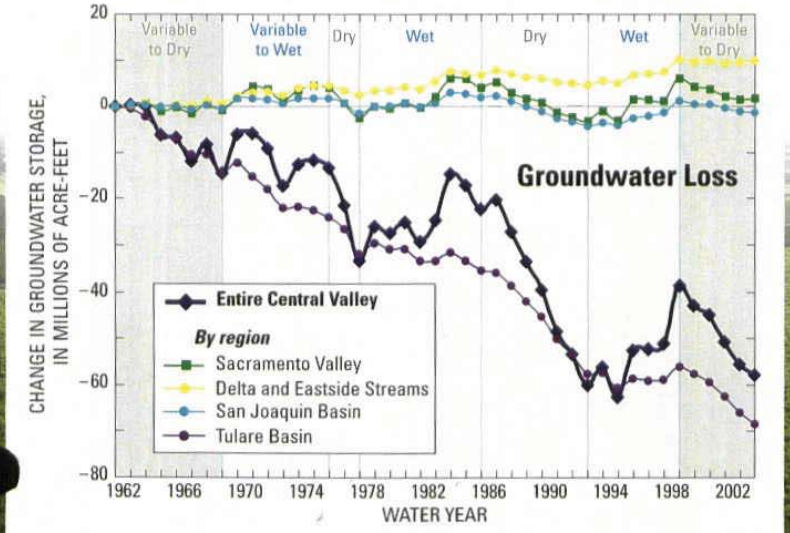
In order to complete the study, the USGS developed an extensive, detailed three-dimensional (3D) computer model of the hydrologic system of the Central Valley (Faunt, 2009). The Central Valley Hydrologic Model (CVHM) simultaneously accounts for changing water supply and demand across the landscape, and simulates surface water and groundwater flow across the entire Central Valley.

This new hydrologic modeling tool can be used by water managers to understand how water moves through the aquifer system, predict water-supply scenarios, and address issues related to water competition in California and the Central Valley including:

- Conjunctive water use (interdependent use of surface water and groundwater);
- Conservation of agricultural land;
- Land-use change, including environmental concerns and urbanization, and its effects on water resources; and
- Effects of climate change.

Central Valley Facts

- **California's Central Valley covers about 20,000 square miles, and is one of the most productive agricultural regions in the world.**
- **More than 250 different crops are grown in the Central Valley, with an estimated value of $17 billion per year.**
- **Approximately one-sixth of the Nation's irrigated land is in the Central Valley.**
- **About one-fifth of the Nation's groundwater pumpage is from the Central Valley aquifer system.**



The USGS Groundwater Resources Program funded this study, one of 30 regional aquifer studies the USGS is conducting to assess the Nation's groundwater availability. Intense competition for groundwater resources in California was an important factor in choosing the Central Valley as one of the first studies undertaken and completed.

Attachment 10

U.S. Department of the Interior
U.S. Geological Survey

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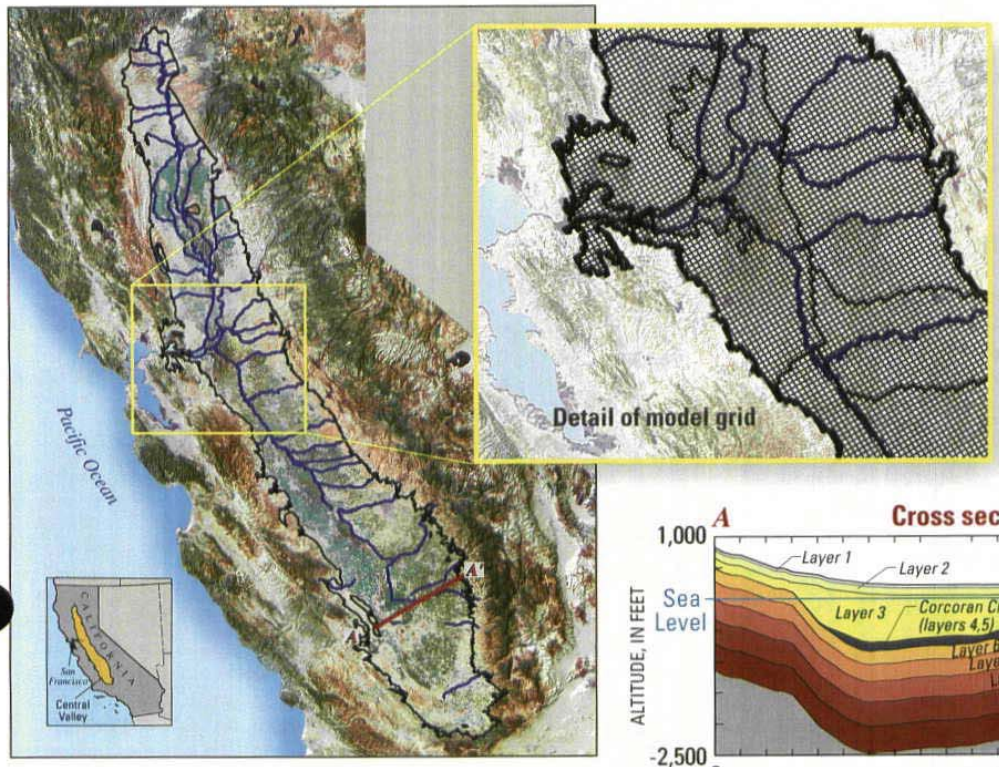
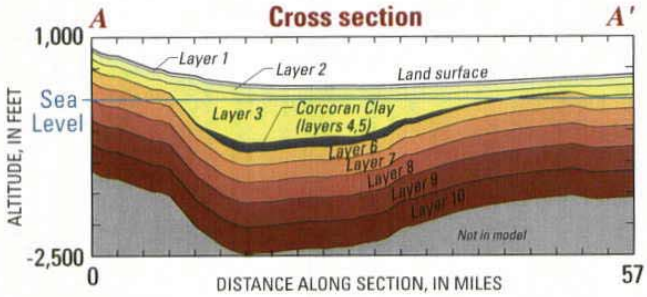
Fact Sheet 2009-3057
July 2009

The Central Valley Hydrologic Model

The CVHM is built on knowledge from USGS and other Federal, State, and local studies. The CVHM was constrained by comparing simulated and historically observed groundwater levels, streamflows, and subsidence. The detail and breadth of this hydrologic modeling tool provides a better understanding of valley-wide hydrologic processes. This tool also provides realistic boundary conditions so that finely gridded models of smaller areas can be easily developed.



To create enough detail to be practical for water-management decisions, the aquifer was divided spatially into 20,000 model cells of 1 square mile each, and vertically into ten layers ranging in thickness from 50 to 750 feet.

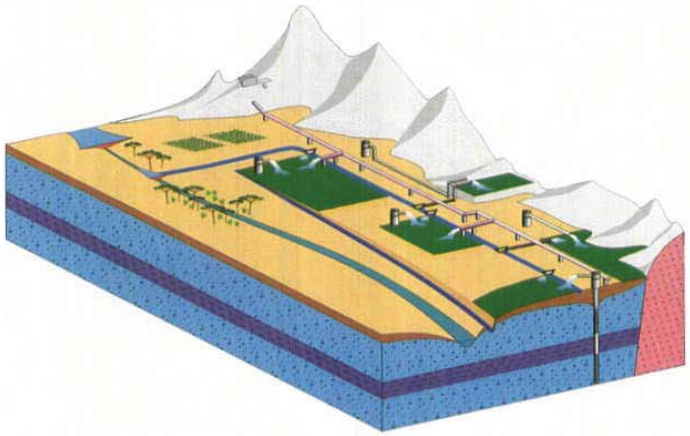


Model Features

- **A new tool for simulating the use and movement of water on the landscape, called "Farm Process", combined with the USGS MODFLOW groundwater/surface-water model to form a hydrologic model**
- **A comprehensive geospatial database developed using a Geographic Information System (GIS)**
- **A texture model to characterize the hydraulic properties of the valley-fill materials**

Farm Process

The complex hydrologic system of the Central Valley is simulated by using the USGS hydrologic model, MODFLOW. Combined with the Farm Process, MODFLOW provides a tool to simulate natural and human-induced water movement and consumption over the landscape. Groundwater and surface-water flow are fully coupled. The model accounts for supply-constrained and demand-driven conjunctive use of water in agricultural, urban, and natural settings. In the Central Valley, the tool simulates unmetered historical pumpage and the delivery of surface water for 21 water-balance regions for water years 1962 to 2003.

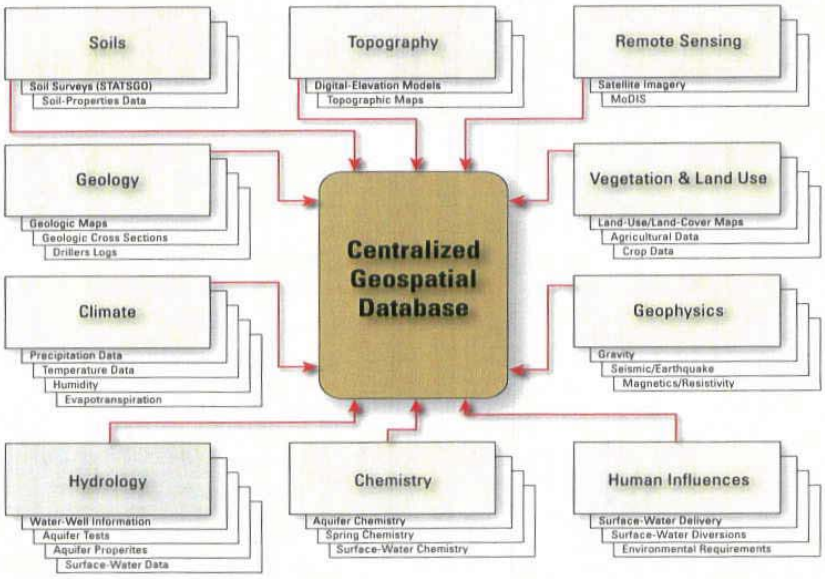


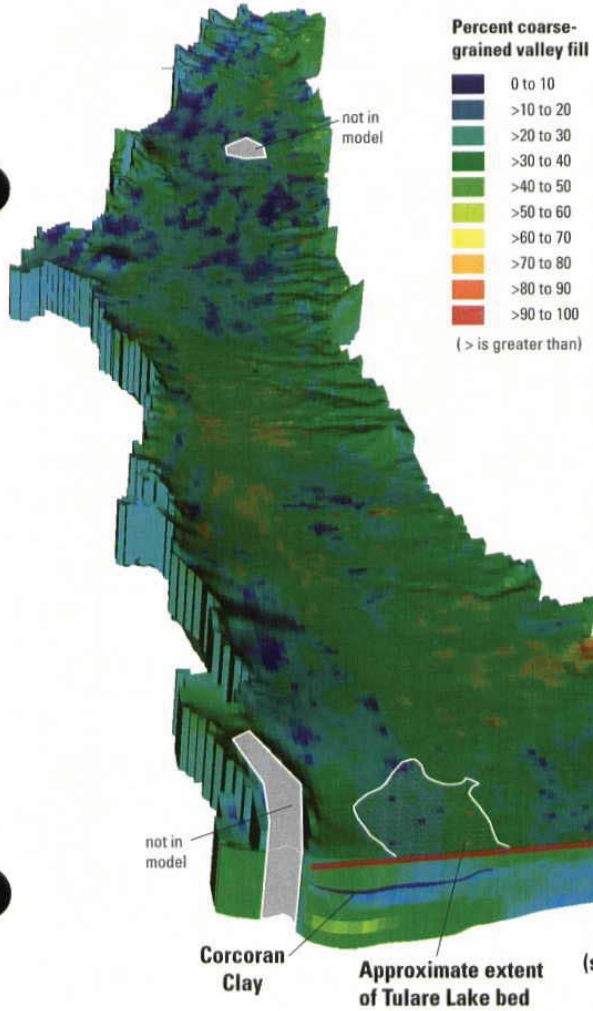
Geospatial Database

A comprehensive geospatial database was developed using a Geographic Information System (GIS). The GIS was used to compile, manage, store, and analyze the large quantities of data needed to run the model, and to understand and visualize the data output.

Because the 3D groundwater flow model of the heterogeneous Central Valley aquifer system includes complex surface-water management processes, the GIS is extremely useful for recognizing and understanding spatial relations within and among data sets.

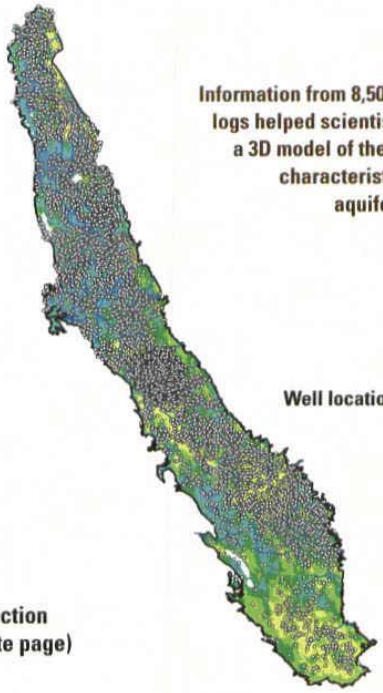
Many different types of data are managed within the Central Valley Hydrologic Model's extensive Geospatial database.





Texture Model

A geologic texture model was developed to characterize the coarseness of valley-fill materials that make up the aquifer system. Lithologic data from approximately 8,500 drillers' logs of boreholes ranging in depth from 12 to 3,000 feet below land surface, along with other information, were compiled and analyzed. The resulting geologic model was then used to estimate hydraulic properties for every cell in the model. The texture model is key to understanding how water moves through the Central Valley groundwater system.

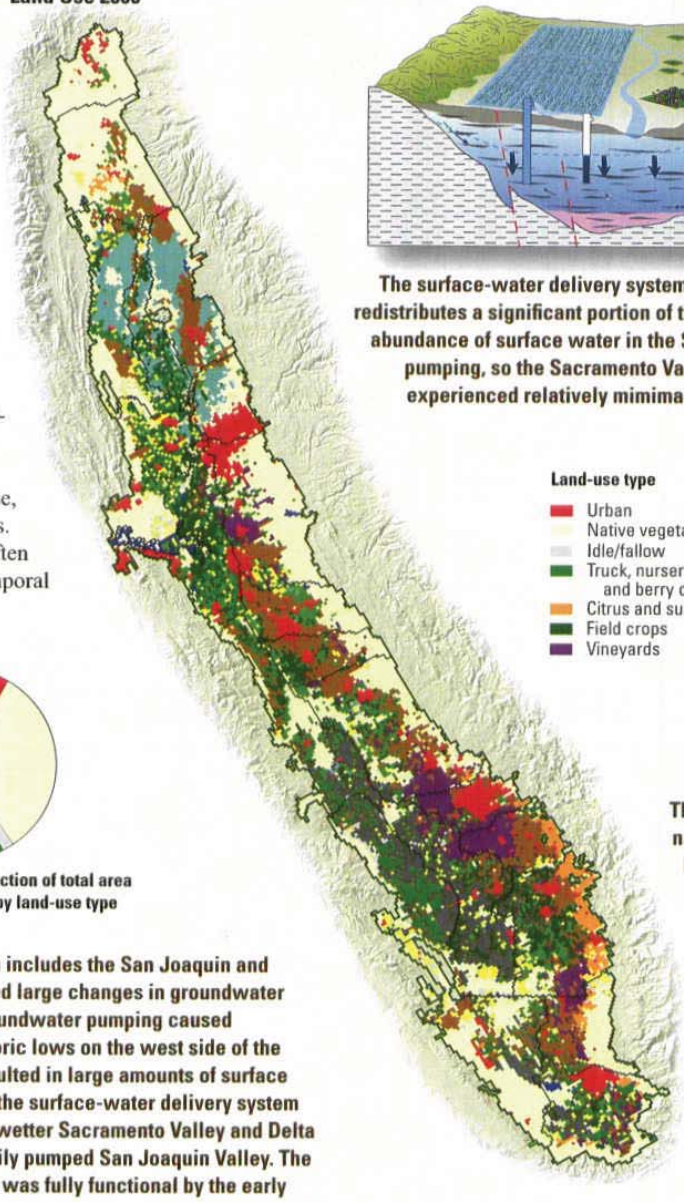


Information from 8,500 drillers' logs helped scientists create a 3D model of the geologic characteristics of the aquifer system.

Results

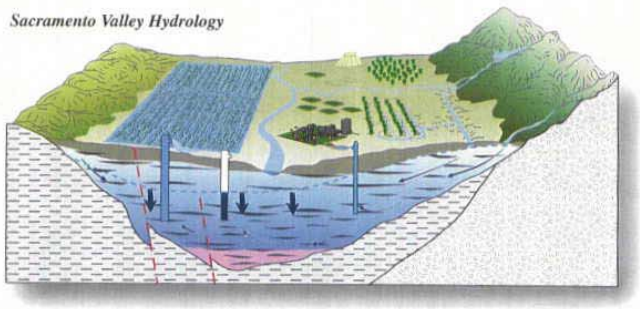
Study results show that human activities such as surface-water deliveries and associated groundwater pumping have a dramatic influence on the present-day Central Valley hydrology. These human activities have increased flow through the groundwater system by roughly a factor of six compared to the pre-development period. Regional differences throughout the hydrologic system can be seen in variations in water availability and land use, and in water-delivery systems. These human activities are often in response to spatial and temporal climate variability.

Land Use 2000



The Central Valley includes urban, native, and agricultural land uses. Because both surface-water and groundwater needs vary by location and land use, the land use affects groundwater availability.

Sacramento Valley Hydrology

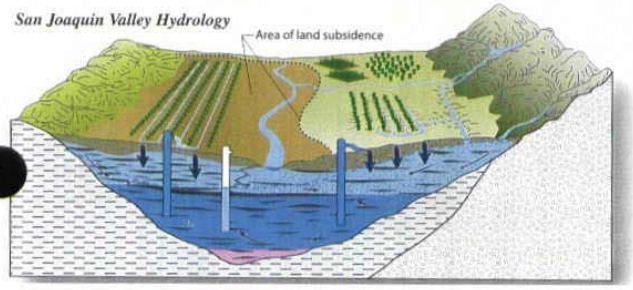


The surface-water delivery system developed for the Central Valley redistributes a significant portion of the water from north to south. The abundance of surface water in the Sacramento Valley results in less pumping, so the Sacramento Valley and the Delta generally have experienced relatively mimimal groundwater-storage depletion.

Fraction of total area by land-use type

The San Joaquin Valley, which includes the San Joaquin and Tulare Basins, has experienced large changes in groundwater storage. In the early 1960s, groundwater pumping caused water levels to decline to historic lows on the west side of the San Joaquin Valley, which resulted in large amounts of surface subsidence. In the late 1960s, the surface-water delivery system began to route water from the wetter Sacramento Valley and Delta regions to the drier, more heavily pumped San Joaquin Valley. The surface-water delivery system was fully functional by the early 1970s, resulting in groundwater-level recovery in the northern and western parts of the San Joaquin Valley. Overall, the Tulare Basin portion of the San Joaquin Valley, the hottest and driest part of the Central Valley, is still showing declines in groundwater levels and accompanying depletion of groundwater storage.

San Joaquin Valley Hydrology



—Claudia C. Faunt, Randall T. Hanson, Kenneth Belitz, and Laurel Rogers

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San Diego, CA 92101

Reference:

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VALLEY VOICE July 9, 2009

Groundwater Level Sets New Record

The Tulare Irrigation District is reporting spring groundwater levels set a record low, with the average depth across the district at about 125 feet.

This is about 10.9 feet lower than last spring.

Levels rose about 1.6 feet since the fall, but this was less than previous years.

Three years of drought have played a major role in the decline, along with heavier pumping, an increase in wells in the growing cities of Tulare and Visalia, and the intensive grain and corn irrigation by area farmers, officials said in the TID's latest newsletter.

Attachment 11

[redacted]

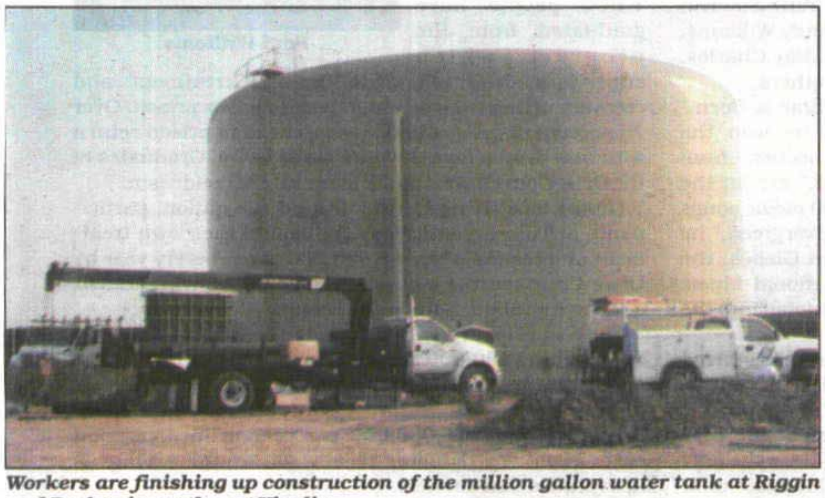
12

[redacted]

September 10, 2009

• www.valleyvoicenewspaper.com 711 West School Avenue • Visalia, CA 93291 • 635-3200 • voice@valleyvoicenewspaper.com

Water Table at Lowest Level Ever



Workers are finishing up construction of the million gallon water tank at Riggin and Roeben in northwest Visalia.

By Rick Elkins

The depth of water underneath the city of Visalia has fallen to its lowest level in history.

Phil Mirwald, manager of California Water Service, said water levels in Cal Water's wells now average 115 feet, down another 8 feet from last summer. The latest measurements were taken in June.

"Although the water table has dropped, operationally it has not affected us," said Mirwald of the fact Cal Water has not had any wells go dry or had to make any major adjustments this summer.

Mirwald said the depth of the water underneath the city continues to drop even though the city of Visalia and

See WATER page 14

WATER from page 1

Kaweah Delta Water Conservation District have taken major steps to recharge the underground water basin.

This summer, the city purchased water and ran it down several creeks in the city, one of the most effective ways to seep water into the underground system, said Mark Larsen, general manager of KDWCD. (See related story on Larsen and Bruce George on page 17 -- second front page.)

More than six years of below-average rainfall is taking its toll on the groundwater supply, not only in Visalia but throughout the Valley. Water officials say the best way to recharge the underground water supply is first, not pumping water from it, and second, having surface water or irrigation water that does seep down.

Since February of 2008, the water table has dropped 15 feet (from 100 feet to 115). However, the water table dropped just 2 feet between February and June, compared to a 7-foot drop during the same period last year.

The city of Visalia, and many others such as Tulare, gets all its domestic water from the underground. Mirwald said Visalians used 48 billion gallons of water during the month of August, an astronomical sounding amount. That was a little more than what was pumped in August of last year. The city uses about 200,000 acre feet of water a year, said George, former manager of KDWCD.

Mirwald and Larsen agreed that water recharge is getting a lot more attention these days. "We don't have surface water available so we have to be good stewards of our groundwater," said Mirwald.

Larsen said the Kaweah basin "is in a state of overdraft" and they expect the underground water table to drop further. He said as the supply dwindles, the drop gets more dramatic. On average, said Mirwald, the water level under Visalia has been dropping about a half of a foot a year.

Recharge is Important

What is needed, he said, is a wet year and some climatologists are suggesting that an El Nino condition might exist,

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Attachment 12

Valley Voice September 10, 2009

spurring hopes of a wet year. Those wet years serve to not only reduce the need to pump as much water, but also provide surface water.

"In wet years, you have farmers using surface water," said Larsen.

Wet years usually provide enough water to put water in recharge basins and both Visalia and Tulare have been working to develop more basins. Both cities have ordinances that include water recharge basin development fees.

Larsen explained that part of the reason the water district was formed in 1927 was to protect the underground water supply. However, growth in both agriculture and residences has slowly cut into the underground supply.

He said there are 4,000 acres of recharge basins in the district, half of that developed before 1950.

But, in the last five years, he said, "cities have really focused on or understood the principal of recharge – that water comes from the underground."

He said there are four main sources of water recharge. About a third comes from water running down stream and river channels, a third from ag flood irrigation, 15 percent from heavy rain and 11 percent from recharge basins.

Even a wet year will not have immediate impact, with Mirwald saying it takes several years for the water table to recover. However, it would slow the overdraft.

Using Effluent Water

On Tuesday, the Visalia City Council got a report from Provost and Prichard's engineering of how it can use effluent water from the city's wastewater treatment plant to both reduce underground pumping and to exchange that water for cleaner water.

The recommendation is to use water from the wastewater plant, located west of Highway 99, to water Plaza Park, Valley Oaks Golf Course and agricultural areas near the airport.

According to the report, the plant discharges over 14,000 acre feet of water annually.

It is recommended the city upgrade is treatment of the effluent that would make it unrestricted in its use. Right now, the water can only be used on fodder and fiber crops such as alfalfa, silage, corn and cotton. The upgraded treatment would not allow the water to be used for domestic drinking, however.

By utilizing the water, the city can save approximately 3.2 million gallons a day of groundwater at the golf course alone.

The water exchange with the Tulare Irrigation District would allow the city to discharge some of its treated effluent into a TID ditch to be sold to its users or be used for underground recharge. In turn, the city would receive a proportional allotment of water upstream to be used for underground recharge.

The one potential stumbling block is the proposal would cost approximately $6 million.

Cal Water Upgrades

Mirwald said Cal Water continues to aggressively install as many domestic water meters as possible.

"It's going well," he said, adding that they are now about halfway to installing all the meters. The goal is to be finished by 2012.

"It will be interesting to see how that affects water usage," he said.

Work is also near completion on the system's million-gallon water tanks being installed along Riggin Avenue.

"The one at Roeben and Riggin should be online around the first of January," he said, with the second tank west of Road 76 expected to be completed by the middle of next year.

The tanks are completed. Workers are now constructing the boosters and buildings at the sites.

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Attachment 12

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TIMES-DELTA/ADVANCE-REGISTER • WEEKEND, SEPTEMBER 19-20, 2009 3A

Wells continue to dry up, get clogged

BY DAVID CASTELLON
dcastell@visalia.gannett.com

When the amount of surface water diminishes, either because of drought-shrunken rivers or reductions in allotments from the California Aqueduct or the Friant-Kern Canal, the demand on groundwater increases.

That has meant that well-digging crews here have been busy for months, extending wells deeper or digging new ones.

"The water's getting awfully deep. We've been drafting the aquifer pretty hard for the last couple of years," said Charlie Pitigliano, owner of Pitigliano Farms in Tipton and Pixley, who estimated that his water from the Friant-Kern has been reduced about 50 percent this year.

"This time last year, we were pumping out at 250 feet [below ground]. Now we're at 360 feet," he said. "Everybody's in the same boat. We've been putting a lot of pressure on the aquifer beneath of us."

Besides having less water — forcing some farmers to let land go fallow or reduce irrigation — farmers are spending more as water pumps are working harder to draw the deeper water, or installing bigger pumps or dig new wells entirely.

STEVE R. FUJIMOTO

The Friant-Kern Canal flows through Tulare County east of Exeter and supplies water to many farmers throughout the region.

Drilling and installing pumps for a new 300- to 500-foot-deep well can cost about $100,000, said Tom Barba, owner of Tom's Well Drilling in Exeter.

"Some places, you can dig 300 or 400 feet, and there's no water at all," he said, adding that many farmers with dry or broken wells simply can't afford to drill new ones right now.

"They're hoping that next year things go better."

In an April letter to the California State Board of Food and Agriculture, Tulare County Agricultural Commissioner Gary Kunkel stated that drought conditions had cost farm operations here about $3.3 million and about 615,000 acres of grasslands.

"Electricity and well costs are a major concern, as is the need to recharge the underground water system," Kunkel said.

Pitigliano, who farms about 1,500 acres and manages about 10,000 acres more in Tulare and Kings counties, said that "we cannot stand another year of drought because our aquifers are depleting so fast."

Usually in summer, the quantify of [water in] wells will drop 30 percent, but this summer, he estimated, his wells' water tables dropped 50 to 60 percent.

John Roeloffs, looking at his unplanted, 80-acre dirt field south of Tipton that last year grew winter wheat, shared those concerns. "We let it go fallow because we don't have the water to farm it," he said.

In fact, Roeloffs, who farms 2,800 acres in Tulare and Kings counties and runs two dairies with a total of 4,600 milking cows, said he has let more than 400 additional acres go fallow because he can't spare water for them.

To make matters worse, four of his wells have broken down. One, just a few dozen yards from this field, is plugged with about 40 feet of gravel and silt, likely sucked up by the pump because the groundwater table here is so low.

Workers trying to clear the clog Tuesday said the water table there had dropped 68 feet in two years. Roeloffs said the underground pipes on some of his wells have cracked, which he suspects resulted from the ground shifting in response to the groundwater levels dropping so low.

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Attachment 13

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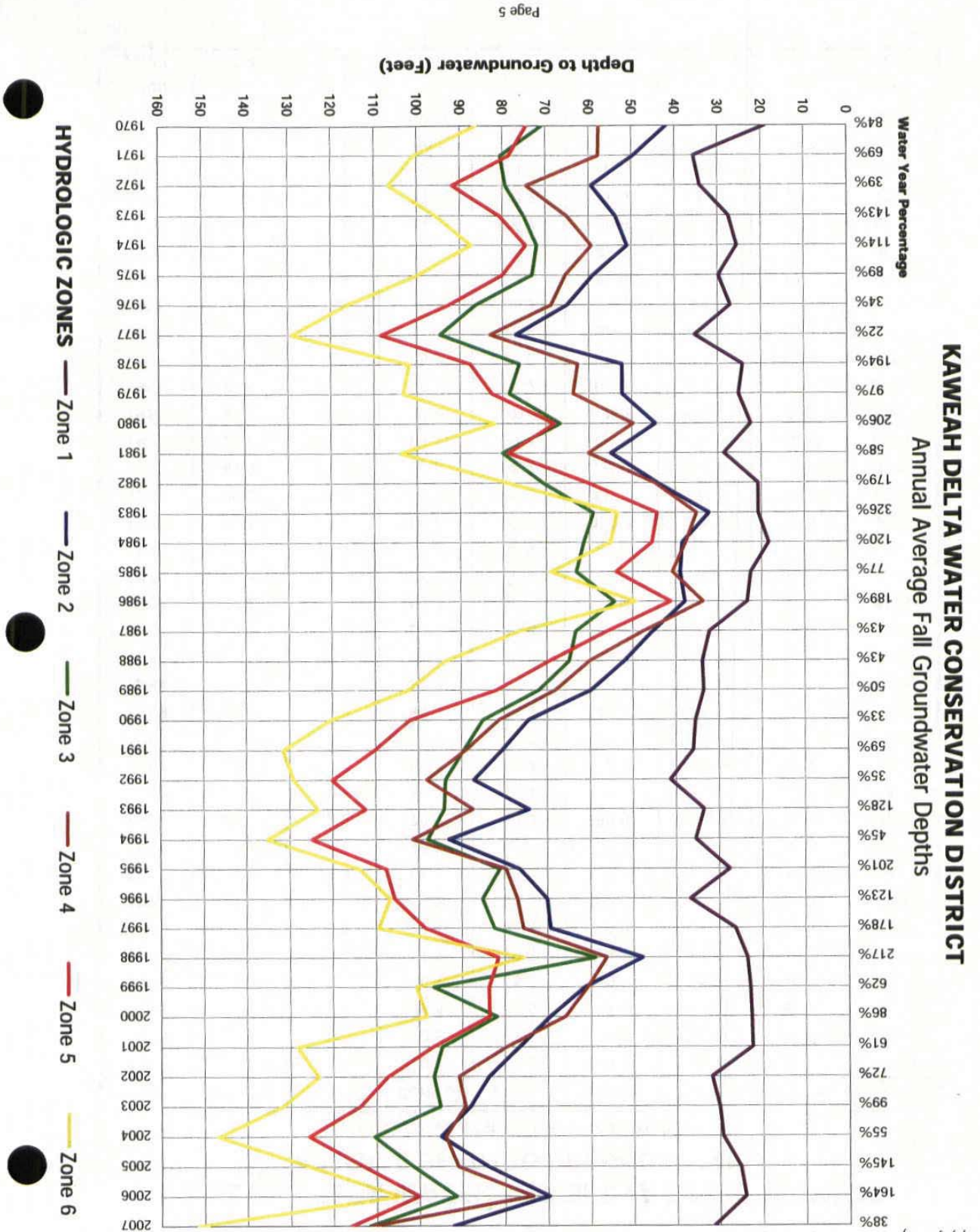

Attachment 14

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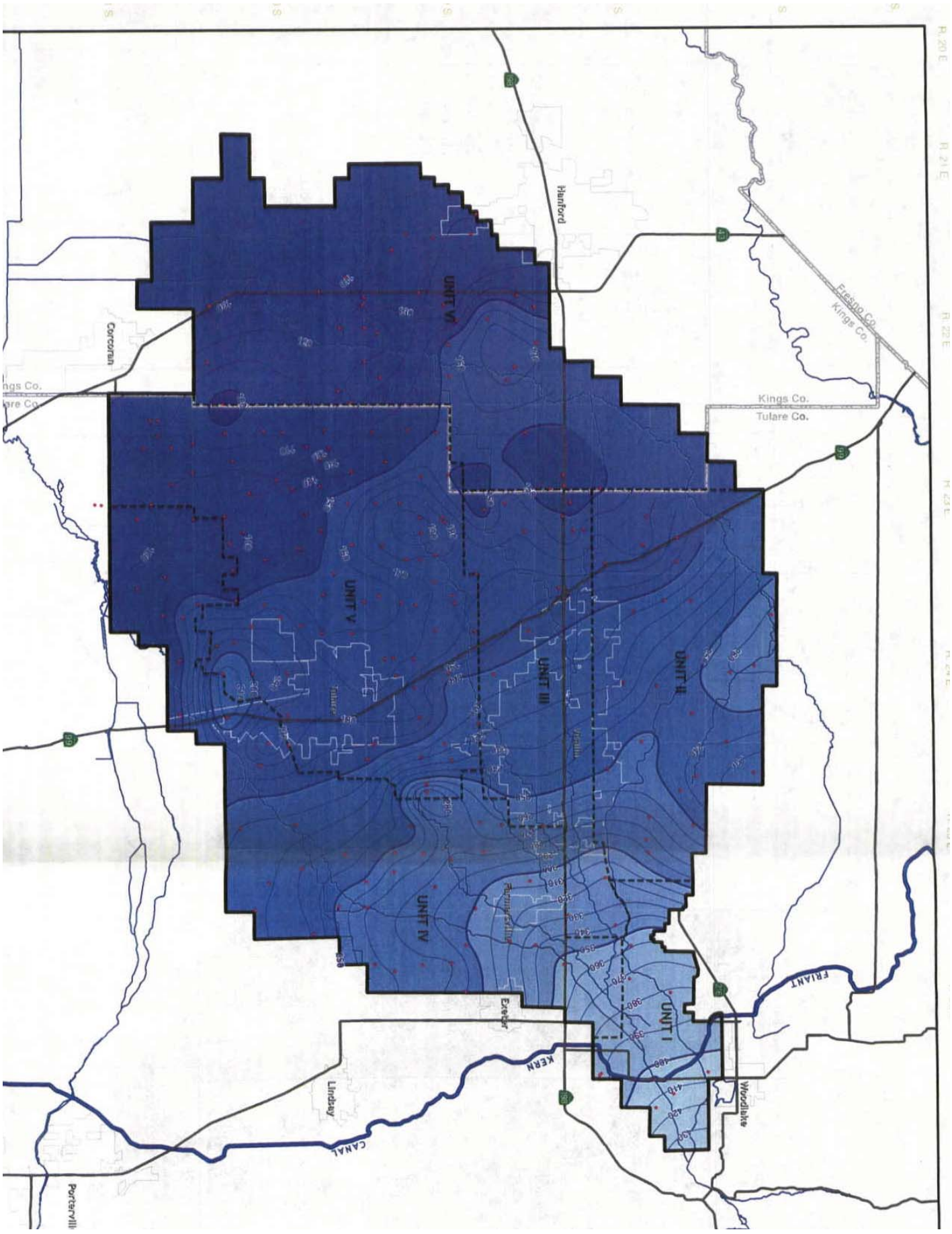
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Corcoran
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Visalia
Farmersville
Exeter
Lindsay
Woodlake
Porterville
KERN
CANAL
FRIANT

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May 6, 2010 • Valley Voice • 13

Valley Still Leads in Worst Air Report

The Central Valley continues to be the worst smog area of the United States, the American Lung Association reported last week.

Californians continue to be at risk from the dangerous air pollution they breathe every day. Despite significant progress that has been made in improving air quality over the past two decades, the American Lung Association's 2010 State of the Air Report shows that Californians breathe some of the worst air in the nation.

Of the state's worst air regions, none is worse than the Valley where Tulare County ranked third among the worst of the worst, with Bakersfield No. 2 and Fresno No. 4. Los Angeles ranked the worst. The Hanford-Corcoran area ranked No. 6.

Over 91 percent of Californians - more than 33 million - live in counties with failing air quality grades and are subject to persistent and pervasive ozone smog and harmful particle pollution, particularly in areas such as Bakersfield, Los Angeles, Sacramento, San Diego and the San Joaquin Valley. Californians also breathe unhealthy air more than 100 days annually.

The exposure to dangerous air pollution causes significant health problems, particularly for young people under 18, older people over 65 and people living in poverty. In fact, this year's report found that in California, 92 percent of people living in poverty live in counties with a failing grades. Moreover, poor air quality takes a disproportionate toll on people who suffer from lung diseases such as asthma and cardiovascular disease.

"California has led the nation in fighting pollution yet we still face enormous challenges to improve our air quality," Jane Warner, President and CEO of the American Lung Association in California. "More Californians die each year from air pollution than die in car accidents. We can and must do more to protect the health of the people of this great state," Warner continued.

Air pollution takes a considerable toll on California, not only in lives but in major health care costs.

Annually, the state's dirty air causes 19,000 premature deaths, 9,400 hospitalizations and more than 300,000 respiratory illnesses including asthma and acute bronchitis. Moreover, a recent study released by the RAND Corporation found that the state's dirty air costs $193 million in hospital and emergency room visits between 2005 and 2007.

The 2010 State Of The Air Report shows that for ozone pollution, 74 percent of California counties receive an "F" grade, compared to only 18 percent that receive an "A." For harmful 24-hour particle pollution, nearly 50 percent of counties receive an "F", another 15 percent a "D" with only 17percent receiving an "A." Moreover, many California cities and counties top the lists of the worst polluted areas in the country for ozone and particle pollution.

Specifically, of the top 10 cities in the nation with the worst air pollution, California ranked as follows: Eight in the top 10 for ozone; five in the top 10 for annual particle pollution; seven in top 10 for short-term particle pollution.

California's pollution problems are primarily driven by high emissions from a variety of transportation and diesel sources, busy ports, oil refineries and power plants as well as residential wood burning combined with unique weather and terrain that is conducive to trapping pollution. The air pollution grades were influenced by the wild fires experienced in various parts of the state during 2008, the last year of data included in this State of the Air Report.

Despite these grim numbers, the air quality overall has been improving during the 11 years the American Lung Association has been publishing this report all while the state underwent significant growth in population and cars on the road. For example, while Los Angeles has ranked number one in the U.S. for ozone pollution for the past two years, it has seen the number of high ozone day's drop 25 percent since the release of the 2000 report. Salinas and San Luis Obispo also rank in the top 25 cleanest cities for particle pollution.

Attachment 15

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A20 • Valley Voice • May 7, 2009

Traffic Pollution Linked to New Cases of Asthma, Says Study

SACRAMENTO – The California Air Resources Board heard the results of a study that found childhood asthma rates could increase as much as 30 percent with the exposure to higher levels of traffic-related air pollution.

The eight-year study followed 217 non-asthmatic children from a wide area of Southern California. Home air monitors allowed scientists to compare the children's exposure to air pollution and newly diagnosed cases of asthma. It was found that higher amounts of nitrogen dioxide, a constituent of smog, are associated with the development of childhood asthma.

"California's prosperity depends on the choices we make to protect our children," said ARB Chairman Mary D. Nichols. "This study underlines the need for clean air, giving us the benefits of a fully healthy population."

Published in the journal *Environmental Health Perspectives*, the study is the latest to come from the Southern California Children's Health Study, a project pioneered by the Air Resources Board in the early 1990s. This, the most extensive investigation into air pollution's impact on the young, has provided data that resulted in over 100 peer-reviewed articles with several ground breaking results.

One of these studies found that children exercising on days with high ozone concentrations also had an increased likelihood of developing asthma.

"Good air quality is fundamental to good health," added Nichols.

Recent studies have shown that the reduction of air pollution is also economically beneficial. It diminishes the costs associated with lost work and school days, medications to address illnesses, hospital visits and smog-related premature deaths."

Attachment 16

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Carole Clum
45638 S Fork Dr.
Three Rivers CA 93271-9610
March 22, 2010

Dear Supervisors,

On March 17, 2010, on South Fork Drive in Three Rivers, Tulare County road maintenance people and a crew of inmates burned many piles of brush and branches. The County had previously sawn off the branches to improve visibility around blind curves and to eliminate branches protruding into the road. One third of the branches had been removed weeks earlier by chipping and shredding. On St. Patrick's Day the remaining branches were gathered into piles and set afire. A fire water truck was at the ready. I drove past them at 10:30 A.M. when the first bonfire shot flames 25 feet into the air, withering the overhanging branches of an oak and heating up the interior of my car to a surprising degree.

There are four good reasons not to burn greenwaste along narrow South Fork Drive:

1. Creation of greenhouse gas emissions,

2. Creation of smoky air pollution which remained in our narrow valley for hours,

3. Damage to the road berm by the heavy fire truck (the road berm serves safety and stormwater runoff functions), and

4. Soil erosion on the steep banks on both sides of the road. A wide area around each pile of branches was cleared to bare dirt. A trench was dug around that and a berm thrown up around the trench. These clear and disturbed areas extended onto slopes. Perhaps you don't realize that we foothill residents spend a considerable amount of time battling soil erosion. You just made our job harder.

The ash heaps were unattended that evening and overnight. Some of the ash and charred wood piles were still smoldering 24 hours later.

Why didn't the county use the chipper/shredder for <u>all</u> the branches? I want you to ban the road maintenance folks from burning branches ever again in the foothills. As a matter of fact, I want burning of greenwaste in the foothills banned completely. I am sick of breathing smoke.

Carole A. Clum
Carole Clum

Attachment 17

1

Visalia Times Delta May 15-16, 2010

Nitrate contamination spreading in California communities

BY JULIA SCOTT
California Watch

The water supply of more than 2 million Californians has been exposed to harmful levels of nitrates over the past 15 years — a time marked by lax regulatory efforts to contain the colorless and odorless contaminant, a California Watch investigation has found.

Nitrates are now the most common groundwater contaminant in California and across the country. A byproduct of nitrogen-based farm fertilizer, animal manure, wastewater treatment plants and leaky septic tanks, nitrates leach into the ground and can be expensive to extract.

The problem affects both rural Californians and wealthier big-city water systems. State law requires public water systems to remove nitrates. Many rural communities, however, don't have access to the kind of treatment systems available in metropolitan areas.

Nitrates have been linked to "blue baby syndrome," which cuts off an infant's oxygen supply. Some studies have found connections to certain cancers in lab animals.

The State Water Resources Control Board acknowledges that nitrates are a problem affecting vast regions of California. And the situation is worsening, especially in the Central Valley, Central Coast and the Los Angeles and Imperial Valley regions.

High-nitrate levels already have affected public water-system wells in many areas, and the contaminants continue to migrate toward groundwater supplies that could ultimately affect the water supply for millions of additional Californians.

Statewide, the number of wells that exceeded the health limit for nitrates jumped by a factor of 72 between 1980 and 2008. Scientists anticipate a growing wave of nitrate problems in some parts of the state if remedial steps aren't taken.

And yet the state's patchwork regulatory efforts remain riddled with gaps that have allowed nitrate contamination to spread virtually unchecked.

MORE ONLINE

To find out more about "blue baby syndrome," click on the link with this story at *www.VisaliaTimesDelta.com*.

ON THE NET

Learn more about nitrates at *www.CaliforniaWatch.org*.

Consider:

- Nothing is being done to regulate the use of the leading source of nitrate pollution in many regions of the state: nitrogen fertilizer. A lettuce farmer can apply as much fertilizer as he wants, within feet of the nearest water supply well, without having to worry how much of it might contaminate the groundwater with nitrates. Officials aren't even equipped to determine the sources of contamination, meaning no one is held accountable.
- Sixty-five percent of domestic wells at Central Valley dairies test over the public health limit for nitrates, putting local residents at risk of potential exposure. Yet, according to records obtained from the State Water Resources Control Board, none of the dairies was fined for a nitrate problem identified by the state.
- When polluters are found responsible for nitrate contamination, the state rarely does anything to correct it. California has issued 248 enforcement actions against 44 polluters for nitrate contamination in the past six years. But only once has the state ordered a polluter to clean up contaminated groundwater.

In one of life's ultimate ironies, families in poorer, rural communities typically pay more for tainted water than ratepayers hooked up to clean water systems.

Residents in the eastern Tulare County town of Seville pay a flat monthly fee of $60 for nitrate-laden water they have been warned not to drink. By comparison, the average metered bill is just $26.50 a month for San Francisco residents, who consume water from the pristine Hetch Hetchy water system.

"The people who are polluting the water, they don't pay for that cleanup — the ratepayer does," said Debbie Davis, a legislative analyst with the Oakland-based Environmental Justice Coalition for Water. "If California is going to meet the water challenges of the future, we have to figure out how to deal with nitrates."

Nitrate contamination is just one challenge facing regulators.

Darrin Polhemus, deputy director of the State Water Resources Control Board's division of water quality, said his agency has chosen to spend more time and resources dealing with chemicals such as perchlorate and dry-cleaning solvents, which cause more acute health effects when leached into groundwater.

"On the scale of things we deal with, while nitrates [are] certainly a concern and we're managing for it, I don't rank it [as] high up there as something that makes me stay awake at night," he said.

It's unclear how often nitrate exposure has led to serious health consequences. For instance, more than 2,000 cases of acute "blue baby syndrome" have been tied to excessive nitrate consumption around the world since the mid-1950s, but scientists say many cases go undiagnosed. Bottle-fed infants whose formula was prepared using water are at greatest risk if the water exceeds public health limits for nitrates. Pregnant women are also at risk.

'You would never imagine in this country that someone would have this problem'

Many of the state's fastest-growing regions overlie vast stores of nitrate-polluted groundwater. In the eastern San Joaquin Valley, one in every three domestic wells has nitrate levels that exceed public health limits.

One of those wells is located on property owned by Camelia and Manuel Lopez in East Orosi.

The Lopez family volunteered to have their family's private well tested by the state last winter. The water contained nearly three times the federal health limit for nitrates. Follow-up testing of the family's tap water by California Watch confirmed these results.

"You would never imagine in this country that someone would have this problem," said Camelia Lopez, who emigrated from Mexico as a young woman and moved to Tulare County from the Bay Area.

Now the family buys bottled water for drinking and cooking at $60 a month — a real hardship because Manuel Lopez, a contractor, is unemployed.

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Attachment 18

Nitrate contamination spreading in California communities, continued

Their three boys, ages 6, 16 and 18, take the bottles to school as a precaution. A local high school has had nitrate problems for years. Camelia Lopez has taught them how to brush their teeth with bottled water and keep their mouths closed when they're in the shower. Putting filters on all the taps in the house would cost at least $750.

Boiling water isn't an option. It can actually make matters worse, scientists say, because it concentrates the water without eliminating the nitrates, making the contaminants even more potent.

Much of the nitrates are only deep enough to affect private wells, which are shallower than their public counterparts. But the contaminant is starting to sink farther into aquifers, deep enough to affect towns and cities, according to Karen Burow, a Sacramento-based scientist with the U.S. Geological Survey.

"In the absence of some sort of mitigation, it's likely that the water that's in the domestic wells now is going to move downward and eventually reach the public supply wells," Burow said.

Enforcement doesn't keep pace with spreading nitrates

Nitrogen fertilizers are an essential component of California agriculture, but they are also the leading source of nitrates in many agricultural areas, scientists say. In 2008, farmers applied 855,699 tons of nitrogen-based fertilizer to 6.7 million acres of irrigated farmland.

In soils with enough oxygen to support it, nitrogen compounds convert to nitrates. Some of these eventually sink deep enough to affect drinking water.

Officials say nitrates are so common and mobile that they are difficult to track once they get into the groundwater, making the contaminant hard to monitor.

The regulatory challenges are even more vexing because so much of the nitrates seeping into the groundwater began their migration decades ago. It's nearly impossible to know if contamination identified in 2010 came from a modern-day farm or from the same farm owned by a different family in 1970.

"It is much more difficult to go out and identify a single cause of a nitrate problem in the area, and it can be also very difficult to identify responsible parties and figure out what corrective action needs to be taken," said Ken Landau, assistant executive officer of the Central Valley Regional Water Quality Control Board.

Even if the state board has reason to believe that a dairy farm or a food processor is leaching nitrates next to a residential area, it rarely requires farmers to test the nearest homeowner's well to see if the contaminants have spread.

Pollution yields few consequences

Monterey Mushrooms Inc. is the country's largest marketer of fresh mushrooms. Its wells have exceeded nitrate limits 17 times, according to records reviewed by California Watch.

In 2006, the Central Coast Regional Water Quality Control Board cited Monterey Mushrooms for four of those violations. "Nitrate out of control!" one staff member scrawled on a lab report obtained by California Watch.

Yet the facility has never been fined or required to limit the amount of nitrate-contaminated water it sprays onto adjacent fields.

Monterey Mushrooms is hardly alone. In the past six years, state regulators issued 248 enforcement actions against 44 polluters for problems specific to nitrates in groundwater, records show. Most received routine violation notices. Even repeat violators are rarely fined.

Wayne Bautista, general manager of Monterey Mushrooms, says the high nitrate readings come from a well that's closer to other fields on a ridge above the mushroom plant, and are not attributable to his plant's operations. He also said the company has "significantly" reduced the amount of wastewater it applies to land, due in part to five newly lined wastewater ponds that help the plant reuse water in its composting process.

In East Orosi, Camelia Lopez feels helpless about her family's nitrates problem, which testing has traced to animal manure, possibly from nearby cattle ranches or a leaky septic system.

She would like to tell lawmakers what it's like to be unable to drink water from her own tap. She has even been practicing her testimony.

"Please care a little bit about this community," she says. "Just like I'm worried about this, there are other mothers with a lot of kids who are worried about this issue, too. If it were you and your kids in this community, what would you think? What would you do?"

► *California Watch is a project of the Center for Investigative Reporting with offices in the Bay Area and Sacramento.*

2

Attachment 18

2

Jim May's presentation to the Tulare County Water Commission on stormwater, April 26, 2010.

Storm drain disconnects from irrigation district facilities:

Lower Tule River Irrigation District recently acknowledged that they will be disconnecting all storm runoff connections to their ditches and canals, in response to the State's Irrigated Lands Program (ILP). This appeared to place the County's ability to mitigate or minimize flood impacts to County Roads, Communities, and other facilities in jeopardy.

The ILP was intended to eliminate return flows from agricultural water users, from re-entering the supply to downstream users. In some cases the return waters could carry pesticides or other constituents that might impact downstream crops. Presently the California Regional Water Quality Control Board testing of canal flows has been identified as rigorous. This testing will audit the District's enforcement of identifying unnatural constituents entering the flow. Positive results will require the Irrigation Districts to identify the source and remedy the problem. This could be potentially an expensive mandate.

The problem in Tulare County is primarily that Irrigation District's distribution facilities typically will occupy, use, or block the natural surface water flow patterns, preventing storm water from moving in a natural manner. The consequence is ponding of water or flooding areas that historically had not experienced this impact, with damaging results to public and private property.

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Attachment 20

Secondarily the County and the people of Tulare County have come to rely on and have developed lands in accordance with the certain expectations that the drainage patterns by which runoff has been handled in the past would continue in perpetuity.

To determine the scope of impact to the County, the Region, and the State. We have checked with other agencies that might similarly be impacted by this program.

-Caltrans has responded to a requirement from Madera Irrigation District and will implement localized ponding basins or other types of piped, pumped technologies to offset their lost flood water capabilities. These will be used only on future projects as a best management practice. Caltrans does not plan to retrofit their existing facilities.

-The City of Visalia has established volume controlled connection agreements to prevent overcapacity flows during non-emergency situations. Water quality restrictions are not addressed in these agreements.

-The City of Porterville has not been subjected to restriction of their storm runoff connections to irrigation facilities.

-The City of Tulare has long standing agreements with TID regarding only new City storm drain connections to TIDs irrigation facilities.

-In other adjacent Counties: Fresno County has only experienced problems with private property owners, no Water or Irrigation District problems have surfaced at

Attachment 20

this time. Kern County has not received any impacts or were they aware of the potential of the ILP.

Checking with California Regional Water Quality Control Board, which is the State Agency implementing this aspect of the Federal Clean Water Act. They were surprised to find that the Districts interpretation had been taken so far a field. Quoting the Fresno branch office following their call to Sacramento on this issue, "There is nothing in the regulation calling for the disconnection of storm drainage facilities."

Lower Tule River Irrigation District is the only District in Tulare County that has implemented a disconnection program on County facilities. Other Districts have indicated consideration of the process; however, they have not acted on it.

These connections have not been inventoried in the county, but a safe assumption would be in the hundreds occurring at most irrigation / road crossings. One of our municipal piped storm drains was disconnected over a year ago and the County has incurred significant cost, pumping storm water until the remedy can be constructed by Caltrans this summer. A roadside piped storm drain was recently disconnected on Road 128 north of Ave 188, in which the County had made significant improvements. Additionally we were informed that a large diameter municipal storm drain serving the community of Strathmore and carrying the South Branch of Frazier Creek, for which a 1980s era agreement is

3

Attachment 20

in place, is subject to LTRID disconnection which would leave the community at the mercy of flood flows. We are checking for this agreements cancellation requirements.

Research by Counsel has shown that the County is protected by Case Law. Litigation for similar issues of flood impacts has shown that ultimate responsibility for damages will fall upon the entity that eliminates the drainage flow, in this case the Irrigation District. The implied / parol license on which the County has relied and built structure has made the license irrevocable.

Any connection with the requirements of the National Pollution Discharge Elimination System (NPDES) is lost in the extent to which the ILP goes beyond the NPDES intent of environmental cleanup by development restrictions, to the more aggressive environmental restoration by elimination of historic land use.

How the County wishes to handle this problem will have to be decided by the Board of Supervisors. We are hopeful that your Commission will advise the Board of this problem and support their resolution as the Board sees fit.

Attachment 20

Jim May's presentation to the Tulare County Water Commission on stormwater, April 26, 2010.

Storm drain disconnects from irrigation district facilities:

Lower Tule River Irrigation District recently acknowledged that they will be disconnecting all storm runoff connections to their ditches and canals, in response to the State's Irrigated Lands Program (ILP). This appeared to place the County's ability to mitigate or minimize flood impacts to County Roads, Communities, and other facilities in jeopardy.

The ILP was intended to eliminate return flows from agricultural water users, from re-entering the supply to downstream users. In some cases the return waters could carry pesticides or other constituents that might impact downstream crops. Presently the California Regional Water Quality Control Board testing of canal flows has been identified as rigorous. This testing will audit the District's enforcement of identifying unnatural constituents entering the flow. Positive results will require the Irrigation Districts to identify the source and remedy the problem. This could be potentially an expensive mandate.

The problem in Tulare County is primarily that Irrigation District's distribution facilities typically will occupy, use, or block the natural surface water flow patterns, preventing storm water from moving in a natural manner. The consequence is ponding of water or flooding areas that historically had not experienced this impact, with damaging results to public and private property.

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Attachment 20

Secondarily the County and the people of Tulare County have come to rely on and have developed lands in accordance with the certain expectations that the drainage patterns by which runoff has been handled in the past would continue in perpetuity.

To determine the scope of impact to the County, the Region, and the State. We have checked with other agencies that might similarly be impacted by this program.

-Caltrans has responded to a requirement from Madera Irrigation District and will implement localized ponding basins or other types of piped, pumped technologies to offset their lost flood water capabilities. These will be used only on future projects as a best management practice. Caltrans does not plan to retrofit their existing facilities.

-The City of Visalia has established volume controlled connection agreements to prevent overcapacity flows during non-emergency situations. Water quality restrictions are not addressed in these agreements.

-The City of Porterville has not been subjected to restriction of their storm runoff connections to irrigation facilities.

-The City of Tulare has long standing agreements with TID regarding only new City storm drain connections to TIDs irrigation facilities.

-In other adjacent Counties: Fresno County has only experienced problems with private property owners, no Water or Irrigation District problems have surfaced at

Attachment 20

this time. Kern County has not received any impacts or were they aware of the potential of the ILP.

Checking with California Regional Water Quality Control Board, which is the State Agency implementing this aspect of the Federal Clean Water Act. They were surprised to find that the Districts interpretation had been taken so far a field. Quoting the Fresno branch office following their call to Sacramento on this issue, "There is nothing in the regulation calling for the disconnection of storm drainage facilities."

Lower Tule River Irrigation District is the only District in Tulare County that has implemented a disconnection program on County facilities. Other Districts have indicated consideration of the process; however, they have not acted on it.

These connections have not been inventoried in the county, but a safe assumption would be in the hundreds occurring at most irrigation / road crossings. One of our municipal piped storm drains was disconnected over a year ago and the County has incurred significant cost, pumping storm water until the remedy can be constructed by Caltrans this summer. A roadside piped storm drain was recently disconnected on Road 128 north of Ave 188, in which the County had made significant improvements. Additionally we were informed that a large diameter municipal storm drain serving the community of Strathmore and carrying the South Branch of Frazier Creek, for which a 1980s era agreement is

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in place, is subject to LTRID disconnection which would leave the community at the mercy of flood flows. We are checking for this agreements cancellation requirements.

Research by Counsel has shown that the County is protected by Case Law. Litigation for similar issues of flood impacts has shown that ultimate responsibility for damages will fall upon the entity that eliminates the drainage flow, in this case the Irrigation District. The implied / parol license on which the County has relied and built structure has made the license irrevocable.

Any connection with the requirements of the National Pollution Discharge Elimination System (NPDES) is lost in the extent to which the ILP goes beyond the NPDES intent of environmental cleanup by development restrictions, to the more aggressive environmental restoration by elimination of historic land use.

How the County wishes to handle this problem will have to be decided by the Board of Supervisors. We are hopeful that your Commission will advise the Board of this problem and support their resolution as the Board sees fit.

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Attachment 20

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[redacted]

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[redacted]

NOAA's Western Regional Climate Center Data

DELANO, CALIFORNIA (042346)

Period of Record Monthly Climate Summary

Period of Record : 3/ 1/1906 to 12/31/2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)					Insuff icient		Data						
Average Min. Temperature (F)					Insuff icient		Data						
Average Total Precipitation (in.)	1.34	1.28	1.25	0.71	0.31	0.06	0.00	0.01	0.16	0.33	0.83	0.87	7.17
Average Total SnowFall (in.)	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.
Max. Temp.: 0% Min. Temp.: 0% Precipitation: 97.8% Snowfall: 97.7% Snow Depth: 97.5%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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Attachment 21

LEMON COVE, CALIFORNIA (044890)

Period of Record Monthly Climate Summary

Period of Record : 1/ 1/1899 to 12/31/2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	56.4	62.9	68.6	75.7	84.5	92.8	99.4	97.5	91.1	80.3	66.7	56.7	77.7
Average Min. Temperature (F)	37.0	40.6	43.6	47.2	52.4	58.2	63.2	61.7	57.4	50.5	42.1	37.0	49.2
Average Total Precipitation (in.)	2.75	2.45	2.47	1.46	0.58	0.14	0.01	0.03	0.21	0.69	1.46	2.05	14.31
Average Total SnowFall (in.)	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.
Max. Temp.: 99.9% Min. Temp.: 99.7% Precipitation: 99.9% Snowfall: 100% Snow Depth: 99.9%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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Attachment 21

THREE RIVERS ED PH 2, CALIFORNIA (048914)

Period of Record Monthly Climate Summary

Period of Record : 8/ 1/1909 to 6/30/1971

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	57.6	62.5	67.3	74.3	82.4	91.1	98.3	96.8	90.9	80.6	68.7	58.9	77.5
Average Min. Temperature (F)	33.7	37.5	40.2	44.1	49.0	55.1	61.6	59.9	54.0	46.2	38.2	34.3	46.2
Average Total Precipitation (in.)	3.86	3.72	3.02	2.28	0.90	0.21	0.04	0.04	0.20	0.87	2.02	3.46	20.63
Average Total SnowFall (in.)	0.4	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.7
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.
Max. Temp.: 95.4% Min. Temp.: 96% Precipitation: 97.3% Snowfall: 97.6% Snow Depth: 97.3%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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ASH MOUNTAIN, CALIFORNIA (040343)

Period of Record Monthly Climate Summary

Period of Record : 1/ 1/1927 to 12/31/2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	57.3	61.0	64.5	70.5	79.8	89.6	98.1	96.8	90.9	80.2	67.1	58.6	76.2
Average Min. Temperature (F)	36.2	39.2	41.8	45.9	52.6	60.5	67.9	66.9	61.0	52.3	42.8	37.1	50.4
Average Total Precipitation (in.)	4.78	4.72	4.27	2.57	1.05	0.32	0.07	0.07	0.40	1.08	2.67	4.01	26.01
Average Total SnowFall (in.)	1.1	0.5	0.4	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.1	2.5
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.
Max. Temp.: 99.7% Min. Temp.: 99.7% Precipitation: 99.8% Snowfall: 99.8% Snow Depth: 99%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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Attachment 21

PUBLIC WATER SUPPLY (PWS) VIOLATIONS

OF DBCP AND NITRATES

in Homes, Mobile homes Schools, Businesses, Farm Labor Camps, Motels, Food Processors, CSDs and Water Companies with more than 25 Connections in Tulare County

1995 – 2010

For more information contact:

Chuck Hemans
Environmental Health and Human Services
Tulare County, California
(559) 733-6441, ext. 2810

Attachment 19

PWS VIOLATION REPORT - DBCP: 38761

PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400526	[redacted] CKING CO	1995	1	38761	01	.76		1/1/1995	12/31/1995	1/5/1995	WV0000352
5400526	[redacted] PACKING CO	98	2	38761	01	0.44		1/1/1998	1/31/1998	2/10/1998	WV0000358
5400526	[redacted] PACKING CO	2004	3	38761	01	1.3		1/1/2003	12/31/2003	5/6/2003	WV0001031
5400526	[redacted] PACKING CO	2004	4	38761	03		Y	1/1/2004	3/31/2004	4/10/2004	WV0001077
5400526	[redacted] PACKING CO	2004	5	38761	03		Y	4/1/2004	6/30/2004	7/10/2004	WV0001209
5400526	[redacted] PACKING CO	2004	6	38761	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001319
5400526	[redacted] PACKING CO	2005	7	38761	03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001574
5400526	[redacted] PACKING CO	2005	8	38761	03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001611
5400526	[redacted] PACKING CO	2006	9	38761	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001673
5400526	[redacted] PACKING CO	2006	10	38761	01	.22		7/1/2006	9/30/2006	7/20/2006	WV0001876
5403041	[redacted] TREE FARMS	96	2	38761	03	42	Y	1/1/1995	1/31/1995	2/10/1995	WV0000207
5403082	GIUMARRA BROS FRUIT CO	2003	3	38761	03		Y	10/1/2002	12/31/2002	1/10/2003	WV0000597
5403082	GIUMARRA BROS FRUIT CO	2001	4	38761	01	.95		1/1/2001	3/31/2001	3/21/2001	WV0000705
5403082	GIUMARRA BROS FRUIT CO	2002	5	38761	01	.47		7/1/2002	9/30/2002	7/16/2002	WV0000706
5403082	GIUMARRA BROS FRUIT CO	2002	6	38761	01	.34		7/1/2002	9/30/2002	7/16/2002	WV0000707
5403082	GIUMARRA BROS FRUIT CO	2003	7	38761	01	0.44		1/1/2003	3/31/2003	1/7/2003	WV0000710
5403045	IMMANUEL SCHOOL	98	12	38761	02	.46		1/1/1998	12/31/1998	8/26/1998	WV0000281
5403045	IMMANUEL SCHOOL	99	15	38761	01	.44		1/1/1999	3/31/1999	1/11/1999	WV0000349
5400634	LOVELL HIGH SCHOOL	1999	5	38761	01	.20		1/1/1999	12/31/1999	6/17/1999	WV0000702
5400634	LOVELL HIGH SCHOOL	2000	6	38761	03		Y	1/1/2000	12/31/2000	1/10/2001	WV0000703
5400634	LOVELL HIGH SCHOOL	2004	9	38761	03		Y	1/1/2003	12/31/2003	1/14/2004	WV0001030
5400634	LOVELL HIGH SCHOOL	2005	15	38761	03		Y	1/1/2004	12/31/2004	1/10/2005	WV0001414
5400634	LOVELL HIGH SCHOOL	2006	22	38761	01	0.36		1/1/2005	12/31/2005	10/19/2005	WV0001785

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400634	LOVELL HIGH SCHOOL	2007	24	38761	03		Y	10/1/2006	12/31/2006	1/10/2007	WV0001951
5400634	LOVELL HIGH SCHOOL	2007	26	38761	03		Y	1/1/2007	3/31/2007	4/10/2007	WV0002102
5400634	LOVELL HIGH SCHOOL	2009	30	38761	03		Y	10/1/2008	12/31/2008	1/10/2009	WV0002597
5400558	SAUCELITO ELEM SCHOOL	2005	4	38761	03		Y	10/1/2004	12/31/2004	1/10/2005	WV0001416
5400558	SAUCELITO ELEM SCHOOL	2006	8	38761	01	0.24		10/1/2005	12/31/2005	10/5/2005	WV0001786
5400558	SAUCELITO ELEM SCHOOL	2006	10	38761	01	.26		7/1/2006	9/30/2006	8/17/2006	WV0001877
5400558	SAUCELITO ELEM SCHOOL	2007	13	38761	03		Y	10/1/2006	12/31/2006	1/10/2007	WV0001952
5400558	SAUCELITO ELEM SCHOOL	2007	19	38761	01	0.26		7/1/2007	9/30/2007	8/8/2007	WV0002235
5400558	SAUCELITO ELEM SCHOOL	2008	20	38761	03		Y	10/1/2007	12/31/2007	1/10/2008	WV0002247
5400558	SAUCELITO ELEM SCHOOL	2008	23	38761	01	0.21		1/1/2008	3/31/2008	3/26/2008	WV0002360
5400558	SAUCELITO ELEM SCHOOL	2008	28	38761	01	0.27		4/1/2008	6/30/2008	6/20/2008	WV0002475
5400558	SAUCELITO ELEM SCHOOL	2008	32	38761	01	.24		7/1/2008	9/30/2008	8/6/2008	WV0002546
5400917	[redacted]	2009	2	38761	03		Y	10/1/2008	12/31/2008	1/10/2009	WV0002598
5401004	STYROTEK	1999	5	38761	01	.19		1/1/1999	3/31/1999	1/20/1999	WV0000704
5401004	STYROTEK	2002	6	38761	01	.24		1/1/2002	12/31/2002	3/14/2002	WV0000711
5401004	STYROTEK	2004	11	38761	03		Y	10/1/2003	12/31/2003	1/14/2004	WV0001032
5401004	STYROTEK	2006	21	38761	01	.33		7/1/2006	9/30/2006	7/6/2006	WV0001878
5402022	[redacted]	1996	3	38761	01	.52		1/1/1995	12/31/1995	11/2/1995	WV0000699
5402022	[redacted]	2001	4	38761	01	.30		1/1/2001	12/31/2001	4/9/2001	WV0000700
5402022	[redacted]	2002	5	38761	01	.21		1/1/2002	12/31/2002	7/16/2002	WV0000701

Created by Paul Charpentier 3/25/2010

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PWS VIOLATION REPORT - NITRATE: 71850

PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400504	A & A MHP	2008	6	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002365
5400810	[redacted]AL TRAVEL PLAZA	1998	3	71850	01	52.0		1/1/1998	12/31/1998	8/11/1998	WV0000240
5400810	AK[redacted]TRAVEL PLAZA	2000	6	71850	01	54.4		1/1/2000	12/31/2000	4/18/2000	WV0000665
5400810	AKAL [redacted]AVEL PLAZA	2001	7	71850	01	56.5		1/1/2001	12/31/2001	5/11/2001	WV0000666
5400810	AKAL TR[redacted]L PLAZA	2004	8	71850	01	95		1/1/2003	12/31/2003	10/17/2003	WV0000998
5400810	AKAL TRAV[redacted]PLAZA	2005	12	71850	01	64		1/1/2004	12/31/2004	11/16/2004	WV0001401
5400810	AKAL TRAVEL[redacted]AZA	2005	13	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001708
5400810	AKAL TRAVEL P[redacted]ZA	2006	14	71850	01	69.0		1/1/2006	12/31/2006	2/8/2006	WV0001987
5400810	AKAL TRAVEL PL[redacted]	2008	15	71850	01	72		1/1/2007	12/31/2007	2/14/2007	WV0002281
5400810	AKAL TRAVEL PLAZ[redacted]	2009	16	71850	01	69		1/1/2008	12/31/2008	11/12/2008	WV0002613
5400810	AKAL TRAVEL PLAZA	2010	17	71850	01	78		1/1/2009	12/31/2009	4/20/2009	WV0002868
5401038	AKIN WATER CO	2001	1	71850	01	49		1/1/2000	12/31/2000	10/17/2000	WV0000070
5401038	AKIN WATER CO	2001	4	71850	01	45		1/1/2000	12/31/2000	10/17/2000	WV0000690
5401038	AKIN WATER CO	2004	5	71850	01	49		1/1/2003	12/31/2003	12/15/2003	WV0000999
5401038	AKIN WATER CO	2005	8	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001715
5401038	AKIN WATER CO	2005	9	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001716
5401038	AKIN WATER CO	2006	10	71850	01	47.0		1/1/2006	12/31/2006	2/8/2006	WV0001994
5401038	AKIN WATER CO	2006	11	71850	01	48.0		1/1/2006	12/31/2006	2/8/2006	WV0001995
5400544	ALLENSWORTH C S D	2007	10	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002002
5400544	ALLENSWORTH C S D	2007	11	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002003
5400708	ALPINE VILLAGE WATER CO.	2007	7	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002004
5400708	ALPINE VILLAGE WATER CO.	2007	8	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002005
5400548	[redacted]	2002	1	71850	01	48		1/1/2001	12/31/2001	12/7/2001	WV0000418

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400548	[redacted]	2000	3	71850	01	48.0		1/1/1999	12/31/1999	10/6/1999	WV0000628
5400548	[redacted]	2000	4	71850	01	48.0		1/1/2000	12/31/2000	3/7/2000	WV0000669
5400548	[redacted]	2002	5	71850	01	46.0		1/1/2002	12/31/2002	6/7/2002	WV0000670
5400548	[redacted]	2003	6	71850	01	45.0		1/1/2002	12/31/2002	12/11/2002	WV0000716
5400548	[redacted]	2004	7	71850	01	46		1/1/2003	12/31/2003	8/19/2003	WV0001004
5400548	[redacted]	2005	8	71850	01	45		1/1/2004	12/31/2004	8/31/2004	WV0001386
5400548	[redacted]	2005	10	71850	01	49.0		7/1/2005	9/30/2005	8/8/2005	WV0001615
5400548	[redacted]	2005	11	71850	01	49		1/1/2005	12/31/2005	8/8/2005	WV0001692
5400548	[redacted]	2007	12	71850	01	51.0		1/1/2006	12/31/2006	11/28/2006	WV0001971
5400548	[redacted]	2008	14	71850	01	52		1/1/2007	12/31/2007	11/20/2007	WV0002259
5400548	[redacted]	2009	16	71850	01	53		1/1/2008	12/31/2008	2/28/2008	WV0002622
5400548	[redacted]	2010	17	71850	01	58		1/1/2009	12/31/2009	3/26/2009	WV0002877
5400816	BEDEL MUTUAL WATER CO.	2008	13	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002367
5400651	BEVERLY GRAND MUTUAL	2004	15	71850	01	62		1/1/2004	12/31/2004	2/24/2004	WV0001071
5400651	BEVERLY GRAND MUTUAL	2004	16	71850	01	72		4/1/2004	6/30/2004	4/15/2004	WV0001224
5400651	BEVERLY GRAND MUTUAL	2004	17	71850	01	65		7/1/2004	9/30/2004	7/13/2004	WV0001311
5400651	BEVERLY GRAND MUTUAL	2005	18	71850	01	50		10/1/2004	12/31/2004	10/5/2004	WV0001377
5400651	BEVERLY GRAND MUTUAL	2005	19	71850	01	73		1/1/2005	3/31/2005	1/4/2005	WV0001474
5400651	BEVERLY GRAND MUTUAL	2005	21	71850	01	71		4/1/2005	6/30/2005	4/4/2005	WV0001571
5400651	BEVERLY GRAND MUTUAL	2005	22	71850	01	65.0		7/1/2005	9/30/2005	7/18/2005	WV0001626
5400651	BEVERLY GRAND MUTUAL	2006	23	71850	01	65		10/1/2005	12/31/2005	10/4/2005	WV0001687
5400651	BEVERLY GRAND MUTUAL	2006	24	71850	01	62.0		1/1/2006	3/31/2006	1/3/2006	WV0001759
5400651	BEVERLY GRAND MUTUAL	2006	25	71850	01	71.0		4/1/2006	6/30/2006	4/4/2006	WV0001822
5400651	BEVERLY GRAND MUTUAL	2006	26	71850	01	75.0		7/1/2006	9/30/2006	7/18/2006	WV0001897
5400651	BEVERLY GRAND MUTUAL	2007	27	71850	01	71.0		10/1/2006	12/31/2006	10/3/2006	WV0001968
5400651	BEVERLY GRAND MUTUAL	2008	28	71850	01	79		1/1/2007	12/31/2007	1/4/2007	WV0002288

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PWS ID #	[redacted]	FISCAL YR	VIOL #	STORET	[redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5400651	BEVERLY GRAND MUTUAL	2009	29	71850	01	91		1/1/2008	12/31/2008	5/2/2008	WV0002614
5400651	BEVERLY GRAND MUTUAL	2010	30	71850	01	75		1/1/2009	12/31/2009	4/6/2009	WV0002869
5402019	[redacted]	2008	2	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002369
5400637	[redacted]	2007	19	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002008
5400919	BUENA VISTA SCHOOL	2005	3	71850	01	50.3		10/1/2004	12/31/2004	11/8/2004	WV0001371
5400919	BUENA VISTA SCHOOL	2005	4	71850	01	51.2		1/1/2005	3/31/2005	1/11/2005	WV0001468
5400919	BUENA VISTA SCHOOL	2005	5	71850	01	49		4/1/2005	6/30/2005	4/5/2005	WV0001565
5400919	BUENA VISTA SCHOOL	2005	6	71850	01	46.2		7/1/2005	9/30/2005	7/7/2005	WV0001620
5400919	BUENA VISTA SCHOOL	2006	7	71850	01	52.6		1/1/2006	3/31/2006	1/18/2006	WV0001753
5400919	BUENA VISTA SCHOOL	2006	8	71850	01	53.0		4/1/2006	6/30/2006	4/20/2006	WV0001819
5400919	BUENA VISTA SCHOOL	2006	9	71850	01	47.0		7/1/2006	9/30/2006	7/12/2006	WV0001891
5400919	BUENA VISTA SCHOOL	2007	10	71850	01	67.4		10/1/2006	12/31/2006	10/17/2006	WV0001962
5400919	BUENA VISTA SCHOOL	2007	12	71850	01	57.4		4/1/2007	6/30/2007	5/15/2007	WV0002154
5400919	BUENA VISTA SCHOOL	2007	13	71850	01	55		7/1/2007	9/30/2007	7/12/2007	WV0002215
5400919	BUENA VISTA SCHOOL	2008	14	71850	01	62		10/1/2007	12/31/2007	11/20/2007	WV0002282
5400919	BUENA VISTA SCHOOL	2008	16	71850	01	56		1/1/2008	3/31/2008	1/22/2008	WV0002336
5400919	BUENA VISTA SCHOOL	2009	18	71850	01	120		1/1/2008	12/31/2008	11/13/2008	WV0002615
5400919	BUENA VISTA SCHOOL	2010	19	71850	01	77.1		1/1/2009	12/31/2009	4/15/2009	WV0002870
5400513	[redacted]	2008	2	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002370
5403042	[redacted]ALIFORNIA DAIRIES INC	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002371
5400894	[redacted] SAN JOAQUIN	2009	1	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002643
5400894	CAMP [redacted]	2010	2	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002896
5403076	CENTRAL CAL TRISTEZA ERAD	2001	1	71850	01	49.6		1/1/2001	12/31/2001	4/9/2001	WV0000623
5403076	CENTRAL CAL TRISTEZA ERAD	2003	2	71850	01	52.6		7/1/2003	9/30/2003	7/28/2003	WV0000939
5403076	CENTRAL CAL TRISTEZA ERAD	2004	3	71850	01	51.1		10/1/2003	12/31/2003	10/6/2003	WV0000986
5403076	CENTRAL CAL TRISTEZA ERAD	2004	4	71850	01	54.4		4/1/2004	6/30/2004	4/19/2004	WV0001220

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5403076	CENTRAL CAL TRISTEZA ERAD	2004	5	71850	01	49.6		7/1/2004	9/30/2004	7/19/2004	WV0001312
5403076	CENTRAL CAL TRISTEZA ERAD	2005	6	71850	01	50.7		10/1/2004	12/31/2004	10/5/2004	WV0001372
5403076	CENTRAL CAL TRISTEZA ERAD	2005	7	71850	01	51.4		1/1/2005	3/31/2005	1/4/2005	WV0001469
5403076	CENTRAL CAL TRISTEZA ERAD	2005	8	71850	01	61.2		4/1/2005	6/30/2005	4/5/2005	WV0001566
5403076	CENTRAL CAL TRISTEZA ERAD	2005	9	71850	01	57.1		7/1/2005	9/30/2005	7/11/2005	WV0001621
5403076	CENTRAL CAL TRISTEZA ERAD	2006	10	71850	01	53.9		10/1/2005	12/31/2005	10/20/2005	WV0001682
5403076	CENTRAL CAL TRISTEZA ERAD	2006	11	71850	01	58.1		1/1/2006	3/31/2006	1/19/2006	WV0001754
5403076	CENTRAL CAL TRISTEZA ERAD	2006	12	71850	03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001820
5403076	CENTRAL CAL TRISTEZA ERAD	2006	13	71850	01	55.1		7/1/2006	9/30/2006	8/22/2006	WV0001892
5403076	CENTRAL CAL TRISTEZA ERAD	2007	14	71850	01	47.3		10/1/2006	12/31/2006	10/4/2006	WV0001963
5403076	CENTRAL CAL TRISTEZA ERAD	2007	15	71850	01	79.0		1/1/2007	3/31/2007	1/4/2007	WV0002091
5403076	CENTRAL CAL TRISTEZA ERAD	2007	16	71850	01	57.5		4/1/2007	6/30/2007	4/23/2007	WV0002155
5403076	CENTRAL CAL TRISTEZA ERAD	2007	17	71850	01	50.5		7/1/2007	9/30/2007	7/5/2007	WV0002216
5403076	CENTRAL CAL TRISTEZA ERAD	2008	18	71850	01	64		10/1/2007	12/31/2007	10/15/2007	WV0002283
5403076	CENTRAL CAL TRISTEZA ERAD	2008	19	71850	01	59.4		1/1/2008	3/31/2008	1/8/2008	WV0002337
5403076	CENTRAL CAL TRISTEZA ERAD	2009	20	71850	01	53.4		1/1/2008	12/31/2008	10/20/2008	WV0002616
5403076	CENTRAL CAL TRISTEZA ERAD	2010	21	71850	01	51.8		1/1/2009	12/31/2009	11/5/2009	WV0002871
5400682	CENTRAL WATER CO	2008	6	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002372
5401053	[redacted]HARLIE'S	2002	1	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000600
5401053	[redacted]ARLIE'S	2002	2	71850	01	180		1/1/2002	12/31/2002	11/21/2002	WV0000613
5401053	[redacted]RLIE'S	2003	3	71850	01	180		1/1/2003	3/31/2003	1/9/2003	WV0000770
5401053	[redacted]IE'S	2003	4	71850	01	180		4/1/2003	6/30/2003	4/7/2003	WV0000826
5401053	[redacted]E'S	2003	5	71850	01	200		7/1/2003	9/30/2003	7/8/2003	WV0000942
5401053	[redacted]S	2004	6	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000990
5401053	[redacted]	2004	7	71850	01	170		1/1/2004	3/31/2004	1/30/2004	WV0001079
5401053	[redacted]	2004	8	71850	01	190		4/1/2004	6/30/2004	6/23/2004	WV0001225

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PWS ID #	E	FISCAL YR	VIOL #	STORET	YPE	RESULTS	MAJ VIOL	START	END	AWARE	ATION ID
5401053	ARLIE'S	2004	9	71850	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001313
5401053	ARLIE'S	2005	10	71850	01	170		10/1/2004	12/31/2004	10/4/2004	WV0001378
5401053	RLIE'S	2005	11	71850	01	170		1/1/2005	3/31/2005	1/12/2005	WV0001475
5401053	RLIE'S	2005	12	71850	01	170		4/1/2005	6/30/2005	4/19/2005	WV0001572
5401053	LIE'S	2005	13	71850	01	170.0		7/1/2005	9/30/2005	7/21/2005	WV0001627
5401053	IE'S	2006	14	71850	01	160		10/1/2005	12/31/2005	10/13/2005	WV0001688
5401053	IE'S	2006	15	71850	01	140		1/1/2006	3/31/2006	2/2/2006	WV0001760
5401053	E'S	2006	16	71850	01	150.0		4/1/2006	6/30/2006	4/11/2006	WV0001823
5401053	E'S	2006	17	71850	01	160.0		7/1/2006	9/30/2006	7/13/2006	WV0001898
5401053	'S	2007	18	71850	01	140.0		10/1/2006	12/31/2006	10/20/2006	WV0001969
5401053	'S	2007	19	71850	01	160.0		1/1/2007	3/31/2007	1/25/2007	WV0002095
5401053	'S	2007	20	71850	03		Y	4/1/2007	6/30/2007	7/10/2007	WV0002160
5401053	S	2007	21	71850	01	120		7/1/2007	9/30/2007	7/25/2007	WV0002222
5401053	S	2008	22	71850	01	100		1/1/2008	3/31/2008	1/10/2008	WV0002338
5401053	S	2008	23	71850	01	110		4/1/2008	6/30/2008	4/17/2008	WV0002479
5401053	S	2009	24	71850	01	148		10/1/2008	12/31/2008	10/22/2008	WV0002602
5401053	S	2009	25	71850	01	126		1/1/2009	3/31/2009	1/6/2009	WV0002697
5401053	S	2009	27	71850	01	188		4/1/2009	6/30/2009	4/14/2009	WV0002749
5401053		2010	28	71850	01	91		7/1/2009	9/30/2009	9/18/2009	WV0002821
5401053		2010	29	71850	03		Y	10/1/2009	12/31/2009	1/10/2010	WV0002858
5401041	S HIDDEN LAKES	2007	5	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002010
5401041	CHUCK'S HID	2009	6	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002644
5400555	CITRUS SOUTH TULE SCHOOL	2003	1	71850	03		Y	1/1/2002	12/31/2002	1/10/2003	WV0000608
5400555	CITRUS SOUTH TULE SCHOOL	2000	2	71850	01	75.0		1/1/2000	12/31/2000	1/13/2000	WV0000625
5400555	CITRUS SOUTH TULE SCHOOL	2002	3	71850	01	55.3		1/1/2001	12/31/2001	12/14/2001	WV0000667
5400555	CITRUS SOUTH TULE SCHOOL	2004	5	71850	01	61		1/1/2003	12/31/2003	10/30/2003	WV0001000

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400555	CITRUS SOUTH TULE SCHOOL	2005	10	71850	01	48		1/1/2004	12/31/2004	2/17/2004	WV0001403
5400555	CITRUS SOUTH TULE SCHOOL	2005	12	71850	01	48		1/1/2005	12/31/2005	3/29/2005	WV0001710
5400555	CITRUS SOUTH TULE SCHOOL	2007	14	71850	01	50.0		1/1/2006	12/31/2006	11/14/2006	WV0001989
5400555	CITRUS SOUTH TULE SCHOOL	2008	16	71850	01	62		1/1/2007	12/31/2007	8/21/2007	WV0002289
5400555	CITRUS SOUTH TULE SCHOOL	2009	19	71850	01	60		10/1/2008	12/31/2008	12/2/2008	WV0002617
5400555	CITRUS SOUTH TULE SCHOOL	2010	22	71850	01	67		1/1/2009	12/31/2009	5/5/2009	WV0002872
5400890	[redacted]	2010	1	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002897
5403062	[redacted]MFORT INN & SUITES	2007	3	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002011
5403062	CO[redacted]T INN & SUITES	2008	5	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002373
5400563	COUNTRY [redacted]OR MHP	2007	7	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002012
5400563	COUNTRY MAN[redacted]HP	2007	8	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002013
5400563	COUNTRY MANOR M[redacted]	2007	9	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002014
5401026	DEER MEADOW MUTUAL	2008	7	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002374
5403023	DELFT COLONY WATER	2008	13	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002375
5400542	DUCOR CSD	2005	6	71850	03		Y	1/1/2005	3/31/2005	4/10/2005	WV0001463
5400542	DUCOR CSD	2005	7	71850	03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001563
5400542	DUCOR CSD	2009	10	71850	01	47		1/1/2009	12/31/2009	1/5/2009	WV0002675
5403007	[redacted]M THARP INC	2007	1	71850	01	71		3/1/2007	3/31/2007	3/30/2007	WV0002143
5403007	E[redacted]THARP INC	2007	2	71850	01	104		4/1/2007	4/30/2007	4/17/2007	WV0002144
5403007	E M [redacted]ARP INC	2008	3	71850	01	76		10/1/2007	12/31/2007	10/23/2007	WV0002290
5403007	E M TH[redacted]P INC	2008	4	71850	01	63		1/1/2008	3/31/2008	1/25/2008	WV0002339
5403007	E M THA[redacted]NC	2008	5	71850	03		Y	4/1/2008	6/30/2008	7/10/2008	WV0002481
5403007	E M THARP [redacted]C	2008	6	71850	03		Y	7/1/2008	9/30/2008	10/10/2008	WV0002550
5403007	E M THARP I[redacted]	2009	7	71850	01	46		10/1/2008	12/31/2008	10/23/2008	WV0002603
5403007	E M THARP INC	2009	9	71850	01	47.2		4/1/2009	6/30/2009	4/8/2009	WV0002751
5400602	[redacted]	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002376

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET	[redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5401003	EAST OROSI CSD	2003	10	71850	01	50.2		1/1/2003	12/31/2003	4/14/2003	WV0000798
5401003	EAST OROSI CSD	2004	16	71850	03		Y	4/1/2004	6/30/2004	7/10/2004	WV0001211
5401003	EAST OROSI CSD	2005	20	71850	03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001613
5401003	EAST OROSI CSD	2006	23	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001674
5401003	EAST OROSI CSD	2006	24	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001675
5401003	EAST OROSI CSD	2006	25	71850	01	55.8		1/1/2006	3/31/2006	3/2/2006	WV0001747
5401003	EAST OROSI CSD	2006	26	71850	01	48.0		7/1/2006	9/30/2006	8/1/2006	WV0001882
5401003	EAST OROSI CSD	2007	27	71850	01	45.7		10/1/2006	12/31/2006	10/24/2006	WV0001954
5401003	EAST OROSI CSD	2007	29	71850	01	47		7/1/2007	9/30/2007	7/17/2007	WV0002206
5401003	EAST OROSI CSD	2008	30	71850	01	54		10/1/2007	12/31/2007	10/10/2007	WV0002256
5401003	EAST OROSI CSD	2010	40	71850	01	45.4		10/1/2009	12/31/2009	10/22/2009	WV0002859
5401003	EAST OROSI CSD	2010	41	71850	01	45.9		10/1/2009	12/31/2009	10/22/2009	WV0002860
5400523	EL MONTE VILLAGE M H P	2007	12	71850	01	62		4/1/2007	6/30/2007	5/16/2007	WV0002145
5400523	EL MONTE VILLAGE M H P	2007	13	71850	03		Y	7/1/2007	9/30/2007	10/10/2007	WV0002207
5400523	EL MONTE VILLAGE M H P	2008	14	71850	03		Y	10/1/2007	12/31/2007	1/10/2008	WV0002257
5400523	EL MONTE VILLAGE M H P	2008	15	71850	01	52.8		4/1/2008	6/30/2008	5/6/2008	WV0002480
5400523	EL MONTE VILLAGE M H P	2009	16	71850	01	48.2		1/1/2009	3/31/2009	2/17/2009	WV0002698
5400523	EL MONTE VILLAGE M H P	2009	17	71850	01	54.5		4/1/2009	6/30/2009	5/7/2009	WV0002750
5400523	EL MONTE VILLAGE M H P	2010	18	71850	01	52.7		7/1/2009	9/30/2009	8/24/2009	WV0002822
5400523	EL MONTE VILLAGE M H P	2010	19	71850	01	54.6		10/1/2009	12/31/2009	11/12/2009	WV0002861
5403084	FAIRWAY MUTUAL WATER CO	2008	14	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002377
5400663	FAIRWAYS TRACT MUTUAL	95	1	71850	02			1/1/1995	12/31/1995	3/25/1995	WV0000019
5400663	FAIRWAYS TRACT MUTUAL	2000	3	71850	01	110		1/1/2000	12/31/2000	6/22/2000	WV0000244
5400663	FAIRWAYS TRACT MUTUAL	1997	6	71850	01	99		1/1/1997	12/31/1997	3/26/1997	WV0000626
5400663	FAIRWAYS TRACT MUTUAL	2002	7	71850	01	120		1/1/2002	12/31/2002	2/11/2002	WV0000724
5400663	FAIRWAYS TRACT MUTUAL	2004	8	71850	01	123		1/1/2003	12/31/2003	6/5/2003	WV0001001

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400663	FAIRWAYS TRACT MUTUAL	2004	9	71850	01	47		7/1/2004	9/30/2004	9/29/2004	WV0001318
5400663	FAIRWAYS TRACT MUTUAL	2005	10	71850	01	47		1/1/2004	12/31/2004	9/29/2004	WV0001411
5400663	FAIRWAYS TRACT MUTUAL	2006	11	71850	01	131		1/1/2005	12/31/2005	11/15/2005	WV0001718
5400663	FAIRWAYS TRACT MUTUAL	2007	13	71850	01	139.0		1/1/2006	12/31/2006	11/13/2006	WV0001996
5400663	FAIRWAYS TRACT MUTUAL	2008	19	71850	01	130		1/1/2007	12/31/2007	3/21/2007	WV0002296
5400663	FAIRWAYS TRACT MUTUAL	2009	24	71850	01	116		1/1/2008	12/31/2008	4/24/2008	WV0002618
5400663	FAIRWAYS TRACT MUTUAL	2010	25	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002873
5400896	[redacted]	2009	3	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002645
5403030	OOTHILL FRUIT CO	2002	2	71850	03		Y	10/1/2001	12/31/2001	1/10/2002	WV0000598
5403030	OTHILL FRUIT CO	2002	3	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000601
5403030	THILL FRUIT CO	2003	4	71850	03		Y	10/1/2002	12/31/2002	1/10/2003	WV0000609
5403030	HILL FRUIT CO	1996	5	71850	01	150		1/1/1996	12/31/1996	3/19/1996	WV0000615
5403030	ILL FRUIT CO	2001	6	71850	01	106		1/1/2000	12/31/2000	10/9/2000	WV0000693
5403030	L FRUIT CO	2003	7	71850	03		Y	1/1/2003	3/31/2003	4/10/2003	WV0000767
5403030	FRUIT CO	2003	8	71850	03		Y	4/1/2003	6/30/2003	7/10/2003	WV0000828
5403030	FRUIT CO	2003	9	71850	01	96.0		7/1/2003	9/30/2003	8/11/2003	WV0000929
5403030	RUIT CO	2004	10	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000983
5403030	UIT CO	2004	12	71850	01	106		1/1/2004	3/31/2004	1/5/2004	WV0001080
5403030	IT CO	2004	13	71850	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001304
5403030	T CO	2005	14	71850	01	108		10/1/2004	12/31/2004	10/25/2004	WV0001368
5403030	CO	2005	15	71850	03		Y	1/1/2005	3/31/2005	4/10/2005	WV0001461
5403030	CO	2005	16	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001698
5403030	CO	2006	17	71850	03		Y	1/1/2006	12/31/2006	1/10/2007	WV0001978
5403030	CO	2008	19	71850	01	81		1/1/2007	12/31/2007	2/14/2007	WV0002266
5403030		2009	20	71850	01	84.1		1/1/2008	12/31/2008	12/22/2008	WV0002619
5403030		2010	21	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002898

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET	[redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5400987	[redacted]OUNTAIN SPRINGS EL TAPATIO	2000	1	71850	01	53		1/1/2000	12/31/2000	8/31/2000	WV0000157
5400987	FO[redacted]TAIN SPRINGS EL TAPATIO	2001	5	71850	01	52.1		1/1/2001	12/31/2001	9/19/2001	WV0000685
5400987	FOUN[redacted]SPRINGS EL TAPATIO	2003	6	71850	01	50.0		1/1/2002	12/31/2002	12/3/2002	WV0000723
5400987	FOUNTAIN S[redacted]INGS EL TAPATIO	2004	7	71850	01	50.0		1/1/2003	12/31/2003	9/16/2003	WV0001002
5400987	FOUNTAIN SPRI[redacted]S EL TAPATIO	2005	9	71850	01	45		1/1/2004	12/31/2004	10/27/2004	WV0001412
5400987	FOUNTAIN SPRINGS [redacted]TAPATIO	2005	10	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001719
5400987	FOUNTAIN SPRINGS EL [redacted]PATIO	2007	11	71850	01	57.0		1/1/2006	12/31/2006	11/14/2006	WV0001997
5400987	FOUNTAIN SPRINGS EL TAP[redacted]O	2008	12	71850	01	48		1/1/2007	12/31/2007	11/13/2007	WV0002297
5400987	FOUNTAIN SPRINGS EL TAPAT[redacted]	2010	16	71850	01	57		1/1/2009	12/31/2009	2/16/2009	WV0002874
5403051	[redacted]	2008	3	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002378
5403080	FRUIT PATCH INC	2007	2	71850	03		Y	7/1/2007	9/30/2007	10/10/2007	WV0002208
5403080	FRUIT PATCH INC	2009	3	71850	03		Y	10/1/2008	12/31/2008	1/10/2009	WV0002604
5403080	FRUIT PATCH INC	2009	4	71850	03		Y	4/1/2009	6/30/2009	7/10/2009	WV0002752
5400692	[redacted]	2007	3	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002015
5400749	[redacted]	2007	8	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002016
5400762	[redacted]ARRA VINEYARDS 3 & 4	2008	4	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002379
5400762	GIUMA[redacted]VINEYARDS 3 & 4	2010	7	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002899
5400763	GIUMARRA VI[redacted]RDS 5 & 6	2006	2	71850	03		Y	7/1/2006	9/30/2006	10/10/2006	WV0001904
5400763	GIUMARRA VINEYA[redacted]5 & 6	2008	3	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002380
5400763	GIUMARRA VINEYARDS [redacted]	2010	5	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002900
5402047	GLEANINGS FOR THE HUNGRY	1995	1	71850	03	81	Y	1/1/1995	12/31/1995	1/10/1996	WV0000354
5402047	GLEANINGS FOR THE HUNGRY	2002	3	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000602
5402047	GLEANINGS FOR THE HUNGRY	2003	4	71850	03		Y	10/1/2002	12/31/2002	1/10/2003	WV0000610
5402047	GLEANINGS FOR THE HUNGRY	2002	5	71850	01	130		1/1/2002	12/31/2002	1/18/2002	WV0000616
5402047	GLEANINGS FOR THE HUNGRY	2003	6	71850	01	98		1/1/2003	3/31/2003	1/10/2003	WV0000772
5402047	GLEANINGS FOR THE HUNGRY	2003	7	71850	01	110		4/1/2003	6/30/2003	4/10/2003	WV0000829

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5402047	GLEANINGS FOR THE HUNGRY	2003	8	71850	03		Y	7/1/2003	9/30/2003	10/10/2003	WV0000945
5402047	GLEANINGS FOR THE HUNGRY	2004	9	71850	01	105		10/1/2003	12/31/2003	10/8/2003	WV0000981
5402047	GLEANINGS FOR THE HUNGRY	2004	10	71850	03		Y	1/1/2004	3/31/2004	4/10/2004	WV0001081
5402047	GLEANINGS FOR THE HUNGRY	2004	11	71850	01	98.9		4/1/2004	6/30/2004	4/20/2004	WV0001215
5402047	GLEANINGS FOR THE HUNGRY	2005	14	71850	01	84.7		10/1/2004	12/31/2004	11/1/2004	WV0001363
5402047	GLEANINGS FOR THE HUNGRY	2005	15	71850	03		Y	1/1/2005	3/31/2005	4/10/2005	WV0001460
5402047	GLEANINGS FOR THE HUNGRY	2005	16	71850	03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001556
5402047	GLEANINGS FOR THE HUNGRY	2005	17	71850	03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001614
5402047	GLEANINGS FOR THE HUNGRY	2006	18	71850	01	97		10/1/2005	12/31/2005	10/12/2005	WV0001678
5402047	GLEANINGS FOR THE HUNGRY	2006	19	71850	03		Y	1/1/2006	3/31/2006	4/10/2006	WV0001748
5402047	GLEANINGS FOR THE HUNGRY	2006	21	71850	01	96.2		4/1/2006	6/30/2006	4/24/2006	WV0001814
5402047	GLEANINGS FOR THE HUNGRY	2006	22	71850	01	98.0		7/1/2006	9/30/2006	7/19/2006	WV0001883
5402047	GLEANINGS FOR THE HUNGRY	2007	23	71850	01	95.3		10/1/2006	12/31/2006	10/9/2006	WV0001955
5402047	GLEANINGS FOR THE HUNGRY	2007	24	71850	01	97.4		1/1/2007	3/31/2007	1/10/2007	WV0002084
5402047	GLEANINGS FOR THE HUNGRY	2007	25	71850	01	107		4/1/2007	6/30/2007	4/16/2007	WV0002147
5402047	GLEANINGS FOR THE HUNGRY	2007	28	71850	01	95.8		7/1/2007	9/30/2007	7/23/2007	WV0002209
5402047	GLEANINGS FOR THE HUNGRY	2008	29	71850	01	107		10/1/2007	12/31/2007	10/10/2007	WV0002258
5402047	GLEANINGS FOR THE HUNGRY	2008	31	71850	01	74.9		4/1/2008	6/30/2008	4/2/2008	WV0002482
5402047	GLEANINGS FOR THE HUNGRY	2008	33	71850	01	65.7		7/1/2008	9/30/2008	7/15/2008	WV0002551
5402047	GLEANINGS FOR THE HUNGRY	2009	34	71850	01	103		10/1/2008	12/31/2008	10/14/2008	WV0002605
5402047	GLEANINGS FOR THE HUNGRY	2009	35	71850	01	66.5		1/1/2009	3/31/2009	1/13/2009	WV0002699
5402047	GLEANINGS FOR THE HUNGRY	2009	36	71850	01	60.6		4/1/2009	6/30/2009	4/13/2009	WV0002753
5402047	GLEANINGS FOR THE HUNGRY	2010	37	71850	01	101		7/1/2009	9/30/2009	7/13/2009	WV0002823
5402047	GLEANINGS FOR THE HUNGRY	2010	39	71850	01	104		10/1/2009	12/31/2009	10/12/2009	WV0002862
5402046	[redacted]WATERMAN LLC	1997	1	71850	01	49		1/1/1996	12/31/1996	11/11/1996	WV0000686
5402046	GNI WATE[redacted]	1999	2	71850	01	52.4		1/1/1999	12/31/1999	8/31/1999	WV0000687

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET	[redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5402046	[redacted] WATERMAN LLC	2001	3	71850	01	50.4		1/1/2001	12/31/2001	4/25/2001	WV0000688
5402046	GN[redacted]ATERMAN LLC	2002	4	71850	01	57		1/1/2002	12/31/2002	9/30/2002	WV0000689
5402046	GNI W[redacted]TERMAN LLC	2004	5	71850	01	59		1/1/2003	12/31/2003	9/22/2003	WV0001025
5402046	GNI WA[redacted]RMAN LLC	2005	7	71850	03		Y	1/1/2004	12/31/2004	1/10/2005	WV0001400
5402046	GNI WATE[redacted]AN LLC	2005	9	71850	01	60.6		1/1/2005	12/31/2005	2/3/2005	WV0001707
5402046	GNI WATERM[redacted] LLC	2007	10	71850	01	84.0		1/1/2006	12/31/2006	10/27/2006	WV0001986
5402046	GNI WATERMA[redacted]LC	2008	11	71850	01	100		1/1/2007	12/31/2007	6/21/2007	WV0002279
5402046	GNI WATERMAN [redacted]C	2009	12	71850	01	54.5		1/1/2008	12/31/2008	3/7/2008	WV0002620
5402046	GNI WATERMAN L[redacted]	2010	14	71850	01	47.2		1/1/2009	12/31/2009	2/25/2009	WV0002875
5400600	GOLDEN KEY APARTMENTS	2008	8	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002381
5403010	GOLDEN STATE CITRUS [redacted]	1998	2	71850	02	94		1/1/1998	12/31/1998	2/26/1998	WV0000173
5403010	GOLDEN STATE CITRUS [redacted]	1998	7	71850	02	110		1/1/1998	12/31/1998	9/30/1998	WV0000280
5403010	GOLDEN STATE CITRUS [redacted]	1995	8	71850	01	69		1/1/1995	12/31/1995	1/10/1996	WV0000356
5403010	GOLDEN STATE CITRUS [redacted]	1999	9	71850	02	111.		1/1/1999	12/31/1999	9/14/1999	WV0000409
5403010	GOLDEN STATE CITRUS [redacted]	1999	10	71850	01	110		1/1/1999	12/31/1999	9/30/1999	WV0000410
5403010	GOLDEN STATE CITRUS [redacted]	1998	11	71850	01	94.0		1/1/1998	12/31/1998	2/26/1998	WV0000627
5403010	GOLDEN STATE CITRUS [redacted]	1999	12	71850	01	102		1/1/1998	12/31/1998	10/1/1998	WV0000708
5403010	GOLDEN STATE CITRUS [redacted]	2002	13	71850	01	127		1/1/2002	12/31/2002	8/8/2002	WV0000727
5403010	GOLDEN STATE CITRUS [redacted]	2004	14	71850	01	126		1/1/2003	12/31/2003	7/14/2003	WV0001003
5403010	GOLDEN STATE CITRUS [redacted]	2005	15	71850	01	120		1/1/2004	12/31/2004	7/8/2004	WV0001393
5403010	GOLDEN STATE CITRUS [redacted]	2005	16	71850	01	95		1/1/2005	12/31/2005	8/10/2005	WV0001699
5403010	GOLDEN STATE CITRUS [redacted]	2006	17	71850	01	66.0		1/1/2006	12/31/2006	9/22/2006	WV0001979
5403010	GOLDEN STATE CITRUS [redacted]	2008	18	71850	01	59		1/1/2007	12/31/2007	9/21/2007	WV0002267
5403010	GOLDEN STATE CITRUS [redacted]	2009	19	71850	01	58		1/1/2008	12/31/2008	4/24/2008	WV0002621
5403010	GOLDEN STATE CITRUS [redacted]	2010	20	71850	01	49		1/1/2009	12/31/2009	7/24/2009	WV0002876
5400728	GRIER MUTUAL WATER CO	2007	8	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002017

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400657	HESTER SCHOOL	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002382
5400994	HOPE ELEMENTARY SCHOOL	2008	2	71850	03		Y	10/1/2007	12/31/2007	1/10/2008	WV0002298
5400994	HOPE ELEMENTARY SCHOOL	2009	3	71850	03		Y	4/1/2009	6/30/2009	7/10/2009	WV0002754
5402008	HOT SPRINGS SCHOOL	2008	11	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002383
5402008	HOT SPRINGS SCHOOL	2010	13	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002901
5403045	IMMANUEL SCHOOL	98	13	71850	02	74		7/1/1998	9/30/1998	8/26/1998	WV0000282
5403045	IMMANUEL SCHOOL	99	16	71850	01	70		1/1/1999	3/31/1999	1/11/1999	WV0000350
5403045	IMMANUEL SCHOOL	99	17	71850	01	79		4/1/1999	6/30/1999	4/20/1999	WV0000351
5403045	IMMANUEL SCHOOL	2010	31	71850	01	53.4		1/1/2009	12/31/2009	10/6/2009	WV0002878
5400968	[redacted]	2009	14	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002646
5403121	INTERNATIONAL PAPER - TRI	2007	2	71850	01	45.0		1/1/2007	3/31/2007	2/1/2007	WV0002089
5403121	INTERNATIONAL PAPER - TRI	2008	5	71850	03		Y	4/1/2008	6/30/2008	7/10/2008	WV0002490
5403121	INTERNATIONAL PAPER - TRI	2009	6	71850	03		Y	4/1/2009	6/30/2009	7/10/2009	WV0002762
5400536	KINGS RIVER ESTATES	2008	16	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002384
5401048	[redacted]	2010	7	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002902
5402024	NGS RIVER MARKET	2002	1	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000603
5402024	GS RIVER MARKET	2003	2	71850	03		Y	10/1/2002	12/31/2002	1/10/2003	WV0000611
5402024	RIVER MARKET	2000	3	71850	01	55		1/1/2000	12/31/2000	1/3/2000	WV0000617
5402024	VER MARKET	2000	4	71850	01	52.7		1/1/2000	12/31/2000	3/29/2000	WV0000695
5402024	ER MARKET	2003	5	71850	03		Y	1/1/2003	3/31/2003	4/10/2003	WV0000768
5402024	R MARKET	2003	6	71850	03		Y	4/1/2003	6/30/2003	7/10/2003	WV0000830
5402024	MARKET	2003	7	71850	01	46.6		7/1/2003	9/30/2003	9/9/2003	WV0000927
5402024	MARKET	2004	8	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000980
5402024	RKET	2005	9	71850	03		Y	10/1/2004	12/31/2004	1/10/2005	WV0001364
5402024	T	2005	10	71850	01	56.7		1/1/2005	3/31/2005	1/11/2005	WV0001464
5402024		2005	11	71850	03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001557

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5402024	[redacted]GS RIVER MARKET	2005	12	71850 03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001616
5402024	KI[redacted]S RIVER MARKET	2006	13	71850 03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001676
5402024	KING[redacted]IVER MARKET	2006	14	71850 03		Y	1/1/2006	3/31/2006	4/10/2006	WV0001749
5402024	KINGS [redacted]ER MARKET	2006	15	71850 03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001815
5402024	KINGS RIV[redacted]R MARKET	2006	16	71850 03		Y	7/1/2006	9/30/2006	10/10/2006	WV0001884
5402024	KINGS RIVER [redacted]ARKET	2007	17	71850 01	52.9		10/1/2006	12/31/2006	12/6/2006	WV0001956
5402024	KINGS RIVER M[redacted]RKET	2007	18	71850 01	46.2		1/1/2007	3/31/2007	3/21/2007	WV0002085
5402024	KINGS RIVER MA[redacted]KET	2007	19	71850 01	59.1		4/1/2007	6/30/2007	5/29/2007	WV0002148
5402024	KINGS RIVER MAR[redacted]T	2007	20	71850 01	52.7		7/1/2007	9/30/2007	7/9/2007	WV0002210
5402024	KINGS RIVER MARK[redacted]	2008	21	71850 01	52.4		1/1/2008	3/31/2008	1/11/2008	WV0002340
5402024	KINGS RIVER MARKE[redacted]	2009	22	71850 01	52.6		1/1/2008	12/31/2008	10/20/2008	WV0002623
5402024	KINGS RIVER MARKET[redacted]	2010	23	71850 01	49.9		1/1/2009	12/31/2009	7/22/2009	WV0002879
5403074	KRAFT FOODS - TULARE SO	2008	3	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002385
5400761	[redacted]	2009	5	71850 03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002647
5401080	[redacted]KE EXPRESS MARKET	2006	7	71850 01	46.0		1/1/2006	12/31/2006	2/28/2006	WV0001746
5401080	LA[redacted]EXPRESS MARKET	2006	8	71850 03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001832
5401080	LAKE[redacted]PRESS MARKET	2006	10	71850 03		Y	7/1/2006	9/30/2006	10/10/2006	WV0001903
5401080	LAKE EX[redacted]ESS MARKET	2007	12	71850 03		Y	1/1/2007	3/31/2007	4/10/2007	WV0002083
5401080	LAKE EXPR[redacted]S MARKET	2008	16	71850 03		Y	7/1/2008	9/30/2008	10/10/2008	WV0002552
5401080	LAKE EXPRESS [redacted]MARKET	2009	17	71850 01	45		10/1/2008	12/31/2008	11/5/2008	WV0002606
5401080	LAKE EXPRESS [redacted]ARKET	2009	19	71850 01	48		1/1/2009	3/31/2009	1/28/2009	WV0002700
5401080	LAKE EXPRESS MA[redacted]KET	2009	20	71850 03		Y	4/1/2009	6/30/2009	7/10/2009	WV0002755
5401080	LAKE EXPRESS MAR[redacted]	2010	21	71850 01	48		7/1/2009	9/30/2009	8/6/2009	WV0002824
5400660	LAKE SUCCESS MOBILE LODGE	98	1	71850 01	60		1/1/1998	1/31/1998	3/31/1998	WV0000014
5400660	LAKE SUCCESS MOBILE LODGE	98	2	71850 01	52		1/1/1998	1/31/1998	4/29/1998	WV0000104
5400660	LAKE SUCCESS MOBILE LODGE	1996	4	71850 01	48		1/1/1996	12/31/1996	6/5/1996	WV0000618

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400660	LAKE SUCCESS MOBILE LODGE	1999	5	71850	01	57		1/1/1999	12/31/1999	2/18/1999	WV0000696
5400660	LAKE SUCCESS MOBILE LODGE	2003	6	71850	01	57		1/1/2003	12/31/2003	1/2/2003	WV0000725
5400660	LAKE SUCCESS MOBILE LODGE	2003	7	71850	01	56		1/1/2003	3/31/2003	3/31/2003	WV0000773
5400660	LAKE SUCCESS MOBILE LODGE	2003	8	71850	01	56		4/1/2003	6/30/2003	7/10/2003	WV0000831
5400660	LAKE SUCCESS MOBILE LODGE	2003	9	71850	01	45.0		7/1/2003	9/30/2003	7/2/2003	WV0000943
5400660	LAKE SUCCESS MOBILE LODGE	2004	11	71850	01	55		10/1/2003	12/31/2003	10/2/2003	WV0000991
5400660	LAKE SUCCESS MOBILE LODGE	2004	12	71850	01	66		1/1/2004	3/31/2004	1/5/2004	WV0001082
5400660	LAKE SUCCESS MOBILE LODGE	2004	14	71850	01	63		4/1/2004	6/30/2004	4/5/2004	WV0001226
5400660	LAKE SUCCESS MOBILE LODGE	2004	15	71850	01	55		7/1/2004	9/30/2004	7/6/2004	WV0001314
5400660	LAKE SUCCESS MOBILE LODGE	2005	17	71850	01	67		10/1/2004	12/31/2004	10/4/2004	WV0001379
5400660	LAKE SUCCESS MOBILE LODGE	2005	18	71850	01	72.4		1/1/2005	3/31/2005	1/6/2005	WV0001476
5400660	LAKE SUCCESS MOBILE LODGE	2005	19	71850	01	67		4/1/2005	6/30/2005	4/5/2005	WV0001573
5400660	LAKE SUCCESS MOBILE LODGE	2005	20	71850	01	61.0		7/1/2005	9/30/2005	7/6/2005	WV0001628
5400660	LAKE SUCCESS MOBILE LODGE	2006	21	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001689
5400660	LAKE SUCCESS MOBILE LODGE	2006	22	71850	01	69.0		1/1/2006	3/31/2006	1/5/2006	WV0001761
5400660	LAKE SUCCESS MOBILE LODGE	2006	23	71850	03		Y	7/1/2006	9/30/2006	10/10/2006	WV0001899
5400660	LAKE SUCCESS MOBILE LODGE	2007	25	71850	01	73.0		10/1/2006	12/31/2006	10/16/2006	WV0001970
5400660	LAKE SUCCESS MOBILE LODGE	2007	26	71850	01	73.0		1/1/2007	3/31/2007	1/3/2007	WV0002096
5400660	LAKE SUCCESS MOBILE LODGE	2007	28	71850	01	68		4/1/2007	6/30/2007	4/4/2007	WV0002161
5400660	LAKE SUCCESS MOBILE LODGE	2007	29	71850	01	63		7/1/2007	9/30/2007	7/5/2007	WV0002223
5400660	LAKE SUCCESS MOBILE LODGE	2007	30	71850	01	63		7/1/2007	9/30/2007	7/5/2007	WV0002225
5400660	LAKE SUCCESS MOBILE LODGE	2008	31	71850	01	68		10/1/2007	12/31/2007	10/2/2007	WV0002291
5400660	LAKE SUCCESS MOBILE LODGE	2008	32	71850	01	66		1/1/2008	3/31/2008	1/2/2008	WV0002342
5400660	LAKE SUCCESS MOBILE LODGE	2008	33	71850	01	58		4/1/2008	6/30/2008	4/8/2008	WV0002483
5400660	LAKE SUCCESS MOBILE LODGE	2008	34	71850	01	61		7/1/2008	9/30/2008	7/25/2008	WV0002553
5400660	LAKE SUCCESS MOBILE LODGE	2009	35	71850	01	62		10/1/2008	12/31/2008	10/2/2008	WV0002607

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	V[redacted]ATION ID
5400660	LAKE SUCCESS MOBILE LODGE	2009	36	71850 01	64		1/1/2009	3/31/2009	1/6/2009	WV0002701
5400660	LAKE SUCCESS MOBILE LODGE	2009	37	71850 01	56		4/1/2009	6/30/2009	4/22/2009	WV0002756
5400660	LAKE SUCCESS MOBILE LODGE	2010	38	71850 01	64		7/1/2009	9/30/2009	9/8/2009	WV0002825
5400660	LAKE SUCCESS MOBILE LODGE	2010	39	71850 03		Y	10/1/2009	12/31/2009	1/10/2010	WV0002863
5402025	[redacted]KESIDE MINNIT MART	2003	2	71850 01	60		1/1/2003	12/31/2003	5/8/2003	WV0000832
5402025	L[redacted]ESIDE MINNIT MART	2003	3	71850 01	64.0		7/1/2003	9/30/2003	7/25/2003	WV0000944
5402025	LA[redacted]SIDE MINNIT MART	2004	4	71850 03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000992
5402025	LAK[redacted]DE MINNIT MART	2004	5	71850 03		Y	4/1/2004	6/30/2004	7/10/2004	WV0001213
5402025	LAKES[redacted]E MINNIT MART	2005	6	71850 03		Y	10/1/2004	12/31/2004	1/10/2005	WV0001380
5402025	LAKESIDE MINNIT MART	2005	7	71850 03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001561
5402025	LAKESIDE MINNIT MART	2005	8	71850 01	45.0		7/1/2005	9/30/2005	8/31/2005	WV0001629
5402025	LAKESIDE MINNIT MART	2006	9	71850 03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001690
5402025	LAKESIDE MINNIT MART	2006	10	71850 03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001824
5402025	LAKESIDE MINNIT MART	2007	12	71850 03		Y	1/1/2007	3/31/2007	4/10/2007	WV0002082
5402025	LAKESIDE MINNIT MART	2007	13	71850 01	60		4/1/2007	6/30/2007	6/11/2007	WV0002162
5402025	LAKESIDE MINNIT MART	2007	14	71850 03		Y	7/1/2007	9/30/2007	10/10/2007	WV0002224
5402025	LAKESIDE MINNIT MART	2009	15	71850 03		Y	1/1/2009	3/31/2009	4/10/2009	WV0002702
5402025	LAKESIDE MINNIT MART	2010	16	71850 01	69		1/1/2009	12/31/2009	6/29/2009	WV0002880
5400518	LAKESIDE TRAILER PARK	2008	7	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002386
5400616	LEMON COVE WATER CO	95	1	71850 01	69		1/1/1995	12/31/1995	3/24/1995	WV0000062
5400616	LEMON COVE WATER CO	98	2	71850 01	84		1/1/1998	12/31/1998	1/28/1998	WV0000287
5400616	LEMON COVE WATER CO	99	3	71850 01	88		1/1/1999	12/31/1999	1/19/1999	WV0000337
5400616	LEMON COVE WATER CO	2002	4	71850 01	73		1/1/2002	12/31/2002	6/12/2002	WV0000629
5400616	LEMON COVE WATER CO	2004	5	71850 01	61		1/1/2003	12/31/2003	6/27/2003	WV0001006
5400616	LEMON COVE WATER CO	2005	6	71850 01	54		1/1/2004	12/31/2004	6/3/2004	WV0001395
5400616	LEMON COVE WATER CO	2005	7	71850 01	52.8		1/1/2005	12/31/2005	4/21/2005	WV0001701

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400616	LEMON COVE WATER CO	2007	8	71850	01	54.2		1/1/2006	12/31/2006	6/6/2006	WV0001981
5400616	LEMON COVE WATER CO	2008	9	71850	01	51.5		1/1/2007	12/31/2007	5/3/2007	WV0002270
5400616	LEMON COVE WATER CO	2009	10	71850	01	51.3		1/1/2008	12/31/2008	6/10/2008	WV0002625
5400616	LEMON COVE WATER CO	2010	11	71850	01	51.9		1/1/2009	12/31/2009	1/14/2009	WV0002882
5400628	LEMON COVE-SEQUOIA CAMP	1999	2	71850	01	77.0		1/1/1998	12/31/1998	10/15/1998	WV0000268
5400628	LEMON COVE-SEQUOIA CAMP	2002	3	71850	01	73.0		1/1/2002	12/31/2002	9/10/2002	WV0000671
5400628	LEMON COVE-SEQUOIA CAMP	2004	4	71850	01	60		1/1/2003	12/31/2003	7/25/2003	WV0001005
5400628	LEMON COVE-SEQUOIA CAMP	2005	5	71850	03		Y	1/1/2004	12/31/2004	1/10/2005	WV0001394
5400628	LEMON COVE-SEQUOIA CAMP	2005	6	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001700
5400628	LEMON COVE-SEQUOIA CAMP	2006	7	71850	01	48.0		1/1/2006	12/31/2006	2/15/2006	WV0001980
5400628	LEMON COVE-SEQUOIA CAMP	2008	8	71850	03		Y	1/1/2007	12/31/2007	1/10/2008	WV0002269
5400628	LEMON COVE-SEQUOIA CAMP	2009	9	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002624
5400628	LEMON COVE-SEQUOIA CAMP	2009	10	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002648
5400628	LEMON COVE-SEQUOIA CAMP	2010	11	71850	01	46		1/1/2009	12/31/2009	3/2/2009	WV0002881
5400815	LIBERTY SCHOOL	2007	8	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002020
5400537	LINDYS LANDING	2007	2	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002021
5400537	LINDYS LANDING	2008	4	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002387
5400537	LINDYS LANDING	2010	6	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002903
5401079	[redacted]	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002388
5400634	LOVELL HIGH SCHOOL	2002	3	71850	01	57.7		1/1/2002	12/31/2002	4/25/2002	WV0000630
5400634	LOVELL HIGH SCHOOL	1999	4	71850	01	68		1/1/1999	12/31/1999	9/1/1999	WV0000631
5400634	LOVELL HIGH SCHOOL	2004	8	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001007
5400634	LOVELL HIGH SCHOOL	2005	14	71850	01	47		1/1/2004	12/31/2004	6/8/2004	WV0001387
5400634	LOVELL HIGH SCHOOL	2006	25	71850	01	66.0		1/1/2006	12/31/2006	7/13/2006	WV0001972
5400634	LOVELL HIGH SCHOOL	2009	31	71850	01	56.2		1/1/2008	12/31/2008	3/26/2008	WV0002626
5403001	LOWER SPRINGS WATER CO	2008	2	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002389

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PWS ID #	E	FISCAL YR	VIOL #	STORET	PE	RESULTS	MAJ VIOL	START	END	AWARE	ATION ID
5403086	[redacted]	2008	2	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002390
5402043	ONSON MARKET	1999	1	71850	01	56.8		1/1/1999	12/31/1999	1/10/2000	WV0000633
5402043	NSON MARKET	2002	2	71850	01	47.2		1/1/2002	12/31/2002	1/9/2002	WV0000713
5402043	SON MARKET	2003	3	71850	01	55.6		1/1/2003	12/31/2003	1/7/2003	WV0000714
5402043	ON MARKET	2004	4	71850	01	66.9		1/1/2003	12/31/2003	10/8/2003	WV0001009
5402043	MARKET	2004	5	71850	01	65.3		4/1/2004	6/30/2004	4/20/2004	WV0001216
5402043	ARKET	2004	6	71850	01	63.1		7/1/2004	9/30/2004	7/19/2004	WV0001300
5402043	RKET	2005	7	71850	01	66		1/1/2004	12/31/2004	10/5/2004	WV0001388
5402043	ET	2005	8	71850	01	57.9		1/1/2005	12/31/2005	1/6/2005	WV0001693
5402043	T	2007	11	71850	01	74.1		1/1/2006	12/31/2006	10/9/2006	WV0001973
5402043	MONSON MARK	2008	12	71850	01	78.1		1/1/2007	12/31/2007	4/12/2007	WV0002260
5402043	MONSON MARKE	2009	14	71850	01	75.7		1/1/2008	12/31/2008	4/8/2008	WV0002627
5402043	MONSON MARKET	2010	15	71850	01	78.1		1/1/2009	12/31/2009	7/20/2009	WV0002883
5400898	NTECITO LAKE RESORT	2007	2	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002022
5400898	CITO LAKE RESORT	2007	3	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002023
5400898	LAKE RESORT	2007	4	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002024
5400898	RESORT	2007	5	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002025
5400898	ORT	2007	6	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002026
5400898	MONTECITO LAKE RESO	2008	7	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002391
5400679	TEL 99	2007	2	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002060
5400679	MO	2008	3	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002419
5400604	MOUNTAIN VIEW DUPLEXES	2007	4	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002027
5400819	MOUNTAIN VIEW M H P	2007	9	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002028
5400819	MOUNTAIN VIEW M H P	2009	10	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002649
5403128	[redacted]	2009	1	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002650
5403102	COLD STORAGE	2007	1	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002029

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400506	[redacted]	2010	21	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002904
5403053	MINI MART	2008	15	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002392
5403053	NS MINI MART	2009	20	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002651
5403053	NS MINI MART	2010	24	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002905
5400713	OAK VALLEY SCHOOL	2007	1	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002031
5400918	OPEN COUNTRY SWAP MEET	2002	1	71850	01	51		1/1/2001	12/31/2001	12/5/2001	WV0000328
5400918	OPEN COUNTRY SWAP MEET	2002	2	71850	01	50		1/1/2002	12/31/2002	6/26/2002	WV0000697
5400918	OPEN COUNTRY SWAP MEET	2003	3	71850	01	58		4/1/2003	6/30/2003	6/5/2003	WV0000834
5400918	OPEN COUNTRY SWAP MEET	2003	4	71850	03		Y	7/1/2003	9/30/2003	10/10/2003	WV0000923
5400918	OPEN COUNTRY SWAP MEET	2004	5	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000987
5400918	OPEN COUNTRY SWAP MEET	2004	6	71850	01	66		1/1/2004	3/31/2004	1/9/2004	WV0001084
5400918	OPEN COUNTRY SWAP MEET	2004	7	71850	01	63		4/1/2004	6/30/2004	4/6/2004	WV0001221
5400918	OPEN COUNTRY SWAP MEET	2004	8	71850	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001307
5400918	OPEN COUNTRY SWAP MEET	2005	9	71850	01	65		10/1/2004	12/31/2004	10/13/2004	WV0001373
5400918	OPEN COUNTRY SWAP MEET	2005	10	71850	01	68		1/1/2005	3/31/2005	1/25/2005	WV0001470
5400918	OPEN COUNTRY SWAP MEET	2005	11	71850	01	70		4/1/2005	6/30/2005	4/12/2005	WV0001567
5400918	OPEN COUNTRY SWAP MEET	2005	12	71850	03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001622
5400918	OPEN COUNTRY SWAP MEET	2006	13	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001683
5400918	OPEN COUNTRY SWAP MEET	2006	14	71850	01	69		1/1/2006	3/31/2006	1/12/2006	WV0001755
5400918	OPEN COUNTRY SWAP MEET	2006	15	71850	03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001821
5400918	OPEN COUNTRY SWAP MEET	2006	16	71850	01	68.0		7/1/2006	9/30/2006	7/11/2006	WV0001893
5400918	OPEN COUNTRY SWAP MEET	2007	17	71850	03		Y	10/1/2006	12/31/2006	1/10/2007	WV0001964
5400918	OPEN COUNTRY SWAP MEET	2007	20	71850	01	69		7/1/2007	9/30/2007	7/18/2007	WV0002217
5400918	OPEN COUNTRY SWAP MEET	2008	21	71850	01	75		10/1/2007	12/31/2007	12/19/2007	WV0002284
5400918	OPEN COUNTRY SWAP MEET	2008	22	71850	03		Y	1/1/2008	3/31/2008	4/10/2008	WV0002345
5400918	OPEN COUNTRY SWAP MEET	2008	23	71850	03		Y	4/1/2008	6/30/2008	7/10/2008	WV0002485

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET	[redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5400918	[redacted]N COUNTRY SWAP MEET	2008	25	71850	03		Y	7/1/2008	9/30/2008	10/10/2008	WV0002555
5400918	OPEN [redacted]OUNTRY SWAP MEET	2009	26	71850	01	70		10/1/2008	12/31/2008	11/5/2008	WV0002608
5400918	OPEN COUNTRY SWAP MEET	2009	27	71850	01	73		1/1/2009	3/31/2009	2/11/2009	WV0002703
5400918	OPEN COUNTRY [redacted] MEET	2009	28	71850	01	75		4/1/2009	6/30/2009	5/20/2009	WV0002757
5400918	OPEN COUNTRY SWAP [redacted]EET	2010	29	71850	03		Y	7/1/2009	9/30/2009	10/10/2009	WV0002826
5400918	OPEN COUNTRY SWAP ME	2010	30	71850	01	74		10/1/2009	12/31/2009	11/4/2009	WV0002864
5400687	[redacted]NGE BLOSSOM JUNCTION	2008	4	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002394
5400687	ORANGE BLOSSO[redacted]UNCTION	2010	8	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002906
5400636	OROSI HIGH SCHOOL	2000	3	71850	01	59		1/1/2000	12/31/2000	3/13/2000	WV0000634
5400636	OROSI HIGH SCHOOL	2002	4	71850	01	75.3		1/1/2002	12/31/2002	9/10/2002	WV0000674
5400636	OROSI HIGH SCHOOL	2004	7	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001010
5400636	OROSI HIGH SCHOOL	2005	10	71850	01	77		1/1/2004	12/31/2004	6/8/2004	WV0001389
5400636	OROSI HIGH SCHOOL	2006	16	71850	01	66		1/1/2005	12/31/2005	10/20/2005	WV0001694
5400636	OROSI HIGH SCHOOL	2007	19	71850	03		Y	1/1/2006	12/31/2006	1/10/2007	WV0001974
5400636	OROSI HIGH SCHOOL	2008	20	71850	01	47.7		1/1/2007	12/31/2007	6/11/2007	WV0002261
5400636	OROSI HIGH SCHOOL	2009	23	71850	01	90.1		1/1/2008	12/31/2008	3/26/2008	WV0002628
5403120	[redacted]	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002395
5400509	PANORAMA HEIGHTS PROP	2007	5	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002032
5400509	PANORAMA HEIGHTS PROP	2007	6	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002033
5400509	PANORAMA HEIGHTS PROP	2007	7	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002034
5400509	PANORAMA HEIGHTS PROP	2009	10	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002652
5400541	[redacted]RAMOUNT CITRUS	95	1	71850	02	60		1/1/1995	12/31/1995	3/10/1995	WV0000128
5400541	PA[redacted]MOUNT CITRUS	98	2	71850	01	77		1/1/1998	12/31/1998	2/10/1998	WV0000285
5400541	PARAM[redacted]T CITRUS	1999	5	71850	01	110		1/1/1999	12/31/1999	6/10/1999	WV0000635
5400541	PARAMOUNT [redacted]TRUS	2002	6	71850	01	110		1/1/2002	12/31/2002	9/16/2002	WV0000675
5400541	PARAMOUNT CIT[redacted]	2004	8	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001011

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400541	[redacted]RAMOUNT CITRUS	2005	15	71850	03		Y	1/1/2004	12/31/2004	1/10/2005	WV0001396
5400541	PA[redacted]OUNT CITRUS	2005	18	71850	01	91		1/1/2005	12/31/2005	3/10/2005	WV0001702
5400541	PARA[redacted]NT CITRUS	2006	20	71850	01	100.0		1/1/2006	12/31/2006	3/23/2006	WV0001982
5400541	PARAMOU[redacted]ITRUS	2008	22	71850	03		Y	1/1/2007	12/31/2007	1/10/2008	WV0002273
5400541	PARAMOUNT C[redacted]US	2009	23	71850	01	88		1/1/2008	12/31/2008	4/24/2008	WV0002629
5400541	PARAMOUNT CITR[redacted]	2010	24	71850	01	73		1/1/2009	12/31/2009	11/25/2009	WV0002884
5400887	PARK WATER SYSTEM	2007	7	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002035
5402038	PATTERSON TRACT CSD	2008	4	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002396
5402038	PATTERSON TRACT CSD	2009	5	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002653
5402056	[redacted]OPLES GROCERY	1998	1	71850	01	52		1/1/1998	12/31/1998	5/20/1998	WV0000360
5402056	P[redacted]PLES GROCERY	2001	2	71850	01	73		1/1/2001	12/31/2001	8/14/2001	WV0000637
5402056	PE[redacted]LES GROCERY	2002	3	71850	01	110		1/1/2002	12/31/2002	6/5/2002	WV0000717
5402056	PEO[redacted]ES GROCERY	2003	4	71850	01	78		1/1/2003	3/31/2003	3/7/2003	WV0000776
5402056	PEOP[redacted]S GROCERY	2004	5	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000982
5402056	PEOPL[redacted]S GROCERY	2004	6	71850	01	98		1/1/2004	3/31/2004	2/17/2004	WV0001085
5402056	PEOPLE[redacted]GROCERY	2004	7	71850	01	120		4/1/2004	6/30/2004	5/11/2004	WV0001217
5402056	PEOPLES[redacted]GROCERY	2004	8	71850	01	130		7/1/2004	9/30/2004	8/4/2004	WV0001302
5402056	PEOPLES[redacted]GROCERY	2005	9	71850	01	120		10/1/2004	12/31/2004	11/1/2004	WV0001366
5402056	PEOPLES [redacted]ROCERY	2005	10	71850	01	100		1/1/2005	3/31/2005	1/25/2005	WV0001466
5402056	PEOPLES G[redacted]OCERY	2005	11	71850	01	120		4/1/2005	6/30/2005	5/11/2005	WV0001564
5402056	PEOPLES GR[redacted]CERY	2005	12	71850	01	120		7/1/2005	9/30/2005	8/23/2005	WV0001617
5402056	PEOPLES GRO[redacted]ERY	2006	13	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001677
5402056	PEOPLES GRO[redacted]ERY	2006	14	71850	01	110		1/1/2006	3/31/2006	1/23/2006	WV0001750
5402056	PEOPLES GROC[redacted]Y	2006	15	71850	01	96.0		4/1/2006	6/30/2006	5/4/2006	WV0001816
5402056	PEOPLES GROCE[redacted]	2006	16	71850	01	56.0		7/1/2006	9/30/2006	7/18/2006	WV0001885
5402056	PEOPLES GROCERY	2007	17	71850	01	100.0		10/1/2006	12/31/2006	12/8/2006	WV0001957

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET[redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	[redacted]ATION ID
5402056	[redacted]OPLES GROCERY	2007	18	71850	01	99.0	1/1/2007	3/31/2007	2/5/2007	WV0002086
5402056	PEO[redacted]ES GROCERY	2008	19	71850	01	120	1/1/2007	12/31/2007	8/14/2007	WV0002262
5402056	PEOPLES [redacted]ROCERY	2009	21	71850	01	120	1/1/2008	12/31/2008	5/6/2008	WV0002630
5402056	PEOPLES GRO[redacted]	2010	22	71850	01	150	1/1/2009	12/31/2009	7/21/2009	WV0002885
5403081	PETERS FRUIT FARMS, INC	2008	5	71850	03	Y	1/1/2007	12/31/2007	2/10/2008	WV0002397
5400732	PIERPOINT SPRINGS WATER	2007	2	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002036
5400732	PIERPOINT SPRINGS WATER	2007	3	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002037
5400732	PIERPOINT SPRINGS WATER	2009	4	71850	03	Y	1/1/2008	12/31/2008	1/10/2009	WV0002655
5400934	PONDEROSA CSD	2007	8	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002038
5400934	PONDEROSA CSD	2007	9	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002039
5400934	PONDEROSA CSD	2007	10	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002040
5400934	PONDEROSA CSD	2007	11	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002041
5400611	PORTERVILLE TRAILER PARK	2008	8	71850	03	Y	1/1/2007	12/31/2007	2/10/2008	WV0002398
5402031	[redacted]EET MARKET	2007	1	71850	03	Y	1/1/2006	12/31/2006	2/10/2007	WV0002042
5402031	PREET MA[redacted]	2009	2	71850	03	Y	1/1/2008	12/31/2008	1/10/2009	WV0002656
5403013	[redacted]RINCE MART	1998	5	71850	01	130	1/1/1998	12/31/1998	4/30/1998	WV0000619
5403013	[redacted]NCE MART	2000	6	71850	01	97	1/1/2000	12/31/2000	3/29/2000	WV0000620
5403013	PR[redacted]CE MART	2003	7	71850	03	Y	1/1/2003	3/31/2003	4/10/2003	WV0000766
5403013	PRI[redacted]E MART	2003	8	71850	03	Y	4/1/2003	6/30/2003	7/10/2003	WV0000833
5403013	PRIN[redacted] MART	2003	9	71850	01	105	7/1/2003	9/30/2003	8/11/2003	WV0000930
5403013	PRINC[redacted]MART	2004	10	71850	01	118	10/1/2003	12/31/2003	10/28/2003	WV0000984
5403013	PRINCE[redacted]MART	2004	11	71850	03	Y	1/1/2004	3/31/2004	4/10/2004	WV0001083
5403013	PRINCE[redacted]MART	2004	12	71850	01	129	4/1/2004	6/30/2004	4/27/2004	WV0001218
5403013	PRINCE [redacted]ART	2004	13	71850	01	137	7/1/2004	9/30/2004	8/17/2004	WV0001305
5403013	PRINCE M[redacted]RT	2005	14	71850	01	139	10/1/2004	12/31/2004	10/25/2004	WV0001369
5403013	PRINCE MA[redacted]T	2005	16	71850	03	Y	1/1/2005	3/31/2005	4/10/2005	WV0001462

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5403013	[redacted]INCE MART	2006	17	71850	01	127		10/1/2005	12/31/2005	10/10/2005	WV0001680
5403013	P[redacted]CE MART	2006	18	71850	01	132		1/1/2006	3/31/2006	2/7/2006	WV0001752
5403013	PRI[redacted] MART	2006	19	71850	01	156.0		7/1/2006	9/30/2006	8/10/2006	WV0001888
5403013	PRINC[redacted]ART	2007	20	71850	01	161.0		10/1/2006	12/31/2006	11/9/2006	WV0001959
5403013	PRINCE [redacted]RT	2007	21	71850	03		Y	1/1/2007	3/31/2007	4/10/2007	WV0002079
5403013	PRINCE MA[redacted]	2008	22	71850	01	128		1/1/2007	12/31/2007	5/23/2007	WV0002272
5403013	PRINCE MAR[redacted]	2009	24	71850	01	134		1/1/2008	12/31/2008	6/25/2008	WV0002631
5403013	PRINCE MART	2010	25	71850	01	126		1/1/2009	12/31/2009	8/10/2009	WV0002886
5402050	PROVISIONS FOODS	2007	2	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002018
5402050	PROVISIONS FOODS	2007	3	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002019
5400895	[redacted]THIAN YOUTH CAMP	2007	5	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002043
5400895	PYTHI[redacted]OUTH CAMP	2007	6	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002044
5400895	PYTHIAN YOUTH [redacted]	2010	8	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002907
5400703	[redacted]	2008	4	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002399
5400961	QUAKER MEADOW CAMP	2007	4	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002045
5400961	QUAKER MEADOW CAMP	2008	5	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002400
5400929	[redacted]	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002401
5403061	[redacted]	2007	26	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002046
5403061	[redacted]	2009	30	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002658
5401094	[redacted] TRAVEL CENTER	2006	1	71850	01	100		1/1/2006	12/31/2006	8/2/2006	WV0001875
5401094	RJ'S [redacted]AVEL CENTER	2006	2	71850	01	100.0		7/1/2006	9/30/2006	8/2/2006	WV0001886
5401094	RJ'S TRAVE[redacted]CENTER	2007	3	71850	03		Y	10/1/2006	12/31/2006	1/10/2007	WV0001958
5401094	RJ'S TRAVEL CE[redacted]	2007	4	71850	01	62.0		1/1/2007	3/31/2007	2/14/2007	WV0002087
5400884	ROCKFORD SCHOOL	2007	4	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002047
5400884	ROCKFORD SCHOOL	2008	5	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002402
5400884	ROCKFORD SCHOOL	2009	6	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002659

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE [redacted]ATION ID
5400735	RODRIGUEZ LABOR CAMP	96	1	71850 03		Y	1/1/1996	3/31/1996	4/10/1996 WV0000004
5400735	RODRIGUEZ LABOR CAMP	98	2	71850 03	100	Y	1/1/1998	12/31/1998	1/10/1999 WV0000005
5400735	RODRIGUEZ LABOR CAMP	98	3	71850 03	110	Y	1/1/1998	12/31/1998	1/10/1999 WV0000245
5400735	RODRIGUEZ LABOR CAMP	2002	8	71850 03		Y	10/1/2001	12/31/2001	1/10/2002 WV0000599
5400735	RODRIGUEZ LABOR CAMP	1997	9	71850 01	130		1/1/1997	12/31/1997	2/17/1997 WV0000639
5400735	RODRIGUEZ LABOR CAMP	2000	10	71850 01	150		1/1/2000	12/31/2000	8/11/2000 WV0000678
5400735	RODRIGUEZ LABOR CAMP	2002	11	71850 01	130		1/1/2002	12/31/2002	1/21/2002 WV0000679
5400735	RODRIGUEZ LABOR CAMP	2004	12	71850 01	130		1/1/2003	12/31/2003	6/30/2003 WV0001013
5400735	RODRIGUEZ LABOR CAMP	2005	14	71850 01	130		1/1/2004	12/31/2004	6/7/2004 WV0001413
5400735	RODRIGUEZ LABOR CAMP	2005	17	71850 01	130		1/1/2005	12/31/2005	6/27/2005 WV0001720
5400735	RODRIGUEZ LABOR CAMP	2006	19	71850 01	130.0		1/1/2006	12/31/2006	7/21/2006 WV0001998
5400735	RODRIGUEZ LABOR CAMP	2008	20	71850 01	130		1/1/2007	12/31/2007	7/27/2007 WV0002300
5400735	RODRIGUEZ LABOR CAMP	2009	22	71850 03		Y	1/1/2008	12/31/2008	1/10/2009 WV0002632
5400735	RODRIGUEZ LABOR CAMP	2009	23	71850 03		Y	1/1/2008	12/31/2008	1/10/2009 WV0002660
5400735	RODRIGUEZ LABOR CAMP	2010	25	71850 01	121		1/1/2009	12/31/2009	10/20/2009 WV0002887
5403072	ROGERS CAMP HOMEOWNERS	2007	2	71850 03		Y	1/1/2006	12/31/2006	2/10/2007 WV0002048
5403072	ROGERS CAMP HOMEOWNERS	2010	3	71850 03		Y	1/1/2009	12/31/2009	1/10/2010 WV0002908
5400549	[redacted]AL OAK RESORT	2007	1	71850 03		Y	1/1/2006	12/31/2006	2/10/2007 WV0002049
5400549	ROYAL OAK [redacted]	2009	2	71850 03		Y	1/1/2008	12/31/2008	1/10/2009 WV0002661
5403068	[redacted]	2008	8	71850 03		Y	1/1/2007	12/31/2007	2/10/2008 WV0002403
5400558	SAUCELITO ELEM SCHOOL	2004	2	71850 01	46		1/1/2004	12/31/2004	6/11/2004 WV0001210
5400558	SAUCELITO ELEM SCHOOL	2004	3	71850 03		Y	7/1/2004	9/30/2004	10/10/2004 WV0001308
5400558	SAUCELITO ELEM SCHOOL	2005	7	71850 03		Y	4/1/2005	6/30/2005	7/10/2005 WV0001560
5400558	SAUCELITO ELEM SCHOOL	2006	9	71850 03		Y	4/1/2006	6/30/2006	7/10/2006 WV0001827
5400558	SAUCELITO ELEM SCHOOL	2007	15	71850 03		Y	1/1/2007	3/31/2007	4/10/2007 WV0002080
5400558	SAUCELITO ELEM SCHOOL	2007	16	71850 03		Y	1/1/2007	3/31/2007	4/10/2007 WV0002081

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400558	SAUCELITO ELEM SCHOOL	2007	17	71850	01	51		4/1/2007	6/30/2007	6/8/2007	WV0002157
5400558	SAUCELITO ELEM SCHOOL	2007	18	71850	01	54		7/1/2007	9/30/2007	8/8/2007	WV0002218
5400558	SAUCELITO ELEM SCHOOL	2008	21	71850	03		Y	10/1/2007	12/31/2007	1/10/2008	WV0002285
5400558	SAUCELITO ELEM SCHOOL	2008	22	71850	01	47		1/1/2008	3/31/2008	3/26/2008	WV0002346
5400558	SAUCELITO ELEM SCHOOL	2008	29	71850	01	56		4/1/2008	6/30/2008	6/20/2008	WV0002486
5400558	SAUCELITO ELEM SCHOOL	2008	33	71850	01	54		7/1/2008	9/30/2008	8/6/2008	WV0002556
5400558	SAUCELITO ELEM SCHOOL	2009	35	71850	01	54		10/1/2008	12/31/2008	10/9/2008	WV0002609
5400558	SAUCELITO ELEM SCHOOL	2009	38	71850	01	55		4/1/2009	6/30/2009	4/21/2009	WV0002758
5400558	SAUCELITO ELEM SCHOOL	2010	39	71850	03		Y	7/1/2009	9/30/2009	10/10/2009	WV0002827
5400558	SAUCELITO ELEM SCHOOL	2010	40	71850	01	52		10/1/2009	12/31/2009	10/5/2009	WV0002865
5401001	[redacted]OIA CIDER MILL	2007	12	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002050
5401001	SEQU[redacted]ER MILL	2007	13	71850	01	45		4/1/2007	6/30/2007	6/15/2007	WV0002150
5401001	SEQUOIA CIDE[redacted]	2007	14	71850	01	45.0		4/1/2007	6/30/2007	6/15/2007	WV0002178
5400709	SEQUOIA UNION SCHOOL	2000	1	71850	01	49		1/1/1999	12/31/1999	10/28/1999	WV0000269
5400709	SEQUOIA UNION SCHOOL	2000	2	71850	01	46		1/1/1997	12/31/1997	11/13/1997	WV0000286
5400709	SEQUOIA UNION SCHOOL	2004	5	71850	01	45		1/1/2003	12/31/2003	11/3/2003	WV0001014
5400709	SEQUOIA UNION SCHOOL	2005	7	71850	01	45		1/1/2004	12/31/2004	5/10/2004	WV0001397
5400709	SEQUOIA UNION SCHOOL	2005	11	71850	03		Y	1/1/2005	12/31/2005	1/10/2006	WV0001703
5400709	SEQUOIA UNION SCHOOL	2007	14	71850	01	47.0		1/1/2006	12/31/2006	10/13/2006	WV0001983
5400709	SEQUOIA UNION SCHOOL	2008	16	71850	03		Y	1/1/2007	12/31/2007	1/10/2008	WV0002274
5400709	SEQUOIA UNION SCHOOL	2009	17	71850	01	47		1/1/2008	12/31/2008	3/21/2008	WV0002633
5400644	[redacted]	2007	23	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002051
5402039	[redacted]T	2007	4	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002052
5400550	SEVILLE WATER CO	2008	12	71850	01	46		10/1/2007	12/31/2007	11/5/2007	WV0002263
5400550	SEVILLE WATER CO	2008	13	71850	03		Y	1/1/2008	3/31/2008	4/10/2008	WV0002347
5400550	SEVILLE WATER CO	2008	14	71850	03		Y	4/1/2008	6/30/2008	7/10/2008	WV0002487

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PWS ID #	[redacted]	FISCAL YR	VIOL #	STORET [redacted]	PE	RESULTS	MAJ VIOL	START	END	AWARE	V [redacted] ATION ID
5400550	SEVILLE WATER CO	2008	17	71850	03		Y	7/1/2008	9/30/2008	10/10/2008	WV0002557
5400550	SEVILLE WATER CO	2009	18	71850	03		Y	10/1/2008	12/31/2008	1/10/2009	WV0002610
5400550	SEVILLE WATER CO	2009	19	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002662
5400529	SHADY GROVE M H P	2008	19	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002404
5400527	SHILOH WATER CO.	2007	6	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002053
5401099	[redacted]	2010	5	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002909
5400747	[redacted]	2008	9	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002406
5403110	SIERRA MUTUAL WATER CO	2002	2	71850	01	109		1/1/2002	12/31/2002	1/7/2002	WV0000719
5403110	SIERRA MUTUAL WATER CO	2002	3	71850	01	119		1/1/2002	12/31/2002	1/7/2002	WV0000720
5403110	SIERRA MUTUAL WATER CO	2004	5	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001015
5403110	SIERRA MUTUAL WATER CO	2004	6	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001016
5403110	SIERRA MUTUAL WATER CO	2005	11	71850	01	90		1/1/2004	12/31/2004	3/16/2004	WV0001406
5403110	SIERRA MUTUAL WATER CO	2005	12	71850	01	110		1/1/2004	12/31/2004	3/16/2004	WV0001407
5403110	SIERRA MUTUAL WATER CO	2005	14	71850	01	98		1/1/2005	12/31/2005	1/25/2005	WV0001711
5403110	SIERRA MUTUAL WATER CO	2005	15	71850	01	110		1/1/2005	12/31/2005	1/25/2005	WV0001712
5403110	SIERRA MUTUAL WATER CO	2006	20	71850	03		Y	1/1/2006	12/31/2006	1/10/2007	WV0001990
5403110	SIERRA MUTUAL WATER CO	2006	21	71850	03		Y	1/1/2006	12/31/2006	1/10/2007	WV0001991
5403110	SIERRA MUTUAL WATER CO	2008	27	71850	03		Y	1/1/2007	12/31/2007	1/10/2008	WV0002292
5403110	SIERRA MUTUAL WATER CO	2008	28	71850	03		Y	1/1/2007	12/31/2007	1/10/2008	WV0002293
5403110	SIERRA MUTUAL WATER CO	2009	30	71850	01	93		1/1/2008	12/31/2008	6/19/2008	WV0002634
5403110	SIERRA MUTUAL WATER CO	2009	31	71850	01	90		1/1/2008	12/31/2008	6/19/2008	WV0002635
5403110	SIERRA MUTUAL WATER CO	2010	32	71850	01	96		1/1/2009	12/31/2009	11/23/2009	WV0002888
5400638	SIERRA SCHOOL	2007	15	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002054
5400638	SIERRA SCHOOL	2007	16	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002055
5400638	SIERRA SCHOOL	2008	18	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002407
5400711	[redacted]	2002	8	71850	01	62		1/1/2002	12/31/2002	9/18/2002	WV0000640

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400711	SIERRA VIEW JR ACADEMY	2003	9	71850	03		Y	4/1/2003	6/30/2003	7/10/2003	WV0000835
5400711	SIERRA VIEW JR ACADEMY	2003	10	71850	01	55.0		7/1/2003	9/30/2003	10/10/2003	WV0000931
5400711	SIERRA VIEW JR ACADEMY	2004	12	71850	01	53		10/1/2003	12/31/2003	10/22/2003	WV0000985
5400711	SIERRA VIEW JR ACADEMY	2004	13	71850	03		Y	1/1/2004	3/31/2004	4/10/2004	WV0001092
5400711	SIERRA VIEW JR ACADEMY	2004	14	71850	01	50		4/1/2004	6/30/2004	5/3/2004	WV0001219
5400711	SIERRA VIEW JR ACADEMY	2004	15	71850	01	53		7/1/2004	9/30/2004	7/21/2004	WV0001306
5400711	SIERRA VIEW JR ACADEMY	2005	16	71850	03		Y	10/1/2004	12/31/2004	1/10/2005	WV0001370
5400711	SIERRA VIEW JR ACADEMY	2005	17	71850	03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001559
5400711	SIERRA VIEW JR ACADEMY	2005	18	71850	03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001619
5400711	SIERRA VIEW JR ACADEMY	2006	19	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001681
5400711	SIERRA VIEW JR ACADEMY	2006	20	71850	03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001818
5400711	SIERRA VIEW JR ACADEMY	2006	21	71850	01	47.0		7/1/2006	9/30/2006	8/3/2006	WV0001889
5400711	SIERRA VIEW JR ACADEMY	2007	22	71850	03		Y	10/1/2006	12/31/2006	1/10/2007	WV0001960
5400711	SIERRA VIEW JR ACADEMY	2007	23	71850	01	49.0		1/1/2007	3/31/2007	1/31/2007	WV0002088
5400711	SIERRA VIEW JR ACADEMY	2007	24	71850	01	52		4/1/2007	6/30/2007	5/24/2007	WV0002151
5400711	SIERRA VIEW JR ACADEMY	2007	25	71850	01	50		7/1/2007	9/30/2007	7/23/2007	WV0002213
5400711	SIERRA VIEW JR ACADEMY	2008	26	71850	01	52		10/1/2007	12/31/2007	10/18/2007	WV0002275
5400711	SIERRA VIEW JR ACADEMY	2008	27	71850	03		Y	1/1/2008	3/31/2008	4/10/2008	WV0002348
5400711	SIERRA VIEW JR ACADEMY	2008	28	71850	03		Y	4/1/2008	6/30/2008	7/10/2008	WV0002488
5400711	SIERRA VIEW JR ACADEMY	2008	29	71850	01	45		7/1/2008	9/30/2008	8/4/2008	WV0002558
5400711	SIERRA VIEW JR ACADEMY	2009	30	71850	03		Y	10/1/2008	12/31/2008	1/10/2009	WV0002611
5400711	SIERRA VIEW JR ACADEMY	2009	31	71850	03		Y	4/1/2009	6/30/2009	7/10/2009	WV0002759
5400711	SIERRA VIEW JR ACADEMY	2010	33	71850	01	50		7/1/2009	9/30/2009	8/7/2009	WV0002828
5400711	SIERRA VIEW JR ACADEMY	2010	34	71850	01	45		10/1/2009	12/31/2009	11/3/2009	WV0002866
5401071	SILVER CITY WATER CO	2010	8	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002910
5401084	[redacted]	2007	6	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002056

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PWS ID #	[redacted]	FISCAL YR	VIOL #	STORET [redacted]	PE	RESULTS	MAJ VIOL	START	END	AWARE	V[redacted]TION ID
5401084	[redacted]	2010	7	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002911
5400652	SNOWDEN SCHOOL	2008	1	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002408
5400754	[redacted]	2008	14	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002409
5400805	SOULTS MUTUAL WATER CO	2004	2	71850	01	67.1		1/1/2003	12/31/2003	11/4/2003	WV0001093
5400805	SOULTS MUTUAL WATER CO	2004	4	71850	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001309
5400805	SOULTS MUTUAL WATER CO	2005	5	71850	03		Y	10/1/2004	12/31/2004	1/10/2005	WV0001374
5400805	SOULTS MUTUAL WATER CO	2005	6	71850	01	79		1/1/2005	3/31/2005	1/25/2005	WV0001471
5400805	SOULTS MUTUAL WATER CO	2005	8	71850	01	68.6		4/1/2005	6/30/2005	4/20/2005	WV0001568
5400805	SOULTS MUTUAL WATER CO	2005	9	71850	01	77.4		7/1/2005	9/30/2005	7/7/2005	WV0001623
5400805	SOULTS MUTUAL WATER CO	2006	10	71850	01	56		10/1/2005	12/31/2005	10/19/2005	WV0001684
5400805	SOULTS MUTUAL WATER CO	2006	11	71850	01	65.9		1/1/2006	3/31/2006	1/18/2006	WV0001756
5400805	SOULTS MUTUAL WATER CO	2006	12	71850	01	74.0		4/1/2006	6/30/2006	4/6/2006	WV0001828
5400805	SOULTS MUTUAL WATER CO	2006	13	71850	01	90.0		7/1/2006	9/30/2006	7/12/2006	WV0001894
5400805	SOULTS MUTUAL WATER CO	2007	15	71850	01	96.0		10/1/2006	12/31/2006	10/9/2006	WV0001965
5400805	SOULTS MUTUAL WATER CO	2007	16	71850	01	97.0		1/1/2007	3/31/2007	1/30/2007	WV0002092
5400805	SOULTS MUTUAL WATER CO	2007	17	71850	01	118		4/1/2007	6/30/2007	4/18/2007	WV0002158
5400805	SOULTS MUTUAL WATER CO	2007	18	71850	01	93.6		7/1/2007	9/30/2007	7/9/2007	WV0002219
5400805	SOULTS MUTUAL WATER CO	2008	19	71850	01	69		1/1/2008	3/31/2008	1/22/2008	WV0002349
5400805	SOULTS MUTUAL WATER CO	2009	20	71850	01	85		1/1/2008	12/31/2008	7/15/2008	WV0002636
5400805	SOULTS MUTUAL WATER CO	2010	21	71850	01	82.6		1/1/2009	12/31/2009	6/8/2009	WV0002889
5400737	[redacted]	2010	10	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002912
5400552	[redacted]	2007	2	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002057
5400552	[redacted]	2010	3	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002913
5401004	STYROTEK	2002	1	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000604
5401004	STYROTEK	1998	2	71850	01	67.2		1/1/1998	12/31/1998	3/25/1998	WV0000621
5401004	STYROTEK	2001	3	71850	01	75.6		1/1/2000	12/31/2000	10/18/2000	WV0000691

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5401004	STYROTEK	2002	4	71850	01	74.2		1/1/2002	12/31/2002	3/14/2002	WV0000692
5401004	STYROTEK	2003	7	71850	01	66		1/1/2003	3/31/2003	1/21/2003	WV0000774
5401004	STYROTEK	2003	8	71850	01	68.3		4/1/2003	6/30/2003	4/3/2003	WV0000836
5401004	STYROTEK	2003	9	71850	01	72.1		7/1/2003	9/30/2003	7/28/2003	WV0000940
5401004	STYROTEK	2004	10	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000988
5401004	STYROTEK	2004	12	71850	01	67.9		1/1/2004	3/31/2004	2/2/2004	WV0001094
5401004	STYROTEK	2004	13	71850	01	72.6		4/1/2004	6/30/2004	4/12/2004	WV0001222
5401004	STYROTEK	2005	14	71850	01	69.1		10/1/2004	12/31/2004	10/21/2004	WV0001375
5401004	STYROTEK	2005	15	71850	01	71		1/1/2005	3/31/2005	1/4/2005	WV0001472
5401004	STYROTEK	2005	16	71850	01	78		4/1/2005	6/30/2005	4/20/2005	WV0001569
5401004	STYROTEK	2005	17	71850	01	75.1		7/1/2005	9/30/2005	7/12/2005	WV0001624
5401004	STYROTEK	2006	18	71850	01	76.5		10/1/2005	12/31/2005	10/20/2005	WV0001685
5401004	STYROTEK	2006	19	71850	01	77.6		1/1/2006	3/31/2006	1/19/2006	WV0001757
5401004	STYROTEK	2006	20	71850	03		Y	4/1/2006	6/30/2006	7/10/2006	WV0001829
5401004	STYROTEK	2006	22	71850	01	76.3		7/1/2006	9/30/2006	8/22/2006	WV0001895
5401004	STYROTEK	2007	23	71850	01	69.0		10/1/2006	12/31/2006	10/27/2006	WV0001966
5401004	STYROTEK	2007	24	71850	01	68.7		1/1/2007	3/31/2007	1/4/2007	WV0002093
5401004	STYROTEK	2007	25	71850	01	80.4		4/1/2007	6/30/2007	4/4/2007	WV0002166
5401004	STYROTEK	2007	26	71850	01	69.2		7/1/2007	9/30/2007	7/5/2007	WV0002220
5401004	STYROTEK	2008	27	71850	01	68.6		10/1/2007	12/31/2007	10/8/2007	WV0002286
5401004	STYROTEK	2008	28	71850	01	78		1/1/2008	3/31/2008	1/8/2008	WV0002350
5401004	STYROTEK	2008	30	71850	01	81.1		4/1/2008	6/30/2008	4/2/2008	WV0002489
5401004	STYROTEK	2008	31	71850	01	71.2		7/1/2008	9/30/2008	7/8/2008	WV0002559
5401004	STYROTEK	2009	32	71850	01	82.1		10/1/2008	12/31/2008	10/7/2008	WV0002612
5401004	STYROTEK	2009	33	71850	01	80.6		1/1/2009	3/31/2009	1/7/2009	WV0002704
5401004	STYROTEK	2009	34	71850	01	78.2		4/1/2009	6/30/2009	4/13/2009	WV0002760

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PWS ID #	[redacted]	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	V[redacted]ATION ID
5401004	STYROTEK	2010	35	71850 01	78.8		7/1/2009	9/30/2009	7/6/2009	WV0002829
5401004	STYROTEK	2010	36	71850 01	79.1		10/1/2009	12/31/2009	10/6/2009	WV0002867
5400984	[redacted]	2008	6	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002410
5400984	[redacted]	2009	10	71850 03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002663
5403040	SUHOVY WATER SYSTEM	2008	1	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002411
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	1997	1	71850 02	055.		1/1/1996	12/31/1996	6/26/1997	WV0000068
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	1999	2	71850 01	049.		1/1/1999	12/31/1999	4/20/1999	WV0000340
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2002	8	71850 01	52		1/1/2002	12/31/2002	2/14/2002	WV0000680
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2004	14	71850 01	59.7		1/1/2003	12/31/2003	5/14/2003	WV0001018
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2005	18	71850 01	63		1/1/2004	12/31/2004	2/3/2004	WV0001399
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2005	23	71850 01	63		1/1/2005	12/31/2005	2/24/2005	WV0001705
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2006	25	71850 01	66.0		1/1/2006	12/31/2006	2/21/2006	WV0001984
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2008	26	71850 01	66		1/1/2007	12/31/2007	9/5/2007	WV0002277
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2009	29	71850 01	64		1/1/2008	12/31/2008	3/13/2008	WV0002637
5402013	SUN PACIFIC SHIPPERS LP - [redacted]	2010	31	71850 01	65		1/1/2009	12/31/2009	10/6/2009	WV0002890
5403009	[redacted]	2008	10	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002412
5400641	TEVISTON C S D	2008	4	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002413
5401063	THARP REAL PROPERTIES	2008	1	71850 01	69.0		1/1/2007	12/31/2007	10/22/2007	WV0002334
5401063	THARP REAL PROPERTIES	2008	2	71850 01	97		1/1/2008	3/31/2008	1/25/2008	WV0002351
5401063	THARP REAL PROPERTIES	2008	3	71850 03		Y	7/1/2008	9/30/2008	10/10/2008	WV0002560
5401063	THARP REAL PROPERTIES	2009	4	71850 01	55.9		4/1/2009	6/30/2009	4/8/2009	WV0002761
5403105	[redacted]	2008	1	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002414
5400975	[redacted]FE	2008	4	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002416
5400975	[redacted]	2009	5	71850 03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002665
5403071	[redacted]RIVERS CHEVRON	2008	1	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002417
5403071	THREE RIVERS CHEVRON	2010	2	71850 03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002914

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5401022	[redacted]	2002	1	71850	03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000605
5401022	[redacted] GOLF COURSE	2000	2	71850	01	73		1/1/2000	12/31/2000	7/18/2000	WV0000622
5400751	[redacted]	2009	27	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002666
5400838	THREE RIVERS VILLAGE	2008	7	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002418
5400838	THREE RIVERS VILLAGE	2010	8	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002915
5400920	TIPTON ELEMENTARY SCHOOL	2007	3	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002059
5400920	TIPTON ELEMENTARY SCHOOL	2010	4	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002916
5403011	[redacted]	2009	2	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002657
5400567	TOOLEVILLE WATER COMPANY	1997	4	71850	01	87		1/1/1997	12/31/1997	6/2/1997	WV0000681
5400567	TOOLEVILLE WATER COMPANY	2000	5	71850	01	47.9		1/1/2000	12/31/2000	7/19/2000	WV0000682
5400567	TOOLEVILLE WATER COMPANY	2001	6	71850	01	54		1/1/2001	12/31/2001	8/30/2001	WV0000683
5400567	TOOLEVILLE WATER COMPANY	2002	7	71850	01	45		1/1/2002	12/31/2002	2/14/2002	WV0000721
5400567	TOOLEVILLE WATER COMPANY	2002	8	71850	01	67.1		1/1/2002	12/31/2002	5/9/2002	WV0000722
5400567	TOOLEVILLE WATER COMPANY	2003	13	71850	03		Y	4/1/2003	6/30/2003	7/10/2003	WV0000837
5400567	TOOLEVILLE WATER COMPANY	2004	20	71850	03		Y	1/1/2003	12/31/2003	1/13/2004	WV0001019
5400567	TOOLEVILLE WATER COMPANY	2005	26	71850	01	46.2		1/1/2005	12/31/2005	1/20/2005	WV0001706
5400567	TOOLEVILLE WATER COMPANY	2007	28	71850	01	65.0		1/1/2006	12/31/2006	11/29/2006	WV0001985
5400567	TOOLEVILLE WATER COMPANY	2007	29	71850	01	51.90		4/1/2007	6/30/2007	4/26/2007	WV0002152
5400567	TOOLEVILLE WATER COMPANY	2008	30	71850	01	51.90		1/1/2007	12/31/2007	4/26/2007	WV0002278
5403103	TRACT 327 MUTUAL WATER CO	2007	20	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002061
5403103	TRACT 327 MUTUAL WATER CO	2009	31	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002667
5403103	TRACT 327 MUTUAL WATER CO	2010	42	71850	03		Y	1/1/2009	12/31/2009	1/10/2010	WV0002917
5400903	TRACT 92 C S D	2007	1	71850	03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002062
5400903	TRACT 92 C S D	2009	10	71850	03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002668
5400639	TRAVER SCHOOL	2008	7	71850	03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002420
5402022	[redacted]	2000	1	71850	01	50.2		1/1/2000	12/31/2000	1/5/2000	WV0000654

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	V[redacted]ATION ID
5402022	[redacted]AVER VALLEY FARMS - PWS	2002	2	71850 01	63.9		1/1/2002	12/31/2002	7/16/2002	WV0000655
5402022	TRAV[redacted]ALLEY FARMS - PWS	2004	7	71850 01	64		1/1/2003	12/31/2003	1/7/2003	WV0001023
5402022	TRAVER VALL[redacted]ARMS - PWS	2005	8	71850 01	64.1		1/1/2004	12/31/2004	1/8/2004	WV0001391
5402022	TRAVER VALLEY FARMS - PWS	2005	12	71850 01	57.3		1/1/2005	12/31/2005	1/6/2005	WV0001696
5402022	TRAVER VALLEY FARMS - PWS	2007	14	71850 01	68.8		1/1/2006	12/31/2006	10/9/2006	WV0001976
5403046	TRI COUNTY CITRUS	2002	4	71850 03		Y	7/1/2002	9/30/2002	10/10/2002	WV0000606
5403046	TRI COUNTY CITRUS	1998	5	71850 01	99		1/1/1998	12/31/1998	9/30/1998	WV0000656
5403046	TRI COUNTY CITRUS	2000	6	71850 01	111		1/1/2000	12/31/2000	5/17/2000	WV0000657
5403046	TRI COUNTY CITRUS	2002	7	71850 01	88.7		1/1/2002	12/31/2002	4/23/2002	WV0000709
5403046	TRI COUNTY CITRUS	2004	9	71850 01	116		1/1/2003	12/31/2003	8/26/2003	WV0001020
5403046	TRI COUNTY CITRUS	2005	11	71850 01	110		1/1/2004	12/31/2004	6/17/2004	WV0001390
5403046	TRI COUNTY CITRUS	2005	12	71850 01	110		1/1/2005	12/31/2005	7/15/2005	WV0001695
5403046	TRI COUNTY CITRUS	2006	14	71850 01	120.0		1/1/2006	12/31/2006	9/22/2006	WV0001975
5403046	TRI COUNTY CITRUS	2008	15	71850 01	120		1/1/2007	12/31/2007	2/23/2007	WV0002264
5403046	TRI COUNTY CITRUS	2009	16	71850 01	130		1/1/2008	12/31/2008	2/8/2008	WV0002638
5403046	TRI COUNTY CITRUS	2010	17	71850 01	47		1/1/2009	12/31/2009	6/5/2009	WV0002891
5400670	TRIPLE R MUTUAL WATER CO	98	1	71850 04	58	Y	1/1/1998	1/31/1998	2/10/1998	WV0000297
5400670	TRIPLE R MUTUAL WATER CO	98	2	71850 04	55	Y	1/1/1998	1/31/1998	2/10/1998	WV0000298
5400670	TRIPLE R MUTUAL WATER CO	98	3	71850 04	52	Y	1/1/1998	1/31/1998	2/10/1998	WV0000299
5400670	TRIPLE R MUTUAL WATER CO	1996	4	71850 01	55		1/1/1996	12/31/1996	2/12/1996	WV0000658
5400670	TRIPLE R MUTUAL WATER CO	1997	5	71850 01	76		1/1/1996	12/31/1996	12/2/1996	WV0000659
5400670	TRIPLE R MUTUAL WATER CO	1996	6	71850 01	64		1/1/1996	12/31/1996	2/12/1996	WV0000660
5400670	TRIPLE R MUTUAL WATER CO	2000	7	71850 01	86		1/1/2000	12/31/2000	3/15/2000	WV0000661
5400670	TRIPLE R MUTUAL WATER CO	2000	8	71850 01	65.1		1/1/2000	12/31/2000	3/15/2000	WV0000662
5400670	TRIPLE R MUTUAL WATER CO	2000	9	71850 01	53.6		1/1/2000	12/31/2000	3/15/2000	WV0000663
5400670	TRIPLE R MUTUAL WATER CO	2002	10	71850 01	59.1		1/1/2002	12/31/2002	2/18/2002	WV0000664

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400670	TRIPLE R MUTUAL WATER CO	2003	13	71850	01	58.7		1/1/2003	12/31/2003	9/11/2003	WV0000966
5400670	TRIPLE R MUTUAL WATER CO	2004	14	71850	01	65.8		1/1/2003	12/31/2003	5/12/2003	WV0001021
5400670	TRIPLE R MUTUAL WATER CO	2004	15	71850	01	70.9		1/1/2003	12/31/2003	5/12/2003	WV0001022
5400670	TRIPLE R MUTUAL WATER CO	2004	16	71850	01	51		1/1/2004	12/31/2004	3/16/2004	WV0001132
5400670	TRIPLE R MUTUAL WATER CO	2005	17	71850	01	54		1/1/2004	12/31/2004	9/21/2004	WV0001408
5400670	TRIPLE R MUTUAL WATER CO	2005	18	71850	01	55		1/1/2004	12/31/2004	9/21/2004	WV0001409
5400670	TRIPLE R MUTUAL WATER CO	2005	19	71850	01	59.2		1/1/2005	12/31/2005	4/27/2005	WV0001713
5400670	TRIPLE R MUTUAL WATER CO	2005	20	71850	01	56.1		1/1/2005	12/31/2005	4/27/2005	WV0001714
5400670	TRIPLE R MUTUAL WATER CO	2006	21	71850	01	58.0		4/1/2006	6/30/2006	5/8/2006	WV0001825
5400670	TRIPLE R MUTUAL WATER CO	2006	22	71850	01	66.0		4/1/2006	6/30/2006	5/8/2006	WV0001826
5400670	TRIPLE R MUTUAL WATER CO	2006	23	71850	01	58.0		7/1/2006	9/30/2006	7/17/2006	WV0001900
5400670	TRIPLE R MUTUAL WATER CO	2006	24	71850	01	60.0		7/1/2006	9/30/2006	7/17/2006	WV0001901
5400670	TRIPLE R MUTUAL WATER CO	2007	25	71850	01	55.0		1/1/2006	12/31/2006	10/9/2006	WV0001992
5400670	TRIPLE R MUTUAL WATER CO	2007	26	71850	01	56.0		1/1/2006	12/31/2006	10/9/2006	WV0001993
5400670	TRIPLE R MUTUAL WATER CO	2007	27	71850	01	59.0		1/1/2007	3/31/2007	1/3/2007	WV0002097
5400670	TRIPLE R MUTUAL WATER CO	2007	28	71850	01	50.0		1/1/2007	3/31/2007	1/3/2007	WV0002098
5400670	TRIPLE R MUTUAL WATER CO	2007	29	71850	01	57.2		4/1/2007	6/30/2007	4/19/2007	WV0002163
5400670	TRIPLE R MUTUAL WATER CO	2007	30	71850	03		Y	4/1/2007	6/30/2007	7/10/2007	WV0002164
5400670	TRIPLE R MUTUAL WATER CO	2007	31	71850	01	53		7/1/2007	9/30/2007	7/2/2007	WV0002226
5400670	TRIPLE R MUTUAL WATER CO	2007	32	71850	01	58		7/1/2007	9/30/2007	7/2/2007	WV0002227
5400670	TRIPLE R MUTUAL WATER CO	2008	33	71850	01	54		10/1/2007	12/31/2007	10/2/2007	WV0002294
5400670	TRIPLE R MUTUAL WATER CO	2008	34	71850	01	58		10/1/2007	12/31/2007	10/2/2007	WV0002295
5400670	TRIPLE R MUTUAL WATER CO	2009	35	71850	01	55		1/1/2008	12/31/2008	10/6/2008	WV0002639
5400670	TRIPLE R MUTUAL WATER CO	2009	36	71850	01	56		1/1/2008	12/31/2008	10/6/2008	WV0002640
5400670	TRIPLE R MUTUAL WATER CO	2010	39	71850	01	57		1/1/2009	12/31/2009	7/6/2009	WV0002892
5400670	TRIPLE R MUTUAL WATER CO	2010	40	71850	01	62		1/1/2009	12/31/2009	7/15/2009	WV0002893

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]PE	RESULTS	MAJ VIOL	START	END	AWARE	V[redacted]ATION ID
5403029	[redacted] MEADOW	2007	1	71850 03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002063
5403034	[redacted]RKEY MEADOW	2007	1	71850 03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002064
5400783	[redacted]LOWER PEPPERMINT	2007	1	71850 03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002065
5403125	[redacted]IAN GARDENS	2008	1	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002422
5400507	VISALIA - FRESNO SOUTH KOA	1998	1	71850 01	54		1/1/1998	12/31/1998	5/15/1998	WV0000191
5400507	VISALIA - FRESNO SOUTH KOA	2002	2	71850 01	82		1/1/2001	12/31/2001	12/5/2001	WV0000283
5400507	VISALIA - FRESNO SOUTH KOA	2003	3	71850 03		Y	10/1/2002	12/31/2002	1/10/2003	WV0000612
5400507	VISALIA - FRESNO SOUTH KOA	2002	4	71850 01	73		1/1/2002	12/31/2002	9/10/2002	WV0000684
5400507	VISALIA - FRESNO SOUTH KOA	2004	5	71850 01	80		1/1/2003	12/31/2003	1/15/2003	WV0001024
5400507	VISALIA - FRESNO SOUTH KOA	2005	7	71850 01	88		1/1/2004	12/31/2004	5/13/2004	WV0001392
5400507	VISALIA - FRESNO SOUTH KOA	2005	8	71850 01	86		1/1/2005	12/31/2005	1/20/2005	WV0001697
5400507	VISALIA - FRESNO SOUTH KOA	2007	9	71850 03		Y	1/1/2006	12/31/2006	1/10/2007	WV0001977
5400507	VISALIA - FRESNO SOUTH KOA	2008	10	71850 01	81		1/1/2007	12/31/2007	1/24/2007	WV0002265
5400507	VISALIA - FRESNO SOUTH KOA	2009	11	71850 01	89		1/1/2008	12/31/2008	10/13/2008	WV0002641
5400507	VISALIA - FRESNO SOUTH KOA	2010	12	71850 01	99		1/1/2009	12/31/2009	10/5/2009	WV0002894
5400928	[redacted]	2008	3	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002423
5400666	WATERTEK - GRANDVIEW	96	2	71850 01	51		1/1/1996	12/31/1996	1/29/1996	WV0000288
5400666	WATERTEK - GRANDVIEW	96	3	71850 01	70		1/1/1996	12/31/1996	1/29/1996	WV0000289
5400666	WATERTEK - GRANDVIEW	97	4	71850 01	62		1/1/1997	12/31/1997	2/26/1997	WV0000290
5400666	WATERTEK - GRANDVIEW	97	5	71850 01	110		1/1/1997	12/31/1997	2/26/1997	WV0000291
5400666	WATERTEK - GRANDVIEW	98	6	71850 01	71		1/1/1998	12/31/1998	1/20/1998	WV0000292
5400666	WATERTEK - GRANDVIEW	98	7	71850 01	60		1/1/1998	12/31/1998	5/19/1998	WV0000293
5400666	WATERTEK - GRANDVIEW	2005	15	71850 03		Y	4/1/2005	6/30/2005	7/10/2005	WV0001562
5400666	WATERTEK - GRANDVIEW	2005	16	71850 03		Y	7/1/2005	9/30/2005	10/10/2005	WV0001630
5400666	WATERTEK - GRANDVIEW	2007	20	71850 01	85		7/1/2007	9/30/2007	9/19/2007	WV0002228
5400795	WAUKENA ELEMENTARY	2002	1	71850 01	62.0		1/1/2002	12/31/2002	6/19/2002	WV0000624

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5400795	WAUKENA ELEMENTARY	2003	2	71850	03		Y	1/1/2003	3/31/2003	4/10/2003	WV0000765
5400795	WAUKENA ELEMENTARY	2003	3	71850	03		Y	4/1/2003	6/30/2003	7/10/2003	WV0000839
5400795	WAUKENA ELEMENTARY	2003	4	71850	01	65.0		7/1/2003	9/30/2003	7/22/2003	WV0000941
5400795	WAUKENA ELEMENTARY	2004	5	71850	03		Y	10/1/2003	12/31/2003	1/13/2004	WV0000989
5400795	WAUKENA ELEMENTARY	2004	6	71850	01	73		1/1/2004	3/31/2004	3/17/2004	WV0001095
5400795	WAUKENA ELEMENTARY	2004	7	71850	01	69		4/1/2004	6/30/2004	6/9/2004	WV0001223
5400795	WAUKENA ELEMENTARY	2004	8	71850	01	65		7/1/2004	9/30/2004	9/29/2004	WV0001310
5400795	WAUKENA ELEMENTARY	2005	9	71850	01	59		10/1/2004	12/31/2004	11/10/2004	WV0001376
5400795	WAUKENA ELEMENTARY	2005	10	71850	01	75		1/1/2005	3/31/2005	2/2/2005	WV0001473
5400795	WAUKENA ELEMENTARY	2005	11	71850	01	74		4/1/2005	6/30/2005	5/4/2005	WV0001570
5400795	WAUKENA ELEMENTARY	2005	12	71850	01	62.0		7/1/2005	9/30/2005	8/10/2005	WV0001625
5400795	WAUKENA ELEMENTARY	2006	13	71850	03		Y	10/1/2005	12/31/2005	1/10/2006	WV0001686
5400795	WAUKENA ELEMENTARY	2006	14	71850	01	71.0		1/1/2006	3/31/2006	3/1/2006	WV0001758
5400795	WAUKENA ELEMENTARY	2006	15	71850	01	71.0		4/1/2006	6/30/2006	6/7/2006	WV0001830
5400795	WAUKENA ELEMENTARY	2006	16	71850	01	64.0		7/1/2006	9/30/2006	9/14/2006	WV0001896
5400795	WAUKENA ELEMENTARY	2007	17	71850	01	58.0		10/1/2006	12/31/2006	12/6/2006	WV0001967
5400795	WAUKENA ELEMENTARY	2007	18	71850	01	70.0		1/1/2007	3/31/2007	3/8/2007	WV0002094
5400795	WAUKENA ELEMENTARY	2007	19	71850	01	68		4/1/2007	6/30/2007	6/7/2007	WV0002159
5400795	WAUKENA ELEMENTARY	2007	20	71850	01	68		7/1/2007	9/30/2007	9/5/2007	WV0002221
5400795	WAUKENA ELEMENTARY	2008	22	71850	01	73		10/1/2007	12/31/2007	12/5/2007	WV0002287
5400795	WAUKENA ELEMENTARY	2008	24	71850	01	72		1/1/2008	3/31/2008	3/5/2008	WV0002352
5400795	WAUKENA ELEMENTARY	2009	34	71850	01	72		1/1/2008	12/31/2008	11/24/2008	WV0002642
5400795	WAUKENA ELEMENTARY	2010	40	71850	01	70.6		1/1/2009	12/31/2009	10/6/2009	WV0002895
5402030	WAUKENA MARKET	2006	1	71850	01	57.7		1/1/2006	12/31/2006	6/26/2006	WV0001874
5402030	WAUKENA MARKET	2006	2	71850	03		Y	7/1/2006	9/30/2006	10/10/2006	WV0001890
5402030	WAUKENA MARKET	2007	3	71850	01	61.4		10/1/2006	12/31/2006	10/3/2006	WV0001961

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PWS ID #	[redacted]E	FISCAL YR	VIOL #	STORET [redacted]YPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5402030	WAUKENA MARKET	2007	4	71850 01	64.8		1/1/2007	3/31/2007	1/9/2007	WV0002090
5402030	WAUKENA MARKET	2007	5	71850 01	63.2		4/1/2007	6/30/2007	4/30/2007	WV0002153
5402030	WAUKENA MARKET	2007	6	71850 01	60.8		7/1/2007	9/30/2007	8/1/2007	WV0002214
5402030	WAUKENA MARKET	2008	7	71850 03		Y	10/1/2007	12/31/2007	1/10/2008	WV0002280
5402030	WAUKENA MARKET	2008	8	71850 01	66.2		1/1/2008	3/31/2008	1/23/2008	WV0002335
5402030	WAUKENA MARKET	2008	9	71850 01	58.6		4/1/2008	6/30/2008	4/2/2008	WV0002478
5402030	WAUKENA MARKET	2008	10	71850 01	76		7/1/2008	9/30/2008	7/2/2008	WV0002549
5402030	WAUKENA MARKET	2009	12	71850 01	64.6		10/1/2008	12/31/2008	10/6/2008	WV0002601
5402030	WAUKENA MARKET	2009	13	71850 01	67.6		1/1/2009	3/31/2009	1/26/2009	WV0002696
5402030	WAUKENA MARKET	2009	14	71850 01	74.3		4/1/2009	6/30/2009	4/6/2009	WV0002748
5402030	WAUKENA MARKET	2010	15	71850 01	59.2		7/1/2009	9/30/2009	7/7/2009	WV0002820
5402030	WAUKENA MARKET	2010	16	71850 01	70.6		10/1/2009	12/31/2009	10/6/2009	WV0002857
5400864	WELLSPRING ACADEMY	2008	2	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002366
5400623	[redacted]	2007	2	71850 03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002006
5400623	[redacted]HOLIDAY LODGE	2007	3	71850 03		Y	1/1/2006	12/31/2006	2/20/2007	WV0002007
5400966	WESTLAKE VILLAGE M H P	2009	2	71850 01	45		1/1/2009	12/31/2009	8/11/2009	WV0002796
5400718	WILLIAMS MUTUAL WATER CO.	97	1	71850 01	54		1/1/1997	12/31/1997	10/6/1997	WV0000295
5400718	WILLIAMS MUTUAL WATER CO.	98	2	71850 01	56		1/1/1998	12/31/1998	8/24/1998	WV0000296
5400718	WILLIAMS MUTUAL WATER CO.	2007	14	71850 03		Y	1/1/2006	12/31/2006	2/10/2007	WV0002066
5400718	WILLIAMS MUTUAL WATER CO.	2008	16	71850 03		Y	1/1/2007	12/31/2007	2/10/2008	WV0002424
5400718	WILLIAMS MUTUAL WATER CO.	2009	19	71850 03		Y	1/1/2008	12/31/2008	1/10/2009	WV0002669
5400792	WOODVILLE FARM LABOR [redacted]	2003	2	71850 01	47		1/1/2003	12/31/2003	1/27/2003	WV0000743
5400792	WOODVILLE FARM LABOR [redacted]	2003	3	71850 01	47		1/1/2003	3/31/2003	1/27/2003	WV0000777
5400792	WOODVILLE FARM LABOR [redacted]	2004	4	71850 03		Y	4/1/2004	6/30/2004	7/10/2004	WV0001251
5403043	YETTEM WATER SYSTEM	2001	4	71850 01	46		1/1/2001	12/31/2001	9/20/2001	WV0000842
5403043	YETTEM WATER SYSTEM	2003	5	71850 01	46.0		7/1/2003	9/30/2003	8/21/2003	WV0000928

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PWS ID #	NAME	FISCAL YR	VIOL #	STORET	TYPE	RESULTS	MAJ VIOL	START	END	AWARE	VIOLATION ID
5403043	YETTEM WATER SYSTEM	2004	6	71850	01	56		10/1/2003	12/31/2003	11/26/2003	WV0001026
5403043	YETTEM WATER SYSTEM	2004	8	71850	01	56		1/1/2004	3/31/2004	1/19/2004	WV0001096
5403043	YETTEM WATER SYSTEM	2004	9	71850	03		Y	7/1/2004	9/30/2004	10/10/2004	WV0001303
5403043	YETTEM WATER SYSTEM	2005	10	71850	01	60		10/1/2004	12/31/2004	12/14/2004	WV0001367
5403043	YETTEM WATER SYSTEM	2005	11	71850	01	69		1/1/2005	3/31/2005	1/17/2005	WV0001467

Created by Paul Charpentier 3/25/2010

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VISALIA, CALIFORNIA (049367)

Period of Record Monthly Climate Summary

Period of Record : 2/ 1/1895 to 12/31/2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	55.9	62.7	68.1	74.8	82.7	91.2	97.7	96.3	90.1	80.2	67.3	56.8	77.0
Average Min. Temperature (F)	36.8	40.8	43.7	47.5	53.1	59.0	63.4	61.5	57.2	50.1	41.6	36.7	49.3
Average Total Precipitation (in.)	1.99	1.84	1.73	0.96	0.37	0.08	0.01	0.01	0.14	0.49	0.98	1.54	10.13
Average Total SnowFall (in.)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.
Max. Temp.: 97.4% Min. Temp.: 97.4% Precipitation: 99.3% Snowfall: 97% Snow Depth: 96.8%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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GIANT FOREST, CALIFORNIA (043397)

Period of Record Monthly Climate Summary

Period of Record : 6/ 6/1921 to 11/7/1968

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	41.2	43.9	47.6	52.5	59.2	67.8	77.3	76.8	72.4	62.0	50.9	43.4	57.9
Average Min. Temperature (F)	23.2	24.1	25.7	30.1	36.2	43.8	51.4	49.7	44.8	37.8	30.5	26.0	35.3
Average Total Precipitation (in.)	6.80	7.64	6.36	4.98	1.75	0.48	0.11	0.15	0.47	1.60	4.25	7.24	41.83
Average Total SnowFall (in.)	38.7	40.0	42.2	27.7	5.2	0.3	0.0	0.0	0.1	2.9	13.1	31.3	201.5
Average Snow Depth (in.)	25	39	40	26	5	0	0	0	0	0	3	11	12

Percent of possible observations for period of record.
Max. Temp.: 99.8% Min. Temp.: 99.8% Precipitation: 99.9% Snowfall: 99.9% Snow Depth: 99.6%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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LODGEPOLE, CALIFORNIA (045026)

Period of Record Monthly Climate Summary

Period of Record : 11/1/1968 to 12/31/2009

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	38.3	41.0	44.3	49.0	58.2	67.8	75.5	75.0	68.7	58.0	45.8	37.7	54.9
Average Min. Temperature (F)	15.9	17.1	21.0	24.9	32.2	38.8	44.5	43.3	38.1	30.0	22.8	16.3	28.7
Average Total Precipitation (in.)	9.59	8.71	7.02	3.22	1.33	0.57	0.53	0.29	1.22	2.04	4.29	6.83	45.65
Average Total SnowFall (in.)	49.4	54.5	48.0	21.4	5.5	0.5	0.0	0.0	0.2	3.1	39.4	38.1	260.2
Average Snow Depth (in.)	37	55	60	36	8	0	0	0	0	0	3	18	18

Percent of possible observations for period of record.
Max. Temp.: 98.8% Min. Temp.: 98.4% Precipitation: 99.3% Snowfall: 99.3% Snow Depth: 98.5%
Check Station Metadata or Metadata graphics for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

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FLOOD POTENTIAL IN TULARE COUNTY

By: Carole Clum
45638 South Fork Drive
Three Rivers, CA

With Global Climate Change more intense precipitation events (with increased direct run off and snowmelt run off) are predicted for the future. Both Lake Success and Lake Kaweah have silted in since the construction of their dams. Potential increases in the frequency and intensity of wildland fires due to climate change will cause more soil erosion, increased sediment loads, and more flooding. Lake Success's dam heightening has been stalled for many years by an Army Corps of Engineers (Corps) seismic study. The fuse gates of Terminus Dam on Lake Kaweah have been raised 20 feet. Phil Deffenbaugh of the Corps at Terminus Dam estimates 8000 acre feet of water capacity at Lake Kaweah has been lost since its construction in 1959. This is only an estimate. The last depth study of capacity was done in 1980. The Corps has requested another depth survey in fiscal year 2010 but it is not certain it will be approved because a depth survey costs $150,000 -$200,000. Mr. Deffenbaugh thinks Lake Kaweah will hold 185,000 acre feet when full. Meanwhile, silt accumulates every day. There was major siltation during a storm in 1997. The more silt fills Lake Kaweah and Lake Success, the less capacity they have to hold flood waters, increasing flood potential in Tulare County's rivers and irrigation canals. Global Climate Change will likely cause more flooding in late winter and early spring because of more intense storms and early melting of snow.

The Department of Water Resources (DWR) states that as peak flows and precipitation change over time, historical models for flood risk will not be accurate. Planners will need to factor a new level of safety into the design, operation, and regulation of flood protection such as dams, floodways, bypasses, and levees, as well as the design of sewers and storm drains. Despite higher flood potential in the future, there are no Tulare County water retention basins for the unincorporated areas of the county. The county has not identified potential basins to receive floodwaters and recharge the aquifer. The basins must be close to stream beds or irrigation channels, be permeable, have adequate capacity, and not overlay contaminated groundwater. There is no land set aside for water retention basins, no ordinances preventing development in potential water retention basins, no funds to purchase land, no impact fees on development in order to build a fund, and no plan for flood control. Tulare County is totally unprepared for floods. The

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Flood Control Master Plan adopted by the Tulare County Board of Supervisors in 1972 was not included ion the General Plan Update 2030. It can be found on-line.

On the other hand, Tulare Irrigation District and the Kaweah Delta Water Conservation District have created recharge basins.

Flood potential in Tulare County occurs on all rivers and streams (St. John's River, Pozo Creek, Cross Creek, Deer Creek, Cottonwood Creek, White River, Frazier Creek, Yokohl Creek, Sand Creek, Strathmore Creek, Tule River.)

All levees in Tulare County are primitive. They do not meet FEMA or Corps standards. The county does no maintenance on levees.

New FEMA flood maps were published in 2008. In the City of Visalia, there were 15,000 changes in the Flood map. In Tulare County near North Visalia, there were 867 changes in the flood map. There were no changes in flood maps elsewhere in the county. The City of Visalia hired Northwest Hydraulic Engineering Company to determine which properties were in danger of flooding. They surveyed land and used GPS to determine elevation. The City of Visalia was shocked at preliminary results and tried to terminate the study. The Bureau of Reclamation insisted the study be completed. (The previous major FEMA study was done in 1986.)

The county sets aside approximately $350,000 in property taxes annually for the Tulare County Flood Control District. The majority of the money is put in a reserve fund and used to pay for feasibility studies on rivers and on actual construction by the Corps. These studies are very expensive. There is no money left over for maintenance. The costs for the three stages of bringing levees up to standard are:

1. Reconnaissance study	Conducted by COE County pays nothing	3-6 years
2. Feasibility study	25% paid by county 25% paid by state 50% paid by federal gov't	4 years

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3. Actual construction	17 ½% paid by county 17 ½% paid by Dept. of Water Resources 65% paid by COE	? (there are lulls in federal funding.)

Recent feasibility studies on White River and Deer Creek cost the county $500,000 apiece.

The problems with Tulare County's rivers and streams are constricted channels, channels choked with vegetation and trash, unpredictable flows, and bridge piers undermined by previous floods. The levees were not constructed of proper materials, not built high enough, and are not continuous. No maintenance is performed on channels.

In the General Plan Background Report under 100-Year Flood Hazard on page 8-14, the county states:

> "The Flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures (e.g. bridges, trestles, buildings) have increased along the Kaweah, Kings, and Tule Rivers . . .
>
> 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 the 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 . . ."

Groundwater overdrafting and consequent land subsidence will increase flood depths. Less water is conveyed from Northern California because of Delta smelt and Chinook salmon judicial decisions. Also a recent Biological Opinion decreased surface water conveyance. These water losses will cause farmers to pump even more groundwater. Tulare Lake Basin has been critically overdrafted for decades. Overdrafting of groundwater leads to land subsidence. The U.S. Geologic Service (USGS) studied land subsidence in Tulare County in 2009. Since the 1960's Visalia has subsided one foot (unevenly); the city of Tulare has subsided four feet. This sinking of the land will cause deeper flooding. On the west side of the Central Valley there will be much more overdrafting of groundwater. There is worry of massive subsidence and seismic instability, possible causing a rupture of the San Andreas fault.

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Since the 1986 FEMA flood study more homes have been built in the area of the St. John's levees. Over 1000 property owners adjoin the south levee of the St. John's River. Flood insurance is very expensive. A property owner can avoid flood insurance on a new home if it is built high enough off the ground and gets a conditional letter of FEMA map revision. Tax Levy Districts 1 and 2 on the St. John's River dissolved many years ago. Taxes had been collected for maintenance of the north and south levees. Now no money is collected from property owners adjoining the two levees.

The Corps takes a green approach now. They will build NO more dams, only water retention basins. Obviously it takes a very long time to reduce flood potential. COE is now underfunded and undermanned.

The valley portion of Tulare County is dominated by cropland, dairies, and orchards. The foothills are dominated by cattle ranches. Almost all the residences in unincorporated Tulare County (except downtown Springville) are on septic systems. Flooding would cause failure of the septic systems. As flood waters recede, they would carry with them fecal coliform bacteria from septic fields, dairies, and cattle ranches and fertilizers, pesticides, fungicides, and herbicides from agricultural land. The inundation of contaminated water would raise the risk of typhoid, bacterial infections, and cancer.

Because Tulare County cannot afford to bring our levees up to safe standards, maintain channels, or create water retention basins to capture floodwaters, Tulare County should ban development in flood prone areas. The appropriate place for this is the Land Use Policies of the General Plan Update, as recommended in the 2009 California Climate Adaption Strategy and the 2008 DWR's Managing An Uncertain Future: Climate Change Adaptation Strategies for California's Water.

The General Plan Update does not fully comply with AB 162 which requires a FEMA or DWR flood zone map for the whole county, a conservation element that covers flood control, and a safety element that provides protection against subsidence and dam failure.

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Three Rivers Town Hall Meeting

Carole Clum
45638 South Fork Drive
Three Rivers CA 93271

January 11, 2010 Three Rivers Town Hall Meeting

I am concerned about the steady deterioration of our county roads. Locally, South Fork Drive beyond mile marker 4.5 and Dinely Drive are in poor shape. The road to Badger (Dry Creek Road) is in poor condition. In fact, according to Tulare County Surveyor Craig Anderson, "90% of our foothill and mountain roads are substandard." The national, state, and county standards for county roads is two 12-foot-wide lanes with two 4-foot-wide shoulders. Roads should be properly graded with 9 inches of road base and 3 inches of asphalt at a minimum.

Johnny Wong, the engineer in charge of the road yards in Transportation Operations for Tulare County, told me on December 8, 2009, "There are 3000 miles of county roads in Tulare County. Even with Measure R money we won't be able to keep up with maintenance of the county roads. They will continue to go downhill."

Some small, disadvantaged communities (Seville, Sultana, East Orosi, Plainview, Tuleville, Tonyville) in Tulare County have only unpaved roads.

The roads that serve the dairies in our county are poorly maintained. The heavy milk trucks have ground those roads into dust. Dust that we have to breathe.

I have been walking four to six miles a day on South Fork Drive (Mountain Road 348) for 16 years. There has been a steady deterioration the entire time. If Matthew, the road maintenance man for Three Rivers, patched pot holes every work day of the year, he could not keep up with the deterioration of Three Rivers' roads.

What is wrong with South Fork Drive, for instance? It is too narrow; the paved area is only 11.5 feet to 16 feet wide in places beyond the Grouse Valley Road turn off. It has hundreds of pot holes. Road edges are broken off in big chunks. It is alligatored with cracks. There are parallel cracks along the downslope edge due to subgrade failure. Retaining walls are needed in many places. There are many blind turns. No speed limit is posted. Some people drive 50-55 miles per hour. Speed

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limit signs that reflect actual road conditions should be posted on Tulare County's mountain roads. The asphalt is less that one inch thick. There is no road base. There is no shoulder on the gutter side for most of the way. Every time it rains dirt and rocks erode from the bare, steep slopes above.

After the Grouse Valley Road turnoff (Mountain Road 319), the two lane road narrows considerably and the center line disappears. The farther you drive the worse the road becomes.

So, why are our roads in such bad shape? Tulare County is cash-strapped. And it still does not impose impact fees on new development. Every new house, business, industry, commercial park, and housing development should pay its own way for infrastructure. Then the impact fees would support police and fire protection, ambulances, roads, libraries, jails, and trash collection.

It's not good for our economy to have poor county roads. No one wants to buy land and build a house on a miserable road. No business wants to operate on a steadily deteriorating road. My message to our supervisors is, "You are spending our tax dollars. Fix our roads. Bring them up to safe standards **before** you approve any more roads you will have to maintain." Even if a developer builds roads to his remote development, the county will be responsible for maintaining those roads. And our existing county roads will deteriorate faster because more miles of county roads will have to be maintained with even less money. The property tax and sales tax revenues of Tulare County will be lower in 2010 and 2011, perhaps longer.

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[redacted]

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California Firefighters' Mission Is Far From Local

With Intensity of Blazes Picking Up, Crews From Across the State Come to the Rescue Under Mutual-Aid Agreements

By Sabrina Shankman

LOS ANGELES—David Gerboth is a captain in the San Diego Fire Department, but he spent most of last summer crisscrossing California putting out wildfires.

There were the 16 days battling a fire in Hayfork, 720 miles to the north. Then he spent 21 days fighting other blazes that burned 86,500 acres.

As California's wildfires consume more land each year, the state is increasingly relying on firefighters like Mr. Gerboth. Under state mutual-aid agreements, he and thousands of other local firefighters are organized into teams that can be quickly dispatched to fight a fire in a neighboring county—or one hundreds of miles away.

In years past California's wildfire season arrived like clockwork in the late summer and early fall. But recently, the spread of housing into fire-prone regions has turned the threat into a nearly year-round problem.

"They're all coming closer together," said Del Walters, chief of Cal Fire, the state's fire department.

In 2008, a record 1.6 million acres in California burned. Ten of the 20 biggest fires in California's recorded history have happened since 2000. The past two years were classified as "siege years," with abnormally high incidents of wildfires.

Though a mutual-aid system has existed in California since 1950, the intensity of the fires recently has forced the state to draw on cooperating fire departments like never before. Last year, lightning strikes in Northern California ignited blazes that grew to the size of Rhode Island, drawing as many as 4,000 firefighters.

When a local fire agency is overwhelmed, it calls for help from neighboring regions. For wildfires, teams of 22 firefighters from across the state are called. When more help is needed, federal teams are thrown into the mix.

Urban fire companies are being called so frequently that some have bought fire engines with four-wheel drive so they can get to more remote wildfire areas.

The state has also trained 4,000 prison inmates, who can be dispatched to fight fires at wages of $1 an hour.

European Pressphoto Agency

A firefighter north of Davenport, Calif., on Saturday works at the Lockheed fire in Santa Cruz County. Although 2009 began as a slow year for California fires, the number of blazes has picked up recently.

Last year, California needed help from firefighters in neighboring states, as well as Canada, Mexico, England, New Zealand, Australia and Greece.

"We moved close to 26,000 [firefighters]," says Kim Zagaris, the state Emergency Management Agency's fire and rescue chief.

Firefighting costs also weigh on the state's overstretched budget. Fifteen years ago, the state spent $247.1 million on fire suppression. In 2007, it spent $947.4 million. Last year's expenses are still being calculated.

Meanwhile, local fire departments have had to trim their own budgets in the recession. The Los Angeles Fire Department, for example, announced it was cutting 15 firetrucks and six ambulances.

Firefighters from local strike teams are paid overtime for working 24-hour days. Their checks come from local governments that are repaid by the state.

Mr. Walters, of Cal Fire, is concerned that some local fire departments might be squeezed too thin to spare resources for the mutual-aid network. "If they have to, for instance, lay off some firefighters, their number one responsibility is to take care of their own jurisdiction," Mr. Walters said.

So far, 2009 has been a slow year. At the end of July 10,384 acres had burned, compared with more than 338,000 at the same time last year.

But the pace has begun to pick up recently. In the first 10 days of August, lightning strikes sparked blazes that swallowed nearly 26,000 acres around Shasta County in Northern California, and ranch owners in Santa Barbara were warned they may have to evacuate as the La Brea fire ravaged 36,000 acres there. Another fire in Santa Cruz County forced the evacuation of about 2,000 people; it has burned more than 2,700 acres and was about 50% contained Sunday morning.

Mr. Gerboth, the 36-year-old San Diego fire captain, is waiting for the call. "I just throw my bags in the vehicle and start driving," he said.

Attachment 24

Letter I11

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25

Builders criticized for raising fire risk

The Fresno Bee
July 30, 2009

Some lawmakers want to limit foothill homes.

By Brad Branan
The Fresno Bee

A battle is looming over homes built in areas at risk for wildfire.

Backed by environmentalists and a firefighters association, some members of the Legislature want to make it tougher for local governments to allow construction in fire zones.

But California Department of Forestry and Fire Protection opposes the effort, saying the rules would cost too much to enforce.

Gov. Arnold Schwarzenegger vetoed a similar measure last year but has not taken a position on this bill.

Construction in wildland areas is increasingly seen as a major factor in the state's growing wildfire problem.

Since 2006, Fresno County has allowed construction of about 300 homes in hilly areas identified as high-risk by Cal Fire. Most are in Shaver Lake, Squaw Valley and Auberry, a review of county records shows.

Assembly Member Dave Jones, D-Sacramento, wants to correct what he sees as a disconnection in policy. Counties and cities approve construction in wildland areas, while the state gets stuck with higher firefighting costs.

See **WILDFIRE,** Page A6

1

Attachment 25

WILDFIRE

Continued from A1

If his bill is approved, Jones said the cost to Cal Fire would only be around $30,000 to adopt rules. His bill would require counties and cities to certify that adequate fire protection exists before approving housing projects, and to pay for additional protection if needed.

"I have watched with dismay as more firefighters are placed in jeopardy and more homeowners have lost their homes as new subdivisions have been built in high-risk fire areas without adequate local fire protection," he said.

Fresno County Public Works and Planning director Alan Weaver said homeowners assume a higher risk for fires when they move into wildland areas, even though state and county officials enforce stronger building codes and vegetation-clearing rules.

Weaver said he's not aware of the county ever rejecting a request for a building permit because of wildfire risks.

Some wonder whether that should change.

"The risks are increasing because more people are living where they shouldn't be," said Pat Gallegos, project manager for the Highway 168 Fire Safe Council in Prather.

Protecting people

Human activity is by far the leading cause of wildland fires, accounting for at least 70% of the fires in Cal Fire jurisdiction from 2000-05, agency figures show. The activities include driving, equipment use, smoking, arson and playing with fire.

"As you bring more people into an area, you increase the risk for fire," said Sass Barton, a Cal Fire battalion chief in Fresno.

Development in wildland areas also increases firefighting costs, as crews are called upon more often to protect homes.

California has broken records the past two years for the number of wildfires and acres burned by wildfires, Cal Fire records show. The agency's fire suppression costs have quadrupled to more than $460 million in the past nine years.

This year's wildfire season already has featured a couple of close calls for homeowners in the eastern foothills. In the past few weeks, two small fires threatened about 15 homes, said Cal Fire Battalion Chief Mark Watkins, who notes that the agency expects above-average fire danger this season because of hot and dry conditions.

In recent years, thousands of acres have burned in the Fresno County areas deemed hazardous by Cal Fire. In August 2007, the Tar fire burned nearly 6,000 acres in the southwest corner of the county. The year before, the Three Rocks fire burned 6,500 acres north of Coalinga.

Cal Fire is forced to fight fires more aggressively when houses are nearby. The presence of homes also limits the agency from using controlled burns and aerial firefighting.

"Anytime we put more people in the wildland, it puts more risks on the firefighters," said Cal Fire deputy director Ken Pimlott. "Our first priority is to protect life and property."

Limits aren't welcomed

While there's agreement that development increases wildfire risks, not everyone agrees on the solutions.

Fresno County Supervisor Debbie Poochigian, who represents the eastern foothills, said she wouldn't support restrictions on housing construction in wildland areas.

"We've got to do everything we can to keep families safe without infringing on their personal property rights," she said.

Weaver, the county planning director, said he hasn't seen the Jones bill, but is concerned that it would force the county to pay additional money for fire service when it has been forced to cut other public safety services. The county also would potentially have to turn down housing permits, he said.

Cal Fire is opposed to the bill because it would lead to excessive costs and interference with existing local laws, Pimlott said.

Bill supporters include California Professional Firefighters, the Planning and Conservation League and Sierra Club California.

The bill "would make the already challenging and risky job of firefighting less difficult, while also enhancing the public's safety," said Amy Howard, legislative director for the firefighters association.

Environmentalists also tout reduced wildfire risks as a reason for their support. They also like adding restrictions to wildland development.

"We have a lot of unchecked sprawl, particularly if you look at the foothills of Fresno County," said Tina Andolina, legislative director for the Planning and Conservation League. "Local officials will have to think twice about approving development if they have to consider fire risk."

State and county officials said they're protecting wildland areas by requiring fire-resistant materials in new houses and property owners to clear vegetation within 100 feet of homes.

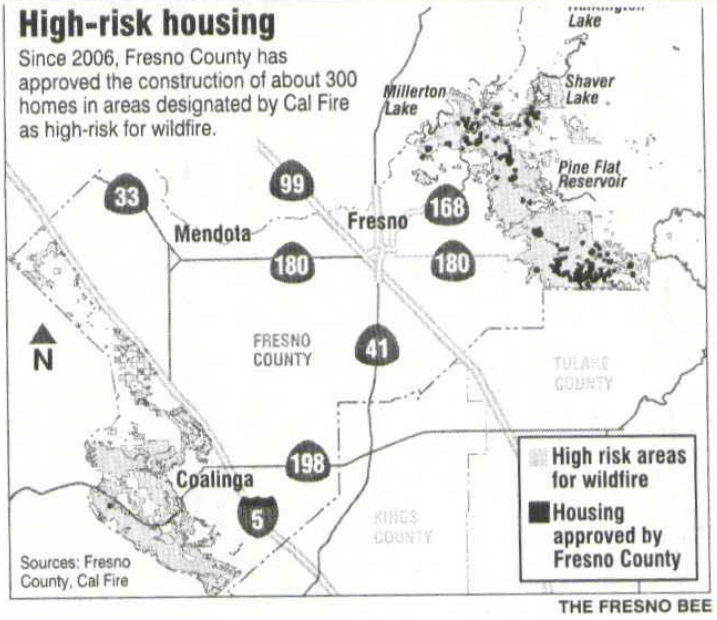
New building code provisions, which took effect in January 2008, require tempered glass, fire-resistant decking and other materials when building in high-risk areas, said Steve Quarles, who served as a project manager for the testing that preceded the code's adoption.

"Assuming people stay on top of maintenance, the home is a lot safer than it used to be," said Quarles, an adviser for the University of California Cooperative Extension.

Gallegos of the Highway 168 Fire Safe Council said more homeowners are clearing brush, reducing ways for fire to travel to a home. But many people, particularly new residents, aren't aware of the regulations, she said.

"Unfortunately, the people who move up here aren't really aware of what it takes to live up here," she said.

► The reporter can be reached at bbranan@fresnobee.com or (559) 441-6679.



2

Attachment 25

2

NATION

ENVIRONMENT

Wildfires speeding up global warming pace

By David Perlman
CHRONICLE SCIENCE EDITOR

Wildfires that ravage California and other major forested areas around the world are speeding the pace of global warming as they pump more and more greenhouse gases into the atmosphere.

And the planet's rising temperatures that spur droughts and hotter summers, in turn, are sparking even more widespread fires.

Those warnings come from an international team of fire specialists from six nations, who declare that the global science agency that governs international actions aimed at reversing climate change must include the effects of forest fires in predicting how fast temperatures will rise in coming years..

The report on wildfires and climate is being published today in the journal Science.

One of fire's most significant contributors to global warming are the thousands of acres deliberately torched each year — particularly in the tropics — to clear forested land for farms, according to three leading authors of the study who spoke Thursday in a teleconference organized by the National Science Foundation.

That kind of deforestation accounts for about one-fifth of all the human-caused greenhouse gas emissions every year, the scientists agreed — and the proportion could become larger quickly as more and more land is cleared by burning, said Thomas Swetnam of the University of Arizona in Tucson.

"It's very clear that fire is a primary catalyst of global climate change," Swetnam said. "In the light of increased global warming, we'll be seeing more and longer droughts, and with more hot and dry years, we'll be seeing still more and larger fires."

"Fire affects the world in subtle and often misunderstood ways," said David Bowman of Australia's University of Tasmania. "It can change the climate quickly with large emissions of carbon dioxide and other pollutants."

One of those pollutants, the scientists agreed, is the black carbon soot that falls windblown over large areas of the Earth from major forest fires or deliberate "deforestation" blazes. That soot on the ground absorbs the sun's radiant energy — thus heating swaths of ground and adding to the burden of global warming, the scientists said.

Jennifer K. Balch of the National Center for Ecological Analysis and Synthesis at UC Santa Barbara noted that a consortium of scientists known as the IPCC — the Intergovernmental Panel on Climate Change — has in the past limited the role of wildfires in its assessments of climate change.

The panel's periodic reports form the basis of treaties and government actions to curb global warming, and Balch said the new report in Science should persuade the panel to include a greater role for the impact of wildfires in its next assessment of global warming due in three years.

"There are fires now where we don't normally see fires," she said, "and there are bigger and more frequent fires throughout the Western United States and the tropics."

In California alone, fires last year covered 380,310 acres in the state's wildlands protected by the California Department of Forestry, but the five-year average was far lower, totaling fewer than 260,800 acres, according to the department's figures.

Crawford Tuttle, chief deputy director of the department, told The Chronicle that climate change has directly affected the severity, the season, and the numbers of wildfires the state has encountered for at least the past 10 years — "and maybe even longer."

"We've encountered hotter and dryer conditions and higher levels of fire danger throughout the state year after year," Tuttle said, "and the large fires, in turn, have added large quantities of greenhouse gases into the atmosphere."

California is facing its third year of severe drought, he said, "and the hotter and dryer it gets earlier and earlier each year adds to the wildfire danger."

Nor do things look good for this season, Tuttle said. He noted there were two small fires on U.S. forest land in the Sierra north of Interstate 80 this week, and although they were quickly contained, they indicated that, once again, snow cover is melting early, increasing the danger of California wildfires and increases in greenhouse gas emissions.

E-mail David Perlman at dperlman@sfchronicle.com.

Logan Mock-Bunting / Getty Images

A man sprays water on a raging fire threatening homes in South Carolina as the governor declares a state of emergency. Thousands of acres and dozens of homes have been burned.

Attachment 26

Attachment 26

3-611

Letter I11

2

Farm water transfers

The State Department of Water Resources has approved 16 farm-to-city permanent water transfers since 1991. A bill proposed by Assembly Member Juan Arambula, I-Fresno, would bar such transfers.

Date	From	To	Amount acre-feet
Jan. 3, 1991	Devil's Den Water	Castaic Lake Water	12,700
Jan. 31,1997	Kern County Water	Mojave Water	25,000
Mar. 31, 1999	Kern County Water	Castaic Lake Water	41,000
Dec. 21, 1999	Kern County Water	Alameda County FC & WCD	7,000
Dec. 29,1999	Kern County Water	Palmdale Water	4,000
Dec. 29, 1999	Kern County Water	Alameda County FC & WCD	15,000
Dec. 8, 2000	Kern County Water	Alameda County FC & WCD	10,000
Dec. 8, 2000	Kern County Water	Solano County Water	5,756
Dec. 8, 2000	Kern County Water	Napa County [redacted]nd WCD	4,025
Dec. 31,2001	Tulare Lake Basin WSD	Antelope Valley-East Kern Water	3,000
June 2, 2003	Tulare Lake Basin WSD	Alameda County FC & WCD	400
Oct. 31, 2003	Kern County Water	Alameda County FC & WCD	2,219
Feb. 23, 2004	Tulare Lake Basin WSD	Coachella Valley WD	9,900
May 9, 2007	Tulare Lake Basin WSD	Coachella Valley WD	5,250
		Desert Valley WA	1,750
Sept. 26, 2007	Kern County Water	Coachella Valley WD	12,000
		Desert WA	4,000
Oct. 12, 2009	Dudley Ridge WD	Mojave Water	14,000

Source: State Department of Water Resources

Attachment 27

2

State Water Project

Valley Voice May 6, 2010

Last week's storm did not produce as much snow as pervious storms this month, but 10 inches did fall on Thursday at Farewell Gap.

Deffenbaugh is not too concerned the snow will melt too quickly, noting that warm weather, followed by cold weather, actually helps to create a block of ice on top of the mountains and ice melts slower than snow.

He said all three boat ramps are open, but in about two weeks they will lose one of the old ramps that is now below the new lake level. That closure could last well into June.

Deffenbaugh said boaters and swimmers need to be aware the water is extremely cold and will be so for several weeks. Also, he cautioned, the river is running very fast.

While most reservoirs are filling up fast, Lake Oroville, the principal reservoir for the State Water Project, remains only 59 percent of capacity, or 71 percent of normal for the date. DWR has said it will deliver just 30 percent of requested State Water Project water to cities and farms this year. The allocation may be adjusted slightly in the coming weeks, based on the snow survey data.

"This is good news after three years of drought, but we still face water shortages in many parts of the state," DWR Director Mark Cowin said in a statement. "State Water Project storage is well below average and Delta pumping restrictions to protect native fish species will continue to hamper our ability to deliver water to millions of California homes, businesses and farms. If we are to ensure an adequate water supply for the future, it is critical that we conserve water and develop smarter, more sustainable ways to manage our water resources."

The fed has also announced it will deliver only 30 percent of normal water, and while that is considerably better than last year when hundreds of thousands acres of farmland were left fallow, it is not even close to historic releases when the snowpack was above normal.

Attachment 28

2

Improving water quality in Matheny Tract comes with a high price

Visalia Times-Delta May 15-16, 2010

BY VALERIE GIBBONS
vgibbons@visalia.gannett.com

It's not hard to find evidence that the residents of the Matheny Tract know their water is contaminated with a high level of nitrates.

Just look for the bottled water.

Residents of the 45-acre community on the outskirts of Tulare have been buying bottled drinking water for more than three years, said Lew Nelson, the director of public works for the city of Tulare.

"It's really unfortunate that a disadvantaged community is forced to buy bottled water," he said. "That's really the most expensive alternative for them."

High costs

Nitrates are the county's largest water contamination problem, said Mark Bairstow, an environmental health specialist with Tulare County.

The problem comes down to money. Most of the water delivered to homes locally comes from groundwater. Only the most expensive systems in the county — like the ones that serve the cities of Visalia and Tulare — are large enough either to avoid contaminated sources or treat the water.

But anyone living outside of the city water systems may not know if they have high nitrate levels.

"If you have a private well, you are not required to test the water," Bairstow said.

A $150 surcharge on county well drilling permits pays for testing at a lab in Fresno. So far the county has tested 472 wells for contaminants over the last four years.

In Tulare, Nelson hopes that state and federal grants will eventually come though to help all 200 properties of the tract hook up to the city's water system. But that future has a steep price tag: more than $5.5 million. It will also cost another $3 million to hook up each of the homes to the city's sewer system and add other infrastructure.

Leaky septic systems are widely blamed for high-nitrate levels in water, as well as certain fertilizers and natural sources. And if a proposed annexation of the tract to the city of Tulare goes through, the area would be served by the city's water system, but it would also force residents to hook up to the city's sewer system, Nelson said.

The bill per household for just the sewer connection alone would run about $2,800.

"That's a whole lot of money for the people living out there," he said.

Annexation fight

Residents of the Matheny Tract and the city have been at odds over annexation for the last nine years. Now an effort by the California Rural Legal Assistance Foundation is trying to tie the annexation of the tract — and all of the infrastructure improvements that come with it — to the annexation of a 400-acre industrial park on the tract's edge.

Nelson said the annexation would put all of the grants in peril, since the city would be ineligible to apply. Even if the grants do go through, though, it could be years before the residents of the tract have clean water.

"We just sent our last grant application off on Thursday," he said.

Across the county, efforts to clean up contaminated wells are just beginning. High nitrate levels can be found in wells along the base of the foothills. But in the county's flat lands, nitrate hot spots like the Matheny Tract occur as well.

"It's just because of the nature of ground water here in Tulare County," Bairstow said.

This year the county is assisting seven small water systems connect to larger city services in Tulare, Porterville and Exeter. Most of those smaller systems serve low-income communities.

Bairstow said the only way the county can afford to connect the smaller communities is to look for state and federal grants.

"As long as we have had these funding sources, we have been able to move forward," he said.

There's little assistance, though, for individual homes. Testing for the well takes place after the well has been drilled, the equipment installed and the pumps are turned on. If the wells test positive for contaminants, the homeowner is sent a letter.

"We don't require the property owner to shut down the well," he said.

Help from ag industry

The county's agricultural industry has made some changes over the last decade, as well, said Tricia Stever, the executive director of the Tulare County Farm Bureau.

Dairy owners are capturing the run-off from their farms and reusing it up to five or six times and growers are taking part in county-wide commissions to help with water quality. Stever said companies that manufacture fertilizers, insecticides and other so-called "crop protection materials" are also changing their formulas.

"They're taking tremendous strides to make their products safer for drinking water," she said. "Growers are also going to tremendously expensive lengths like hiring hydrologists and going through groundwater testing — agriculture is carrying a tremendous part of that burden."

Attachment 29

3

County Faces $7 Million Budget Shortfall

By Miles Shuper

Tulare County is facing an estimated $7 million shortfall in the 2010-11 fiscal year, supervisors were told Tuesday.

County Administrative Officer Jean Rousseau presented his mid-year budget report saying the county must continue its current hiring freeze in addition to trimming expenses. That could include additional layoffs and worker furloughs.

Rousseau cited an anticipated 5 percent drop in assessed property values resulting in property tax revenue decreases, high retirement benefit costs and further slashing of state funds as the culprits, along with the continuing nationwide weak economy.

Although Tulare County's budget situation is not as bad as many other counties, it must continue to tighten its economic belt and make tough budget decisions.

Rousseau said all county departments, except for the Resource Management Agency (RMA), had met spending goals in the current 2010-11 budget. That department, he said, is in the process of being restructured and has been dealing with several major projects, including the long-overdue and controversial General Plan Update.

Rousseau said additional county-wide layoffs are likely but said that will depend to a large degree on just how deep state and federal funds are slashed. Since July 2007, the county has cut 605 positions resulting in a net job loss of more than 200.

Rousseau said retirement costs continue to increase because workers are staying longer on the job due to the county's recent efforts to retain employees by making salaries and benefits more comparable with other counties and private jobs.

A few years ago the county had an average of about 10 percent annual loss of workers. Now that is in the neighborhood of 2 to 3 percent, Rousseau said, explaining that retirement costs go higher with workers staying longer.

Rousseau said the assessed land value in the county has dropped about $3.7 billion over three years. Property tax revenue is based on assessed value.

The proposed budget will include no Williamson Act subvention payments from the state. Last year the county lost about $3.4 million in funds the state sends back to the county to offset property tax revenues lost due to lower property taxes for Williamson Act farm land. The loss this year will be less, but still will total $2 million to $3 million. That is general fund money.

Although Tulare and several other counties continue to push for that subvention to be reinstated, other methods of retrieving those monies are being studied.

Rousseau also pointed out that the current legislative budget plans include more deferrals of payments, including fuel taxes and social service funds. All mandated referrals from the state will continue to be suspended into the next fiscal year, Rousseau said.

In other action Tuesday, supervisors:

Denied an appeal of the approval of a special use permit allowing the Living Word Fellowship to build a church facility on 18.39 acres on the east side of Road 68 west of Road 72 west of Dinuba. The vote was 4-1 with Supervisor Allen Ishida voting no because of concerns about allowing development around the edges of cities, a key issue in the General Plan Update.

Jose and Irma Faria, neighbors to the site, appealed a planning commission approval of the permit citing potential excessive noise, travel and potential water quality issues because of the septic system.

Supervisors followed the recommendation of the Resource Management Agency staff that mitigation requirements be included in the large church facility. The City of Dinuba did not oppose the project which is in the city's Urban Development Boundary but not in the sphere of influence.

Received the bids for the History of Farm Labor Museum elevator project. Webb and Sons Corporation of Porterville, the company that built the museum, submitted the low bid of $89,980, about $5,000 less that the next closest and below the engineer's estimate of $105,000.

Attachment 30

3

Valley Voice 3/18/2010

Jobs continue to disappear. The number of people **employed** in Tulare County this January is 1,900 fewer than January of 2009, the state reported. In Kings County, the drop is just 600 jobs. Tulare County's jobless rate hit a high of 18.5 percent in January, while Kings County's rate was 15.6. In Visalia, the jobless rate has hit 11.6 percent, 15.8 in Tulare. The highest jobless rate in the county is in Earlimart where nearly one out of every two people is unemployed. In Kings County, the jobless rate in Hanford was 16 percent, the same in Lemoore. The state reported 171,400 people out of a labor force of 209,800 have jobs. In Kings County, it is 50,500 out of 61,700 who have jobs. The state's jobless rate rose to 12.5 percent in January.

Valley Voice Apr 1, 2010

Tulare County's **unemployment rate** is inching closer to what it hit after the big freeze of 1991. State officials said last week that the jobless rate in February hit 18.7%, up from 18.4% in January and higher than the 16.1% in February last year. After the freeze in 1991 that wiped out the county's citrus crops, the county jobless rate topped 20%. In Kings County, the jobless rate dropped just slightly, from 18.3% to 18.2%. The state reported the jobless rate in Visalia hit 11.9 percent. Over city rates: Tulare, 16.1; Porterville, 17.3; Dinuba, 26.9; Exeter, 12.5; Lindsay, 22.5; Hanford, 16.1; Lemoore 16.1 and Corcoran 18.9.

VALLEY VOICE 4/22/10

Two in 10 in Tulare County are **out of work**. The state reported that California's jobless rate swelled to 12.6 percent, but that pales in comparison to Tulare and Kings counties. Tulare County's rate hit 19.4 percent in March, while Kings County's rose to 18.6 percent. Those are figures not seen since the devastating freeze in the early 1990s. While better off than most, Visalia's jobless rate hit 12.3 percent and Tulare 16.7. Hanford's jobless rate was 16.4, the same for Lemoore. The highest jobless rate locally was in Richgrove - 53.2 percent.

Attachment 31

3

Attachment 32

Wall Street Journal April 17, 2010

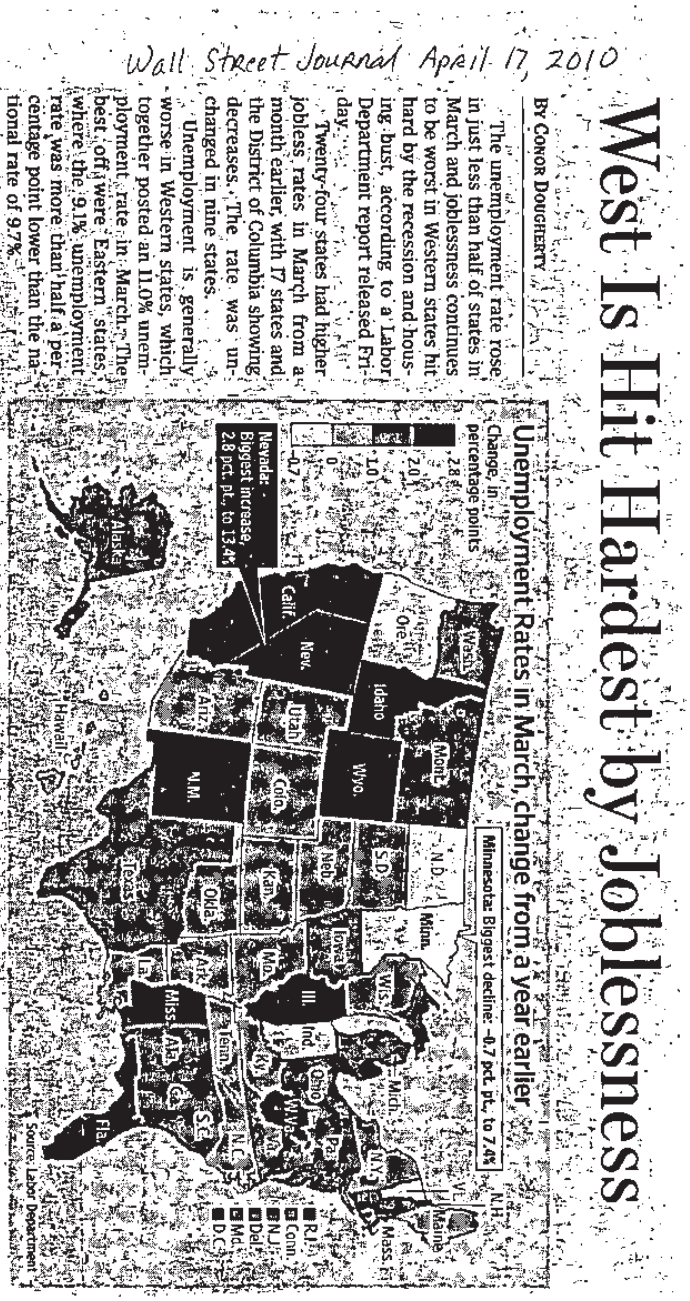
West Is Hit Hardest by Joblessness

BY CONOR DOUGHERTY

The unemployment rate rose in just less than half of states in March and joblessness continues to be worst in Western states hit hard by the recession and housing bust, according to a Labor Department report released Friday.

Twenty-four states had higher jobless rates in March from a month earlier, with 17 states and the District of Columbia showing decreases. The rate was unchanged in nine states.

Unemployment is generally worse in Western states, which together posted an 11.0% unemployment rate in March. The best off were Eastern states, where the 9.1% unemployment rate was more than half a percentage point lower than the national rate of 9.7%.



3

Wall Street Journal
Thursday, April 23, 2009 A3

Fewer in U.S. Move As Economy Falters

By Conor Dougherty

Americans changed residences less often last year than at any time since the Census Bureau began keeping track in 1948, the latest sign of how the recession and falling house prices are keeping more people in place.

"We are normally thought of as a country on the move, but now all levels of migration have almost come to stand still," said William Frey, a demographer at the Brookings Institution, a Washington think tank. "People are just staying put."

The national mover rate was 11.9% last year, meaning 11.9% of the people lived in a different dwelling than they did the year before. That was down from 13.2% in 2007. In total, about 35 million people moved last year, down from about 39 million in 2007.

With home values falling, many people have stayed in place, either because they can't sell their homes or aren't happy with prices offered.

The breadth of the recession has exacerbated the slowdown. Unemployment has risen in every state, and fewer jobs in almost every community mean fewer people are moving for work. Job losses have continued through this year, and many economists expect that the national unemployment rate, currently at 8.5%, to hit double digits by the end of the recession.

Mr. Frey said that further job losses made it likely that migration would further slow through 2009.

Generally, the majority of moves are within state, and renters are five times more likely to move than homeowners are.

Local moves have been slowing for some time, but fell sharply last year. The within-county migration rate was 7.8% last year, compared with 8.6% the previous two years. The state-to-state migration rate was 1.6% last year, compared with 1.7% a year earlier. Moves from abroad fell to 0.39% from 0.41% a year ago.

People in the South and West are most mobile. The migration rates there were roughly 13%. The migration rate in the Northeast was 8.2% last year. The largest year-over-year decline was in the Midwest, which has been hit harder economically than many other regions; the migration rate there fell to 11.1% from 13.2% in 2007.

Attachment 33

3

Economic Crisis Curbs Migration of Workers

By Patrick Barta And Paul Hannon

The global economic crisis is hitting immigrants around the world harder than native-born workers and putting the brakes on a decades-long increase in international migration, the Organization for Economic Cooperation and Development said.

Wealthy countries including the U.S. should avoid taking too many steps to discourage immigrants from coming, because many will need immigrant workers in the long run, the Paris-based group said in its annual migration report.

The OECD said unemployment rates for immigrants are rising faster than for native-born workers in many rich nations, in part because immigrants tend to gravitate to industries, such as construction, that are hard-hit by the downturn.

Immigrants also are more apt to fill temporary or part-time positions that are easy to cut when times are bad. In the U.S., the unemployment rate for immigrant w rkers is about 10%, compared with 9.4% for the overall population, the OECD said, a reversal of earlier trends.

Before the economic crisis, unemployment levels for immigrant workers were lower than for the native-born population—a state of affairs economists say is common because immigrants tend to be willing to take any job available.

The data confirm what many economists say they have suspected for months—that the rich world is becoming less attractive for immigrants. Until 2008, global migration flows increased steadily as prosperous economies ran short of workers and the cost of international travel and communications fell.

In the U.K., the OECD said, more than 70% of jobs created since 1997 were filled by foreign-born workers, while immigrant labor accounted for at least 40% of total employment growth in Austria, Denmark, Italy and Spain.

The OECD said it is too early to know how much immigration is slowing, because it takes a long time for economic shocks to alter migration patterns.

Wall Street Journal 7/1/2009

Attachment 34

3

CENSUS

San Francisco Chronicle April 23, 2009

Ailing economy slows Americans' mobility

By Hope Yen
ASSOCIATED PRESS

WASHINGTON — The number of Americans who moved declined sharply last year, reaching the lowest percentage in 60 years as people grappled with fewer jobs and tighter credit.

Roughly 11.9 percent of the nation's population, or 35.2 million people, moved to a new home, down from 13.2 percent, or 38.7 million people, the previous year, according to census data released Wednesday. It was the sharpest percentage drop in U.S. mobility since the 2000 bursting of the tech bubble, which bankrupted many Internet startups and caused the dwindling of stock portfolios.

The levels of people moving have been declining for decades, more recently due to an aging Baby Boomer population that is less mobile, since hitting a peak of 21.2 percent in 1951. But the rate had generally leveled off at around 13 to 14 percent before last year's drop.

Longer-distance moves between states have dropped 36 percent since 2005 to about 4.7 million, reflecting the housing downturn.

William Frey, a demographer at the Brookings Institution, said declining U.S. migration to residential magnets in the suburbs and exurbs, and particularly in the Sunbelt, were driving the low moving rates overall.

In 2008, the Northeast continued to lose the most residents, but at a slower rate than previous years. The South registered a net gain of people moving in, while the West and Midwest had declines.

"It's a combination of the inability to buy or sell homes, locally, as well as a drying up of jobs particularly in hot housing markets," he said. "The lure of the suburbs for immigrants, in particular, has been curtailed as homeownership there has proved to be elusive."

The demographic numbers highlight the task ahead for the bureau, which is gearing up for next year's decennial head count that will be used to apportion House seats.

The unemployed, minorities and poor people were more likely to move, according to the data. Immigrants increasingly headed to dense urban areas rather than the wide-open suburbs compared to years past, underscoring government concerns that these groups will prove difficult to count. The bureau has said that tens of millions of residents are at risk of being missed in cities such as Los Angeles and New York, particularly non-English speaking people and displaced homeowners.

The census data was based on the Current Population Survey as of April 2008. The government first began tracking movers in 1948.

Attachment 35

3

File Copy

TYPED VERSION OF HANDWRITTEN 2008 COMMENTS

April 14, 2008

From: J. Peter Clum
45638 South Fork Drive
Three Rivers, CA 93271

To: David Bryant, Project Planner
Tulare County Resources Management Agency (RMA)
5961 South Mooney Boulevard
Visalia, CA 93277

Subject: Comments on the Tulare County General Plan 2030 Update Draft Environment Impact Report (DEIR)

Encl.
(1) My Written Comments on DEIR Submitted Feb 26, 2008 at the Joint Hearing of the Tulare County Board of Supervisors and the Tulare County Planning Commission
(2) My Additional Written Comments on DEIR Submitted Same Date and Hearing
(3) My ltr w/out Enclosures dtd Mar 13, 2008 to David Bryant, Project Planner Tulare County RMA
(4) Carole Clum's Fact Checking on Tables 4-4 and 4-5 of Draft EIR and Discussion Thereof dtd Feb 26, 2008
(5) Climate Change Impacts on the Central Valley
(6) Modeling Tools to Estimate Climate Change Emissions Impacts of Projects/Plans
(7) "Climate Change and the California Environmental Quality Act" by Dave Owen
(8) Additional Online Resources/Environmental Gateway Pages
(9) "Model Projections of an Imminent Transition to a More Arid Climate in Southwestern North America" by Richard Serger et al., pages 1181 to 1184, May 25, 2007 Science (Originally Published in Science Express)
(10) Executive Summary of Article Contained in Enclosure (9)
(11) "Drying of the West" by Robert Kunzig, pages 90-113, Feb 2008, National Geographic
(12) Board of Supervisors, County of Tulare ltr to Assemblyman Maze dtd Sep 25, 2007

Attachment 36

(13) Soures of Data on Groundwater Impacts That Have Been Attributed to Irrigated Agriculture
(14) Sources of Data on Surface Water Impacts That Have Been Attributed to Irrigated Agriculture
(15) Internal ltr dtd Jan 15, 2008, of California Regional Water Quality Control Board Central Valley Region
(16) "Temporal Trends in Concentrations of DBCP and Nitrate in Groundwater if the Eastern San Joaquin Valley, California, USA," Hydrogeology Journal
(17) "Assessing the Vulnerability of Public-Supply Wells to Contamination from Urban, Agricultural, and Natural Sources," USGS Fact Sheet 2005-3022, April 2005
(18) Summary of Constituents Above Drinking Water Standards, GAMA Domestic Well Assessment Project, Tulare County dtd Dec 12, 2006
(19) Tulare County Applications Pertaining to Groundwater Contamination Submitted to the California Department of Health
(20) Water Quality Comments on General Plan Submitted Feb 22, 2007, by Tulare County Environmental Health Depart, Health and Human Services Agency to Tulare County RMA, pages 246 to 250, Public Comment Matrix, Tulare County General Plan
(21) Agenda For Subcommittee on Nitrates Nitrate Investigation Workshop of Jan 17, 2008

These comments address air quality, water supply and water quality and are in addition to my comments earlier submitted, enclosures (1 and 2). Enclosure (1) highlighted specific deficiencies in the DEIR. Enclosure (2) requested a report prepared by Mr. Keller of Keller, Wegley and Associates. To date, this request has been responded to only in part. As a result, another request, enclosure (3), was hand-delivered to RMA on March 13, 2008.

An environmental impact report "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully (emphasis added) the issues raised by the proposed project." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405. "Failure to comply with the information disclosure requirements constitutes a prejudicial abuse of discretion when the omission of relevant information has precluded informed decision making and informed public participation, regardless of whether a different outcome would have resulted if the public agency had

complied with the disclosure requirements." *Bakersfield Citizens for Local Control v. City of Bakersfield* (5th Dist. 2004) 124 Cal.App.4th 1184, 1198, Environmental impact reports serve an important public informational purpose. "An EIR is an educational tool not just for the decision maker, but for the public as well." *Association of Irritated Residents v. County of Madera* (5th Dist. 2003) 107 Cal.App.4th 1383, 1392.

The information presented in the DEIR pertaining to air quality, water supply and water quality is inadequate and fails to meet the above standards. As a result, meaningful assessment of the true scope of serious adverse environmental impacts is thwarted. *Bakersfield Citizens for Local Control v. City of Bakersfield* (5th Dist 2004) 124 Cal.App. 4th 1184, 1220.

Air Quality

The people of Tulare County encounter on a regular basis some of the worst air quality in the United States. At times we experience the worst air quality. The incidence of asthma is abysmal. Should not there be some discussion of this and analysis of air pollution data juxtaposed the trade offs on health effects and the cost of treating the same? The DEIR is lacking in this regard. It has no detailed discussion of our air quality's effects on health and the economy. Instead, we have some passing references, comments and one table (Goals and Policies Report: AQ-3 on page 9-6, AQ 4-5 on page 9-7; Background Report: page 5-55 last line, page 6-4 end of first paragraph, page 6-5 Table 6-1; DEIR page ES-42, page ES-48, page 4-49 upper half, pages 4-57 and 4-58, page 8-15). Page 9-7 of the Goals and Policies Report contains policy AQ-4.5 "Public Awareness, [t]he County shall promote public awareness of the seriousness and extent of the existing pollution problem." This policy seems like a prudent measure given our bad air. But, unfortunately, there is no implementation measure (see pages 9-8 and 9-9 Goals and Policies Report). Nor is there any refence to this policy in the DEIR executive summary. For whatever reason, policy AQ-45 Public Awareness does not appear on page ES-42 of the DEIR, which page corresponds to the pertinent goals and policies on pages 9-6 to 9-7 of the Goals and Policies Report. Table 6-1, page 6-5 of the Background Report, contains the most extensive reference to health effects appearing in the DEIR. However, the reference to Table 6-1 contained in the text on page 6-4 says nothing about health effects and states only "[a] summary of the state and federal ambient air quality standards is shown in Table 6-1." Page 4-49 of the DEIR, under the section captioned "Standards of Significance" starting on page 4-47 appears to

expressly delay health risk assessment until specific projects are considered under the General Plan Update.

CEQU Guidelines § 15126.2(a) requires an EIR to discuss "health and safety problems caused by the physical changes" that the General Plan Update will precipitate. The DEIR contains no meaningful discussion of the anticipated adverse impact on air quality and increases in specific respiratory conditions and illnesses. An EIR requires more than raw data and statement of facts. It requires meaningful analysis which serves to inform the public and government officials of the environmental consequences of decisions before they are made and which would provide decision makers with sufficient information to make intelligent decisions.

Water Supply

The DEIR fails to provide a proper baseline and, more importantly, contains inadequate information to inform the public and for intelligent decision making. The water resources section of the DEIR has many broad statements and generalities about existing conditions. Correct, quantitative information is missing as it pertains to existing baseline conditions. There is incomplete and inaccurate data in Table 4-5, page 4-107 of the DEIR, which purports to show the ability of 21 unincorporated communities to meet population growth demands of the General Plan Update buildout to 2030. See enclosure (4). The water resources section refers to data and tables from the California Water Plan Update 1998 (Department of Water Resources Bulletin 160-98). The California Water Plan Update 2005 (Department of Water Resources Bulletin 160-05) was released in December 2005. While the reports are formulated differently, the 2005 edition has significantly more discussion about global climate change and the consequences thereof for our water supply. Bulletin 160-05, pages 3.15 and 3.16, pages 4.32 to 4.36, Volume 1. The 1998 water plan contains only a brief mention thereof and the statement "if global warming occurs," page 3-11, volume 1, Bulletin 160-98. Since the release of Bulletin 160-05, the science has advanced. Yet, the Background Report and the DEIR water resources analysis ignore completely the anticipated consequences but yet to be determined full severity of global climate change. Table 10-1, "California Water Supplies with Existing Facilities and Programs Thousand Acre Feet" presented on page 10-6 of the Background Report is drawn from Bulletin 160-98 and of uncertain present reliability. Page 10-1 of the Background Report indicates "[t]he information contained in this section was

obtained from various sources, including the 2001 (emphasis added) Tulare County General Plan Background Report. Additional information is based on printed reports by the State Department of Water Resources, including the State Water Plan . . . ." 2001 is hardly current information. Review of chapter 10 of the Background Report makes clear the Water Plan relied on was the 1998 version, not 2005. Concern with the reliability of water supply increases with each year. The DEIR should have provided the most current information for the baseline as of April 2006 (Notice of Preparation issued April 25, 2006) and thorough discussion of anticipated changes throughout the buildout of the General Plan. It fails to do this. However, even given these inadequacies, the water resources section of the DEIR forecasts substantial uncertainty, at best, about the adequacy of surface water and groundwater to meet the projected growth. Pages 4-127 through 130, page 8-12 and page 8-20 DEIR. Page C-27, first version, issued January 25, 2008 "correctory information" and page C-27, second version, issued February 26, 2008 "correctory information #2." (Both C-27's are pages of Appendix C of the Background Report. The Background Report is Appendix B, separate volume, of the DEIR.

A more accurate presentation of existing conditions and information pertaining to presently occurring and forecasted to occur environmental changes of major impact on our water supply reliability throughout the General Plan buildout period should have and could have been included. The DEIR avoids addressing the magnitude of oncoming water supply problems and fully disclosing the uncertainty associated with water development and delivery. To fulfill its informational disclosure requirements, the DEIR should have included discussion of the following additional information:

(1) As recognized in the California Water Plan Update 2005, Bulletin 160-05, page 434, Volume 1 "[c]omputer modeling of global climate change scenarios predict significant future reductions in the Sierra snowpack. A reduced snowpack will reduce the total water storage for the state." Also noted on the same page and depicted in Figure 4-9 is that "[h]istorical records reveal long-term changes in the pattern of April-July runoff," i.e. linear regression.

(2) Since publication of Bulletin 160-05, more has become clear concerning the expected adverse effects of global climate change. The modeling is better and the science further advanced. See enclosures (5 through 11).

(3) Page 3.12, Volume 1, Bulletin 160-05 notes "[w]ater managers today use hydrologic records of the past century to estimate how climate conditions would affect water availability and water needs." Unfortunately, as we are slowly beginning to recognize, the last one hundred years in the Southwest were by far the wettest in the last millennium. We are returning to the normal, much drier conditions which may well last hundreds of years. This phenomenon is, at least in part, separate from that resulting from global climate change, which may add an extra dimension. See "Requiem for a River" by Tim Folger, pages 24-35, ONEARTH, Spring 2008, published quarterly by the Natural Resources Defense Council and "Drying of the West" contained in enclosure (11). The baseline California water managers have been using is dramatically skewed in the wrong direction toward more water rather than what is apparently is our normal condition of less water. If we do not make the appropriate adjustments, the "impending water crisis facing Tulare County and all of California" addressed by the Board of Supervisors, County of Tulare in enclosure (12) could prove catastrophic to our population, economy and environment. Using the current historical records to document single and multiple dry years water supply is no longer a reliable or prudent practice in water supply assessment.

(4) As noted by all five Tulare County Supervisors in a letter to Assemblyman Bill Maze [enclosure (12)], there is an impending water crisis facing Tulare County and all of California" . . . which 'will only worsen in the coming years." The letter states the San Joaquin River restoration "will force a reduction in water to Friant users at an average of 19% and a maximum of 23%." The letter further indicates the delta smelt decision will reduce "water supplies to Northern, Central, and Southern California . . . by 14-35%" The letter concludes "the current water situation in Tulare County is in dire need of assistance. . . . Our citizens will be left with a minimum supply of drinking water, and our farmers will not be able to irrigate their crops. Something must be done about this dangerous situation." If the situation was dangerous in 2007, what will it be in 2010, 2020, and 2030?

(5) There is no comprehensive information regarding the County's groundwater resources, pages 4-129 and 130, DEIR. The Kings, Kaweah,

Tule, and Tulare Lake Basin are all in critical overdraft. "A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." . . . "Overdraft is the condition of a groundwater basin in which the amount of water withdrawn by pumping over the long term exceeds the amount of water that recharges the basin. Overdraft is characterized by groundwater levels that decline over a period of years and never fully recover, even in wet years. Overdraft can lead the increased extraction costs, land subsidence, water quality degradation, and environmental impacts," pages 3.13 and 14, Volume 1, Bulletin 160-05. It has been estimated that the Tulare Lake Hydrologic Region accounts for 56% of the State's overdraft condition, California Water Plan Update 1998, Table 3-15, page 3-50, Volume 1, Bulletin 160-98, The Kings, Kaweah and Tule Basins account for about 70% of the Tulare Lake Hydrologic Region. overdraft, pages 8-45 and 46, Volume 2, Bulletin 160-98. Unless the lead agency knows approximately how much water exists in the affected basin, the agency cannot possibly know what level of additional withdrawals would involve significant impacts. "Groundwater pumping, a major source of supply in the Tulare Lake [hydrologic] region continues to increase in response to growing urban and agricultural demands. If groundwater extraction continues to be used to offset anticipated but unmet surface water imports, it will have negative consequences. One such effect of long-term groundwater overdraft is land subsidence, which also results in a reduction of aquifer storage space. This has already caused some damage to canals, utilities, pipelines, and roads in the region." Page 8.8, Volume 3, Bulletin 160-05. As noted earlier, the water resources section of the Background Report has been in preparation since at least as early as 2001. Page 10-1, Background Report. Impact WR-3, page ES-72 of the DEIR, states "[the] General Plan Update 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. This sterile, unmodified recititation of a checklist item from Appendix G, CEQA Guidelines understates the impact. We are already in a critical overdraft condition, in long-term regression of groundwater levels, and by most reasonable predictions entering a much drier era with declining surface water

deliveries. The environmental alarm bells have been ringing, loud and clear and few are listening. One of the policies listed on page ES-72 of the DEIR is WR-1.7 Collection of Additional Groundwater Information. See also pages 11-4, 6, 7, and 8, Goals and Policies Report; and pages 4-128 to 134, DEIR. Page 11-4, Goals and Policies Report states under policy WR-1.7, [t]he County shall support additional studies focused on furthering the understanding of individual groundwater source areas and basins. [New Policy]. Should not we have been doing this at full speed since 2001? "will conduct studies" is more appropriate language.

"The courts have done their part by suggesting, if not holding, that the proper forum for making tough decisions regarding water supply and land use planning is the General Plan EIR. The courts have also cautioned local agencies to fully disclose the uncertainty associated with water development and delivery in California, and to provide substantial evidence the actual water supplies will be available to serve new development. Finally, the courts have instructed that special care must be taken to learn everything reasonably possible about stressed groundwater resources before committing to a project that relies on such water." Page 786, Guide to CEQA by Michael H. Remy, Tina A. Thomas, James G. Moose and Whitman F. Manley (2006 11th edition Solano Press). The present DEIR falls far short of the informational obligation.

Water Quality

My comments about this issue supplement those noted in enclosure (1). Inexplicably, the DEIR's assessment of the impact of the General Plan Update buildout on water quality is that it will be less than significant with no mitigation required (Impact WR-4, pages ES-72 to 74 and 4-135, DEIR). Groundwater is the major source of drinking water in Tulare County. The two major threats to groundwater in California are overdraft and contamination. Although groundwater contamination is discussed in general, undetailed terms in the Background Report and DEIR (pages 7-15 to 7-36, 10-11 to 10-13, and Appendix C of the Background Report; pages 4-103 to 4-134 DEIR), there is no in-depth quantitative consideration of this known, serious problem or its correlation to health. In fact, the DEIR contains absolutely no information on or discussion of the health effects of groundwater contamination. The DEIR's assessment of less than significant impact on water quality with no mitigation required is made despite:

(1) the DEIR's general discussion of the inadequacy of groundwater to support growth and of groundwater contamination problems

(2) the conditions and hydrologic changes noted in my comments and enclosures in the preceding section on water supply

(3) the DEIR's assessment that groundwater depletion, substantial interference with groundwater recharge resulting in a net deficit in aquifer volume or of lowering of local groundwater table was a significant but unavoidable impact (Impact WR-3, pages ES-72 and 4-128 to 134, DEIR)

(4) the critical overdraft condition of the Kings, Kaweah and Tule Basins (page 4-129, DEIR; page 3.13, Volume 1, Bulletin 160-05; page 3-50, Volume 1, Bulletin 160-98; pages 8-45 to 46, Volume 2, Bulletin 160-98)

(5) that "[u]ncertainty and limitations of surface water deliveries from the Delta are exacerbating groundwater overdraft (in the Tulare Lake Hydrologic Region) because groundwater is used to replace much of the shortfall in surface water supplies." (page 3.23 Volume 1, Bulletin 160-05)

(6) that groundwater "[o]verdraft can lead to . . . water quality degradation . . ." (page 3.14, Volume 1, Bulletin 160-05)

(7) that "[a]gricultural runoff and drainage are also the main sources of nitrate, pesticide, and selenium that endanger groundwater and surface water beneficial uses. The basin (Tulare Lake Hydrological Region) also has a relatively large concentration of dairies that contribute microbes, salinity, and nutrients to both surface and groundwater. Nitrate has contaminated more than 400 square miles of groundwater in the Tulare Lake Basin. In addition, oil field waste has impacted water quality." (page 8.9, Volume 3, Bulletin 160-05)

(8) the lack of comprehensive information regarding the County's groundwater resources (pages 4-129 and 130, DEIR)

(9) the numerous articles and studies addressing groundwater contamination [enclosures (13 to 17)]

(10) the results of the State Water Resources Control Board's (SWRCB) Groundwater Ambient Monitoring and Assessment Program (GAMA) in Tulare County finding that 75 of the 181 private domestic wells tested in the County had nitrate levels over the maximum contaminant level (MCL) [enclosure (18) dated 12/12/06]

(11) the preapplications for funding, enclosure (19), prepared by RMA and Tulare County Environmental Health Department and processed via the Tulare County Water Commission and the Tulare County Board of Supervisors in July 2007 to address groundwater contamination from nitrates and other contaminants which note "Tulare County has many public water systems with unsafe drinking water"; "[with] decreasing surface water deliveries to the area groundwater water quality and quantity will continue to decline"; "Tulare County has many public water systems with nitrate levels over the Maximum Contaminant Level (MCL) of 45 ppm. Approximately 20% of Tulare County's small public drinking water systems are unable to meet the nitrate MCL on a regular basis, and another 20% are over half the nitrate MCL. The number of systems affected and the levels continue to increase;" "[the County has extensive groundwater quality issues primarily related to the contaminants nitrate, arsenic, DBCP and uranium. It is estimated that contamination issues will be exacerbated by land use practices and from overdraft, drought, and the loss of Friant-Kern water due to the San Joaquin River settlement."

(12) enclosures (20 and 21) also would indicate that RMA as lead agency was well aware of groundwater water quality problems

The DEIR's treatment of water quality has resulted in a faulty baseline and a failure to comply with the information disclosure requirement of CEQA by omitting

relevant information which precludes informed public participation and intelligent decision making. It almost seems as if there has been deliberate avoidance of groundwater water quality issues. There has been no compliance with CEQA Guidelines § 15126.2(a) which requires an EIR to discuss "health and safety problems caused by the physical changes" that the General Plan Update buildout would precipitate. There is not word one about the correlation of adverse groundwater quality impacts to resulting adverse health impacts. The DEIR's role "as an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return," *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810, has not been fulfilled.

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J. Peter Clum

February 26, 2008

Written Comments submitted by J. Peter Clum,
45638 South Fork Drive, Three Rivers, CA
on the Tulare County General Plan 2030 Update
Draft Environmental Impact Report (DEIR)

Most people would agree with the objectives of the General Plan Update. Perhaps they need to specifically address air and water quality, but generally there is a basis for consensus. That's the good news. The rest is largely bad news because more often than not the policies and implementation measures are general, vague, weak, unenforceable or non existent. We simply will not be able to obtain the Update's objectives with these policies and implementation measures.

Further, the baseline set of environmental conditions are incomplete and confusing. There appears almost to have been a conscious effort to avoid meaningful thresholds of significance, feasible mitigation measures, and a reasonable range of alternatives. Mitigation measures are frequently either absent, unenforceable, or deferred without performance standards or criteria to gauge their accomplishment or timeframe therefor. All to often, the determination of an impact is significant but unavoidable when in fact there are existing mitigation measures to lessen the significant impacts. For example, see the public comments contained in the Public Comment Matrix, Tulare County General Plan.

Compounding the problem is that the DEIR fails to provide

Enclosure(1)

a reasonable range of alternatives which offer substantial environmental advantages to the General Plan Update. The purpose of alternatives is to reduce or avoid significant environmental harm while achieving all or most of the objectives. Other than the no project alternative, the alternatives have been preordained to offer little essential or pratical difference.

Let me give you a few examples of what I am talking about:

(1) Page ES-43 to 44 of the DEIR sets forth new policy AQ-4.6, PM-10 and PM 2.5 Reduction Measures for Dairy and Feedlot Operations. The second to last paragraph provides manure water shall either be injected subsurface or placed on the surface in thin layers. The last time I heard, we had significant groundwater contamination issues. How will this new policy help water quality? What is the mitigation measure for this potentially significant impact on water quality? There is none and that's because the DEIR's assessment of the General Plan Update on water quality is less than significant. Pages ES-72 to 74, DEIR. Which is interesting in that the Yokohl Ranch NOP specifically identifies water quality as a potentially significant impact, pages 32 to 34. I note that page 8-5, DEIR, states "[a]s part of the analysis, the following General Plan Amendments (GPAs) and General Plan Initiatives (GPIs) are taken into consideration for the cumulative impacts discussion and analysis." Yokohl Ranch is a specified GPI.

(2) Urban and wildland fire hazards are judged to be less than significant, page ES-64, DEIR, despite the fact the General Plan Update would allow substantial development in the area of greatest concern - the urban wildland interface. Didn't we learn anything from the terrible 2007 California fires? In any case, the Yokohl Ranch NOP, page 1, recognizes this impact as potentially significant.

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(3) The DEIR judges hydrology issues other than flooding due to increase in impervious surfaces as less than significant. For example, impact PES-4 and 5 on pages ES-80 to 82 are judged as less than significant. Quite the opposite conclusion is reached in the Yokohl Ranch NOP, pages 32 to 34.

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February 26, 2008

Written Comments submitted by J. Peter Clum,
45638 South Fork Drive, Three Rivers, CA,
on the Tulare County General Plan 2030 Update
Draft Environmental Impact Report (DEIR)

On February 7, 2008, I hand delivered a written request for a report prepared by Mr. Keller of Keller, Wegley and Associates titled "Water Resources General Plan Update County of Tulare." Enclosure (1) sets forth the particulars as well as prior verbal requests for this report.

On page 4-105 of the DEIR, Mr. Keller's report is characterized as a major document which is included in the General Plan Update and which "provides an overview of the water resources in the County. The overview includes the status of each of the major sources of water and any anticipated change in status over the planning horizon covered by the updated General Plan. Issues addressed include groundwater quality, groundwater overdraft and the reliability of identified surface water sources." The report was supposed to have been included with one of the separate volume appendices (Appendix B) to the DEIR formally Released by the January 14, 2008, Notice of Availability. By "Correctory" dated January 25, 2008, the Resource Management Agency, Tulare County (RMA) stated the report had been "inadvertently omitted" and forwarded it as Appendix C of the Background Report. However,

Background (2)

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I soon learned that items were missing from the report, specifically annotated community maps and eight figures. Further, I noticed that contrary to what normally would be expected of a formal report from an engineering firm, it did not appear under the firm's letterhead or bear a signature. Rather, it appears in the same typed format as the rest of the Background Report other than on the bottom left of each page it bears the notation "Revised July 2007" rather than "December 2007" and on the upper left it has the notation "Draft".

Page 4-105 of the DEIR states that in addition to Mr. Keller's report being included in the Background Report, it is incorporated by reference pursuant to section 15150 of the CEQA Guidelines. I note section 15150 provides that when a document is incorporated by reference it "shall be made available to the public for inspection at a public place or public building" and "[a]t a minimum, the incorporated documents shall be made available to the public in an office of the lead agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the lead agency does not have an office in the county." That means Mr. Keller's report should have been available at RMA on Mooney Boulevard commencing January 14, 2008, the date of the Notice of Availability of the DEIR. It was not and has not been available for public inspection. When I hand delivered my written request to RMA on Feb. 7, RMA was unable to provide me with the annotated community maps, figures, or Mr. Keller's report.

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Information disclosure is a fundamental concept of the CEQA process. Yet, what has been characterized as a major report pertaining to the Water Resources portion of the DEIR is not available. It should have been available on January 14 with the release of the Notice of Availability. The report's absence and RMA's inability to produce it in the considerable lapsed time since January 14 is a clear cut noncompliance with required CEQA procedure rendering the Notice of Availability defective and void ab initio. Case law supports the proposition that the comment period does not commence until all the documents are made available to the public. Common sense and basic fairness dictate the same result. How can one review and comment on what is required to have been provided when it has not been? Other pertinent code or guidelines sections are Public Resources Code 21005, 21061 and CEQA Guidelines 15147.

I note that County Counsel's Reply (Enclosure (2)) dated February 19, 2008, to my written request for MR Keller's report indicates "the Agency's goal as to when the amended packet will be available is on or about February 26, 2008." That's 43 days after it was required to have been available on January 14. How can an agency issue a Notice of Availability of a DEIR when a major report thereof is not available? This unfortunate scenario raises other questions such as: where is the report; why cannot it be quickly reprinted; and what was actually relied on in preparing the Water Resources portion of the DEIR?

Finally, I note that while the initial absence of Mr. Keller's report was characterized as being "inadvertently omitted," conversations I had with RMA staff on February 4 and 7, 2008, indicate there had been discussions about the omitted materials and whether to include them in the January 25, 2008 "Correctory". Specifically, during my February 4 telephone conversation with Mr. Waters of RMA, in which I inquired about the missing materials, he told me he recalled some conversation between he thought Mr. Bryant and Mr. Finney about whether to include them. Further, during my meeting with Mr. Przybylski on February 7, when I delivered my written request, he spontaneously stated Mr. Finney did not make the decision to not include the documents.

J. Peter Clum

J. Peter Clum

Enclosures: (1) My ltr dtd Feb 7, 2008 to David Bryant, Tulare Cty, RMA

(2) County Counsel's ltr dtd Feb 19, 2008 to me

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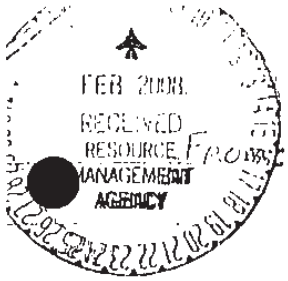

February 7, 2008

From: J. Peter Clum, 45638 South Fork Drive
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To: David Bryant, Project Planner, Tulare County Resource Management Agency, Government Plaza, 5961 South Mooney Boulevard
Visalia, CA 93272

Subj: Request for Documents Missing from the Draft Environmental Impact Report General Plan 2030 Update and for Restarting the Commencement Date of the 60 Day Public Review Period

Ref: (a) Your ltr. of Jan 25, 2008, County of Tulare General Plan 2030 Update Goals and Policy Report and Background Report Correctory Information
(b) Phoncon Peter Clum and Jason Waters, Tulare County RMA of Feb 4, 2008
(c) Phonmsg Peter Clum to Jason Waters, Tulare County RMA of Feb 5, 2008
(d) Phoncon Carole Clum and Dennis Keller of Feb 4, 2008

1. While reviewing reference (a), which provided a number of pages inadvertently omitted from the General Plan 2030 Update Goals and Policy Report and Background Report, I discovered pages were still missing from the report (Appendix C of the "Correctory") which was supposed to have been included in the Background Report (Appendix B of the DEIR). Specifically, Appendix C of the Background Report is a report prepared by Mr. Keller of Keller, Wegley and Associates;

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titled "Water Resources General Plan Update County of Tulare" and is still missing: (1) figures 4-1 through 4-8 referred to in the report, and (2) the individual community maps referred to in the last paragraph on page 27 (page C-27) with "the box being checked" or not. While a number of community maps were provided with the "Correctory," the maps were misarranged in the "Correctory"; so it is not exactly clear whether they are the ones referred to in Mr. Keller's report. In any case, the maps contain no box with or without a check mark.

2. By references (b) and (c), I requested copies of these missing pages. They are not on the County's website or in the hard copy report. I have received no response to my request. The public is entitled to these documents. On page 4-105 DEIR, the second paragraph under "Domestic Water Service Liverview" specifically states Mr. Keller's report "Water Resources General Plan Update County of Tulare" is included in the Background Report. The next paragraph refers to Mr. Keller's report as "a matter of public record or is generally available to the public ...." This is not a correct statement. By reference (d), my wife Carole Clum requested a full copy of the report. Mr. Keller declined to do so, stating he was under contract to the County. As noted, the report is missing from the Background Report.

3. Accordingly, I request an unedited and complete copy of Mr. Keller's report. Additionally, I request that the 60 day public review period be restarted on the date you make this document available to the public. Case law supports the proposition that the

comment period does not begin to run until the lead agency provides the public with complete copies of the documents. Ultramar, Inc. v. South Coast Air Quality Management Dist. (2d Dist. 1993) 17 Cal. App. 4th 689, 700 (21 Cal. Rptr. 2d 608). See page 348, and note 53 on page 992 Guide to the California Environmental Quality Act by Michael H. Remy, Tina A. Thomas, James G. Moose and Whitman F. Manley (2006 11th edition Solano Press).

J. Peter Clum

Copy to: (1) Supervisor Allen Ishida, District 1, Tulare County
(2) County Counsel, Tulare County

Letter I11

Rec'd 20F16'08

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Konstantine A. Demiris
Nina F. Dong
Moses Diaz
Arlene F. Silva
P. Jarrett Cline
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February 19, 2008

J. Peter Clum
45638 South Fork Drive
Three Rivers, CA 93271

Re: RMA No. 08-026 - Public Records Act Request from J. Peter Clum

Dear Mr. Clum:

Our office represents the Tulare County Resource Agency (Agency) in this matter. We are treating your request for records as a Public Records Act Request pursuant to California Government Code § 6250 et seq. Please be advised that nothing in this response should be considered as a waiver of the right of the Department to assert any and all claims of exemptions or privileges to the inspection of the whole or any part of the record. This letter is in response to your letter dated February 7, 2008.

The Agency is going to issue an amended correctory packet. It is anticipated that the packet will contain the documents you have requested or corrected documents. At this time the Agency's goal as to when the amended packet will be available is on or about February 26, 2008. Please contact David Bryant (559) 733-6291 in order to pay the copying fee and arrange to receive a copy of the packet.

If you have any questions, please telephone me at (559) 733-6263.

Very truly yours,
KATHLEEN BALES-LANGE
County Counsel

By Linda Weirick
Linda Weirick
Paralegal

Enclosure(s)

Letter I11

March 13, 2008

From: J. Peter Clum, 45638 South Fork Drive
Three Rivers, CA 93271 (559) 561-4661

To: David Bryant, Project Planner, Tulare County Resource Management Agency, Government Plaza, 5961 South Mooney Boulevard, Visalia, CA 93272

Subj: Request Pursuant to §15150(6) CEQA Guidelines to Inspect the Original of the Report Titled Water Resources General Plan Update County of Tulare Prepared by Keller, Wegley and Associates

Encl: (1) My ltr of Feb 7, 2008 to David Bryant, Tulare Cty RMA
(2) Cty Counsel's ltr of Feb 19, 2008 to me
(3) Cty of Tulare General Plan 2030 Update Background Report Correctory Information #2 of Feb 26, 2008
(4) My Written Comments Submitted Feb 26, 2008 to the Joint Public Hearing of the Tulare Cty Board of Supervisors and the Planning Commission
(5) Cty of Tulare General Plan 2030 Update Goals and Policy Report and Background Report Correctory Information of Jan 25, 2008

By enclosure (1), I requested: (1) certain missing documents, (2) an unedited and complete copy of a report prepared by Keller, Wegley and Associates titled "Water Resources General Plan Update County of Tulare, and (3) restarting the public review period for the Dratt Environmental Impact Report

enclosure (3)

General Plan 2030 Update (DEIR). Enclosure (2) advised that an amended corrections packet was expected to be available on or about February 26, 2008 and that it would contain the documents I had requested or corrected documents.

On February 26, 2008, I was handed enclosure (3) prior to the commencement of the combined public hearing of the Tulare County Board of Supervisors and the Planning Commission. During the hearing, I submitted enclosure (4).

Enclosure (3) extended the public review period for the DEIR and provided the missing figures 4-1 through 4-8 and retyped pages C-25 through C-27, which eliminated without explanation, any reference to the individual community maps with or without a box checked. Such reference was contained in the original page C-27 contained in enclosure (5).

I consider enclosure (3) to be an incomplete response to my request of February 7. While it did provide the missing figures, it did not respond to my request for the individual community maps with or without a checked box and for an unedited and complete copy of the report prepared by Keller, Wegley and Associates. I question the timing of the change to page C-27 eliminating reference to the individual community maps with or without a checked box. This change was made only after my request for the individual community maps. These maps are available. I was shown them by MR. PRZYBLSKI during my meeting with him

on February 7 at RMA. Only, they did not have on them the boxes with or without checkmarks referred to by Mr. Keller in the original page C-27 contained in enclosure (5). Why was the change made? No explanation or analysis is provided. If Mr. Keller had earlier forgotten to make the notations on the individual community maps which he referred to in the original page C-27, why not go ahead and make them as opposed to eliminating reference to the community maps? The public is left to speculate as to the reason and/or motivation. This somewhat less than transparent course of events hardly meets the information disclosure envisioned by the California Environmental Quality Act.

Further, I find it hard to believe there is no stand alone report prepared by Keller, Wegley and Associates but rather only the typed version appearing in the general plan format as Appendix C of the Background Report. [See third paragraph of enclosure (4).] Nowhere on Appendix C is it indicated to be a report prepared by Keller, Wegley and Associates. Page 4-105 of the DEIR specifically states this report is incorporated by reference and cites § 15150 CEQA Guidelines. Paragraph (b) requires, at a minimum, that a document incorporated by reference be available at RMA for inspection. I want to inspect the original report and compare it with the formatted draft appearing as Appendix C of the Background Report. If there is no original report, I want to know how Appendix C was prepared and who assembled it. In closing, I note my belief that the public comment period does not commence until the lead agency provides

the public with complete copies of DEIR documents.

J Peter Clum

Copy to: (1) Supervisor Allen Ishida, District 1, Tulare County
(2) County Counsel, Tulare County

Carole Clum's Factchecking on
Tables 4-4 and 4-5 in Draft EIR

Table 4-4 General Plan Population Estimates by Unincorporated Communities

Table 4-5 Summary of Domestic Water Supply Conditions for Unincorporated Communities in Tulare County

Compiled on February 26, 2008

Including Comments on Ability of Each Community to Serve Projected Growth of Updated General Plan For 2030 Buildout

Carole Clum
45638 S. Fork Drive
Three Rivers, CA 93271-9610

Carole G. Clum
February 26, 2008

Enclosure (4)

Alpaugh JPA 949-8199

person interviewed: Martha Howard

date: Feb 22, 2008

total population: 1000

how many water connections: 325

can you hook up any more homes: can serve 20 more

wells: 2, both have arsenic contamination

infrastructure pipes new

water tanks new

meters: yes Read but not charging yet by volume flat rate

peak usage: at maximum capacity

water quality high in arsenic, no nitrates

grants: at top of the list for grant to treat arsenic

will use absorbtion method

Boyle Engineering

Sewers: septic only

problems: Alpaugh's water system is 70 years old

Comments. This is an impoverished community with arsenic in water supply, old water system at maximum capacity during peak demand

SIGNIFICANT CONCERNS

Cutler PUD 528-3859

person interviewed: Superintendent Junior
date: Jan 31, 2008
total population: 6300 in 2000 census
# of PUD water connections: 1200
can you serve any more homes: very few undeveloped lots
will annex more land
wells: 2 wells
lost 2 wells due to nitrate contamination
infrastructure pipes
water tank

meters: only on a few commercial accounts
will slowly install meters on domestic accounts in future

peak usage: at maximum capacity
rationing landscape watering all year, odd and even day
water quality: nitrates

grants: engineers will apply for any grant they qualify for
want to drill another well. Will be blending water
well will cost +$ 500,000

Sewers: at capacity now
moratorium on sewers since 2006

Comments: This is a poor community with nitrate contamination, almost no capacity to serve more connections, at maximum capacity during peak demand, at capacity for wastewater treatment
SIGNIFICANT CONCERNS

DUCOR CSD 559 361-0450

person interviewed: Melanie, bookkeeper, and Pete Garza, manager 333-[redacted]4S

date: Feb. 22, 2008

total population: 300

CSD water connections: 146

Can you serve any more homes: not many $2500 to hook up

wells: 2 wells. (1 well doesn't produce many gallons)
sometimes sulfur smell, sometimes bacteria

infrastructure: pipes - need new pipes
well - need new well

meters: yes. Not read. flat rate charged

peak usage: pumps run longer, costs run higher
in dry years wells pump less water

water quality: okay (except for occasional sulfur smell and bacteria)

grants: applying for grants for well, piping, meters, tank

Sewers: no sewage treatment plant. All on septic systems.

problems: infrastructure

Comments: This community has only 2 wells (1 doesn't produce much water), little capacity to serve more with water, no sewage treatment plant, needs new well and new pipes.. sometimes bacteria in wate

SIGNIFICANT CONCERNS

Earlimart PUD 661 849 2663

person interviewed: Rachel Garcia
date: Jan. 31, 2008
total population: 8000
# of PUD water connections: 1600
Can you serve any more? at capacity now
annexing 2 parcels 300 houses
each lot will pay $8600 to hook up t
water and sewer. (This will pay for infrastru
wells: 3 wells, Well # 4 has cholifoam bacteria,
not using this well. Will drill 5th well
infrastructure: pipes
tank only have pressure tank, no storage tank
meters: just started using meters
peak usage: low water pressure on west side in summer
grants: none
Sewers: at 100% capacity for sewage
485 sewer connections
comments: Impoverished farm town can not serve more water
connections, at 100% sewage treatment, one
well out of 4 has coliform bacteria, low water
pressure on west side of town during peak demand.

SIGNIFICANT CONCERNS

GOSHEN CSD sewers only 651-0323
water comes from CALWATER 624-16 in Visalia

person interviewed: Maria Garcia
date: Jan 31, 2008
total population: 2394 as of 2002
wastewater treatment: not a lot of capacity
planning to expand - new development of 300 homes will treat its own wastewater
sewer connections: 947 commercial and industrial
760 residential
grants: applying for grant money from state for wastewater treatment enlargement
peak usage: odd and even days for watering landscaping all year

CALWATER supplies Goshen with water, cross connected to entire city of Visalia. As long as Visalia has water, Goshen has water.

person interviewed: Jerry Neal 624-1650 operations center
date Jan. 31, 2008
water connections in Goshen entire city from Rd 64 east to Church Street
peak usage no problem. We have over 80 wells. Drill 2 new wells a year, each costing $1 million
potential growth no problem

water quality nitrates we filter it out from well in Patterson tract. MCL - keep lowering levels of contaminants allowable

DBCPs 3 or 4 wells have contamination. We drill wells 320-350' deep, seal upper and middle levels to avoid contamination

meters: charge 50¢ per 100 cubic feet

Comments: Goshen has adequate clean water but almost at capacity for wastewater treatment. ADEQUATE WITH CONCERNS

Ivanhoe PUD 798-0512 7

person interviewed: Carol Fina

date: Jan. 31, 2008

total population 5000-6000 people within PUD

# of water connections to PUD 1112

can you serve any more homes: only 15 undeveloped lots, will not expand PUD

wells: 7 wells, 1 contaminated with nitrates

infrastructure: pipes 50 years old, breaking

meters: since 1989 charge 22¢ a cubic foot

peak usage: when PSI falls below 35, switch on backup well

water quality: good

grants: applying for grant for new well from State Reserve Fu.

Sewers: when it rains a lot, ponds start to fill up. To keep them from running over, we switch on the clarjester which digests sludge and makes it dry. Irrigate with remaining water and spread it on pasture.

Comments: Can serve projected growth if grant is received to drill new well and sewage ponds are expanded or clarjester is run more often. Also pipes are old and breaking Money will need to be found to repair water pipes

ADEQUATE WITH CONCERNS

Lemon Cove PUD 597-2504

person interviewed: Bill Pensar, board member
date: January 21, 2008
total population: less than 200
# of connections 41
can you serve more? 40
wells: 1 well searching for clean groundwater
3 wells with too much nitrate contamination, deemed or abandoned
infrastructure: new since 1992

meters: yes. read quarterly. Charge by cubic foot
Standby charge

peak usage: lots of water

water quality: nitrates above drinking water standards

grants: apply for many grants

sewers: at 3/4 capacity, 60 connections

comments: Almost all the land surrounding this small town is in the Williamson Act and can't easily be developed. Population has fallen since 2000 census. Nitrates above drinking water standards. Wastewater treatment at 3/4 capacity. This is a modest town.

SIGNIFICANT CONCERNS

London CSD 591-5142 Mon-Fri 10-4 9

person interviewed: Carolyn Thomas
date: Jan 31, 2008
total population: 2100
# of water connections 448
wells 3, good

infrastructure: pipes need to be replaced.
need new well

meters:

peak usage: water pressure goes down. We encourage people not to waste water.

water quality: good

grants: applying for grant to drill well

Comments: This small modest town has infrastructure problem including pipes that need to be replaced, a new well to be drilled and low water pressure at peak demand.

SIGNIFICANT CONCERNS

10

Orosi PUD 528-4262 M-F 8-12 1--

person interviewed: Elaine Vidana, office manager

date: Jan. 31, 2008

total population: 7318 in 2000 census

how many water connections: 1700

can you serve any more homes:

wells: 4 active, drilling 5th well
abandoned wells on north side of town due to nitrate contamination

infrastructure pipes - Replacing water mains, have the money
water tank - need another 750,000 gallon tank, have mon

meters: had them 4-5 years, pay 76¢ per thousand gallon

peak usage: water pressure low

sewers: replacing sewer lines, 40 years old, seeping water, have the money
moratorium on sewer connections

grants: applying for grant now via Dennis Keller

Comments: This town has a moratorium on sewer connections. This town has raised money to replace pipes, water tank and sewer lines which were leaking, applying for grant for new wastewater treatment plant.
ADEQUATE WITH CONCERNS

Pixley PUD 757-3878 11

person interviewed: Randy Masters, manager 799-3196
Jan. 31, 2008

total population: 2584

# of water connections: 800

Can you serve any more homes:

wells: 1 good well
3 wells, out of compliance with ARSENIC standa

infrastructure: pipes — distribution system old, small lines need to be upgraded
tank - elevated tank

meters: half of homes are metered flat rate $20, charged so much per gallon over 30,000 gallons a month

peak usage: haven't gotten to capacity

water quality arsenic problems

grants: applying for grants from USDA, state, and federal
engineer is Michael Taylor, Provost and Richard

Sewers: at capacity
got some grant money for bigger wastewater treatment plant, borrowed rest of money from USDA

Comments: This town has SERIOUS ARSENIC contamination problems and at capacity for wastewater treatment
SIGNIFICANT CONCERNS

Plainview MWC special district a group of individuals 12

person interviewed: Lindsay utilities district which sends out wat... bills 562-5982

date: Feb. 25, 2008

total population:

total water hook ups: 168

can you serve any more homes:

wells:

infrastructure: new pipes

meters: yes

peak usage

water quality: their domestic wells had nitrates now they get water from Lindsay

Sewers: septic only

Comments: This is a very small community with Nitrate contamination problems.

SIGNIFICANT CONCERNS

Poplar CSD 784-7009

person interviewed: Mike Clark, board president, cell 559-359-99.
date: Jan 31, 2008 and Feb 22, 2008
total population: 2500 in 2001
water connections: 596
wells: 3 wells, (2 good, 1 has nitrates)
at 80' deep there is standing water
real good water supply
infrastructure: pipes - 1972
tank - 1972
pump - new
meters: yes. Don't read them. Flat rate
peak usage: unlimited water
water quality: good
grants: none
sewers: 1994 — major expansion planned
640 hook ups — 2000 homes to be built
71% of capacity — They will pay to be connected to water and sewage and they will pay for expansion of wastewater treatment plant

Comments: This small town has some nitrate contamination problems having to build. No growth for 37 years. All land around community is zoned AE 20. Can't wait to develop

ADEQUATE

Richgrove CSD 1-661-725-5632 14

Mon, Wed, Fri 8-12
Friday only 1-5

person interviewed: Maria Pimentel

date: Feb. 22, 2008

total population: 2723

# of water connections: 532

can you serve more: NO

wells: 2

infrastructure:

meters: working on getting meters

peak usage: at capacity

water quality:

grants: applying for grant from state for new well

sewers: at capacity

Comments: This town cannot serve any more water connections. During peak demand they reach capacity. Waste water treatment plant is at capacity. Applying for grant to drill new well.

SIGNIFICANT CONCERNS

Springville PUD 15

person interviewed: Nancy Bruce, board member, 539-3351
date: Jan. 22, 2008 and March 23, 2008
total population: 1500
# of water connections: 389
can you serve more: Don't know
wells: None. SPUD uses Tule River water.
infrastructure: Some very old water pipes laid in 1920's. Don't know where the pipes are. Mapping them now. Can't afford to replace them.
meters: Yes.
peak usage: During peak demand, SPUD reaches the limits of its water rights to the Tule River.
water quality: good
grants: Applying for grants to replace old water pipes and improve wastewater treatment.
sewers: Sewer moratorium for last 28 years. No place to grow wastewater treatment plant. Want to buy $500,000 ultraviolet light to zap all organisms in wastewater except cryptosporidium. SPUD's permit allows them to treat 100,000 gallons of effluent a day.
(375 sewer connections)
Comments: 50% of all private wells in Springville are contaminated with radon or nitrates. This community has severe constraints on growth.
SIGNIFICANT CONCERNS

Strathmore PUD 559 568 1613 16

person interviewed: Adele Sanchez

date: Feb. 6, 2008

total population:

# of water connections: 487 to 700 dwellings (some share)

can you hook up more homes: yes. Just approved 41 homes + new school

wells: 5 wells, all high in nitrates
blending water with Friant-Kern canal water. Using only one well.
If water from canal is lost, they will install nitration filtration system

infrastructure: recently replaced 2/3 of water lines

meters: yes. 46¢ per 1000 gallons

peak usage: at capacity. Have to shut down. Ask customers to conserve.

water quality - Nitrates above standards until blending

grants: applied for several grants for nitrate filtration system
problem with disposing of heavily salt laden water

Sewers: old treatment facility
sewer lines need to be replaced
copper in wastewater - hazardous waste
clients pay progressive fee

Comments: All five wells contaminated with nitrates
Blending well water with FRIANT-KERN canal water.
During peak demand at capacity; wastewater treatment plant old.
Sewer lines need to be replaced. SIGNIFICANT CONCERNS

LSID Lindsay Strathmore Irrigation District supplies water to part of Strathmore PUD.

Terra Bella I 535-4414 17

person interviewed: Karen Kerwood
date: Jan. 31, 2008
total population: 3200
water connections: domestic treated in town 714
surface water untreated 500

wells: no using water from Friant-Kern canal

infrastructure: established 1915, aging facilities constantly updated

meters: 900 irrigation meters for lawns and agriculture

peak usage: when near capacity, stop taking water orders from farmers

water quality: not an issue for irrigation

grants: applying for state grant for expansion of treated water

sewers: Terra Bella sewer maintenance district is maintained by Tulare County

Comments: Groundwater around Terra Della is contaminated with Nitrate. This small irrigation district does NOT receive its water supply from groundwater but from Friant-Kern canal. It is vulnerable to 30% loss of water due to restoration of San Joaquin River. During peak demand it reaches capacity.
SIGNIFICANT CONCERNS

Three Rivers CSD

person interviewed: Randy Peres

date: Jan 21, 2008

total population: 2700

# of CSD water connections: 75 in Alta Acres subdivision

can you serve more homes: only 5 undeveloped lots

wells: 1 well

1 river well recently rebuilt for use during peak demand

infrastructure: all pipes need to be replaced. All homes assessed.

meters: yes. Read bimonthly. Standard rate. For every gallon over they pay tiered rates

peak usage: exceeded maximum capacity until River well rebuilt in 2007

water quality: good

grants: got a loan for $2 million for rehabilitation of water pipes. grant for $.5 million

sewers: septic only

Comments: There are 35 small private, volunteer run water systems in Three Rivers. Most serve a very small number of homeowners, one motel, one school, one RV park. The great majority of private wells serve one home. These homes are on 1-5 acres or more. There is no capacity for the growth projected by the General Plan Update. Some wells are contaminated with radon, nitrates, fecal coliform, or arsenic. There is not reliable groundwater. SIGNIFICANT CONCERNS.

Tipton CSD 752-4182 19
Mon-Thurs 8-3

person interviewed: Johnny Price, maintenance man, cell- 280-4217
date: Feb. 25, 2008
total population: 1792 in year 2000
# of water connections: 594 commercial and residential
wells: 2 wells, third well shut down due to contamination by oil and nitrates

water quality good
can you serve more? approximately 20-40 more connections

grants: no
meters: don't read meters, flat rate
peak usage: okay, as long as both wells are working

sewers: not maxed out yet, 3/4 capacity

infrastructure: need to drill another well

Comments: This small town could grow as long as both wells work or don't become contaminated. Sewer capacity is at 3/4 capacity. They need to drill another well.

ADEQUATE WITH CONCERNS

Traver - Tito Balling 559-935-2300 20

person interviewed: employee of Tito Balling

date: Feb 8, 2008

total population:

water connections: 180

can you serve more: yes

wells: 3, all good. Third well was needed for water pressure problems at school

infrastructure: pipes old, need to be replaced

meters: not metered

peak usage:

grants: applying for grant for meters

Sewer: operated by Tulare County "can't serve" order

comments: many people have their own wells.
impoverished community
The old water pipes need to be replaced.
The water system is under "can't serve" order

SIGNIFICANT CONCERNS

Woodville PUD 686-9649 21

person interviewed: Ralph Gutierez 901-6097 manager
date: Jan 31, 2008, Feb 22, 2008
total population: 1678 according to 2000 census
water connections: 400
can you serve more: 5-10 houses
wells: 2 good wells, 1 well not used because of sand
Sometimes only draw 5 gallons a minute
~~Sometimes water is salty~~
infrastructure: would need another well if there were a new subdivision
meters: yes. read once a month. Minimum monthly charge plus 50¢ per 100 cubic feet
average water + sewer fee is $50 a month
peak usage: no problem
water quality: good
grants: applying for state money for new sludge beds
Sewers: connection fee $7400 for water & sewer

Comments: This small town would need another good well if it were to expand water connections. PUD is applying for state grant money for new sludge beds. Old wells sometimes suck air, draw only 5 gallons a minute or draw up salty water. Only capacity for 5-10 more water connections

SIGNIFICANT CONCERNS

Water Resources Element

There is no factual basis for the County's capacity to accommodate the General Plan Update's population growth projections.

In the Water Resources element of the DEIR on page 4-106, Table 4-4 General Plan Population Estimates by Unincorporated Community there are 21 communities listed with their domestic water service provider, existing population, and projected range of General Plan Population Estimates. Take Three Rivers, for example, the existing population estimate of 2300 people is from 2003 which is five years out of date. The projected population increase for 2030 is from 920 to 1397 people. The domestic water service provider is listed as CSD and mutual water companies. According to Randy Pares, general manager of CSD on January 21, 2008, CSD controls 75 water connections in Alta Acres where there are only 5 unbuilt lots. The South Kaweah Mutual Water Company, according to Lew Nelson, manager, on January 25, 2008, services 220 water connections in Cherokee Oaks subdivision. There are only 20 unbuilt lots. There are no plans to extend the system. Deer Meadows Mutual Water Company in Cherokee Oaks subdivision, according to Ken Elias, board member on January 23, 2008, has 41 connections and arsenic in its water. There are a total of 35 small, privately owned, volunteer run water systems/companies in Three Rivers. Except for the three largest water companies, there are no water meters. The large majority charge flat rates. Many water companies serve one hotel, or one RV park, or the elementary school, or four or five homes. Most of the approximately

1900 water wells in Three Rivers are private wells serving one household. The water companies have various problems; old water pipes, only one well, arsenic above Federal drinking water standards, reach capacity at times of peak water use, have insufficient water pressure for fire flow, have a moratorium on developing new lots, need an expensive new water storage tank ($35,000), and have applied for grants and loans.

According to Tom Marshall, a 15 year member of the Sequoia Foothills Chamber of Commerce, on January 23, 2008, there are 321 motel rooms, bed and breakfast rooms, and RV spaces. During the summer and especially during the holiday weekends of Memorial Day, 4th of July, and Labor Day, they are fully occupied, reaching peak water use. The consultant who gathered data on these service providers did not ask about peak demand on water and how close that came to capacity or the cost of expenditures to drill another well or upgrade infrastructure. Most of the people who live in Three Rivers are outside CSD and all the other mutual water companies. None of the private wells have been evaluated. There has been no study of water quality or quantity in Three Rivers. Drilling a well here is like playing roulette. Some don't produce enough water. Others have unacceptable levels of radon or arsenic. Wells are being drilled deeper of necessity. The only way 900-1400 more people could be accommodated in Three Rivers by 2030 is by a new large development, not on 5 acre ranchettes.

Again, according to Ken Elias, board member of Deer Meadow Estates Water Company in Cherokee Oaks, on January 21, 2008, there is one well that produces 60 gallons a minute and a second inactive well that produces only 3-4 gallons a minute. The water company is considering reactivating this well. There are 27 connections to this water system. The water table for well #1 dropped 30 feet during an earthquake in the 1990's. There is enough water during peak demand. There are expensive repairs upcoming, a sediment ram.

According to Ray Murray, manager of the Sierra King Water Company in Three Rivers on Mineral King Road on January 22, 2008, the water company is a homeowner's association which just deals with water supply. There are 41 connections. Recently they drilled a well which had an unacceptable level of Radon. They drilled a third well which has good water but is not on line yet. There is a moratorium on building on the remaining 41 lots. They are not 100% metered. Funding is a real problem. The water system has problems with pressure, not enough for fire fighting flow. Because of a pinhole in the storage tank, they need to buy a new one. It will cost $35,000.

And yet, in Table 4-5, Summary of Domestic Water Supply, Conditions for Unincorporated Communities in Tulare County, Three Rivers is listed as having adequate facilities to serve projected General Plan Population Growth with Concerns, meaning Three Rivers either has the capacity to serve projected growth or is likely to solve capacity issues within the time horizon of the General Plan Update. How was this conclusion reached?

The people of Three Rivers believe their road to economic prosperity is attracting more tourism. Businesses in Three Rivers fail at an alarming rate because outsiders visit almost entirely between Memorial Day weekend and Labor Day weekend.

Springville is a more egregious example of "blue sky" analysis. Springville (SPUD) is listed as the domestic service provider in Table 4-4. It gets its water supply from Tule River water rights, not groundwater. According to Nancy Bruce, board member of SPUD on January 22, 2008 during peak demand (four consecutive days of 107° F or above.), SPUD reaches its capacity of water rights. There has been a moratorium on sewer connections in SPUD for 28 years. SPUD is in non compliance for effluent treatment. SPUD is unable to expand its wastewater treatment facility due to a lack of available land. And yet, Table 4-5 lists Springville as "More than Adequate", meaning "facility appears capable of serving growth beyond buildout of the General Plan." That's unwarranted optimism and a prediction not based on fact.

Lemon Cove, a community of allegedly 251 people in 2003, has shrunk to less than 200 people on January 21, 2008. The County

projects Lemon Cove to grow to 377 to 433 people despite the the fact that Lemon Cove is landlocked by citrus groves in the Williamson Act; its wastewater treatment plant is at 3/4 capacity; it is bisected by Highway 198; and it is assaulted by the noise, dust, vibration, and fumes of heavy diesel trucks hauling crushed granite from the Lemon Cove Granite Pit through town. It is not your ideal town. The Lemon Cove SD has 41 water connections and 60 sewer connections according to Bill Pensar, board member of Lemon Cove SD, on January 23, 2008. The County does say Lemon Cove has "Significant Concerns", meaning "the provider lacks capacity to serve projected growth and is likely to experience significant difficulties in expanding the system to meet projected demand." They got that right.

I quote from the DEIR, page 4-129

"

Impact Analysis

Implementation of the General Plan Update would result in an increased demand on groundwater supplies for urban and rural uses within the unincorporated areas of the County. Due to the lack of comprehensive information regarding the County's groundwater resources, it is uncertain if groundwater supplies would be sufficient to meet the future demand of rural private domestic, small municipal and agricultural wells. This uncertainty combined with the current regulatory approach could result in insufficient groundwater supplies in unincorporated areas of the County. Growth associated with the General Plan Update would require additional groundwater pumping for designated urban development areas of the County where surface water is not available.

In some of the unincorporated urban development areas, there are concerns that adequate water supplies cannot be achieved through sustainable groundwater management, that is, without creating declining groundwater levels, and adversely affecting existing wells. Such concerns are heightened by the fact that most of these areas are presently dependent upon groundwater supplies."

The above impact analysis was based on inadequate, inaccurate data. So, the true impact is most likely worse, creating greater impact on groundwater and existing wells.

Only one small CSD, PUD, ID or JPA in each community was consulted in 2003 in order to analyze each community's ability to meet projected growth. In the case of Three Rivers, the Three Rivers CSD serves 75 water connections. There are approximately 1900 wells in Three Rivers, predominantly one well serving one household. This inadequate analysis was based on less than 5% of the people served by wells in Three Rivers. For a more accurate analysis see Enclosure 10.

In the Background Report under Public Services and Utilities on page 7-35 under "Can't Serve" Special Districts, there are 15 communities listed as under temporary cease and desist orders for water or sewer hook ups as of April 7, 2007

According to the Background Report, pages 7-41 through 7-43, some of the unincorporated urban areas within Tulare County lack sanitary sewer infrastructure and are served by individual or

community septic systems. These are Allensworth, Alpaugh, Alpine Village - Sequoia Crest, Ducor, East Tulare Villa, Lindcove, Monson, Plainview, Ponderosa, Three Rivers, Waukena, West Goshen and others. Other unincorporated communities within Tulare County have sanitary infrastructure in place, however, in many cases the facilities are several years old and are in need of rehabilitation and/or reconstruction to meet current standards. According to Table 7-2, Summary of Sanitary Service Providers on page 7-43, eleven communities have primary or advanced primary treatment level. The other 15 have secondary treatment level of wastewater. None treat wastewater to tertiary level.

This DEIR did not disclose the extent of groundwater contamination in Tulare County. This draft EIR ignores the extent of water problems in unincorporated communities and assumes a solution to the problem of water supply will be reached in order to fulfill growth projections within the time horizon of the General Plan. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the projected growth will need.

The DEIR does not disclose the cost of remediation or identify any source of funding for remediation measures for many of the water companies needing new wells, pipes, storage tanks or water treatment facilities to eliminate contamination by nitrates, arsenic, oil, DBCP, perchlorate, radon. Almost all the water companies are applying for grants and/or loans. There is not enough state or federal money to meet all the needs. It is extremely expensive to remove some

CLIMATE CHANGE IMPACTS ON THE CENTRAL VALLEY

These facts were taken from **Our Changing Climate: Assessing the Risks to California**
California General Commission. 2006 Biennial Report. California Climate Change Center

We recommend that you download your own copy of this excellent publication at:
www.climatechange.ca.gov/biennial_reports/2006report/index.html

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How much warming California will experience depends on economic and human population growth, how fast humans shift away from fossil fuel-intensive industries and towards clean and resource-efficient technologies, and which climate model is used to project changes.

The *Our Changing Climate* publication defines 3 possible warming scenarios for California:

- **Lower warming range:** projected temperature rises between 3 and 5.5°F.
- **Medium warming range:** projected temperature rises between 5.5 and 8°F.
- **Higher warming range:** projected temperature rises between 8 and 10.5°F

Public Health

- **Poor air quality made worse:** If temperatures rise to the medium warming range, there will be 75 to 85% more days with weather conducive to ozone formation in the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if temperature rises are kept in the lower warming range.

- **More severe heat:** By 2100, if temperatures rise to the higher warming range, there could be up to 100 more days per year with temperatures above 95°F in Sacramento, compared to a current average of 18 such days. This is almost twice the increase projected if temperatures remain within or below the lower warming range. By mid century, extreme heat events in Sacramento could cause two to three times more heat-related deaths than occur today.

Water Resources

- **Decreasing Sierra Nevada snow pack:** If heat-trapping emissions continue unabated, Sierra Nevada spring snowpack will be reduced by as much as 70 to 90%. Decreasing snowmelt and spring stream flows coupled with increasing demand for water could lead to increasing water shortages. By the end of the century, if temperatures rise to the medium warming range and precipitation decreases, late spring stream flow could decline by up to 30%. Agricultural areas could be hard hit, with California farmers losing as much as 25% of their water supply.

- **Saltwater influx:** An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion would threaten the quality and reliability of the major state fresh water supply, which is pumped from the southern edge of the Sacramento/San Joaquin River Delta.

- **Reduction in hydropower:** Toward the end of the century annual electricity demand could increase by as much as 20% if temperatures rise into the higher warming range. At the same time, diminished snowmelt flowing through dams will decrease the potential for hydropower production. If temperatures rise to the medium warming range and precipitation decreases by 10 to 20%, hydropower production may be reduced by up to 30%.

enclosure (5)

- **Floods:** Continued sea level rise will further increase the vulnerability of levees, which protect freshwater supplies and islands in the San Francisco Bay Delta as well as fragile marine estuaries and wetlands. In the Central Valley, where urbanization and limited river channel capacity already exacerbate rising flood risks, flood damage and flood control costs could amount to several billion dollars.

Changing Landscapes

- **Increasing wildfire.** If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, almost twice the increase expected if temperatures stay in the lower warming range. In contrast, a hotter, drier climate could promote up to 90% more northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.

- **Shifting vegetation.** Continued global warming will intensify pressures on the state's natural ecosystems and biological diversity. For example, in northern California, warmer temperatures are expected to shift dominant forest species from Douglas and White Fir to madrone and oaks. In inland regions, increases in fire frequency are expected to promote expansion of grasslands into current shrub and woodland areas.

Agriculture: - just the medium temp + will reduce water available to farmers by 25% as a result of evaporation

Agriculture remains the economic base of the Central Valley, the most productive agricultural region in the country and a critical part of the state's economy and the nation's food supply. Agriculture provides 20% of the jobs in the Central Valley. The unique combination of climate, soils, and water in the Central Valley is a major factor in its agricultural productivity.[1]

- **Decreased fruit and nut production:** Rising temperatures could increase fruit development rates and decrease fruit size. A minimum number of chill hours (hours with temperatures below 45°F) are required for proper bud setting. Chill hours are already diminishing in many areas of the state, and if temperatures rise to the medium warming range, the number of chill hours in the entire Central Valley is expected to approach a critical threshold for some fruit trees including almonds, apples and walnuts.

- **Decreased milk production:** California's $3 billion dairy industry supplies nearly one-fifth of the nation's milk products. High temperatures can stress dairy cows, reducing milk production at temperatures as low as 77°F, and substantially dropping production at temperatures above 90°F. Toward the end of the century, if temperatures rise to the higher warming range, milk production is expected to decrease by up to 20%. This is more than twice the reduction expected if temperatures stay within or below the lower warming range.

- **Expanding ranges of agricultural weeds:** Noxious and invasive weeds currently infest more than 20 million acres of California farmland, costing hundreds of millions of dollars annually in control measures and lost productivity. Continued climate change is expected to cause range expansion in many species while range contractions are less likely in rapidly evolving, established populations. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps.

- **Increasing threats from pests and pathogens:** Continued climate change is likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates. For example, the pink bollworm, a common pest of cotton crops, and the glassy-winged sharpshooter, which transmits Pierce's disease, are currently problems only in southern parts of the state. If temperatures rise, the range of both would likely expand northward into the Central Valley, which could lead to substantial economic and ecological consequences for the state.

[1] Great Valley Center. *The State of the Great Central Valley of California: Assessing the Region Via Indicators - The Economy*. 2005.

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Modeling Tools to Estimate Climate Change Emissions Impacts of Projects/Plans

Tool	Availability	Scope Local/Regional	Scope Transp/Buildings	Data Input Requirements	Data Output
URBEMIS	• Download • Public domain (free)	• Local project level	• Transportation • Some building (area source) outputs • Construction	• Land use information • Construction, area source, and transportation assumption	• VMT per day (Convert to CO2 and methane) • Mitigation impacts
Clean Air and Climate Protection (CACP) Software	• Download • Available to public agencies (free)	• Local project level	• Buildings • Communities • Governments	• Energy usage • Waste generation and disposal • Transportation usage	• eCO2 (tons per year)
Sustainable Communities Model	• Custom model	• Regional scalable	• Transportation • Master planned communities	• Location and site specific information • Transportation assumptions • On-site energy usage	• eCO2 (tons per year)
I-PLACE'S	• Web based • Small access fee • Full model now available in eight CA counties	• Regional scalable to site level	• Transportation • Buildings • Infrastructure (wastewater, street lights, etc.)	• Parcel level land use data (can work with less data) • Project-level data for alternative comparisons.	• CO2 (any quantity over any time) • Provides for immediate comparison of alternatives
EMFAC	• Download • Public domain (free)	• Statewide • Regional (air basin level)	• Transportation emission factors	• Used with travel demand and other models to calculate CO2 impacts of projects	• CO2 and methane (grams per mile) emission factors
Climate Action Registry reporting On-line Tool (CARROT)	• Web-based • Available to Registry members	• Regional, scalable to entity and facility level	• General • Specific protocol for some sectors	• Uses input such as fuel and electricity use, VMT to estimate emissions of each GHG	• Each GHG and eCO2 (tons per year)

VMT = Vehicle miles traveled.
Criteria pollutants = Nitrogen oxides (NOx), reactive organic gases (ROG), Carbon dioxide (CO) sulfur dioxide (SO2), particulate matter (PM)
eCO2= Carbon dioxide equivalent emissions

This is not meant to be a definitive list of modeling tools to estimate climate change emissions. Other tools may be available.

www.CA - i/g.ca.gov/climate.cega

Description of Modeling Tools

URBEMIS. The Urban Emissions Model (URBEMIS) is currently being used extensively during the CEQA process by local air districts and consultants to determine criteria pollutant impacts of local projects. URBEMIS uses ITE Trip Generation Rate Manual and the Air Resources Board's (ARB) motor vehicle model (EMFAC) for transportation calculations. Area source outputs include natural gas use, landscaping equipment, and fireplaces. It also estimates construction impacts and impacts of mitigation options. An updated version with CO2 outputs may be available soon. In the interim, CO2 factors (pounds per mile) provided by ARB could be used to convert VMT per day into CO2 per day. Web site: http://www.urbemis.com

Clear Air and Climate Protection (CACP) Software. This tool is available to state and local governments and members of ICLEI, NACAA, NASEO and NARUC to determine greenhouse gas and criteria pollutant emissions from government operation and communities as a whole. The user must input aggregate information about energy (usage), waste (quantity and type generated, disposal method, and methane recovery rate) and transportation (VMT) for community analyses. More detailed, site-specific information is necessary to calculate emissions from governmental operations. CACP uses emission factors from EPA, DOE, and DOT to translate the energy, waste and transportation inputs into greenhouse gas (in carbon dioxide equivalents) and criteria air pollutant emissions. If associated energy, waste and transportation reduction are provided, the model can also calculate emission reductions and money saved from policy alternatives. Web site: http://cacpsoftware.org

Sustainable Communities Model (SCM). This model quantifies total eCO2 emissions allowing communities the ability to optimize planning decisions that result in the greatest environmental benefit for the least cost. SCM has been used by a number of master planned communities, but it could also be used for neighborhoods and smaller developments. Total eCO2 emissions are based on emissions from energy usage, water consumption and transportation. SCM uses published data sets for data input such as ARB's EMFAC for transportation calculation. The model provides a comparison of various scenarios to provide environmental performance, economic performance, and cost benefit analysis.
Web site: http://www.ctg-net.com/energetics/News/News_SCM.html

I-PLACE'S is an internet-accessed land use and transportation model designed specifically for regional and local governments to help understand how their growth and development decisions can contribute to improved sustainability. It estimates CO2, criteria pollutant and energy impacts on a neighborhood or regional level for existing, long-term baseline and alternative land use plans. I-PLACE'S is currently being used in San Diego, San Luis Obispo, and other six-county Sacramento region to assist both the public participation process and technical analyses efforts for regional planning. The data input requirements are extensive and require a fiscal commitment from local government. The benefits include a tool that can provide immediate outputs to compare various alternatives during public meetings, as well as provide access for local development project CEQA analyses. Possible future modifications could include a stand-alone tool that would allow project-level analyses of land uses (buildings) without extensive regional data input requirements. Web site: http://www.energy.ca.gov/places/ ; http://places.energy.ca.gov/places

EMFAC. The Air Resources Board's Emissions Factors (EMFAC) model is used to calculate emission rates from all motor vehicles (passenger cars to heavy-duty trucks) in California. The model includes emission factors for CO2, methane, and criteria pollutants. The emission factors are combined with data on vehicle activity (miles traveled and average speeds) to assess emission impacts. California local governments use EMFAC in concert with their travel demand models to assess impacts of transportation plans. The URBEMIS model described above uses EMFAC to calculate the transportation emission impacts of local projects. Web site: http://www.arb.ca.gov./msei/onroad/onroad.htm

Climate Action Registry Report On-Line Tool (CARROT). The California Climate Action Registry uses the Climate Action Registry On-Line Tool (CARROT) for registry members to report greenhouse gas emissions. It calculates GHG emissions from energy, fuel use, and travel estimates made by the user. While use of the tool is only available to members, the Registry makes its protocols available to the public. The general reporting protocol is available at http://www.claimateregistry.org.docs/PROTOCOLS/GRP%2OV2.1.pdf. Specific reporting protocols are also available for reporting by cement, forestry, and power/utility sectors and are being developed for additional sectors. Website: http://www.cliamteregistry.org/CARROT/.

Appendix A

CLIMATE CHANGE AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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INTRODUCTION

Anthropogenically-induced climate change[1] is probably the largest environmental threat facing California. Already it is impacting the state's environment, and scientists predict that if unchecked, it will cut water supplies, intensify heat waves, accelerate coastal erosion, degrade air quality, increase wildfires, and reduce wildlife habitat-among other impacts.[2] Similarly major environmental effects will occur worldwide.[3] Those impacts threaten major ecological and economic costs,[4] and while climate change will affect almost all people, the burdens for low-income or otherwise vulnerable communities will be particularly heavy.[5] For all of these reasons, climate change is a problem California must address.

This paper describes one legal method for assessing and limiting California's contributions to climate change. The California Environmental Quality Act (CEQA)[6] requires government agencies to identify and, if feasible, mitigate or avoid the significant adverse environmental impacts of projects they propose or approve.[7] As discussed below in more detail, many government-sponsored or government-approved projects add to the greenhouse gas (GHG) emissions that cause climate

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1 This memorandum refers to anthropogenic climate change, which encompasses both warming temperatures and changed storm and precipitation patterns, rather than using the narrower term "global warming." In most popular discussions, however, the terms are used interchangeably and refer to the same phenomenon.

2 CALIFORNIA CLIMATE CHANGE CENTER, OUR CHANGING CLIMATE: ASSESSING THE RISKS TO CALIFORNIA 2 (2006) (hereinafter "OUR CHANGING CLIMATE"); CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, CLIMATE ACTION TEAM REPORT TO GOVERNOR SCHWARZENEGGER AND THE LEGISLATURE (2006).

3 INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2007: THE PHYSICAL SCIENCE BASIS SUMMARY FOR POLICYMAKERS 12 (2007) (hereinafter IPCC, THE PHYSICAL SCIENCE BASIS) (describing some of the expected changes); INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2007: CLIMATE CHANGE IMPACTS, ADAPTATION AND VULNERABILITY (2007) (hereinafter IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY); *Mass. v. EPA*, 127 S. Ct. 1438, 1455 (2007) ("The harms associated with climate change are serious and well recognized.").

4 IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2; *see* Cal. Health and Safety Code § 38501(a), (b); Anthony C. Fisher et al., *The Most Expensive Thing We Can Do Is Nothing: An Open Letter From California Economists*, August, 2006 ("California's economy is vulnerable to climate change impacts, including changes in water availability, agricultural productivity, electricity demand, health stresses, environmental hazards, and sea level.").

5 REDEFINING PROGRESS, CLIMATE CHANGE IN CALIFORNIA: HEALTH, ECONOMIC AND EQUITY IMPACTS (2006); IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2, at 19 (observing that factors like poverty can limit adaptive capacity).

6 Cal. Public Resources Code §§ 21000-21177.

7 *See* Cal. Public Resources Code § 21002. CEQA applies not only to government-sponsored projects, but also to private projects that require discretionary approvals from government agencies. *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247 (1972).

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change, and climate change already is causing significant adverse environmental impacts, and will continue to do so. Feasible methods exist, however, for fully mitigating or avoiding those agencies' contributions to climate change. CEQA therefore requires state or local agencies to identify their projects' potential contributions to climate change, and to adopt feasible measures to mitigate or avoid such contributions.

BACKGROUND

I. Climate Change Overview

Carbon dioxide (CO_2) creates what scientists call a "greenhouse effect."[8] While it lets light energy into the earth's atmosphere, it reduces the amount of reflected heat released.[9] Other gases create similar effects, and some, like methane, have greenhouse properties substantially more intense than carbon dioxide.[10] Consequently, scientists long ago predicted that if atmospheric levels of carbon dioxide and other greenhouse gases (GHGs) rose above natural background levels, the earth's climate would become unnaturally warm.

Those predictions have proven accurate. Primarily because of fossil fuel combustion, atmospheric carbon dioxide levels have risen dramatically in recent decades, and are continuing to rise.[11] Global average temperatures also have been increasing for several decades, and while warming earlier in the twentieth century was probably due to non-anthropogenic forcing, human activity all but certainly caused the more recent rise.[12] There is no real scientific doubt that anthropogenic emissions will warm our climate even more if they continue unabated into the future.[13] The projected changes are substantial, with the Intergovernmental Panel on Climate Change predicting worldwide average temperature increases ranging from 1.1 to 6.4 degrees Fahrenheit - with the lower figure assuming efforts to minimize GHG emissions-by the end of the 21st century.[14]

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8 *See* James E. Hansen, et al., *Climate Impact of Increasing Atmospheric Carbon Dioxide*, 213 SCIENCE 957-66 (1981).

9 *See* PEW CENTER FOR GLOBAL CLIMATE CHANGE, THE CAUSES OF GLOBAL CLIMATE CHANGE (2006).

10 *See* THE CALIFORNIA CLIMATE CHANGE CENTER AT UC BERKELEY, MANAGING GREENHOUSE GAS EMISSIONS IN CALIFORNIA I-7 (2006) (hereinafter "MANAGING GREENHOUSE GAS EMISSIONS") (describing the impacts of other GHGs).

11 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 2 ("Global atmospheric concentrations of carbon dioxide, methane and nitrous oxide have increased markedly as a result of human activities since 1750 and now far exceed preindustrial values...").

12 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3 (explaining the causes of climate change); PEW CENTER FOR GLOBAL CLIMATE CHANGE, *supra* note 9, at 1, 2-5 ("During the twentieth century, the earth's surface warmed by about 1.4°F.... Recent decades have seen record-high average global surface temperatures."); *Mass. v. EPA*, 127 S. Ct. 1438, 1446 (2007) ("Respected scientists believe the two trends are related.").

13 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3; Naomi Oreskes, *Beyond the Ivory Tower: The Scientific Consensus on Climate Change*, 306 SCIENCE 1686 (2004) ("Politicians, economists, journalists, and others may have the impression of confusion, disagreement, or discord among climate scientists, but that impression is incorrect."); DAN CAYAN ET AL. (CALIFORNIA CLIMATE CHANGE CENTER), CLIMATE SCENARIOS FOR CALIFORNIA 3 (2006) ("the winter and spring warming that has occurred in the California region over the last few decades is very unlikely to have been caused only be natural climate variations").

14 IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 11.

Temperature increases of that magnitude will cause many major environmental changes, most of them undesirable.[15] Sea levels will continue to rise, permanently flooding low-lying coastal areas and drastically increasing coastal regions' vulnerability to Hurricane Katrina-like storms.[16] Extreme weather events, including droughts and floods, will almost certainly occur more frequently.[17] In combination with the loss of glaciers and summer snowpacks in mountain regions, those droughts will increase water shortages, disrupting both natural systems and human economies.[18] Rising temperatures will shift climate zones to higher latitudes or farther uphill, extinguishing species that are unable to migrate, while facilitating the movement of others-crop pests and disease vectors, for example-that most people would prefer not to face.[19] Rising temperatures also will "very likely"[20] increase the frequency of extreme heat events.[21] Not all of the changes will be negative, but in general, a combination of changing environmental norms and increased variability will have substantial adverse impacts.[22]

Because changes already are occurring, total prevention of anthropogenic climate change no longer is possible.[23] Climate change and the resulting negative impacts are not all-or-nothing phenomena, however; they can occur to greater or lesser degrees, and the damage therefore still may be limited.[24] Taking steps to limit GHG emissions, thus minimizing climate change and its secondary effects, therefore is extremely important, and incremental solutions that slow or reduce climate change offer far greater environmental benefits than no solutions at all.[25]

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15 *See* IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2.

16 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 11 (projecting sea level rises. The IPCC's projections do not include the potential effects of changing ice flow in Greenland or Antarctica); IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2, at 9.

17 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 12 ("It is very likely that hot extremes, heat waves, and heavy precipitation events will continue to become more frequent.... It is likely that future tropical cyclones (typhoons and hurricanes) will become more intense.... There is less confidence in projections of a global decrease in numbers of tropical cyclones.") (emphasis in original).

18 IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2, at 7-8.

19 IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2, at 8 ("Approximately 20-30% of animal and plant species assessed so far are likely to be at increased risk of extinction if increases in global temperatures exceed 1.5 to 2.5°C."), 9.

20 The IPCC assigns precise numeric values to terms like "very likely;" a "very likely" event is an event that in the judgment of the IPCC authors has at least a 90% probability of occurrence. IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 4 n.6.

21 *See id.* at 12.

22 *See* IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2 (describing both positive and negative impacts; the set of negative impacts is much larger).

23 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 4-9; AMY LYND LUERS AND SUSANNE C. MOSER, PREPARING FOR THE IMPACTS OF CLIMATE CHANGE IN CALIFORNIA: OPPORTUNITIES AND CONSTRAINTS FOR ADAPTATION 3 (2006) ("climate change is demonstrably underway"); *id.* at 5 (table summarizing observed trends), 6; CLIMATE SCENARIOS FOR CALIFORNIA, *supra* note 13, at 1-2 (describing observed trends).

24 *See* CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, *supra* note 2, at 38 (table showing degrees of impact).

25 *See generally Mass. v. EPA*, 127 S. Ct. 1438, 1457 (2007) (explaining the significance of incremental steps: "Agencies ☐ do not generally resolve massive problems in one fell regulatory swoop. They instead whittle away at them over time") (internal citation omitted)

II. Climate Change and California

While it derives from the aggregate effects of many local sources, climate change is a global problem. Unlike many localized pollution problems, the location of greenhouse gas emissions matters little. A ton of CO_2 emitted in California is no more or less harmful to California than a ton of CO_2 emitted in Shanghai.[26] The secondary environmental effects are similarly global; while some locations will feel climate change's impacts more than others, few areas are likely to be unaffected.[27] Because the sources of climate change are dispersed throughout the world - no one country contributes a majority share of global GHG emissions - comprehensive solutions will likely require international cooperation.[28] Nevertheless, some areas in particular will contribute substantially to climate change, in some areas the effects will be especially pronounced, and some areas can achieve multiple benefits from climate change prevention. California fits within each of those categories. It bears a large share of responsibility for the significant environmental impacts of climate change, but it is capable of taking substantial steps to help resolve the problem, and will benefit in multiple ways from doing so.

A. California's Contributions to Climate Change

California is a major contributor to global climate change. If it were an independent nation, California would rank (depending upon the metric used) as the tenth- to sixteenth-highest GHG-emitting nation in the world.[29] Indonesia, with a population of nearly 250 million people (California has under 40,000,000),[30] emits similar GHG amounts, and California's emissions are on a par with those of France.[31] California's emissions exceed-by a wide margin-those of any other state except Texas.[32] And California's emissions have been growing. "From 1990 to 2004," according to the California Energy Commission, "total gross GHG emissions rose 14.3%."[33]

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26 *See* CALIFORNIA ENERGY COMMISSION, INVENTORY OF CALIFORNIA GREENHOUSE GAS EMISSIONS AND SINKS iii (2006) (hereinafter "INVENTORY") ("GHGs affect the entire planet, not just the location where they are emitted") (this report is labeled "draft staff report," but it represents the most current inventory, and this paper therefore relies upon it); IPCC, CLIMATE CHANGE 2001: THE PHYSICAL SCIENCE BASIS § 6.1.2, available at *http://www.grida.no/climate/ipcc_tar/wg1/215.htm* (explaining several of the primary GHGs, including carbon dioxide and methane, are "well-mixed gases," meaning that their long lifespan ensures homogenous mixing throughout the atmosphere).

27 *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 12; IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2 (describing worldwide and regional impacts).

28 *See* INVENTORY, *supra* note 26, at 20 (2006) (showing worldwide emissions).

29 The differences in emissions among the 10th through 19th-ranked nations are slight, and different reports rank California differently. Compare *id.* at i, 20 (ranking California sixteenth; this report, while publicly available, is labeled a "draft staff report") with MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at I-6 ("Only nine nations have greater total emissions than the state."). The CEC's report's ranking of California's is also affected by its treatment of Texas, which emits more GHGs than California, as a nation. *See* INVENTORY, *supra* note 26, at 20.

30 *See quickfacts.census.gov/qfd/states/06000.html.*

31 INVENTORY, *supra* note 26, at 20.

32 *Id.* at i, 14.

33 *Id.* at 8 ("California's GHG emissions are large and growing... they are expected to continue to increase in the future under 'business-as-usual' unless California implements programs to reduce emissions").

Those emissions derive from a variety of sources. Transportation produces approximately 41% of California's total GHG emissions, with gasoline engines contributing the lion's share.[34] Electricity generation also contributes heavily, and out-of-state power, which more commonly derives from coal, disproportionately produces carbon dioxide emissions.[35] Industrial operations also contribute a large share, as do agriculture and forestry practices.[36] Fossil fuel combustion creates most of California's GHG emissions, but agricultural and landfill methane emissions and industrial releases of nitrous oxide and "high global warming potential" gases also add to the total output.[37] Some agricultural activities and natural processes partly compensate for those emissions by removing GHGs from the atmosphere, but in the aggregate California's contributions far outweigh its sinks.[38]

B. Climate Change's Effects Upon California

As a large and growing number of state-sponsored studies have concluded, California also will be harmed substantially by climate change. Those harms are not unique; other areas will face similar threats, and in some places-particularly low-lying nations, regions already more vulnerable to drought or flooding, or poorer and less stable countries where adaptation will likely prove more difficult - the consequences will be even more severe.[39] The difficulties facing California thus exemplify the worldwide threats posed by climate change, and are by no means outlying worst-case scenarios. But even if California alone were threatened, the likely adverse impacts still would be significant, and California's self-interest alone ought to prompt a vigorous response.

Temperatures already are rising, and the state is likely to experience a significant additional rise in average temperatures, particularly in its inland areas.[40] Those increases threaten a long list of adverse consequences.[41] Air quality, which already is poor in much of California, will get worse.[42] Some precipitation that now falls as snow will in the future be rain, increasing winter flooding and reducing snowpacks and water supplies in summer, when California needs water

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34 *Id.* at ii, 9-10; see MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at I-7, I-10.

35 INVENTORY, *supra* note 26 at ii-iii, 10, 11-12. INVENTORY, *supra* note 26 at ii-iii, 10, 11-12.

36 *Id.* at ii, 10-11; *see* MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at I-7.

37 INVENTORY, *supra* note 26, at 6. The emitted amounts of these other GHGs are much smaller than the amount of CO_2 emitted, but these gases have far more powerful heat-trapping effects. *See* MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at I-7 (describing the greenhouse potential of sulfur hexafluoride).

38 *See* MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at I-10. A "sink" is a process, like forest growth, that removes carbon dioxide from the atmosphere.

39 *See* IPCC, IMPACTS, ADAPTATION, AND VULNERABILITY, *supra* note 2.

40 OUR CHANGING CLIMATE, *supra* note 2, at 2 ("The latest projections, based on state-of-the-art climate models, indicate that if global heat-trapping emissions proceed at a medium to high rate, temperatures in California are expected to rise 4.7 to 10.5 degrees Fahrenheit by the end of the century.").

41 *Id.* ("These temperature increases would have widespread consequences including substantial loss of snowpack, increased risk of large wildfires, and reductions in the quality and quantity of certain agricultural products."); *see* Katherine Hayhoe et al., *Emissions Pathways, Climate Change, and Impacts on California*, 101 PNAS 12422, 12425-26 (2004); Cal. Health & Safety Code § 38501(a).

42 OUR CHANGING CLIMATE, *supra* note 2, at 5. The report states:

> High temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, if temperatures rise to the medium warming range, there will be a 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions.

most badly.[43] Pests and pathogens will migrate to new regions, damaging the state's agricultural economy and threatening human health.[44] Forest fires will occur more frequently.[45] Rising temperatures will degrade many terrestrial and aquatic ecosystems. Heat waves will become more frequent, and extreme temperatures will be higher.[46] Rising sea levels also will affect California, increasing flooding on the coast and in the Sacramento-San Joaquin Delta, accelerating erosion, and leaving coastal construction increasingly vulnerable to storm damage.[47] Those changes in turn will create major consequences not only for the state's environmental quality, but also for its economy; many of the state's most important industries are likely to be harmed.[48]

Those environmental problems would strike a state already struggling to cope with existing conditions. According to the California Climate Change Center,[49] "[t]he state's vital resources and natural landscapes are already under stress due to California's rapidly growing population, which is expected to grow from 35 million today to 55 million by 2050."[50] Californians currently experience the nation's worst air quality, with much of the state's population living in areas that violate federal and state air quality standards.[51] Water allocation is chronically contentious. The state's forests face elevated fire risk. Other natural ecosystems are similarly strained, with dozens of plant and animal species threatened or endangered even under existing conditions. Even without rising sea levels, key areas of coastal California and the Sacramento-San Joaquin Bay-Delta already are vulnerable to flooding. All of those environmental problems create institutional, economic, and political strains in addition to environmental and health costs; in California, litigious natural resource battles already are ubiquitous.

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43 *Id.* at 6-7; Hayhoe et al., *supra* note 41, at 12425-26; DEPT. OF WATER RESOURCES, *supra* note 11, at 2-6, 2-22 to 2-31, 4-1 ("Planning and design of the Central Valley Project [] and State Water Project has, for the most part, assumed an unchanging climate... and a changing climate may threaten to destabilize the infrastructure and operations dependent on that assumption."); CALIFORNIA DEPARTMENT OF WATER RESOURCES, CALIFORNIA WATER PLAN UPDATE 2005 4-32 to 4-36 (2006) ("Predictions include increased temperature, reductions to Sierra snowpack, earlier snowmelt, and a rise in sea level, although the extent and timing of the changes remain uncertain. The changes could have major implications for water supply, flood management, and ecosystem health.").

44 OUR CHANGING CLIMATE, *supra* note 2, at 9.

45 *Id.* at 10-11.

46 OUR CHANGING CLIMATE, *supra* note 2, at 5; *see* REDEFINING PROGRESS, *supra* note 5, at 19-26; Hayhoe et al., *supra* note 41, at 12424-45.

47 DEPT. OF WATER RESOURCES, *supra* note 11, at 2-31 to 2-52.

48 *See* Cal. Health & Safety Code § 38501(b) ("Global warming will have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry.")

49 The California Climate Change Center is an academic research unit based primarily at the University of California's Berkeley and San Diego campuses. Several of its reports have been sponsored by California state agencies. *See* OUR CHANGING CLIMATE, *supra* note 2, at 2.

50 OUR CHANGING CLIMATE, *supra* note 2, at 2; see AMY LYND LUERS AND SUS[illegible]NE C. MOSER, PREPARING FOR THE IMPACTS OF CLIMATE CHANGE IN CALIFORNIA: OPPORTUNITIES AND CONSTRAINTS FOR ADAPTATION v (2006).

51 OUR CHANGING CLIMATE, *supra* note 2, at 5.

While most Californians will be affected, the impacts of climate change are likely to be particularly harsh for the state's poorest and most vulnerable people, many of whom are people of color.[52] In part, those disproportionate impacts will arise because adjusting to environmental change generally requires money and insurance, and poorer people lack the former and are less likely to own the latter.[53] Geography will also exacerbate distributional disparities. Some of the earliest and largest temperature changes are expected in California's Central Valley,[54] which contains some of California's poorest areas, and poverty could increase as climate change disrupts the region's agricultural economy.[55] The Central Valley is already one of California's hottest regions, and that heat contributes to some of the nation's worst air quality problems.[56] Consequently, some of the harshest impacts will fall upon California's most vulnerable people.

Climate change and its secondary environmental impacts thus pose significant threats to California. With consequences likely to strike across much of California's landscape and throughout many sectors of California's economy, and with harsh potential impacts upon those Californians already vulnerable to economic and environmental risk, climate change presents a large and urgent threat.

C. California's Role in Climate Change Solutions

While California presently is a major contributor to climate change, it also can be a major contributor to, and beneficiary of, climate change solutions.

California has a longstanding tradition of pushing the frontiers of environmental protection. California's pioneering regulation of automobile emissions led to national adoption of more protective standards, and California's innovations in energy efficiency have created improvements well beyond the state's borders. California now can play that role again. No other state has been as proactive in responding to climate change,[57] and California's innovative measures will likely provide examples and lessons for regulatory approaches worldwide. California has begun to embrace that leadership role; the state legislature recently passed the Global Warming Solutions Act of 2006 (more commonly known, and referred to herein, as AB 32), which declares:

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52 *See* REDEFINING PROGRESS, *supra* note 5.

53 *See id.* at 16-19, 36-37, 57-58, 63-64.

54 *Id.* at 9-10; *see* Hayhoe et al., *supra* note 41, at 12424 (showing maps of projected temperature increases).

55 *See* REDEFINING PROGRESS, *supra* note 5, at 3–4, 41-50 ("agriculture... is a significant source of employment for low-income groups and people of color. Shocks experienced by the industry could disproportionately affect these communities."); OUR CHANGING CLIMATE, *supra* note 2, at 8-9 (describing impacts to agriculture); Hayhoe et al., *supra* note 41, at 12426-27 (describing impacts to dairy and wine grape production).

56 *See* REDEFINING PROGRESS, *supra* note 5, at 19-26 (describing disparities in vulnerability to heat waves), 26-35 (describing threats posed by increasing ozone (smog) pollution); Hayhoe et al., *supra* note 41 at 12425 ("Individuals most likely to be affected (by increases in extreme heat) include elderly, children, the economically disadvantaged, and those who are already ill.").

57 *See infra* Part III.

> [t]he program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases... action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.[58]

Notwithstanding common arguments that responding to climate change will require society-wide economic sacrifices, California's responses actually could boost the state economy. According to the California Legislature, "[b]y exercising its global leadership role, California will also position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce emissions of greenhouse gases."[59] Governor Schwarzenegger has acknowledged those potential benefits, asserting that "technologies that reduce greenhouse gas emissions are increasingly in demand in the worldwide marketplace, and California companies investing in these technologies are well-positioned to profit from this demand, thereby boosting California's economy, creating more jobs and providing increased tax revenue."[60] California's Environmental Protection Agency similarly has concluded that implementing climate change prevention strategies could "increase jobs and income by an additional 83,000 and $4 billion, respectively."[61] Independent studies back those predictions; according to a recent California Climate Change Center report:

> [g]lobally, increasing GHG emissions are assumed to be essential to a growing economy. This is not true in California. The state can take an historic step by demonstrating that reducing emissions of GHG can accelerate economic growth and bring new jobs.... California can gain a competitive advantage by acting early in the new technologies and industries that will come into existence worldwide around the common goal of reducing GHG emissions.[62]

III. Existing Regulatory Responses to Climate Change

Despite the threats posed by climate change, and despite the potential benefits of preventive regulation, the state and federal governments have taken only preliminary steps to limit the greenhouse gas emissions that drive global warming.

Federal action has been almost totally absent. The United States has neither ratified the Kyoto Protocol nor proposed any substitute international regulatory structure. Congress has not

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58 Cal. Health and Safety Code § 38501(d); *see* Executive Dept., State of California, Executive Order S-3-05 (June 1, 2005) (touting California's "leadership role in reducing greenhouse gas emissions").

59 Cal. Health & Safety Code § 38501(e).

60 Executive Order S-3-05, *supra* note 58.

61 CAL. ENVTL. PROT. AGENCY, *supra* note 2, at 65.

62 MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at E-6.

passed any legislation addressing climate change. EPA long declined to address carbon dioxide emissions, insisting, until corrected by the United States Supreme Court, that it had neither the obligation nor even the power to do so.[63] Although the Bush Administration now acknowledges the reality of anthropogenically-caused climate change, it has placed its faith almost entirely in voluntary responses.[64]

Unlike the federal government, California's leaders have recognized climate change as a problem requiring a vigorous response, but the state's response still is in its nascent stages. The Governor and the California Legislature have taken several major steps, including the passage of legislation setting automotive emissions standards for greenhouse gases.[65] In 2005, Governor Schwarzenegger pointedly declared the debate over climate change to be "over," and issued an executive order targeting ambitious reductions in the state's carbon emissions.[66] In accordance with Schwarzenegger Administration policy, many of California's administrative agencies are studying ways in which those agencies may respond to climate change.[67] The state attorney general's office has repeatedly attempted to compel responses to climate change, most notably by joining lawsuits seeking to impose nuisance liability on the electric power and automotive industries, to compel EPA to regulate automotive GHG emissions, and to force consideration of higher federal fuel economy standards.[68] Those efforts build upon earlier achievements. Because of past energy shortages and stringent air quality protections, California has implemented many measures designed to improve energy efficiency. Partly because of those measures, Californians' per capita GHG emissions now are lower than those of most Americans, even though their aggregate emissions are high and growing.[69]

Adding significantly to those achievements, in 2006 the California Legislature passed and Governor Schwarzenegger signed into law AB 32, also known as the California Global Warming

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63 *See Mass. v. EPA*, 127 S. Ct. 1438 (2007).

64 *See* MANAGING GREENHOUSE GAS EMISSIONS, *supra* note 10, at ES-4 ("While helpful, there is no evidence that voluntary measures provide sufficient incentives to attain the Governor's targets.").

65 *See* Cal Health & Safety Code § 43018.5. The automotive industry almost immediately challenged that legislation. *See Cent. Valley Chrysler-Jeep Inc. v. Witherspoon*, 2005 U.S. Dist. LEXIS 26536 (E.D. Cal. 2005) (allowing environmental groups to intervene in the automakers' lawsuit).

66 *See* Bill Blakemore, *Schwarzenator v. Bush: Global Warming Debate Heats Up*, ABC NEWS, August 30, 2006, at *http://abcnews.go.com/US/GlobalWarming/story?id=2374968&page=1*; Executive Order S-3-05, *supra* note 58. The order states, in part: "the following greenhouse gas emission reduction targets are hereby established for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80% below 1990 levels...."

67 *E.g.*, DEPT. OF WATER RESOURCES, *supra* note 11.

68 *Conn. v. Am. Elec. Power Co.*, 406 F. Supp. 2d 265 (S.D.N.Y. 2005) (dismissing the nuisance case); *Mass. v. EPA*, 127 S. Ct. 1438 (2007); Nick Bunkley, *California Sues 6 Automakers Over Global Warming*, NEW YORK TIMES, September 21, 2006.

69 *See* INVENTORY, *supra* note 26 at i, 12 ("California's ability to slow the rate of growth of GHG emissions is largely due to the success of its energy efficiency and renewable energy programs and a commitment to clean air and clean energy.... Although California's total GHG emissions are larger than every state but Texas, California has relatively low carbon emission intensity. In 2001, California ranked fourth lowest of the 50 states in carbon dioxide emissions per capita from fossil fuel consumption and fifth lowest of the 50 states in carbon dioxide emissions per unit of gross state product.").

Solutions Act of 2006, a landmark statute designed to cap California's greenhouse gas emissions.[70] AB 32 requires the California Air Resources Board (CARB) to cap statewide emissions at 1990 levels.[71] It empowers CARB to use a variety of regulatory mechanisms to achieve compliance with that cap by 2020, if not sooner.[72] AB 32 also requires establishment of a monitoring and enforcement system for tracking and regulating GHG emissions, and empowers CARB to take immediate steps to limit high-emitting sources.[73] The Legislature left most other details to the agency's discretion; while CARB must avoid environmental injustice in implementing its measures, its program will take shape primarily through rulemaking processes.[74]

Passing AB 32 was a major step. No other state has a law like it, and the federal government has until recently shown no inclination toward passing anything nearly so ambitious. Nevertheless, its passage is only a start. Even if fully achieved, AB 32's emission reductions, while important, won't eliminate California's contribution to the overall problem. Full implementation of the statute would reduce emissions only by approximately 25%, but many experts estimate that an 80 to 90% reduction ultimately will be necessary to fully eliminate anthropogenic climate change.[75] Nor should full implementation automatically be assumed. The regulatory program developed by CARB also may have gaps, which other laws and regulatory approaches can help fill.[76] And AB 32 places heavy responsibility upon CARB. If CARB is unable to meet its responsibilities, other statutory mechanisms may be necessary to spur change. AB 32 does not purport to occupy the regulatory field,[77] and both the need and the opportunity for other regulatory approaches therefore remain.

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70 California Climate Change Solutions Act of 2006, A.B. 32, 2005-06 Sess., codified at Cal. Health & Safety Code §§ 38500-99.

71 *Id.* §§ 38550-38551.

72 *Id.* §§ 38560-38565.

73 *Id.* § 38530.

74 *See id.* §§ 38560-38574

75 *See* MANAGING GREENHOUSE GAS EMISSIONS, supra note 10, at I-4; Executive Order S-3-05, supra note 58; Thomas Wigley, The Kyoto Protocol: CO_2, CH_4, and Climate Implications, 25 GEOPHYSICAL RESEARCH LETTERS 2285 (1998) (concluding that compliance with the Kyoto Protocol's modest targets would fall well short of removing the human footprint from the global climate).

76 For example, AB 32 implies that CARB should focus primarily on a subset of sources, see Cal. Health & Safety Code §§ 38530(b)(1), and for reasons of practicality and administrative efficiency the agency is likely to follow that directive. That means, however, that many smaller or more diffuse sources may escape regulation under AB 32, at least immediately and perhaps indefinitely, even though the aggregate effect of those smaller sources could be quite large.

77 Cal. Health and Safety Code §§ 38592(a) ("All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions."), 38592(b) ("Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment."), 38598 ("Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emissions reduction measures. ☐ Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation.").

CEQA provides such a complementary approach. Though CEQA's substantive and procedural requirements have yet to be fully applied to projects contributing to climate change, the Act's core provisions require state and local public agencies to avoid or mitigate the significant adverse climate change impacts of any project they sponsor or approve. Multiple methods-many affordable, and some capable of creating significant collateral benefits-of avoiding or mitigating GHG emissions already are available.[78] And those mandates are readily enforceable; both government agencies and community groups have long-established traditions of using CEQA to create effective environmental change.[79]

I. The Requirements of CEQA

CEQA mandates that state and local agencies "[d]evelop and maintain a high quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state;" "take all coordinated actions necessary to prevent [critical environmental] thresholds being reached;" and "[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions."[80]

Those broad purposes have informed legal principles. "In enacting CEQA," the California Supreme Court has written, "the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties."[81] The state's high court has repeatedly directed that "CEQA is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'"[82]

CEQA fulfills those protective purposes primarily through a few basic requirements. Any time a state or local public agency makes a discretionary decision[83] to approve or carry out a project with potentially significant environmental impacts-even if the project will be implemented by private parties[84]-the agency must consider and disclose the potential environmental consequences of

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78 *See supra Part I.C.*

79 *See PLANNING AND CONSERVATION LEAGUE, EVERYDAY HEROES PROTECT THE AIR WE BREATHE, THE WATER WE DRINK, AND THE NATURAL AREAS WE PRIZE: THIRTY-FIVE YEARS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (2005) at http://www.pcl.org/pcl_files/full_report.pdf.*

80 Cal. Pub. Res. Code §§ 21000(d), 21001(a), (d).

81 Mountain Lion Foundation v. Fish and Game Commission, 16 Cal.4th 105, 112 (1997); see City of Marina v. Board of Trustees of the California State University, 39 Cal.4th 341, 348 (2006).

82 Mountain Lion Foundation, 16 Cal.4th at 112 (quoting Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247, 259 (1972)); Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal., 47 Cal.3d 376, 390 (1988).

83 See Cal. Pub. Res. Code § 21080(a); Friends of Westwood v. City of Los Angeles, 191 Cal. App. 3d 259, 267 (1987) (holding that the existence of any discretion in an approval process triggers CEQA's applicability).

84 See Friends of Mammoth, 8 Cal.3d 247 (holding that CEQA applies to private projects receiving governmental approvals).

its decision.[85] It also must identify, discuss, and, if feasible, adopt measures capable of avoiding or reducing a proposed project's significant adverse environmental impacts.[86] The discussion below explains these requirements in more detail.

A. Disclosure of Significant Adverse Environmental Impacts

If a proposed project[87] may cause significant adverse impacts upon the environment, CEQA requires the lead agency[88] either to: (a) adopt or require project changes that will avoid or fully mitigate potentially significant impacts; or (b) prepare an "environmental impact report" (EIR) before approving or carrying out the project.[89] The EIR, if prepared, must identify and discuss the project's potentially significant adverse environmental impacts. That discussion should inform both decision-makers and the public of the environmental consequences of the agency's proposed action, allowing assessment of whether the project really is worth its potential environmental cost.[90]

CEQA defines "significant impacts" broadly and inclusively. Its definition includes-and agencies therefore must discuss-not only the direct environmental consequences of implementing the project, but also indirect effects that may follow from the project's direct physical consequences.[91] That discussion need not address speculative effects,[92] but where an indirect consequence is foreseeable, the existence of a causal chain between project and impact-even an attenuated one-does not excuse the agency from discussing that impact in an EIR.[93]

A lead agency also must address significant "cumulative" environmental impacts-that is, contributions, even if small, to larger environmental problems. CEQA defines a "significant effect on the environment" as including

> possible effects of a project (that) are individually limited but cumulatively considerable. As used in this paragraph, 'cumulatively considerable' means that the incremental effects

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85 CEQA does set forth certain classes of projects that are categorically exempt from statutory requirements. *E.g.*, Cal. Pub. Res. Code §§ 21080(b), 21080.14 (creating an exemption for "affordable housing projects in urbanized areas").

86 *Sierra Club v. State Bd. of Forestry*, 7 Cal.4th 1215, 1233 (1994).

87 *See* 14 Cal. Code Regs. § 15002(b) (explaining the types of actions to which CEQA applies).

88 CEQA defines a "lead agency" as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." Cal. Pub. Resources Code § 21067.

89 *See Friends of Davis v. City of Davis*, 83 Cal. App. 4th 1004, 1016-67 (2000) ("An EIR is required whenever it can be 'fairly argued on the basis of substantial evidence that the project may have significant environmental impact.'") (citations omitted); 14 Cal. Code Regs. §§ 15064, 15065(b)(1).

90 *See Sierra Club*, 7 Cal. 4th at 1229 (describing an EIR as "an environmental alarm bell" and a "document of accountability").

91 *See* 14 Cal. Code Regs. § 15064(d)(2); *see also* 14 Cal. Code Regs. § 15358.

92 *See Planning & Conservation League v. Department of Water Resources*, 83 Cal. App. 4th 892, 919 (2000) ("We need not venture into speculation. But CEQA does compel reasonable forecasting.").

93 *See* 14 Cal. Code Regs. § 15064(d)(2).

> of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.[94]

The presence of such cumulatively significant effects can trigger the obligation to prepare an EIR, for an agency must prepare an EIR if its "project has possible environmental effects that are individually limited but cumulatively considerable."[95] The EIR then must disclose those cumulative impacts; agencies are obligated to "discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable."[96]

Judicial decisions have carefully enforced those requirements. California's courts have emphasized the importance of cumulative impacts analyses, cautioning that "[o]ne of the most important environmental lessons is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[97] The courts therefore have required agencies to treat as significant projects' contributions to larger environmental problems, even where the individual project contribution would seem small in isolation.[98] They also have rejected a *de minimis* exemption from that general rule, reasoning that such an exemption would contravene the core purposes of a cumulative impacts analysis.[99] Some debate remains about where exactly the lower bound of a cumulatively significant contribution lies; though the rejection of a *de minimis* exception indicates that even tiny contributions

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94 Public Resources Code § 21083(b)(2). The CEQA Guidelines similarly state that "'[c]umulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." 14 Cal. Code Regs. § 15355. "While Section 21083 governs the situations in which an agency must prepare an EIR, its provisions have also been applied to the contents of an EIR once it is determined an EIR must be prepared." *Los Angeles Unified School Dist.*, 58 Cal. App. 4th at 1024 n.6 (citing *Laurel Heights Improvement Ass'n*, 47 Cal.3d at 394).

95 14 Cal. Code Regs. § 15065 (a)(3).

96 *Id.* § 15130(a); *see Los Angeles Unified School Dist.*, 58 Cal. App. 4th at 1024–26 (1997); *San Franciscans for Reasonable Growth v. City & County of San Francisco*, 151 Cal. App. 3d 61, 73 (1984) ("Part of [CEQA's] vital informational function is performed by a cumulative impact analysis.").

97 *Communities for a Better Environment v. California Resources Agency*, 103 Cal. App. 4th 98, 114 (2002); *see Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1214 (2005) (quoting *Communities for a Better Environment*); Los Angeles Unified School Dist, 58 Cal. App. 4th at 1025; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus*, 27 Cal. App. 4th 713, 739 (1996); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles*, 177 Cal. App. 3d 300, 306 (1986); *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397, 408 (1979).

98 *E.g., Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 718–24 (1990) (rejecting an EIR that failed to consider whether project emissions, in combination with emissions from other sources throughout the San Joaquin Valley, would create a significant impact); *Los Angeles Unified School Dist.*, 58 Cal.App.4th at 1025 ("the relevant issue to be addressed in the EIR on the plan is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools").

99 *Communities for a Better Environment*, 103 Cal. App. 4th at 116–21 (following *Kings County*, which it described as "[t]he seminal decision," and *Los Angeles Unified School District*).

often matter, commentators have argued against a "one-molecule" standard for air pollution.[100] But past decisions leave little doubt that CEQA's full suite of obligations can be triggered even by a seemingly small contribution to a larger problem.

CEQA's definition of significant impacts also extends to impacts occurring outside California. While CEQA governs only decisions made and conduct occurring within California, nothing in its definition of significant impact excludes impacts outside state lines. Instead, "CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but 'on the environment,' with 'environment' defined for these purposes as 'the physical conditions which exist within the area which will be affected by a proposed project.'"[101] That functional definition invokes no political boundaries; if an area is affected, it is part of the relevant physical environment, regardless of the governmental authority exercising local jurisdiction.

CEQA, its implementing regulations, and judicial decisions thus compel agencies to disclose, in an EIR, their projects' contributions to any significant environmental problem, even if those contributions are indirect, even if project-specific contributions, if viewed in isolation, would seem small, and even if those impacts will occur partly outside California.

B. Identification of Alternatives and Mitigation Measures

In addition to requiring identification of significant environmental impacts, CEQA also requires agencies to discuss ways in which those impacts can be avoided or reduced. Agencies must "systematically identif[y]... feasible alternatives or feasible mitigation measures which will avoid or substantially lessen [a project's] significant effects."[102] That discussion of alternatives and mitigation measures forms the "core" of an EIR.[103]

CEQA's alternatives requirement compels agencies to consider whether different versions of the project, or even different projects, could accomplish most project purposes while reducing environmental costs.[104] Courts have repeatedly stated that agencies "must describe all reasonable alternatives to the project including those capable of reducing or eliminating environmental effects."[105] No universally-applicable list sets forth the alternatives agencies must consider-the scope of the analysis instead is governed by project-specific circumstances, the standards set forth in the statute and the CEQA Guidelines, and a "rule of reason"[106]-but agencies often

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[100] *See, e.g.*, MICHAEL H. REMY ET AL., GUIDE TO THE CALIFORNIA ENVIRONMENTAL QUALITY

[101] *American Canyon Community United for Responsible Growth v. City of American Canyon*, 145 Cal. App. 4th 1062, 1082 (2006) (italics removed; *quoting* Cal. Pub. Res. Code § 21002.1(b) and *City of Marina v. Board of Trustees of California State University*, 39 Cal. 4th 341, 359-60 (2006)); 14 Cal. Code Regs. § 15360.

[102] Cal. Pub. Res. Code § 21002; *see* Cal. Pub. Resources Code § 21061 (stating that an EIR must "list ways in which the significant effects of such a project might be minimized" and "indicate alternatives to such a project.").

[103] *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990).

[104] *See* 14 Cal. Code Regs. § 15126.6.

[105] *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 203 (1977); *see Wildlife Alive v. Chickering*, 18 Cal.3d 190, 197 (1976); *Laurel Heights Improvement Assoc. v. Regents of Univ. of Calif.*, 47 Cal. 3d 376, 400 (1988); 14 Cal. Code Regs. § 15126.6.

[106] *See* 14 Cal. Code Regs. § 15126.6; *Citizens of Goleta Valley*, 52 Cal.3d at 565.

consider building in alternative locations,[107] using different infrastructure to accomplish project purposes,[108] or scaling back a project's scope.[109]

CEQA also "requires that an EIR indicate the ways in which a project's significant effects can be mitigated, by setting forth 'mitigation measures proposed to minimize significant effects on the environment.'"[110] The CEQA Guidelines describe several categories of mitigation measures, including "avoiding the impact altogether by not taking a certain action or parts of an action;" restoring the environment impacted by the action; altering project operations to minimize the impact; or "[c]ompensating for the impact by replacing or providing substitute resources or environments."[111] They also specify that "where relevant," EIRs must describe measures capable of reducing "inefficient and unnecessary consumption of energy."[112]

C. Adoption, if Feasible, of Alternatives or Mitigation Measures Capable of Avoiding Significant Environmental Impacts

While discussion of impacts and alternatives is central to CEQA compliance, the statute requires more than just disclosure. CEQA also includes a "substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures."[113] "[N]o public agency shall approve or carry out a project" if "one or more significant effects on the environment [] would occur if the project is approved or carried out," unless the public agency determines either: (a) that the impacts will be mitigated to a less-than-significant level; or (b) that full mitigation is infeasible, but project benefits still justify proceeding.[114] The CEQA Guidelines repeat that mandate, stating that the "basic purposes of CEQA" include

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107 *E.g., Citizens of Goleta Valley*, 52 Cal.3d at 570-75 (concluding that evaluation of a single off-site alternative was adequate); *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino*, 155 Cal.App.3d 738, 751 (1984) (rejecting an EIR that considered too narrow a range of site alternatives).

108 *E.g., County of Inyo*, 71 Cal. App. 3d 185, 203 (1977) (rejecting an EIR for a water-delivery project that failed to consider conservation as an alternative to increased pumping); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 730-37 (1990) (rejecting an EIR that considered a natural gas-burning alternative to a coal-fired power plant, but did not provide enough quantitative data to facilitate an effective comparative analysis).

109 *E.g., Village of Laguna Beach v. Board of Supervisors*, 134 Cal. App. 3d 1022, 1028-32 (1982) (upholding an EIR that considered a range of sizes for a proposed residential development).

110 *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th 99, 139 (2001) (citing Cal. Public Resources Code §§ 21100, 21002.1, and 21061); see 14 Cal. Code Regs. § 15002(a)(2) (stating that one of CEQA's "basic purposes" is to "[i]dentify ways that environmental damage can be avoided or significantly reduced").

111 14 Cal. Code Regs. § 15370. At the margins, the difference between an alternative and a mitigation measure may be fuzzy, but generally speaking, mitigation measures involve revisions within the same project, while alternatives involve fundamentally different versions of the project. *See Laurel Heights*, 47 Cal.3d at 403 ("alternatives are a type of mitigation").

112 14 Cal. Code Regs. § 15126.4.

113 *Mountain Lion Foundation v. Fish and Game Commission*, 16 Cal.4th 105, 134 (1997); see *Sierra Club v. State Bd. of Forestry*, 7 Cal.4th 1215, 1233 (1994) ("CEQA compels government first to identify the [significant] environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives."); *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990) (CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.")

114 Cal. Pub. Res. Code § 21081.

"[p]revent[ing] significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible."[115] Thus, if mitigation or avoidance of a project's significant adverse impacts is feasible, an agency cannot approve the project without adoption of those mitigation or avoidance measures.

Those provisions require mitigation of cumulatively significant impacts. A cumulatively significant impact is, by definition, a significant project impact,[116] and CEQA requires mitigation, if feasible, of all significant impacts.[117] That does not mean agencies must fully resolve environmental problems that their projects only partially cause; instead, an agency may satisfy its CEQA obligations by mitigating its proportional contribution.[118] The agency also may accomplish its share of mitigation in a variety of ways, including participation in regional mitigation programs.[119] But an agency cannot simply ignore its project's share of a larger impact. If a project's contribution is incrementally important yet can be avoided or mitigated, the project cannot proceed without such mitigation.

CEQA thus creates both powerful incentives and clear mandates for agencies to refrain from contributing to larger environmental problems. Such contributions can trigger the obligation to prepare an EIR, and agencies wishing to avoid that obligation must fully mitigate their projects' potential contributions. If the agency does not adopt such mitigation measures at the outset, its EIR must disclose potential contributions to that larger problem, and those disclosures may raise questions about the wisdom of proceeding with the project. Finally, if a project's contributions to a significant impact can feasibly be avoided or mitigated, the agency cannot proceed without such avoidance or mitigation measures in place.

II. Applying CEQA's Requirements to Climate Change

The core CEQA provisions described above constrain state or local public agencies' contributions to climate change. Many public projects directly or indirectly cause GHG emissions,[120] and all of those projects collectively add major contributions to significant environmental impacts.[121] But multiple methods exist for feasibly mitigating or avoiding those projects' contributions to climate change.[122] Consequently, and as explained in more detail below, CEQA requires that

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[115] 14 Cal. Code Regs. §§ 15002(a)(3), (h), 15021..

[116] *See* 14 Cal. Code Regs. § 15065(a)(3) (stating that "a lead agency shall find that a project may have a significant impact on the environment" if the project "has possible environmental effects that are individually limited but cumulatively considerable.").

[117] Cal. Pub. Res. Code 21081.

[118] 14 Cal. Code Regs. § 15130(a)(3) ("An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact."); 14 Cal. Code Regs. § 15064(h)(2) (same).

[119] *Save Our Peninsula Committee*, 7 Cal. App. 4th at 139–40. The *Save Our Peninsula* court also warned, however, that "a commitment to pay fees without any evidence that mitigation will actually occur is inadequate." *Id.* at 140; *City of Marina*, 39 Cal.4th at 365.

[120] *See infra* Part II.A.

[121] *See infra* Part II.B.

California state and local agencies refrain from approving projects that contribute to climate change or implement full mitigation.

A. Climate Change Contributions and State and Local Government Projects

The threshold trigger for CEQA is a discretionary state or local government action with potential environmental consequences, and government-implemented or approved projects that lead, directly or indirectly, to GHG emissions clearly cross that threshold.[123] In fact, much of California's GHG emissions derive at least partly from discretionary government decisions.

A listing of all public agency projects contributing to climate change would fill a book, but a partial sampling illustrates the extent to which GHG emissions intertwine with discretionary government action. Public agencies build transportation systems,[124] control land use planning and consequent automobile use, and regulate the location of new residential, commercial, industrial, agricultural, and power-generating facilities.[125] Timber harvests, which release some of the carbon previously stored in forests and reduce their sequestration potential, are regulated by California's Board of Forestry.[126] Methane-generating agricultural or industrial practices, like construction of major dairies, typically are subject to local land use authority, and require authorization from local governments. Government decisions also affect power demand; every subdivision, industrial project, or water project[127] that public agencies approve necessitates electricity. Public agencies also are major power consumers. The single largest power user in the state is California's State Water Project, which utilizes an extraordinary amount of energy every year delivering water to users in southern California.[128] Perhaps the most telling statistics are the numbers of project decisions issued by California agencies. In an average year, those agencies file thousands of documents notifying the public that a CEQA process has been completed, and many, if not most, of those projects may in some way affect GHG emissions.[129]

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[122] *See infra* Parts II.C, II.D.

[123] *See Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247 (1972)

[124] *See, e.g.*, California Department of Transportation, About Caltrans, at *http://www.dot.ca.gov/aboutcaltrans.htm* (last checked September 15, 2007) (describing Caltrans' role in building state transportation infrastructure).

[125] *See, e.g., Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990) (considering the environmental consequences of constructing a new power plant); California Energy Commission, *Welcome to the California Energy Commission*, at *http://www.energy.ca.gov/commission/index.html* (explaining the CEC's role, which includes "[l]icensing thermal power plants 50 megawatts or larger").

[126] *See Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal. 4th 1139, 1146-47 (2006). That state regulatory power does not extend to the national forest system's extensive holdings within California.

[127] *See* NATURAL RESOURCES DEFENSE COUNCIL AND PACIFIC INSTITUTE, ENERGY DOWN THE DRAIN: THE HIDDEN COSTS OF CALIFORNIA'S WATER SUPPLY (2004) ("According to the Association of California Water Agencies, water agencies account for 7 percent of California's energy consumption and 5 percent of summer peak demand.").

[128] *See* ENERGY DOWN THE DRAIN, *supra* note 127, at 2 ("The California Energy Commission reports that SWP energy use accounts for 2 to 3 percent of all electricity consumed in California.").

[129] *See* Office of Planning and Research, *Environmental Document Filings with the State Clearinghouse, 1999 through 2005, at http://www.opr.ca.gov/clearinghouse/PDFs/1999-2005_All_Document_Filings.pdf.*

B. GHG-Emitting Projects and Significant Environmental Impacts

Not all discretionary public agency decisions trigger CEQA's requirements; instead, the second major trigger for CEQA's information-disclosure and mitigation obligations is a potentially significant environmental impact.[130] Projects causing increased GHG emissions create that potential. Each project's individual contribution exacerbates climate change and leaves California further from achieving the state's declared emissions-reduction goals, and the collective result of those contributions, in combination with other emissions worldwide, is a classic example-perhaps the quintessential example-of the oft-repeated CEQA maxim "that environmental damage often occurs incrementally from a variety of small sources."[131]

Individual GHG-emitting projects clearly contribute to climate change. While no individual project can claim more than a relatively small share of responsibility for the overall consequences, every GHG-emitting project does increase the problem; there is no inconsequential time or location for GHG emissions to occur.[132] Although those individual contributions might seem inconsequential if isolated and unique, CEQA precludes agencies from dismissing them as *de minimis*. The California courts have specifically rejected a *de minimis* exemption to CEQA's cumulative impact requirements, instead cautioning that "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant."[133] While emissions of conventional air pollutants may be treated as insignificant where those emissions comply with applicable plans for attaining regional air quality goals,[134] no such plans presently exist for greenhouse gases, and California has established no safe threshold for greenhouse gas emissions.[135] Instead, California's

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[130] 14 Cal. Code Regs. § 15130(b)(5). Subsection 15130(e), however, states that for certain types of projects, an EIR need not address impacts previously addressed in a prior EIR.

[131] *Communities for a Better Environment v. California Resources Agency*, 103 Cal. App. 4th 98, 114 (2002); *see id.* at 120 (observing that to exempt small contributions to big problems "contravenes the very concept of cumulative impacts").

[132] *See supra* note 26; *see also Mass. v. EPA*, 127 S. Ct. 1438, 1457-58 (2007) (rejecting EPA's argument that its contributions to climate change are insufficient to confer standing).

[133] *See Communities for a Better Environment*, 103 Cal. App 4th at 116-21.

[134] *See* 14 Cal. Code Regs. § 15064(h)(3).

[135] In a recent white paper discussing methods for addressing climate change in CEQA review, the Association of Environmental Planners suggests that "[i]t can easily be argued that proposed projects that implement all appropriate actions listed in the emissions reductions strategies relevant to the proposed project would have a less than significant impact to global climate change;" the planners argue against a no-net-emissions increase approach. MICHAEL HENDRIX ET AL., RECOMMENDATIONS BY THE ASSOCIATION OF ENVIRONMENTAL PLANNERS (AEP) ON HOW TO ANALYZE GREENHOUSE GAS EMISSIONS AND GLOBAL CLIMATE CHANGE IN CEQA DOCUMENTS 9-10 (2007) (referring to recommended actions in CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, *supra* note 2). The California EPA report does contain many useful ideas for reducing projects' GHG emissions, and is a useful resource for agencies or activists seeking ways to reduce carbon footprints. But the planners' proposed approach cannot pass legal muster, for the California EPA report provides a set of possible, and often partially-formed or vaguely described, approaches to emissions reductions, not specific design or performance standards against which performance might feasibly be measured. In addition, the report does not assert, and could not assert, that implementing all of its proposed measures will reduce California's levels to insignificant levels; instead, it projects that those emissions could be reduced to levels consistent with the Governor's 2020 targets, yet experts project that far greater reductions are necessary. *See supra* note 73 and accompanying text.

acknowledged and urgent need for drastic reductions in GHG emissions vitiates any argument that an incremental increase, unless tiny enough to be essentially immeasurable,[136] is insignificant. Even seemingly small increases are fundamentally inconsistent with the need, repeatedly acknowledged by both the Legislature and the Governor, to cut emissions; and by pushing California further from its stated goals, every increase necessitates increased cuts in other GHG-emitting activities.[137]

The aggregate environmental effects of greenhouse gas emissions clearly are significant. Greenhouse gases pose an extraordinary environmental threat, with the potential to harm multiple ecosystems, badly damage resource-dependant economies, and diminish the health and safety of millions of people in California and elsewhere.[138] The California Legislature and Governor have repeatedly acknowledged the severity of the danger, describing climate change as "a serious threat to the economic well-being, public health, natural resources, and the environment of California."[139] And while California may face particularly acute threats, its likely burdens are by no means unique.[140] Both within and outside California's borders, climate change will create highly significant environmental impacts.[141]

CEQA decisions addressing analogous environmental threats support treating contributions to GHG emissions as significant impacts. In *Kings County Farm Bureau v. City of Hanford*, a seminal cumulative impacts case, the respondent city had approved a power plant project that would emit ozone precursors.[142] That plant's contributions would have had little effect in isolation, and represented only a small percentage of regional emissions, and the project proponent argued that those emissions therefore could not be significant.[143] The court disagreed. Noting that the small contribution would affect an area already suffering from excess air pollution, the court required the city to assess whether, given that regional context, the project's increased emissions would contribute to a significant environmental impact.[144] "The relevant question to

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[136] *Communities for a Better Environment*, 103 Cal. App 4th at 120 ("the 'one-[additional]-molecule' rule is not the law") (brackets in original; quoting REMY ET AL., *supra* note 100, at 476-78). Neither *Kings County Farm Bureau* nor *Communities for a Better Environment* explains how exactly an agency should draw the line between a project contributing one molecule to a larger problem - which contribution presumably would not constitute a significant impact - and a project contributing a cumulatively considerable amount. However, *Communities for a Better Environment's* rejection of a *de minimis* exception, along with the basic CEQA principle that the act should be interpreted to maximize environmental protection, suggests that the threshold is extremely low, particularly where the emission exacerbates non-compliance with emissions-reduction goals and the ultimate problem is vast.

[137] Executive Order S-3-05, *supra* note 58; Cal. Health and Safety Code §§ 38592(a)

[138] *See* OUR CHANGING CLIMATE, *supra* note 2.

[139] Cal. Health and Safety Code § 38501.

[140] *See* IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3, at 12-13.

[141] *Id.*

[142] *Kings County Farm Bureau v. Hanford*, 221 Cal. App. 3d 692, 718-24 (1990).

[143] *Id.* at 718 ("The DEIR concludes the project's contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the plant would emit relatively minor amounts of precursors compared to the total volume of precursors emitted in Kings County."); *id.* at 719.

[144] *Id.* at 722 ("We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling.... the standard for a cumulative impacts analysis is defined by the use of the term 'collectively significant'.")

be addressed in the EIR," it held, "is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."[145] That reasoning is similarly applicable to climate change. Much as regional air quality problems derive from the small contributions of a large number of sources-none of which in isolation would seem important, and most of which would seem small in comparison to the overall scope of the problem-climate change derives from the individually minor contributions of thousands of projects and actions worldwide, all of which collectively create major consequences.

In addition to being legally mandated, discussing contributions to climate change should prove manageable. Attributing ultimate environmental outcomes solely to a specific project's emissions generally will be impossible, but the basic premise of a cumulative impacts analysis is that collective, not individual, effects matter,[146] and describing individual emissions and collective effects is a straightforward task. Ample guidance already exists for projecting an individual project's GHG emissions.[147] Likewise, ample and reliable documentation of collective effects already exists.[148] Numerous studies, both from California state agencies and from international scientific bodies, describe the anticipated consequences of global GHG emissions, and those studies can easily be quoted or summarized in CEQA-required reports.[149]

C. GHG Emissions and Avoidance or Mitigation

Because government projects and decisions measurably contribute to the GHG emissions that drive climate change, and because those emissions' cumulative environmental impacts are significant, any CEQA study must also discuss ways to avoid or mitigate the project's contributions to those impacts. Unless those measures are infeasible, no CEQA-regulated project may be

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[145] *Id.* at 718.

[146] *See id.* at 722; see also *National Steel Corp. v. Gorsuch*, 700 F.2d 314, 323-24 (6th Cir. 1983) (observing, in a case addressing conventional air pollutants' contributions to non-attainment of air quality standards, that "[t]he fact that there is insufficient technical knowledge to determine the precise degree to which each source contributes to nonattainment does not require that the EPA be prohibited from acting with regard to all sources.") In accordance with those principles, a legally adequate discussion of a project's potential climate change contributions could simply discuss (1) the project's projected GHG emissions; (2) the predicted environmental consequences of those emissions in combination with other similar emission worldwide (a discussion that could be largely adopted from reports issued by the IPCC, the California Climate Change Center, and others); and (3) ways of avoiding or mitigating those project-specific emissions. Describing exactly how much sea level rise or how many storms would be attributable to the specific project would be neither feasible nor useful, and CEQA does not require such discussion.

[147] *See* U.S. Envtl. Prot. Agency, State Inventory Guidance, at *http://www.epa.gov/climatechange/emissions/state_guidance.html* (describing various resources for estimating GHG emissions) (last checked February 20, 2007); U.S. Envtl. Prot. Agency, Personal Emissions Calculator, at *http://www.epa.gov/climatechange/emissions/ind_calculator.html* (providing on-line calculator for individual impacts) (last checked September 15, 2007); *see also Planning and Conservation League v. Dept. of Water Resources*, 83 Cal. App. 4th 892, 919 (2000) ("CEQA does compel reasonable forecasting"). Compliance demonstrations for the Clean Air Act are based largely on emissions budgets that state and local agencies develop by predicting the likely emissions from individual projects. *See* 42 U.S.C. § 7502(c)(4).

[148] Compare 14 Cal. Code Regs. §§ 15144–45 (stating that agencies need not "foresee[] the unforeseeable or address matters "too speculative for evaluation"). As described in detail in the numerous reports cited herein, the connections between GHG emissions and climate change are no longer unforeseeable or speculative.

[149] *See, e.g.*, OUR CHANGING CLIMATE, *supra* note 2; IPCC, THE PHYSICAL SCIENCE BASIS, *supra* note 3; CAL. ENVTL. PROT. AGENCY, *supra* note 2.

approved without such avoidance or mitigation measures.[150] For many CEQA-regulated projects, measures feasibly capable of reducing or eliminating GHG emissions likely exist, and those measures may be both affordable and capable of generating collateral environmental and economic benefits.

1. Project Alternatives

For many proposed projects, functionally similar alternatives can vastly reduce GHG emissions. Renewable power sources, for example, provide alternatives to constructing fossil fuel power plants. Constructing transit systems often provides a lower-emissions alternative to constructing new roads. Rather than building new water delivery projects, which tend to consume huge amounts of energy, project proponents could implement water use efficiency programs, either within their own supply areas or in areas sharing common water sources.[151] Instead of breaking new ground and building new housing in undeveloped areas, local governments could limit their land use approvals to infill development projects, which tend to require substantially less energy-intensive infrastructure and result in fewer indirect GHG emissions.[152] Such alternatives won't always be feasible-some projects may unavoidably need to be located in a particular place-and often environmentally-beneficial alternatives will still create some GHG emissions, but alternatives capable of substantially reducing GHG emissions will fairly often be available.

2. On-Site Mitigation

Even if no alternative is capable of avoiding a project's emissions, on-site measures often are capable of substantially mitigating greenhouse gas emissions. For example, developers can use green-building technology and renewable power systems, and build housing with ready transit access and internal or nearby options for grocery shopping and recreation, reducing their projects' energy footprint.[153] A variety of measures, ranging from reliance on recycled water for outdoor irrigation to utilization of water-conserving technologies and tiered pricing, can significantly reduce the amount of energy required to transport, distribute, heat, and dispose of water.[154] Highways, if necessary, can include HOV lanes. Dairy farms and landfills can be

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[150] If mitigation is not available, and significant impacts remain, the lead agency must provide a statement explaining why "overriding... benefits" justify proceeding with the project. *See* Cal. Pub. Res. Code § 21081(b).

[151] *See, e.g.*, ENERGY DOWN THE DRAIN, *supra* note 127, at 34 (describing the costs and benefits of alternative methods of boosting San Diego's water supplies).

[152] Many air pollution control districts already publish guidelines for development patterns that minimize emissions of other pollutants, and the same principles can help minimize GHG emissions. *See, e.g.*, San Luis Obispo County Air Pollution Control District, Residential Design Considerations, available at *http://www.slocleanair.org/business/pdf/residential%20flyer.pdf* (last checked September 15, 2007); SOLANO TRANSPORTATION AUTH. ET AL., TRANSPORTATION AND LAND USE TOOLKIT (2003), available at *http://www.ysaqmd.org/planning-info.php*.

[153] *See* San Luis Obispo County Air Pollution Control District, *supra* note 152; SOLANO TRANSPORTATION AUTH. ET AL., *supra* note 152.

[154] *See* ENERGY DOWN THE DRAIN, *supra* note 127 (describing measures capable of reducing water use, and explaining their benefits).

constructed with methane-recovery technologies.[155] These examples provide only a partial sampling, and as efforts toward GHG management intensify, an increasing variety of mitigation measures will likely become available.

3. Off-Site Mitigation

Sometimes neither project alternatives nor on-site mitigation measures will be capable of fully avoiding GHG emissions.[156] But even for those projects, off-site mitigation should allow projects to avoid contributing to GHG emissions. The primary available method is generally known as emissions trading.

The concept behind emissions trading is fairly straightforward. To compensate for increased emissions resulting from its project, a project proponent can either reduce its own emissions elsewhere; pay some other entity to commensurately reduce emissions; or undertake or fund actions that will permanently sequester an equivalent amount of carbon.[157] For example, a municipality approving a housing development that unavoidably will contribute tons of carbon each year might implement a city-wide energy efficiency program creating equivalent reductions in carbon emissions. The compensation need not be exactly in kind; for example, the emissions deriving from a new transportation project might be offset by funding the conversion of abandoned agricultural land to a permanent forest.[158]

If well-designed and transparent, emissions trades can fulfill CEQA's mitigation requirements. Using offsets-purchasing conservation easements as partial mitigation for conversion of farmlands or habitat, for example, or constructing new wetlands to compensate for wetlands destroyed-already is a common mitigation practice, and agencies often mitigate project impacts by contributing fees to regional mitigation programs.[159] Likewise, in some areas with deficient air quality new projects must offset emissions by purchasing reduction credits from existing sources.[160] Such approaches have legal limitations; a "commitment to pay fees without any evidence that mitigation will actually occur is inadequate" under CEQA, and fictitious or non-verifiable offsets therefore cannot constitute

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[155] *See* United States Environmental Protection Agency, Methane, at *http://www.epa.gov/methane/projections.html* (last checked September 15, 2007).

[156] Even projects widely viewed as otherwise socially and environmentally desirable-installing infill or low income housing, for example, or operating water-recycling facilities, or developing transit systems-still create GHG emissions, unless those projects are able to purchase their energy from sustainable sources. On-site mitigation measures can and should be used to reduce those emissions, but rarely will those measures eliminate emissions entirely.

[157] *See* The Climate Trust, About Offsets, at *http://www.climatetrust.org/about_offsets.php* (last checked September 15, 2007).

[158] *See, e.g., id.*

[159] *See* 14 Cal. Code Regs. § 15130(a)(3) (allowing this practice).

[160] *E.g.*, Berkeley Keep Jets over the Bay Com. v. Board of Port Commissioners, 91 Cal. App. 4th 1344, 1365 (2001) (referring to this technique); Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692, 713 (1990) (same).

proper mitigation.[161] But so long as the reality of reductions or sequestration is rigorously verifiable, emissions trades should pass legal muster. Emissions trades also can facilitate mitigation that otherwise would not occur. While CEQA lead agencies sometimes may plausibly assert that off-site alternatives or on-site measures simply aren't capable of fully mitigating a project's emissions, purchasing offsets generally will be feasible; such offsets already are available.[162] Similarly, while project proponents might often argue that projects' climate change contributions are too small to justify full-scale environmental review or to necessitate alternatives or on-site mitigation methods, trading creates a correspondingly non-intrusive method for mitigating minor emissions. If a project's emissions contributions really are small, so too will be the cost of offsets, and *de minimis* arguments should provide no policy rationale for avoiding the mitigation measures that established CEQA rules require.[163] Trades thus can facilitate emissions reductions that agencies otherwise might not implement.

CONCLUSION

In coming years, local, state, and national governments will likely take many steps to regulate GHG emissions and reduce climate change. Those actions are indispensable; if we are to address this challenge, we have no choice but to develop new legal regimes and regulatory approaches. But the mandates of existing law also can help. The core principles of CEQA already require California's public agencies to evaluate and take steps toward addressing climate change. Compliance with those mandates can move the state-and, potentially, the nation and the world-toward resolving one of the most pressing environmental problems of our era.

This legal memo will be published in the Columbia Journal of Environmental Law in 2008.

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[161] *City of Marina v. Board of Trustees of California State University*, 39 Cal. 4th 341, 365 (2006). For a critique of offsets, and an explanation of the transparency and verifiability problems poorly-designed offset programs can present, see TONY DUTZIK AND ROB SARGENT, STOPPING GLOBAL WARMING BEGINS AT HOME: THE CASE AGAINST THE USE OF OFFSETS IN A REGIONAL POWER SECTOR CAP-AND-TRADE PROGRAM 9-11 (2004). *See also* Fiona Harvey and Stephen Fidler, *Industry Caught in Carbon 'Smokescreen,'* FINANCIAL TIMES, April 25, 2007, at *http://www.ft.com/cms/s/48e334ce-f355-11db-9845-000b5df10621.html.*

[162] *See, e.g.*, The Climate Trust, at *http://www.climatetrust.org/index.php* (last checked September 15, 2007); The Climate Exchange, *The Carbon Counter*, at *www.carboncounter.org*; A New Approach to Global Warming, THE ECONOMIST, Oct. 17, 2002 (describing the Chicago Climate Exchange); Jeff Goodell, Capital Pollution Solution?, NEW YORK TIMES, July 30, 2006 (discussing the Chicago Climate Exchange, and also describing the reservations of some of its critics).

[163] *See Communities for a Better Environment v. California Resources Agency*, 103 Cal. App. 4th 98, 116-21 (2002) (rejecting a *de minimis* exception to CEQA's cumulative impacts requirements). Offsets thus could allow agencies pursuing low-emissions projects to avoid the expense of preparing an EIR. Rather than arguing, probably unsuccessfully, that their emissions are insignificant, those agencies could offset their contribution and thus proceed under a mitigated negative declaration.

Additional climate resources/ environmental gateway pages:

Planning and Conservation League: *http://www.pcl.org/*

Planning and Conservation League Foundation: *http://www.pclfoundation.org/*

National Wildlife Federation: *http://www.nwf.org/*

National Environmental Trust: *http://www.net.org/*

U.S. Fish and Wildlife Service: *http://www.fws.gov/*

National Environmental Policy Act (NEPA): *http://www.law.indiana.edu/envdec/a.html*

California Resources Agency: *http://resources.ca.gov/*

California Department of Fish and Game: *http://www.dfg.ca.gov/*

California Natural Diversity Database: *http:/www.dfg.ca.gov/bdb/html/cnddb.html*

Information Center for the Environment (UC Davis): *http://ice.ucdavis.edu/*

CEQAnet database: *http://www.ceqanet.ca.gov/*

Intergovernmental Panel on Climate Change: *http://www.ipcc.ch/*

U.S. EPA Climate Change: *http://www.epa.gov/climatechange/*

Pew Center on Global Climate Change: *http://www.pewclimate.org/*

California Climate Change Portal: *http://www.climatechange.ca.gov/index.html*

California Climate Action Team and Climate Change Initiative:
http://www.climatechange.ca.gov/climate_action_team/index.html

California Air Resources Climate Change: *http://www.arb.ca.gov/cc/cc.htm*

California Air Resources Board Climate Change Program for Mobile Sources:
http://www.arb.ca.gov/cc/ccms/ccms.htm

California Energy Commission Climate Change Proceedings:
http://www.energy.ca.gov/global_climate_change/

California Climate Action Registry: *http://www.climateregistry.org/Default.aspx?refreshed=true*

Our Changing Climate: Assessing the Risks to California - Summary Report
California Climate Change Center:
http://www.energy.ca.gov/2006publications/CEC-500-2006-077/CEC-500-2006-077.PDF

Progress on Incorporating Climate Change into Management of California's Water Resources
California Department of Water Resources:
http://baydeltaoffice.water.ca.gov/climatechange/DWRClimateChangeJuly06.pdf
Inventory of California Greenhouse Gas Emissions and Sinks 1990-2004 California Energy Commission:
http://www.climatechange.ca.gov/policies/greenhouse_gas_inventory/index.html

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Technical Support Document for Staff Proposal Regarding Reduction of Greenhouse Gas Emissions from Motor Vehicles - Climate Change Overview (2004) California Air Resources Board:
http://www.arb.ca.gov/cc/factsheets/support_ccoverview.pdf

Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001:
http://www.owue.water.ca.gov/Guidebook.pdf

CEQA net database: *http://www.ceqanet.ca.gov/*

Publications about CEQA

Guide to the California Environmental Quality Act
By Tina A. Thomas, James G. Moose, and Whitman F. Manley
(2006 [Eleventh] edition Solano Press) Single soft bound volume.
This is a very complete review of CEQA and includes a listing of the major CEQA cases, and useful index to topics covered in this book. The 2006 edition costs $85 plus tax, shipping and handlings. To order call Solano Press at (800) 931-9373. Solano press is also on the Internet at:0 *http://www.solano.com* email address: *spbooks@solano.com.*

Practice Under the California Environmental Quality Act
By Stephen Kostka and Michael Zischke 2-volume loose leaf.
This is also a very complete review of CEQA and includes the statute, Guidelines, and an index. Because it is loose leaf within a hard-shell three ring binder, it is updated regularly. (The last updated version costs $263.00 plus shipping and handling.) To order, call CEB at (800) 232-3444. Order online: *www.ceb.com.*

The California Environmental Quality Act - On the Front Line of California's Fight Against Global Warming
By Siegel, Vespa & Nowicki (Center for Biological Diversity, September 2007)
To download this report go to:
http://www.biologicaldiversity.org/swcbd/programs/policy/energy/CBD-CEQA-white-paper-10-03-07.pdf

Other Publications Referred to in Guide

An Inconvenient Truth - The Planetary Emergency of Global Warming and What We Can Do About It
By Al Gore (2006, RODALE).

Everyday Heroes Protect the Air We Breath, the Water We Drink, and the Natural Areas We Prize; Thirty Five Years of the California Environmental Quality Act
By PCL, PCL Foundation and California League of Conservation Voters
Everyday Heroes is a compilation of over 75 California Environmental Quality Act success stories written by a number of California's environmental leaders. You can download this report visiting: *http://www.pcl.org/projects/everydayheroes.html* or purchase a hard copy visiting: *http://www.pclfoundation.org/general/publications.html.*

Sciencexpress Report

Model Projections of an Imminent Transition to a More Arid Climate in Southwestern North America

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How anthropogenic climate change will impact hydroclimate in the arid regions of Southwestern North America has implications for the allocation of water resources and the course of regional development. Here we show that there is a broad consensus amongst climate models that this region will dry significantly in the 21st century and that the transition to a more arid climate should already be underway. If these models are correct, the levels of aridity of the recent multiyear drought, or the Dust Bowl and 1950s droughts, will, within the coming years to decades, become the new climatology of the American Southwest.

The Third Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) reported that the average of all the participating models showed a general decrease in rainfall in the subtropics during the 21st century although there was also considerable disagreement amongst the models (*1*). Subtropical drying accompanying rising CO_2 is also found in the models participating in the second Coupled Model Intercomparison Project (*2*). Here we examine future subtropical drying by analyzing the time history of precipitation in 19 climate models participating in the Fourth Assessment Report (AR4) of the IPCC (*3*). The future climate projections followed the A1B emissions scenario (*4*) in which CO_2 emissions increase until about 2050 and decrease modestly thereafter leading to a CO_2 concentration of 720 ppm in 2100. We also analyzed the simulations by these models of the 1860–2000 period in which the models were forced by the known history of trace gases and, with some variation amongst the models, estimated changes of solar irradiance, volcanic and anthropogenic aerosols and land use. These simulations provide initial conditions for the 21st century climate projections. For each model, climatologies were computed over the 1950–2000 period by averaging over all the simulations available for each model. All climate changes shown are departures from this climatology.

We define an area (shown as a box on Fig. 4) called 'The Southwest' including all land between 125°W and 95°W and 25°N and 40°N that incorporates the southwestern United States and parts of northern Mexico . Fig. 1 shows the modeled history and future of the annual mean precipitation minus evaporation ($P-E$) averaged over this region for the period common to all the models, 1900–2098. The median, 25th and 75th percentiles of the model $P-E$ distribution and the median of P and E are shown. For cases in which there were multiple simulations with a single model these were averaged together before computing the distribution. $P-E$ equals the moisture convergence by the atmospheric flow and, over land, the amount of water that goes into runoff.

In the multi-model ensemble mean there is a transition to a sustained drier climate that begins in the late 20th and early 21st centuries. In the ensemble mean both P and E decrease but the former by a larger amount. $P-E$ primarily reduces in winter when P reduces and E is unchanged or modestly increased while in summer both P and E decrease (not shown). The annual mean reduction in P for this region, calculated from rain gauge data within the Global Historical Climatology Network, was 0.09 mm/day between 1932 and 1939 (the Dust Bowl drought) and 0.13 mm/day between 1948 and 1957 (the 1950s Southwest drought). The ensemble median reduction in P that drives the reduction in $P-E$ reaches 0.1 mm/day in mid-century and one quarter of the models reach this in the early part of the current century.

Figure 2 shows for the 19 models the annual mean $P-E$ difference between 20 year periods in the 21st century and the model's 1950–2000 climatology. Almost all models have a drying trend in the American Southwest and consistently so throughout the century. Only one of the 19 models has a trend to a wetter climate. Of the total of 49 individual projections conducted with the 19 models, even as early as the 2021 to 2040 period, only 3 show a shift to a wetter climate. Examples of modeled history and future precipitation for single simulations of four individual models are shown in Fig. 3 and provide an idea of potential trajectories towards the more arid climate.

Figure 4 shows (contours, all panels) a map of the change in $P-E$ for the decades between 2021 and 2040 minus the

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1950–2000 period for one of the IPCC models: the Geophysical Fluid Dynamics Laboratory climate model CM2.1 (*5*). In general, large regions of the relatively dry subtropics dry further while wetter higher latitude regions become wetter still. In addition to the American Southwest, the Southern Europe-Mediterranean-Middle East region also experiences a severe drying. This pattern of subtropical drying and moistening at higher latitudes is a robust feature of current projections with different models of future climate (*6*).

The change (δ) in $P-E$ (in m/s) is balanced by a change in atmospheric moisture convergence, viz.:

$$\rho_w g\delta(P-E) = -\delta\left(\int_0^{p_s} \nabla\cdot(\overline{\underline{u}}\,\overline{q})dp + \int_0^{p_s} \nabla\cdot(\overline{\underline{u}'q'})dp\right) \quad (1)$$

Overbars indicate monthly means and primes departures from the monthly mean, ρ_w is the density of water. The change in moisture convergence can be divided into contributions from the 'mean flow' and from 'eddies'. In the former the atmospheric flow $(\overline{\underline{u}})$ and the moisture $(\overline{q})$ are averaged over a month before computing the moisture transport, while the latter is primarily associated with the highly variable wind ($\underline{u}'$) and moisture (q') fields within storm systems. The moisture convergence is integrated over pressure (p) from the top of the atmosphere ($p = 0$) to the surface (p_s). The mean wind and humidity fields in Eq. 1 can be taken to be their climatological fields. (The rectification of interannual variability in the monthly mean flow and moisture fields is found to be negligible.) Changes in the mean flow contribution can, in turn, be approximated by one part associated with the 1950–2000 climatological circulation $(\overline{\underline{u}}_P)$ operating on the increase in climatological atmospheric humidity $(\delta\overline{q}$, a consequence of atmospheric warming) and another part due to the change in circulation climatology $(\delta\overline{\underline{u}})$ operating on the 1950–2000 atmospheric humidity climatology $(\overline{q}_P)$. The nonlinear term involving changes in both the mean flow and moisture field is found to be relatively small (not shown). Hence Eq. 1 can be approximated by:

$$\rho_w g\delta(P-E) \sim -\int_0^{p_s} \nabla\cdot(\overline{q}_P\delta\overline{\underline{u}} + \overline{\underline{u}}_P\delta\overline{q})dp$$
$$-\delta\int_0^{p_s} \nabla\cdot(\overline{\underline{u}'q'})dp \quad (2)$$

We therefore think in terms of a three-fold decomposition of $P-E$, as displayed in Fig. 4 (colors) for the GFDL CM2.1 model: a contribution from the change in mean circulation, a contribution from the change in mean humidity, and a contribution from eddies.

The mean flow convergence term involving only changes in humidity (Fig. 4B) causes increasing $P-E$ in regions of low level mean mass convergence and decreasing $P-E$ in regions of low level mean mass divergence, generally intensifying the existing pattern of $P-E$ (*6*). This term helps explain much of the reduction in $P-E$ over the subtropical oceans where there is strong evaporation, atmospheric moisture divergence and low precipitation (*6*). Over land areas, in general, there is no infinite surface water source and $P-E$ has to be positive and sustained by atmospheric moisture convergence. Over the American Southwest, in the current climate, it is the time varying flow that sustains most of the positive $P-E$ while the mean flow diverges moisture away. Here, the 'humidity contribution' leads to reduced $P-E$ as the moisture divergence by the mean flow increases with rising humidity. Over the Mediterranean region there is mean moisture divergence and again rising humidity leads to increased mean moisture divergence and reduced $P-E$.

Over the ocean the contribution of humidity changes to changes in $P-E$ can be closely approximated by assuming that the relative humidity remains fixed at its 1950–2000 values (*6*). Over almost all land areas, and especially over those that have reduced $P-E$, the relative humidity decreases in the early 21st century. This is because, unlike over the ocean, evaporation cannot keep pace with the rising saturation humidity of the warming atmosphere. Over land the humidity contribution to the change in $P-E$ is distinct from that associated with fixed relative humidity.

Decreases in $P-E$ can also be sustained by changes in atmospheric circulation that alter the mean moisture convergence even in the absence of changes in humidity (Fig. 4A). This 'mean circulation contribution' leads to reduced $P-E$ at the northern edge of the subtropics (e.g. the Mediterranean region, the Pacific and Atlantic around 30°N and parts of southwestern North America). The change in moisture convergence by the transient eddies (Fig. 4C) dries southern Europe and the subtropical Atlantic and moistens the higher latitude Atlantic but does not have a coherent and large impact over North America.

A significant portion of the mean circulation contribution, especially in winter, can be accounted for by the change in zonal mean flow alone (not shown), indicating that changes in the Hadley Cell and the extratropical mean meridional circulation are important. In summary, increases in humidity and mean moisture divergence, changes in atmospheric circulation and intensification of eddy moisture divergence, cause drying in the subtropics, including over western North America and the Mediterranean region. For the Southwest region, the annual mean $P-E$ reduces by 0.086 mm/day which is largely accounted for by an increase in the mean flow moisture divergence. Changes in the circulation alone contribute 0.095 mm/day of drying and changes in the humidity alone contribute 0.032 mm/day. This is modestly offset by an increased transient eddy moisture convergence of 0.019 mm/day.(*7*).

Within models the poleward edge of the Hadley Cell and the mid-latitude westerlies move poleward during the 21st century (*8–10*). The descending branch of the Hadley Cell causes aridity and hence the subtropical dry zones expand poleward. In models, a poleward circulation shift can be forced by rising tropical SSTs in the Indo-Pacific region (*11*) and by uniform surface warming (*12*). The latter results are relevant because the spatial pattern of surface warming in the AR4 models is quite uniform away from the poles. One explanation (*13, 14*) is that rising tropospheric static stability, an established consequence of moist thermodynamics, stabilizes the subtropical jet streams at the poleward flank of the Hadley Cell to baroclinic instability. Consequently the Hadley Cell extends poleward, increasing the vertical wind shear at its edge, to a new latitude where the shear successfully compensates for the suppression of baroclinic instability by rising static stability.

While increasing stability is likely to be a significant component of the final explanation, a fully satisfying theory for the poleward shift of the zonal mean atmospheric circulation in a warming world must account for the complex interplay between the mean circulation (Hadley Cell and the mid-latitude Ferrell Cell) and the transient eddies (*13, 14*) that will determine where precipitation will increase and decrease in the future. However not all of the subtropical drying in the Southwest and Mediterranean region can be accounted for by zonally symmetric processes and a full explanation will require attention to moisture transport within localized storm tracks and stationary waves.

The six severe, multiyear, droughts that have struck western North America in the instrumental record have all been attributed, using climate models, to variations of sea surface temperatures (SSTs) in the tropics, particularly persistent La Niña-like SSTs in the tropical Pacific Ocean (*15–19*). The future climate of intensified aridity in the Southwest is caused by different processes since the models vary in their tropical SST response to anthropogenic forcing. Instead it is caused by rising humidity that causes increased moisture divergence and changes in atmospheric circulation cells that include a poleward expansion of the subtropical dry zones. The drying of subtropical land areas that, according to the models is imminent or already underway, is unlike any climate state we have seen in the instrumental record. It is also distinct from the multidecadal megadroughts that afflicted the American Southwest during Medieval times (*20-22*) which have also been attributed to changes in tropical SSTs (*18, 23*). The most severe future droughts will still occur during persistent La Niña events but they will be worse than any since the Medieval period because the La Niña conditions will be perturbing a base state that is drier than any experienced recently (*25*).

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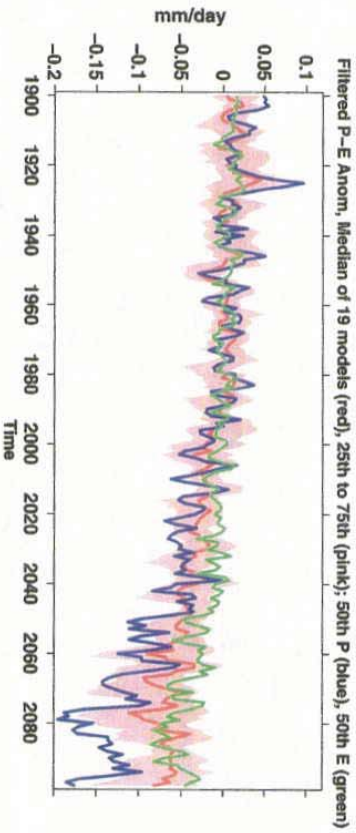
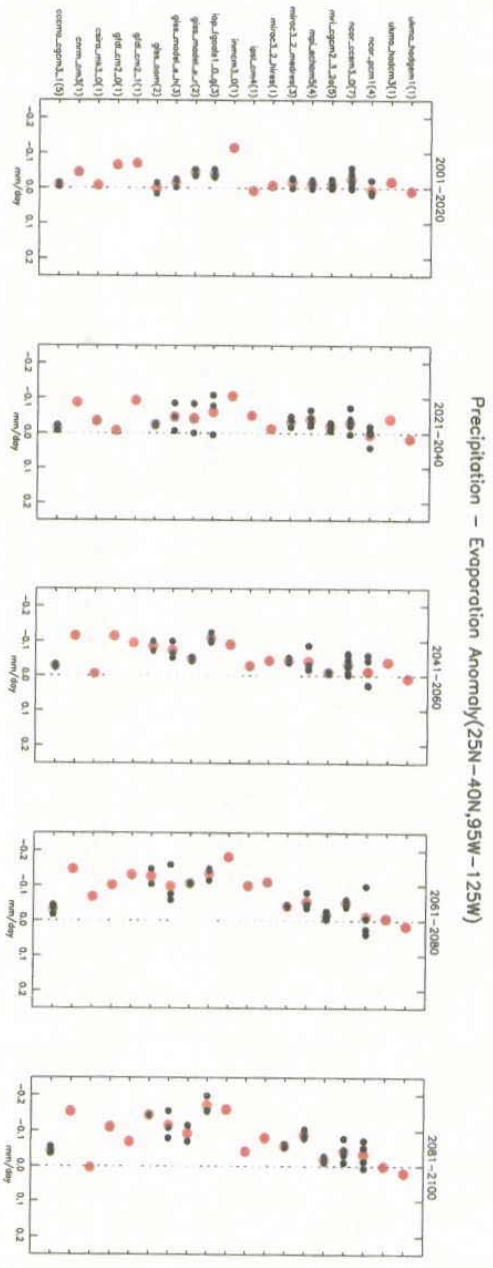
Fig. 1: Modeled changes in annual mean precipitation minus evaporation over the American Southwest (125°W–95°W, 25°N–40°N, land areas only) averaged over ensemble members for each of the 19 models. The historical period used known and estimated climate forcings and the projections used the SResA1B emissions scenario. Shown are the median (red line) and 25th and 75th percentiles (pink shading) of the $P-E$ distribution amongst the 19 models, and the ensemble medians of P (blue line) and E (green line) for the period common to all models (1900 to 2098). Anomalies for each model are relative to that model's climatology for 1950–2000. Results have been six year low pass Butterworth filtered to emphasize low frequency variability that is of most consequence for water resources. Units are in mm/day. The model ensemble mean $P-E$ in this region is around 0.3 mm/day.

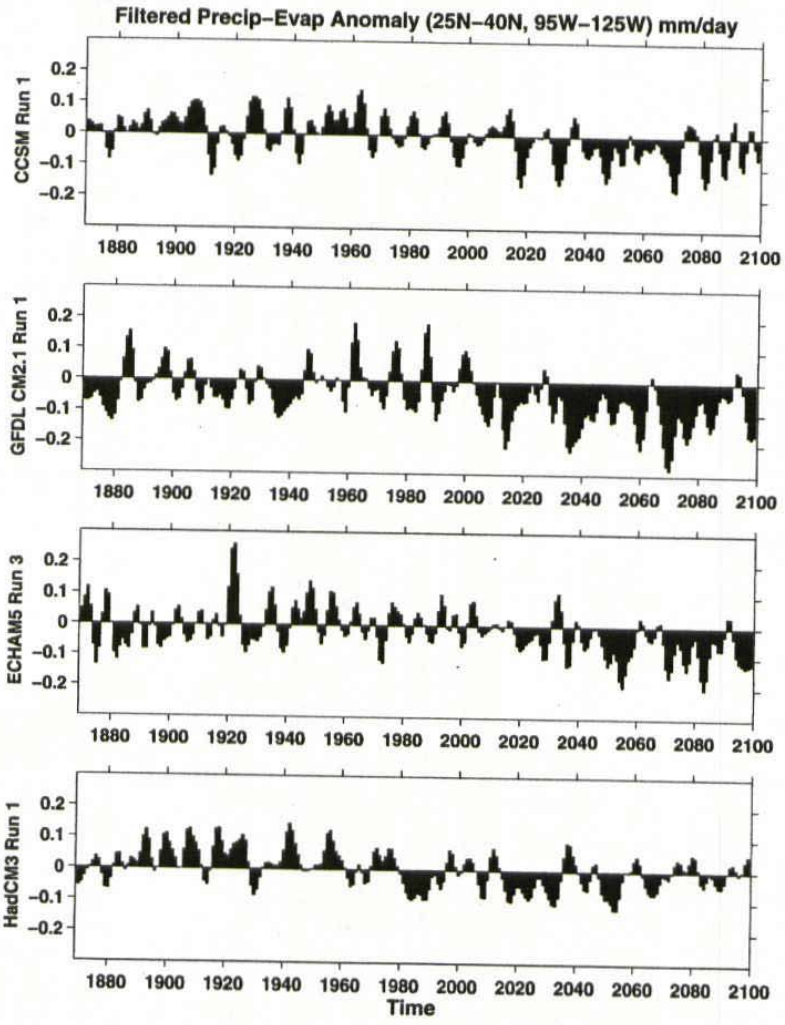
Fig. 2: The change in annual mean $P-E$ over the American Southwest (125°W–95°W, 25°N–40°N, land areas only) for 19 models relative to model climatologies for 1950-2000. Results are averaged over twenty year segments of the current century. The number of ensemble members for the projections are listed by the model name at left. Black dots represent ensemble members, where available, and red dots represent the ensemble mean for each model. Units are in mm/day.

Fig. 3: The change in annual mean $P-E$ over the American Southwest (125°W–95°W, 25°N–40°N, land areas only) for four coupled models relative to model ensemble mean climatologies for 1950–2000. The results are from individual simulations of the 1860 to 2000 period forced by known and estimated climate forcings and individual projections of future climate using the SResA1B scenarios of climate forcings. Since the modeled anomalies have not been averaged together here these time series provide an idea of plausible evolutions of Southwest climate towards a more arid state. The models are the National Center for Atmospheric Research Community Climate System Model, Geophysical Fluid Dynamics Laboratory model CM2.1, Max Planck Institut Für Meteorologie model ECHAM5 and Hadley Centre for Climate Change model HadCM3. All time series are for annual mean data and a six year low pass Butterworth filter has been applied. Units are in mm/day.

Fig. 4: The change in annual means of $P-E$ for 2021–2040 minus 1950–2000 (all panels, contours) and contributions to the change in vertically integrated moisture convergence (colors, negative values imply increased moisture divergence) by the mean flow due to changes in the flow (top), the specific humidity (middle) and the transient eddy moisture convergence (bottom), all for the GFDL CM2.1 model. The box shows the area we define as the "Southwest."

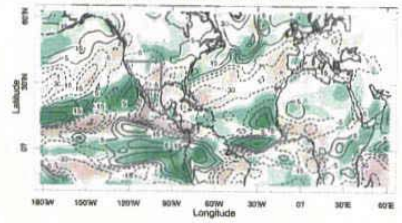

Filtered P−E Anom, Median of 19 models (red), 25th to 75th (pink); 50th P (blue), 50th E (green)
mm/day
0.1
0.05
0
−0.05
−0.1
−0.15
−0.2
1900
1920
1940
1960
1980
2000
2020
2040
2060
2080
Time


Precipitation – Evaporation Anomaly(25N–40N,95W–125W)
2001–2020
2021–2040
2041–2060
2061–2080
2081–2100
mm/day
-0.2
-0.1
0.0
0.1
0.2

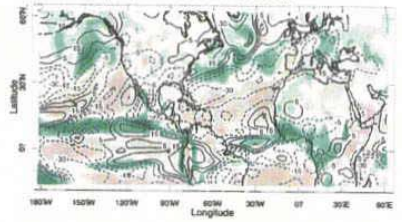

Filtered Precip–Evap Anomaly (25N–40N, 95W–125W) mm/day
CCSM Run 1
GFDL CM2.1 Run 1
ECHAM5 Run 3
HadCM3 Run 1
0.2
0.1
0
−0.1
−0.2
1880 1900 1920 1940 1960 1980 2000 2020 2040 2060 2080 2100
Time

Contributions to Change in Moisture Convergence (2021-2040) - (1950-2000)

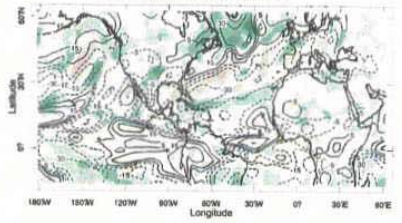
a) Mean Circulation Contribution



b) Q Contribution to Mean



c) Transient Contribution



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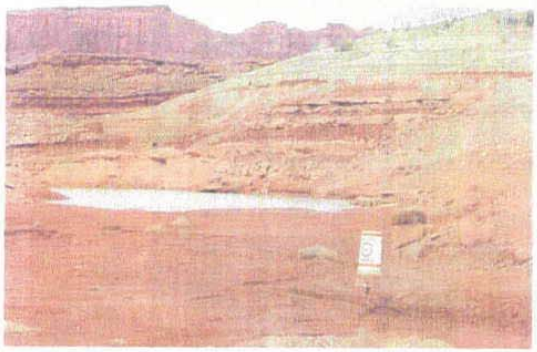
An imminent transition to a more arid climate in southwestern North America

Richard Seager
Lamont-Doherty Earth Observatory of Columbia University

Take home lessons:

1. **Southwestern North America and other subtropical regions are going to become increasingly arid as a consequence of rising greenhouse gases.**
2. **The transition to a drier climate should already be underway and will become well established in the coming years to decades, akin to permanent drought conditions.**
3. **This is a robust result in climate model projections that has its source in well represented changes in the atmospheric hydrological cycle related to both rising humidity in a warmer atmosphere and poleward shifts of atmospheric circulation features.**



Low water at Lake Powell (April 2003. Farley Canyon), photo by Eric Nyre, Canoe Colorado.

Projections of anthropogenic climate change conducted by nineteen different climate modeling groups around the world, using different climate models, show widespread agreement that Southwestern North America - and the subtropics in general - are on a trajectory to a climate even more arid than now. According to the models, human-induced aridification becomes marked early in the current century. In the Southwest the levels of aridity seen in the 1950s multiyear drought, or the 1930s Dust Bowl, become the new climatology by mid-century: a perpetual drought. *A PDF of the complete article (Seager et.al, 2007) can be downloaded from Science Express.*

Mechanisms of Southwest and subtropical drying

Drying of the Southwest and the subtropics are caused by large scale changes in the atmospheric branch of the hydrological cycle. There are two aspects of this:

1. The subtropics are already dry because the mean flow of the atmosphere moves moisture out of these regions whereas the deep tropics and the higher latitudes are wet because the atmosphere converges moisture into those regions. As air warms it can hold more moisture and this existing pattern of the divergence and convergence of water vapor by the atmospheric flow intensifies. This makes dry areas drier and wet areas wetter.
2. As the planet warms, the Hadley Cell, which links together rising air near the Equator and descending air in the subtropics, expands poleward. Descending air suppresses precipitation by drying the lower atmosphere so this process expands the subtropical dry zones. At the same time, and related to this, the rain-bearing mid-latitude storm tracks also shift poleward. Both changes in atmospheric circulation, which are not fully understood, cause the poleward flanks of the subtropics to dry.

Besides Southwestern North America other land regions to be hit hard by subtropical drying include southern Europe, North Africa and the Middle East as well as parts of South America.

Future drying: historical droughts and Medieval megadroughts

The dynamical causes of imminent subtropical drying appear distinct from the causes of historical North American droughts such as occurred in the 1950s and during the 1930s Dust Bowl. Climate modeling has led to those being related to small, naturally occurring, changes in tropical Pacific (and, to a lesser extent, tropical Atlantic) sea surface temperature that also drive a change in atmospheric circulation that places anomalous

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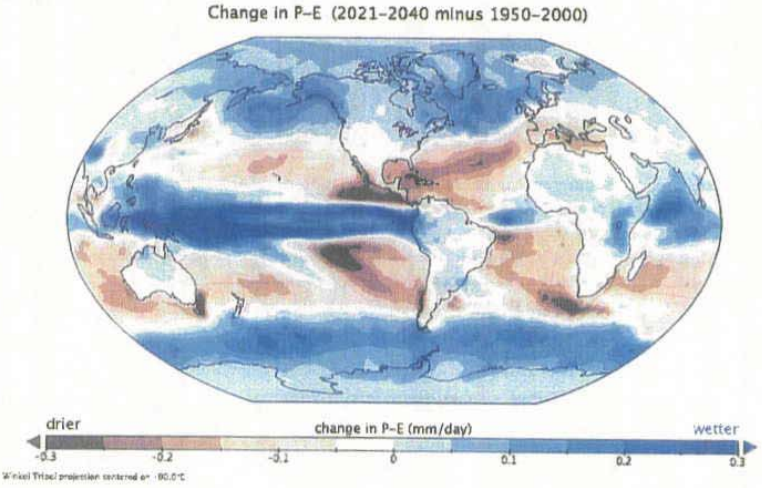
descent over Southwestern North America. See our Drought Research homepage and the page on the Causes and consequences of the nineteenth century droughts in North America.

The succession of 'megadroughts' - droughts like the Dust Bowl but which lasted for decades at a time - that occurred in the West in Medieval times have also been linked to equally persistent La Nina-like conditions in the tropical Pacific. However it is thought that the Sun was relatively strong at this time and volcanism weak which both would have resulted in positive radiative forcing of the climate system akin to rising greenhouse gases today. The differences and similarities of future drying with the Medieval megadroughts, and their global atmosphere-ocean contexts, needs to be determined. See our page on the North American Medieval megadroughts.

In contrast to historical droughts, future drying is not linked to any particular pattern of change in sea surface temperature but seems to be the result of an overall surface warming driven by rising greenhouse gases. Evidence for this is that subtropical drying occurs in atmosphere models alone when they are subjected to uniform increases in surface temperature.

Will this really happen and what are the implications?

Imminent drying of the Southwest and subtropics in the models is such a robust result because it does not depend on poorly understood and highly parameterized parts of the model (such as cloud physics) but instead arises as a response of the large scale atmospheric dynamics - which we think is quite well represented in models - to a warming world. Similarly there is little reason to think that the models are wrong to have this response even if the dynamics involved need to be fully worked out.



Change in precipitation (P) minus surface evaporation (E) for the 2021-2040 period minus the average over 1950-2000. Results are averaged over simulations with 19 different climate models. P-E is the net flux of water at the surface that, over land, sustains soil moisture, groundwater and river runoff. Figure by N. Naik.

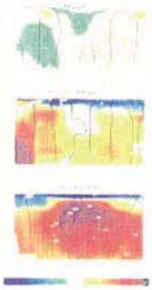
Drying of arid lands in the southwestern United States and northern Mexico will have important consequences for water resources, regional development and cross border relations and migration. According to the models the drying should already be underway and, over the length of time it takes to plan significant changes in water resource engineering and allocation (years to a few decades), will become well established.

How could we tell if this is happening?

(click on figure to enlarge)

The historical droughts were forced by natural variability of the tropical atmosphere-ocean system: persistent La Nina-like events in the tropical Pacific with a warm subtropical North Atlantic sometime playing a supporting role. Future drying is caused by overall warming. The aspect of the atmospheric circulation common to both is poleward shifted jet streams and mid-latitude storm tracks. But there are important differences that may allow identification of whether any drought that occurs is a naturally occurring one - and can be expected to end - or is anthropogenic - and can be expected to continue. For example droughts associated with persistent

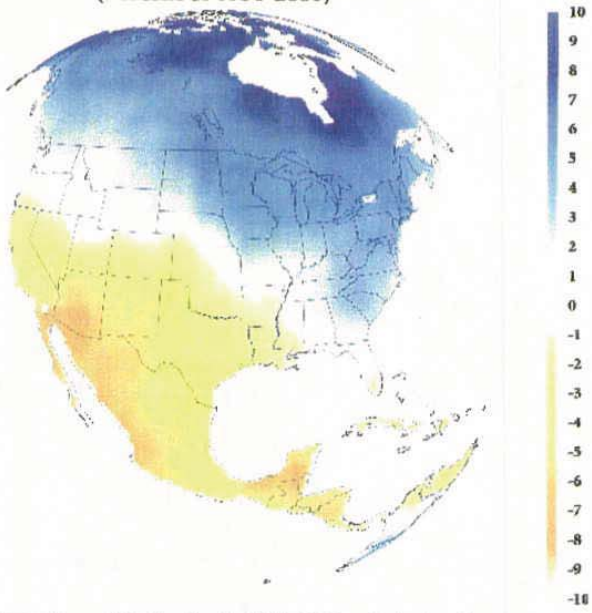
La Nina events involve increased heat uptake in the eastern and central equatorial Pacific Ocean and, hence, a cool tropical troposphere. The atmospheric dynamical response to this induces warming in the mid-latitudes. In contrast anthropogenic droughts will go along with warming almost everywhere and a maximum warming in the upper tropical troposphere. The tropical and subtropical zonal mean zonal winds are, necessarily, also distinct for natural and anthropogenic droughts. These differences may allow identification of onset of anthropogenic drying. Why La Nina events and global warming both induce subtropical drying is an active topic of research in atmospheric dynamics. Click on the thumbnail on the right for a relevant figure.



See also the GFDL Climate Modeling Research Highlight (volume 1, n5): *Will the wet get wetter and the dry drier?*

This work was performed as a collaboration of the scientists at Lamont-Doherty Earth Observatory (R. Seager, M.F. Ting, Y. Kushnir, H.-P. Huang, J. Velez, C. Li, N. Naik) NOAA Geophysical Fluid Dynamics Laboratory (I.M. Held, G. Vecchi, N.-C. Lau, A. Leetmaa) the National Center for Atmospheric Research (J. Lu) and Tel-Aviv University (N. Harnik).

Projected Change in Precipitation 1950-2000 to 2021-2040
(Percent of 1950-2000)



Projected change in precipitation for the 2021-2040 period minus the average over 1950-2000 as a percent of the 1950-2000 precipitation. Results are averaged over simulations with 19 different climate models. Figure by G. Vecchi.

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- "Denial in the Desert" by Mike Davis. *The Nation*, Tuesday, April 3, 2007.
- "Return of the dust bowl? Climate change set to make the arid southwest even drier" by Daemon Fairless. *news@nature.com*, Thursday, April 5, 2007.
- "Study Sees Drought Trend in U.S. Southwest". *NPR* , Friday, April 6, 2007,The Day to Day Program.
- "Southwest May Get Even Hotter, Drier" *Washington Post* , Friday, April 6, 2007; Page A03,
- And too many others to mention, see the Google news search for Friday Afternoon, April 6, 2006.

Opinions expressed are those of the authors and not necessarily those of their institutions.

Maintained by: Naomi Naik, Lamont-Doherty Earth Observatory of Columbia University

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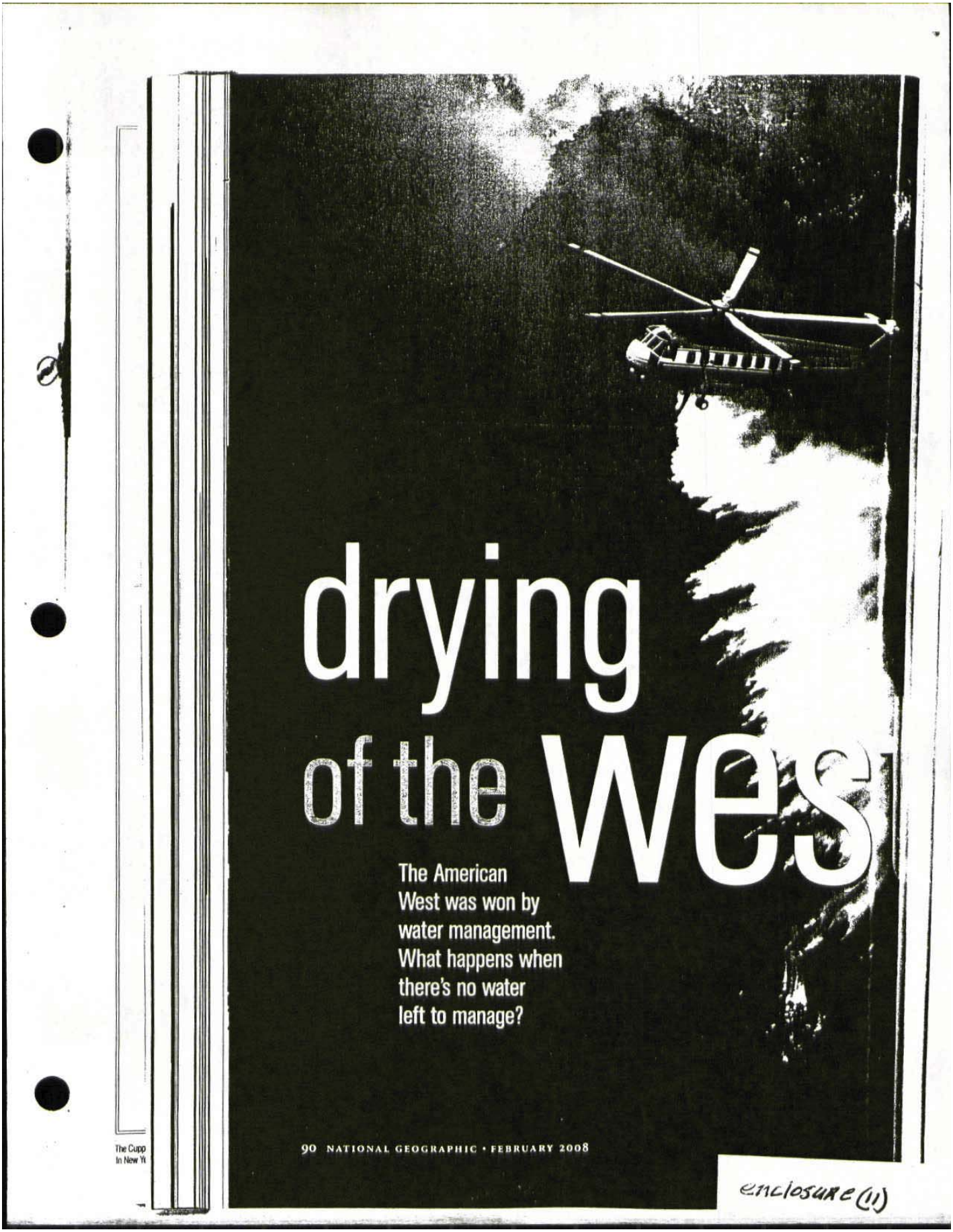

drying of the west

The American West was won by water management. What happens when there's no water left to manage?

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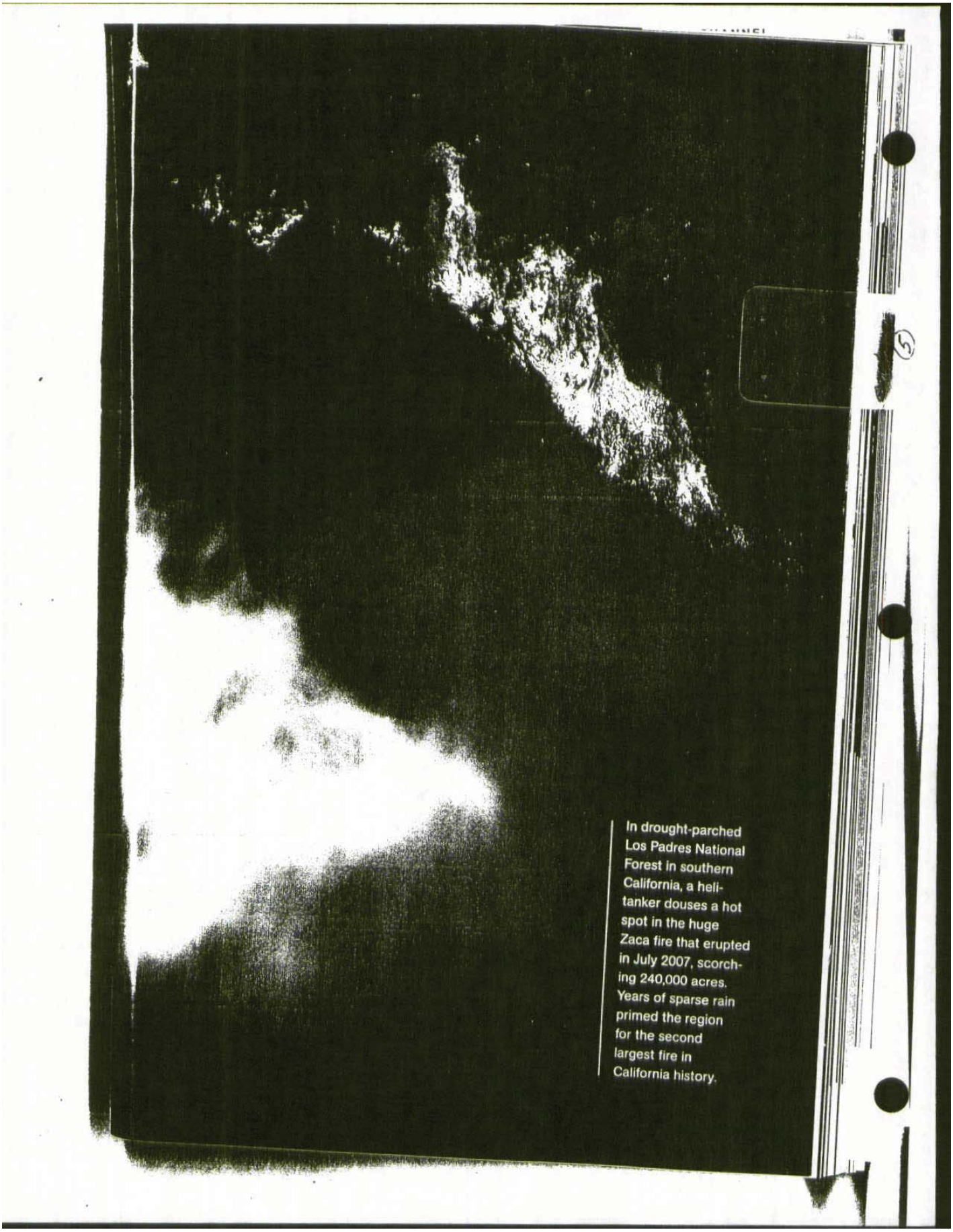
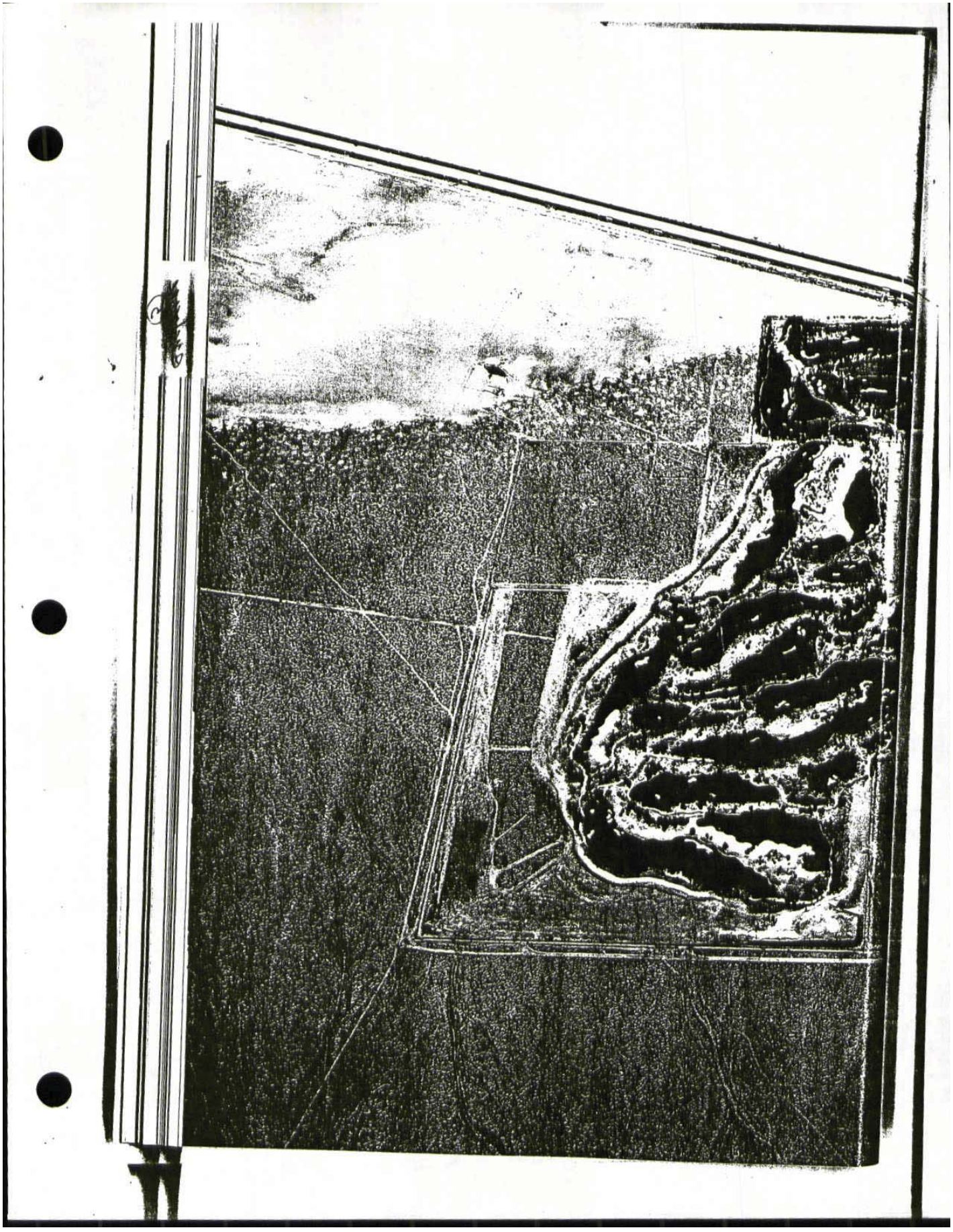
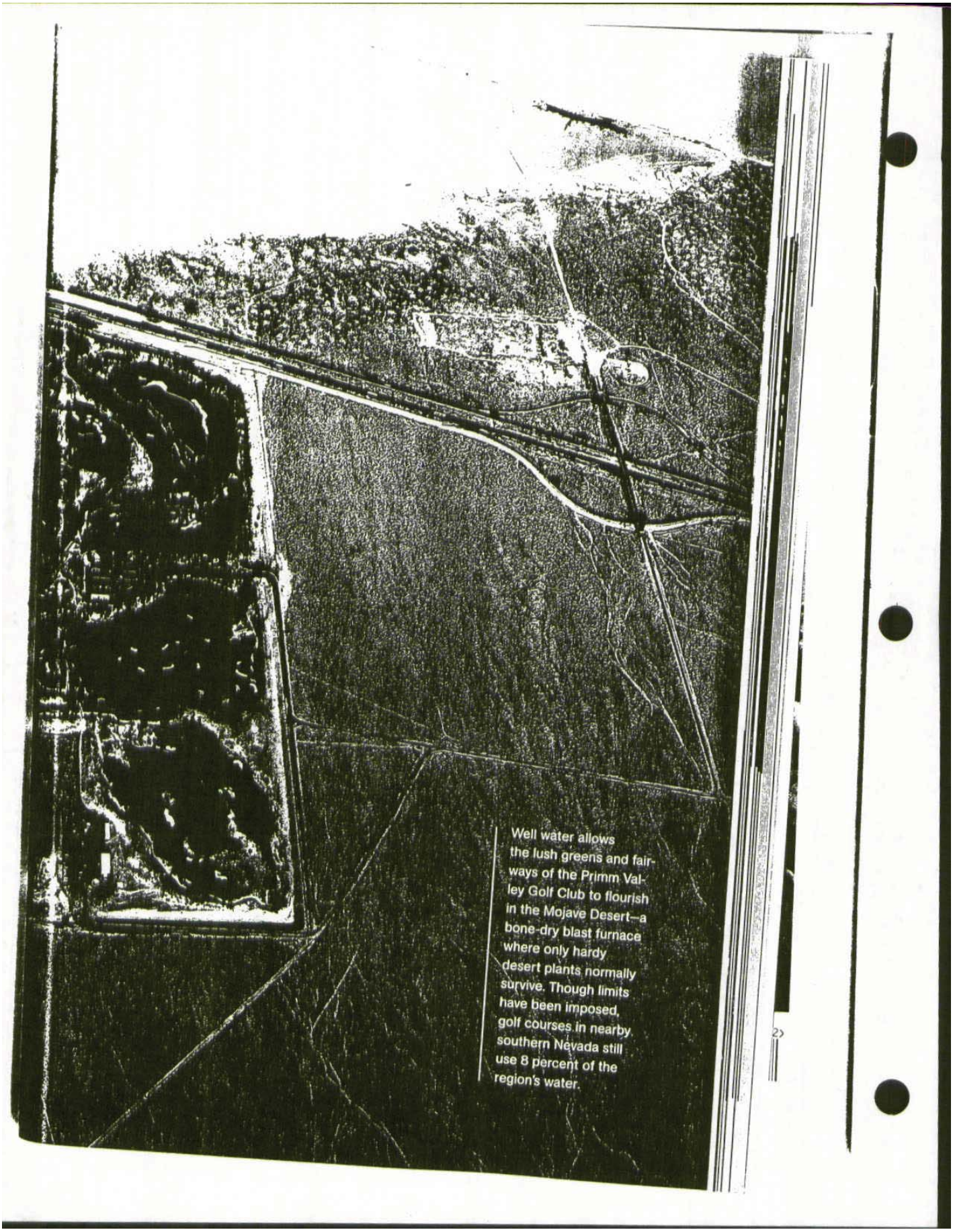
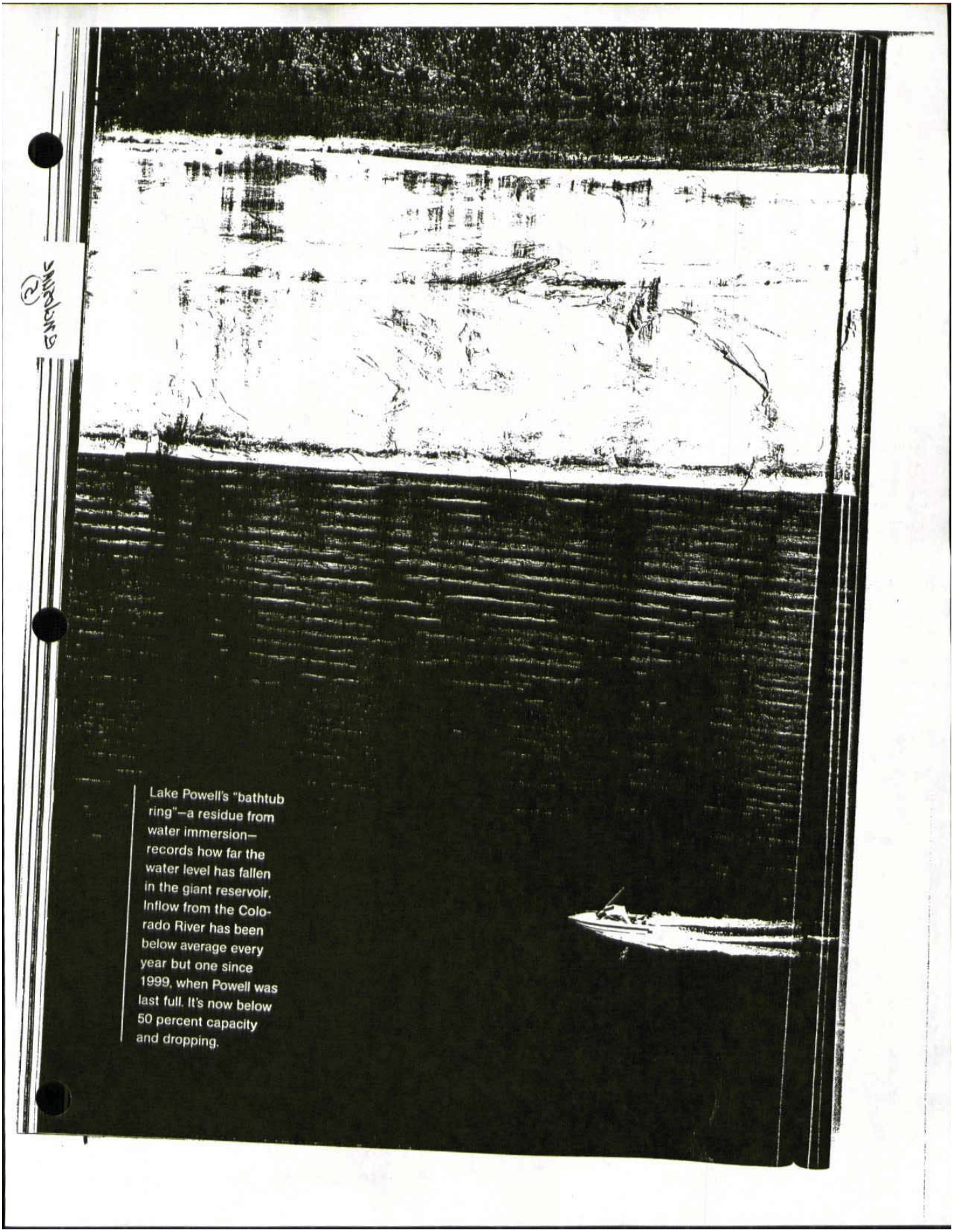


In drought-parched Los Padres National Forest in southern California, a heli-tanker douses a hot spot in the huge Zaca fire that erupted in July 2007, scorching 240,000 acres. Years of sparse rain primed the region for the second largest fire in California history.

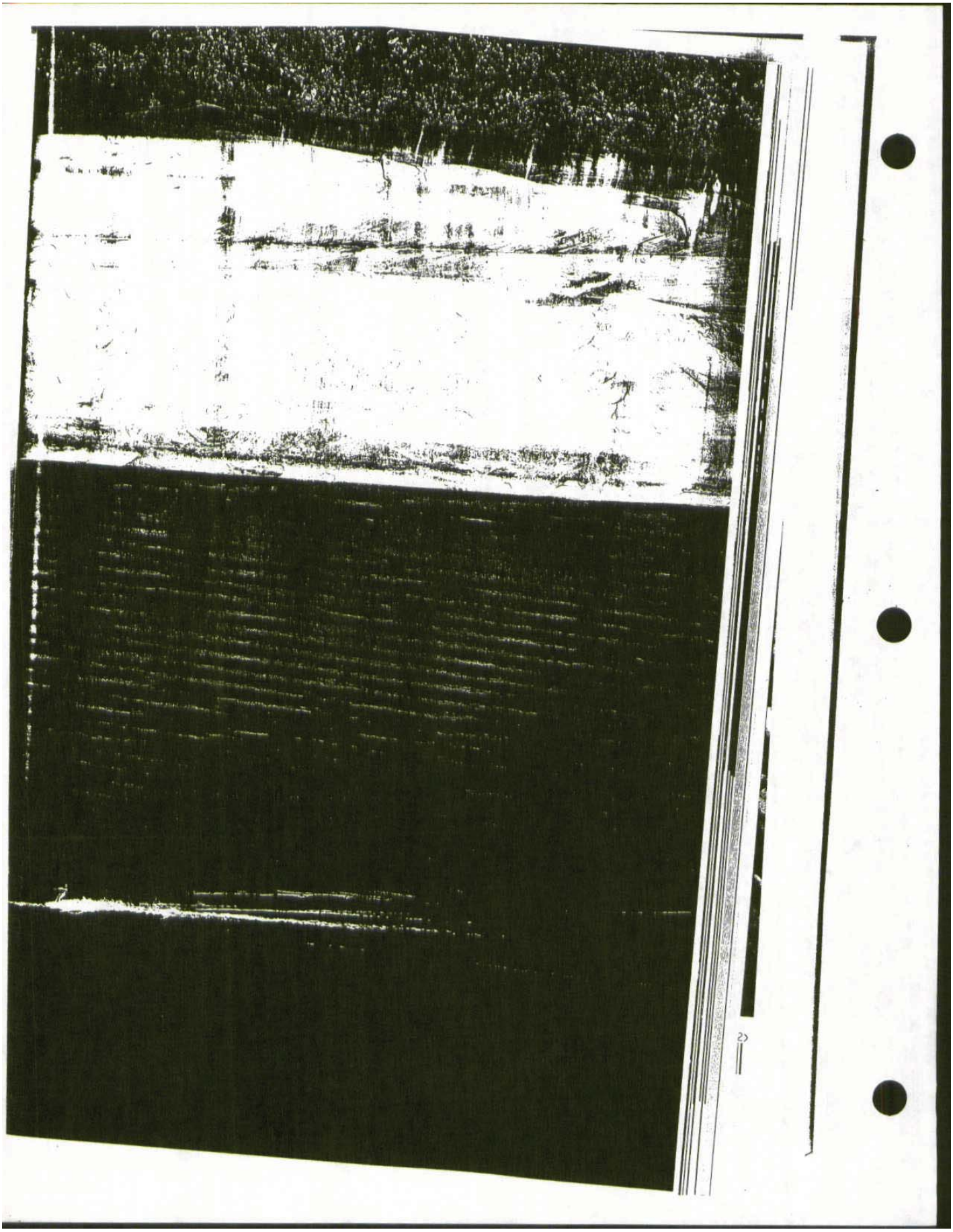




Well water allows the lush greens and fairways of the Primm Valley Golf Club to flourish in the Mojave Desert—a bone-dry blast furnace where only hardy desert plants normally survive. Though limits have been imposed, golf courses in nearby southern Nevada still use 8 percent of the region's water.



Lake Powell's "bathtub ring"—a residue from water immersion—records how far the water level has fallen in the giant reservoir. Inflow from the Colorado River has been below average every year but one since 1999, when Powell was last full. It's now below 50 percent capacity and dropping.



By Robert Kunzig
Photographs by Vincent Laforet

When provided with continuous nourishment, trees, like people, grow complacent.

Tree-ring scientists use the word to describe trees like those on the floor of the Colorado River Valley, whose roots tap into thick reservoirs of moist soil. Complacent trees aren't much use for learning about climate history, because they pack on wide new rings of wood even in dry years. To find trees that feel the same climatic pulses as the river, trees whose rings widen and narrow from year to year with the river itself, scientists have to climb up the steep, rocky slopes above the valley and look for gnarled, ugly trees, the kind that loggers ignore. For some reason such "sensitive" trees seem to live longer than the complacent ones. "Maybe you can get too much of a good thing," says Dave Meko.

Meko, a scientist at the Laboratory of Tree-Ring Research at the University of Arizona, has been studying the climate history of the western United States for decades. Tree-ring fieldwork is hardly expensive—you need a device called an increment borer to drill into the trees, you need plastic straws (available in a pinch from McDonald's) to store the pencil-thin cores you've extracted from bark to pith, and you need gas, food, and lodging. But during the relatively wet 1980s and early '90s, Meko found it difficult to raise even the modest funds needed for his work. "You don't generate interest to study drought unless you're in a drought," he says. "You really need a catastrophe to get people's attention," adds colleague Connie Woodhouse.

Then, in 2002, the third dry year in a row and the driest on record in many parts of the Southwest, the flow in the Colorado fell to a quarter of its long-term average. That got people's attention.

The Colorado supplies 30 million people in seven states and Mexico with water. Denver, Las Vegas, Phoenix, Tucson, Los Angeles, and San Diego all depend on it, and starting this year so will Albuquerque. It irrigates four million acres of farmland, much of which would otherwise be desert, but which now produces billions of dollars' worth of crops. Gauges first installed in the 19th century provide a measure of the flow of the river in acre-feet, one acre-foot being a foot of water spread over an acre, or about 326,000 gallons. Today the operation of the pharaonic infrastructure that taps the Colorado—the dams and reservoirs and pipelines and aqueducts—is based entirely on data from those gauges. In 2002 water managers all along the river began to wonder whether that century of data gave them a full appreciation of the river's eccentricities. With the lawns dying in Denver, a water manager there asked Woodhouse: How often has it been this dry?

Over the next few years Woodhouse, Meko, and some colleagues hunted down and cored the oldest drought-sensitive trees they could find growing in the upper Colorado basin, both living and dead. Wood takes a long time to rot in a dry climate; in Harmon Canyon in eastern Utah, Meko found one Douglas fir log that had laid down its first ring as a sapling in 323 B.C. That was an extreme case, but the scientists still collected enough old wood to push their estimates of annual variations in the flow of the Colorado back deep into the Middle Ages. The results came out last spring. They showed that the Colorado has not always been as generous as it was throughout the 20th century.

The California Department of Water Resources, which had funded some of the research, published the results as an illustrated poster. Beneath a series of stock southwestern postcard shots, the spiky trace of tree-ring data oscillates nervously across the page, from A.D. 762 on the left to 2005 on the right. One photo shows the Hoover Dam, water gushing from its outlets. When the dam was being planned in the 1920s to deliver river water to the farms of the Imperial Valley and the nascent sprawl of Los Angeles, the West, according to the tree rings, was in one of the wettest quarter centuries of the past millennium. Another photo shows the booming skyline of San Diego, which doubled its population between 1970 and 2000—again, an exceptionally wet period along the

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The wet 20th century, the wettest of the past millennium, the century when Americans built an incredible civilization in the desert, is over.

river. But toward the far left of the poster, there is a picture of Spruce Tree House, one of the spectacular cliff dwellings at Mesa Verde National Park in southwestern Colorado, a pueblo site abandoned by the Anasazi at the end of the 13th century. Underneath the photo, the graph reveals that the Anasazi disappeared in a time of exceptional drought and low flow in the river.

In fact, the tree rings testified that in the centuries before Europeans settled the Southwest, the Colorado basin repeatedly experienced droughts more severe and protracted than any since then. During one 13-year megadrought in the 12th century, the flow in the river averaged around 12 million acre-feet, 80 percent of the average flow during the 20th century and considerably less than is taken out of it for human use today. Such a flow today would mean serious shortages, and serious water wars. "The Colorado River at 12 million acre-feet would be real ugly," says one water manager.

Unfortunately, global warming could make things even uglier. Last April, a month before Meko and Woodhouse published their latest results, a comprehensive study of climate models reported in *Science* predicted the Southwest's gradual descent into persistent Dust Bowl conditions by mid-century. Researchers at the National Oceanic and Atmospheric Administration (NOAA), meanwhile, have used some of the same models to project Colorado streamflow. In their simulations, which have been confirmed by others, the river never emerges from the current drought. Before mid-century, its flow falls to seven million acre-feet—around half the amount consumed today.

The wet 20th century, the wettest of the past millennium, the century when Americans built an incredible civilization in the desert, is over. Trees in the West are adjusting to the change, and not just in the width of their annual rings: In the recent drought they have been dying off and burning in wildfires at an unprecedented rate. For most people in the region, the news hasn't quite sunk in. Between 2000 and 2006 the seven states of the Colorado basin added five million people, a 10 percent population increase. Subdivisions continue to sprout in the desert, farther and farther from the cities whose own water supply is uncertain. Water managers are facing up to hard times ahead. "I look at the turn of the century as the defining moment when the New West began," says Pat Mulroy, head of the Southern Nevada Water Authority. "It's like the impact of global warming fell on us overnight."

In July 2007 a few dozen climate specialists gathered at Columbia University's Lamont-Doherty Earth Observatory to discuss the past and future of the world's drylands, especially the Southwest. Between sessions they took coffee and lunch outside, on a large sloping lawn above the Hudson River, which gathers as much water as the Colorado from a drainage area just over a twentieth the size. It was overcast and pleasantly cool for summer in New York. Phoenix was on its way to setting a record of 32 days in a single year with temperatures above 110 degrees. A scientist who had flown in from the West Coast reported that he had seen wildfires burning all over Nevada from his airplane window.

On the first morning, much of the talk was about medieval megadroughts. Scott Stine of California State University, East Bay, presented vivid evidence that they had extended beyond

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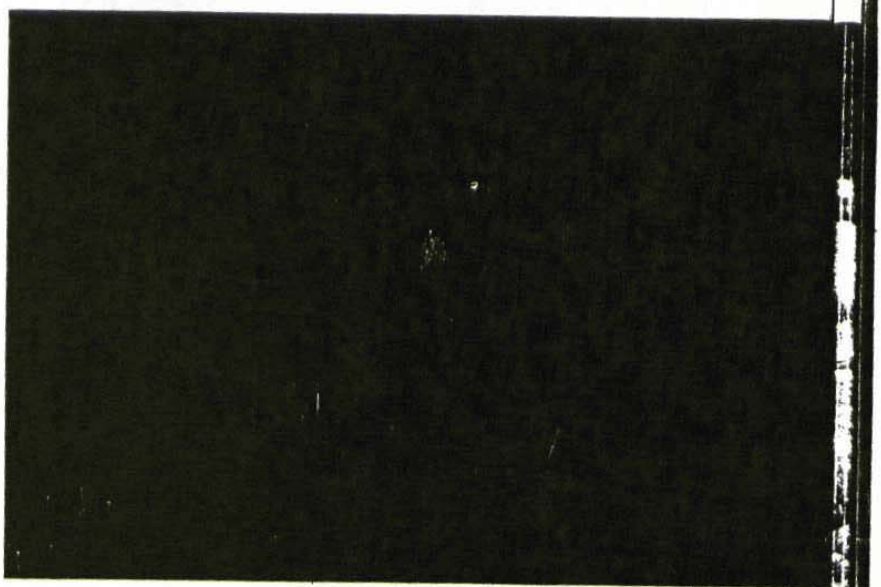
Robert Kunzig's book Fixing Climate, *with Wallace Broecker, will be published in April. Vincent Laforet won a 2002 Pulitzer Prize for feature photography.*

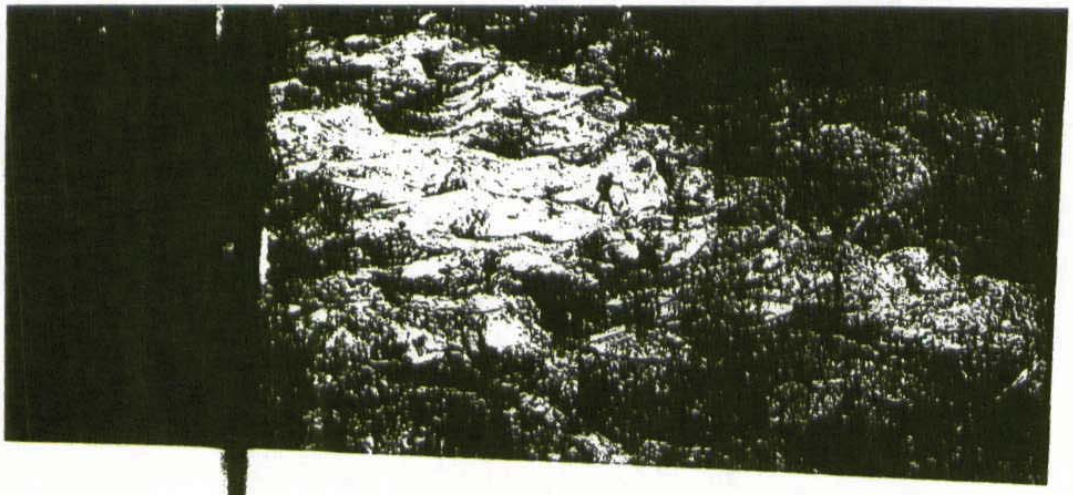


the Colorado River basin, well into California. Stine works in and around the Sierra Nevada, whose snows are the largest source of water for that heavily populated state. Some of the runoff drains into Mono Lake on the eastern flank of the Sierra. After Los Angeles began diverting the streams that feed Mono Lake in the 1940s, the lake's water level dropped 45 vertical feet.

In the late 1970s, tramping across the newly exposed shorelines, Stine found dozens of tree stumps, mostly cottonwood and Jeffrey pine, rooted in place. They were gnarled and ancient looking and encased in tufa—a whitish gray calcium carbonate crust that precipitates from the briny water of the lake. Clearly the trees had grown when a severe and long-lasting drought had lowered the lake and exposed the land where they had taken root; they had died when a return to a wetter climate in the Sierra Nevada caused the lake to drown them. Their rooted remains were now exposed because Los Angeles had drawn the lake down.

Stine found drowned stumps in many other places in the Sierra Nevada. They all fell into two distinct generations, corresponding to two distinct droughts. The first had begun sometime before 900 and lasted over two centuries. There followed several extremely wet decades, not unlike those of the early 20th century. Then the next epic drought kicked in for 150 years, ending around 1350. Stine estimates that the runoff into Sierran lakes during the droughts must have been less than 60 percent of the modern average, and it may have been as low as 25 percent, for decades at a time. "What we have come to consider normal is profoundly wet," Stine said. "We're kidding ourselves if we think that's going to continue, with or without global warming."

No one is sure what caused the medieval megadroughts. Today Southwestern droughts follow the rhythm of La Niña, a periodic cooling of the eastern equatorial Pacific. La Niña alternates every few years with its warm twin, El Niño, and both make weather waves around the globe. A La Niña cooling of less than a degree Celsius was enough to trigger the recent drought, in part because it shifted the jet stream and the track of the winter storms northward, out of the Southwest. Richard Seager, of Lamont, and his colleagues have shown that all the western droughts in the historical record,



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including the Dust Bowl, can be explained by small but unusually persistent La Niñas. Though the evidence is slimmer, Seager thinks the medieval megadroughts too may have been caused by the tropical Pacific seesaw getting stuck in something like a perpetual La Niña.

The future, though, won't be governed by that kind of natural fluctuation alone. Thanks to our emissions of greenhouse gases, it will be subject as well to a global one-way trend toward higher temperatures. In one talk at Lamont, climate theorist Isaac Held, from NOAA's Geophysical Fluid Dynamics Laboratory in Princeton, gave two reasons why global warming seems almost certain to make the drylands drier. Both have to do with an atmospheric circulation pattern called Hadley cells. At the Equator, warm, moist air rises, cools, sheds its moisture in tropical downpours, then spreads toward both Poles. In the subtropics, at latitudes of about 30 degrees, the dry air descends to the surface, where it sucks up moisture, creating the world's deserts—the Sahara, the deserts of Australia, and the arid lands of the Southwest. Surface winds export the moisture out of the dry subtropics to temperate and tropical latitudes. Global warming will intensify

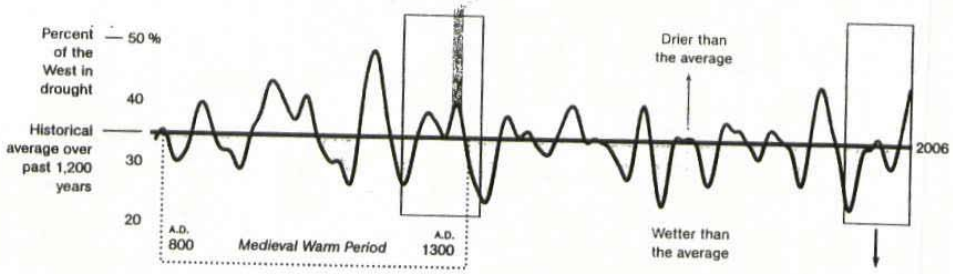
As the West dries out, the landscape is transformed. Without cold winters to kill off their larvae, mountain pine beetles infest up to 90 percent of lodgepole pines in Colorado forests, like this one near Granby (above left). The dead trees raise the risk of wildfires. In much of the West warmer, drier winters have reduced snowpack, a crucial water source. On California's Mount Shasta (above) a hiker traverses a snow patch diminished by milder temperatures.

Reading the Rings

Climate patterns of centuries past can be tracked in a tree's annual growth rings: Dry years produce thinner bands than wet years. A wedge from a Douglas fir log (above), collected in Utah's Harmon Canyon, holds the precipitation record of the upper Colorado River Basin from the 10th to 17th centuries A.D. The enlarged section below highlights a decade-long drought in the late 1200s that likely drove the Anasazi from Mesa Verde.

PHOTO: LABORATORY OF TREE-RING RESEARCH, UNIVERSITY OF ARIZONA. LENGTH OF WEDGE SHOWN IS 12 INCHES.

Using tree-ring data from a variety of wood samples from across the West, scientists have graphed the region's climate fluctuations (below), finding the most prolonged droughts during the medieval period, when parts of the world experienced warmer temperatures.



Population Rise in a Wet 20th Century
The unusually wet past century amply met the water needs of a flood of newcomers to the West. But the 21st dawns drier, as population continues to rise.

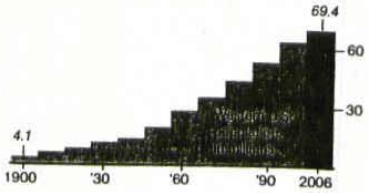
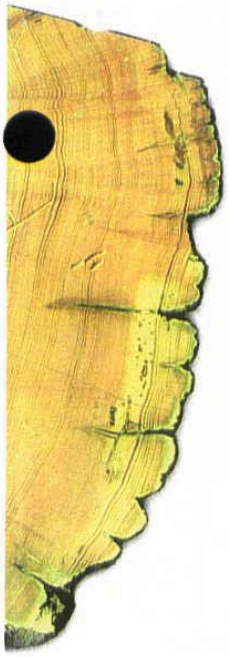


CHART ABOVE IS SMOOTHED USING A 50-YEAR MOVING AVERAGE. DATA: EDWARD COOK, TREE-RING LABORATORY, LAMONT-DOHERTY EARTH OBSERVATORY, COLUMBIA UNIVERSITY; U.S. CENSUS BUREAU. REPORTING AND GRAPHICS BY TOM ZELLER, JR., NGM ART



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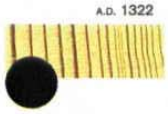

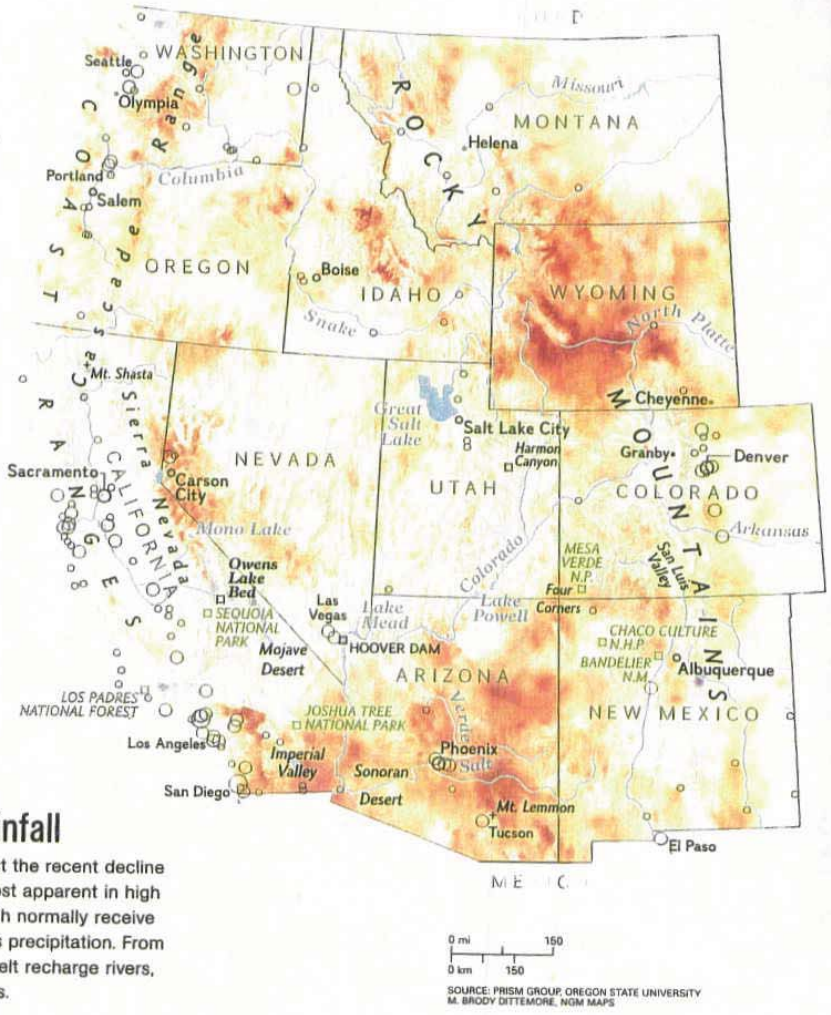

SOURCE: PRISM GROUP, OREGON STATE UNIVERSITY
M. BRODY DITTEMORE, NGM MAPS

Vanishing Rainfall

Over much of the West the recent decline in rain and snow is most apparent in high mountain ranges, which normally receive the bulk of the region's precipitation. From there, rain and snowmelt recharge rivers, reservoirs, and aquifers.

Once and Future Drought

The West is naturally dry, but just how dry it can get is only now being understood. In contrast to the 20th century, revealed by tree rings as the wettest of the past millennium, an era called the Medieval Warm Period was dominated by deep droughts. Those megadroughts lowered the flow of the Colorado River to less than the volume currently drawn from it by 30 million people from Los Angeles to Denver for consumption and irrigation.

Natural cycles of drought in the West, especially the Southwest, are thought to be triggered mainly by the Pacific Ocean phenomenon called La Niña, a pulse of cooler equatorial water that periodically shifts the jet stream and its winter storms to the north. With the effects of La Niña expected to be compounded in coming decades by global warming, the politics of sharing the Colorado—and all western water resources—will only intensify.

the whole process. The upshot is, the dry regions will get drier, and the wet regions will get wetter. "That's it," said Held. "There's nothing subtle here. Why do we need climate models to tell us that? Well, we really don't."

A second, subtler effect amplifies the drying. As the planet warms, the poleward edge of the Hadley cells, where the deserts are, expands a couple of degrees latitude farther toward each Pole. No one really knows what causes this effect—but nearly all climate models predict it, making it what modelers call a robust result. Because the Southwest is right on the northern edge of the dry zone, a northward shift will plunge the region deeper into aridity.

As the meeting neared its close, Held and Seager stood out on the lawn, discussing Hadley cells and related matters through mouthfuls of coffee and doughnuts. The two men had lately become collaborators, and a few months before had published with colleagues the sobering *Science* paper analyzing the results of 19 different simulations done by climate modeling groups around the world. They then averaged all these results into an "ensemble."

The ensemble shows precipitation in the Southwest steadily declining over the next few decades, until by mid-century, Dust Bowl conditions are the norm. It does not show the Pacific locked in a perpetual La Niña. Rather, La Niñas would continue to happen as they do today (the present one is expected to continue at least through the winter of 2008), but against a background state that is more profoundly arid. According to the ensemble model, the descent into that state may already have started.

People are not yet suffering, but trees are. Forests in the West are dying, most impressively by burning. The damage done by wildfires in the U.S., the vast majority of them in the West, has soared since the late 1980s. In 2006 nearly ten million acres were destroyed—an all-time record matched the very next year. With temperatures in the region up four degrees F over the past 30 years, spring is coming sooner to the western mountains. The snowpack—already diminished by drought—melts earlier in the year, drying the land and giving the wildfire season a jump start. As hotter summers encroach on autumn, the fires are ending later as well.

The fires are not only more frequent; they are also hotter and more damaging—though not entirely because of climate change. According to Tom Swetnam, director of the University of Arizona tree-ring lab, the root cause is the government's policy, adopted early in the 20th century, of trying to extinguish all wildfires. By studying sections cut from dead, thousand-year-old giant sequoias in the Sierra Nevada and from ponderosa pines all over Arizona and New Mexico, Swetnam discovered that most southwestern forests have always burned often—but at low intensity, with flames just a few feet high that raced through the grasses and the needles on the forest floor. The typical tree bears the marks of many such events, black scars where flames ate through the bark and perhaps even took a deep wedge out of the tree, but left it alive to heal its wound with new growth. Suppressing those natural fires has produced denser forests, with flammable litter piled up on the floor, and thickets of shrubs and young trees that act as fire ladders. When fires start now, they don't stay on the ground—they shoot up those ladders to the crowns of the trees. They blow thousand-acre holes in the forest and send mushroom clouds into the air.

One day last summer, Swetnam took a few visitors up Mount Lemmon, just north of Tucson, to see what the aftermath of such events looks like. In May 2002 the Bullock fire roared up the northeast slope of Mount Lemmon, consuming 30,000 acres. Firefighters stopped it at the Catalina Highway, protecting the village of Summerhaven. But the very next year, the Aspen fire started on the slope just below the village, destroying nearly half of the 700-odd houses in Summerhaven and burning 85,000 acres, all the way down to the outskirts of Tucson. The entire mountainside beyond the village remains covered with the gray skeletons of ponderosa pines, like one big blast zone. "Ponderosa pine is not adapted to these crown fires," Swetnam

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"Sequoias may not survive in Sequoia National Park. What do you do? Do you irrigate these things? Or do you let a 2,000-year-old tree die?"

–Craig Allen, landscape ecologist

said, contemplating the site from the scenic overlook above the village. "It has heavy, wingless seeds that don't go very far. When you get a large hole like this, it will take hundreds of years to fill in from the edges."

Mount Lemmon's forests are also experiencing a slower, broader change. The Catalina Highway starts out flat, at an altitude of 2,500 feet in the Sonoran Desert, with its saguaros and strip malls. As the road leaves the last of Tucson behind, it climbs steeply through the whole range of southwestern woodland ecosystems —first scrub oak, then piñon and juniper, then ponderosa pine and other conifers, until finally, after less than an hour and a climb of 7,000 feet, you reach the spruce and fir trees on the cool peak. There is a small ski area there, the southernmost in the United States, and its days are certainly numbered.

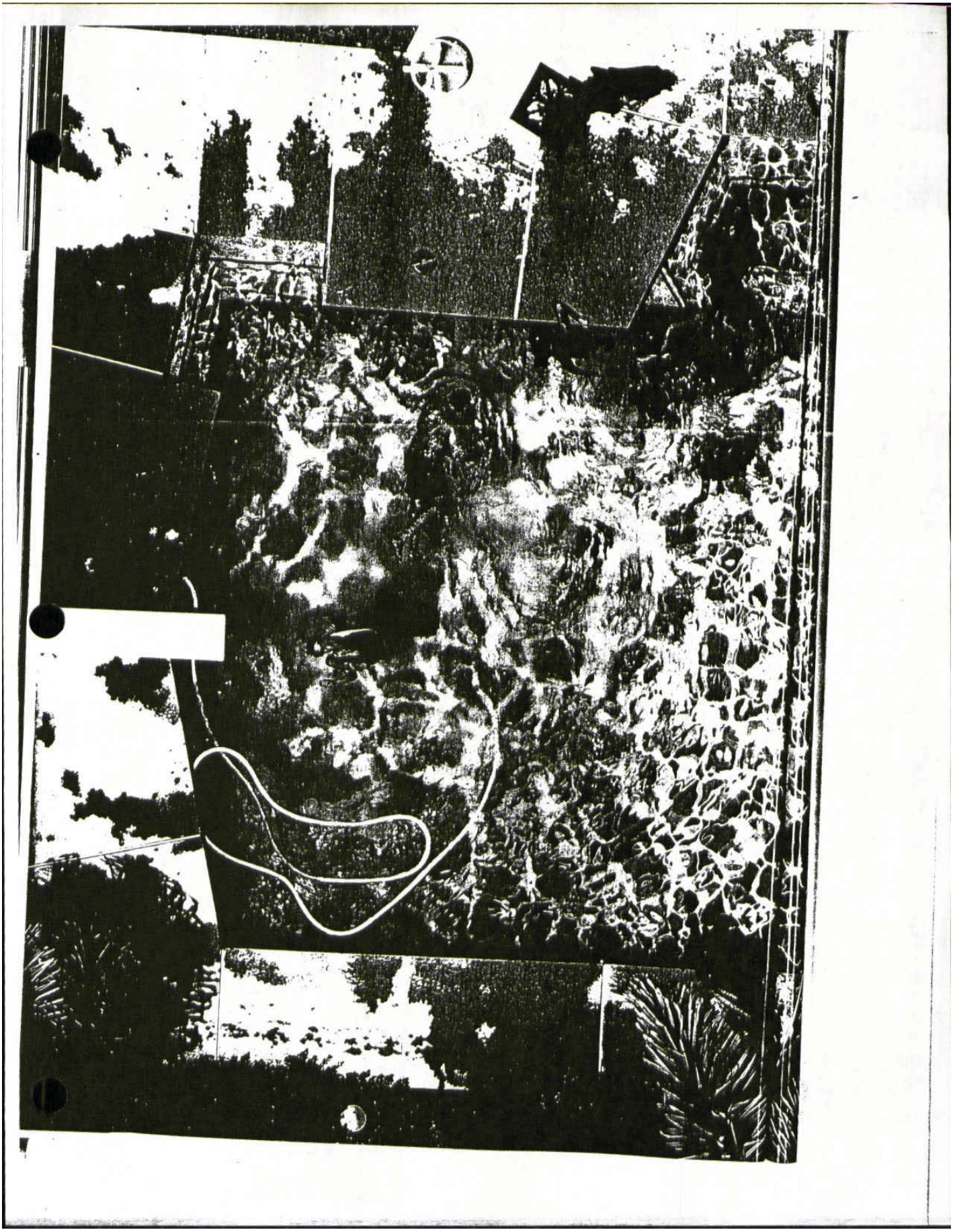
As Swetnam explained, the mountain is one of an archipelago of "sky islands" spread across southeastern Arizona, New Mexico, Texas, and into Mexico—mountains isolated from one another by a sea of desert or grassland. Like isles in the ocean, these islands are populated in part by endemics—species that live nowhere else. The sky-island endemics are cool- and wet-loving species that have taken refuge on the mountaintops since the last ice age. They are things like the corkbark fir, or the endangered red squirrel that lives only on nearby Mount Graham. Their future is as bleak as that of the ski area. "They'll be picked off the top," said Swetnam. "The islands are shrinking. The aridity is advancing upslope."

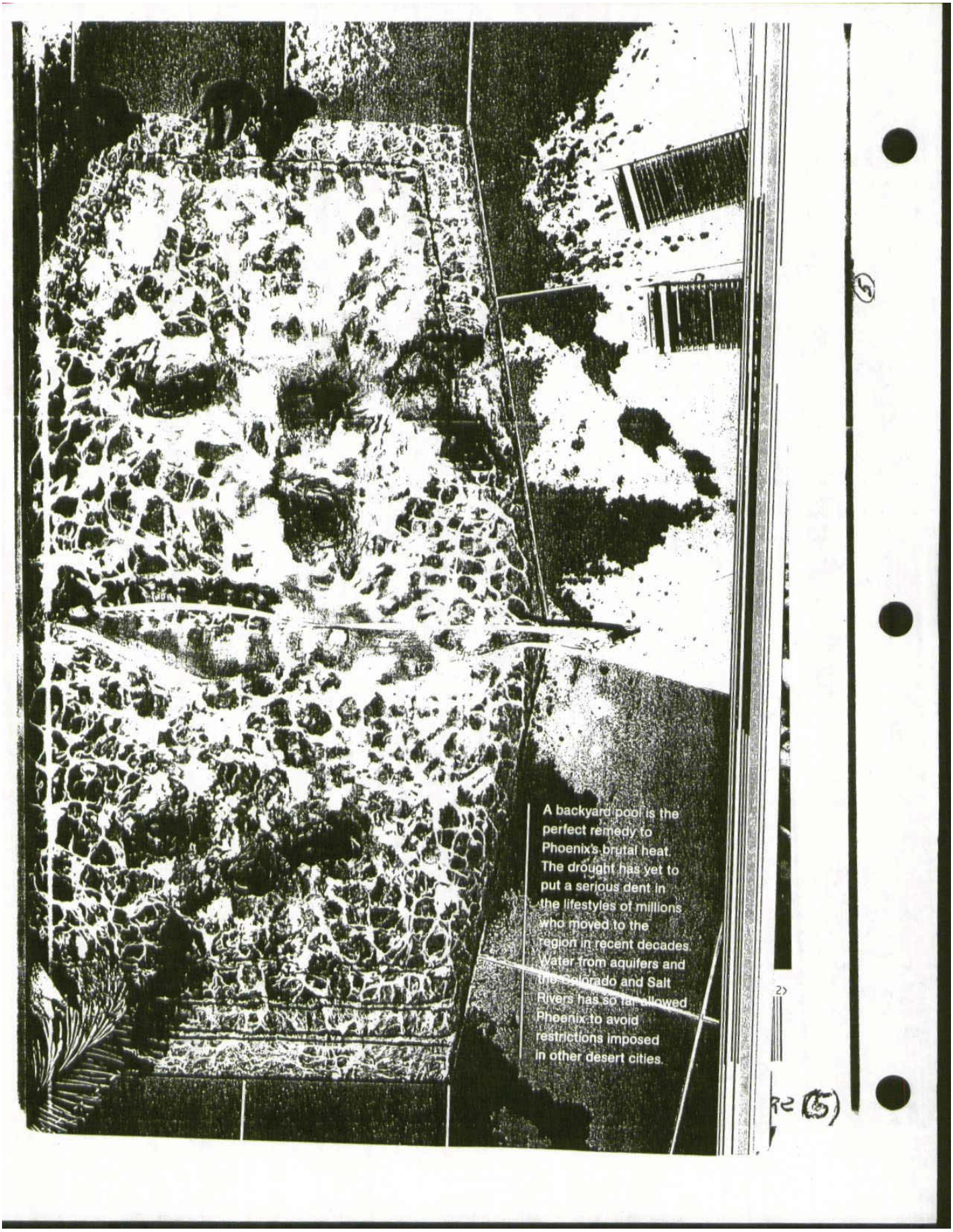
All over the Southwest, a wholesale change in the landscape is under way. Piñons and scrubbier, more drought-resistant junipers have long been partners in the low woodlands that clothe much of the region. But the piñons are dying off. From 2002 to 2004, 2.5 million acres turned to rust in the Four Corners region alone. The immediate cause of death was often bark beetles, which are also devastating other conifers. The Forest Service estimates that in 2003, beetles infested 14 million acres of piñon, ponderosa, lodgepole pine, and Douglas fir in the American West.

Bark beetles tend to attack trees that are already stressed or dying from drought. "They can smell it," says Craig Allen, a landscape ecologist at Bandelier National Monument in the Jemez Mountains of New Mexico. Global climate change may be permanently teasing the piñons and junipers apart, and replacing piñon-juniper woodland with something new. At Bandelier, Allen has observed that junipers, along with shrubs such as wavyleaf oak and mountain mahogany, now dominate the beetle-ravaged landscape: pockets of green gradually spreading beneath a shroud of dead piñons.

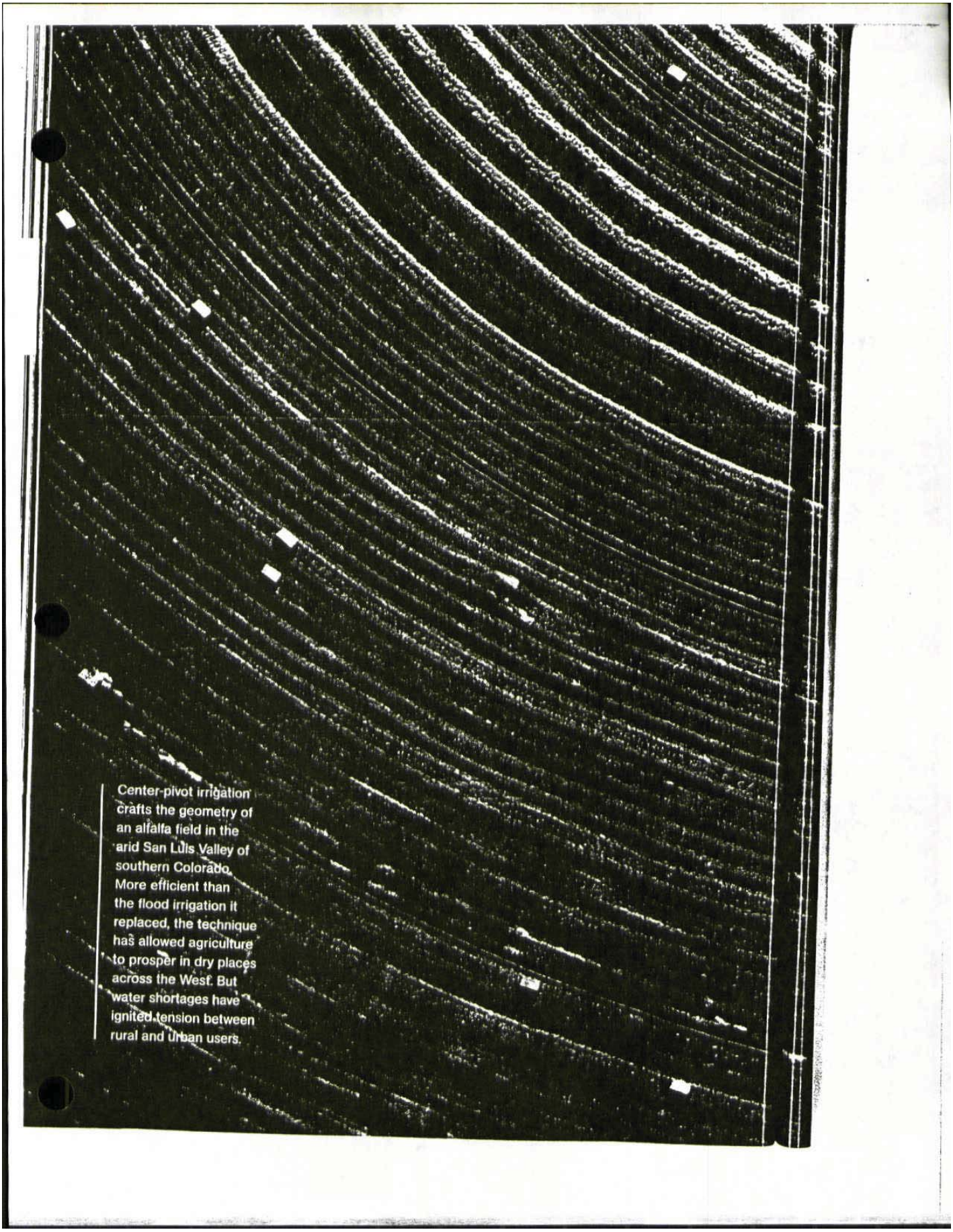
Just as there are global climate models, there are global models that forecast how vegetation will change as the climate warms. They predict that on roughly half of Earth's surface, something different will be growing in 2100 than is growing there now. The models are not good, however, at projecting what scientists call "transient dynamics"—the damage done by droughts, fires, and beetle infestations that will actually accomplish the transformation. Large trees cannot simply migrate to higher latitudes and altitudes; they are rooted to the spot. "What happens to what's there now?" Allen wonders. "Stuff dies quicker than it grows."

Over the next few decades, Allen predicts, people in the Southwest will be seeing a lot of death in the old landscapes while waiting for the new ones to be born. *(Continued on page 108)*

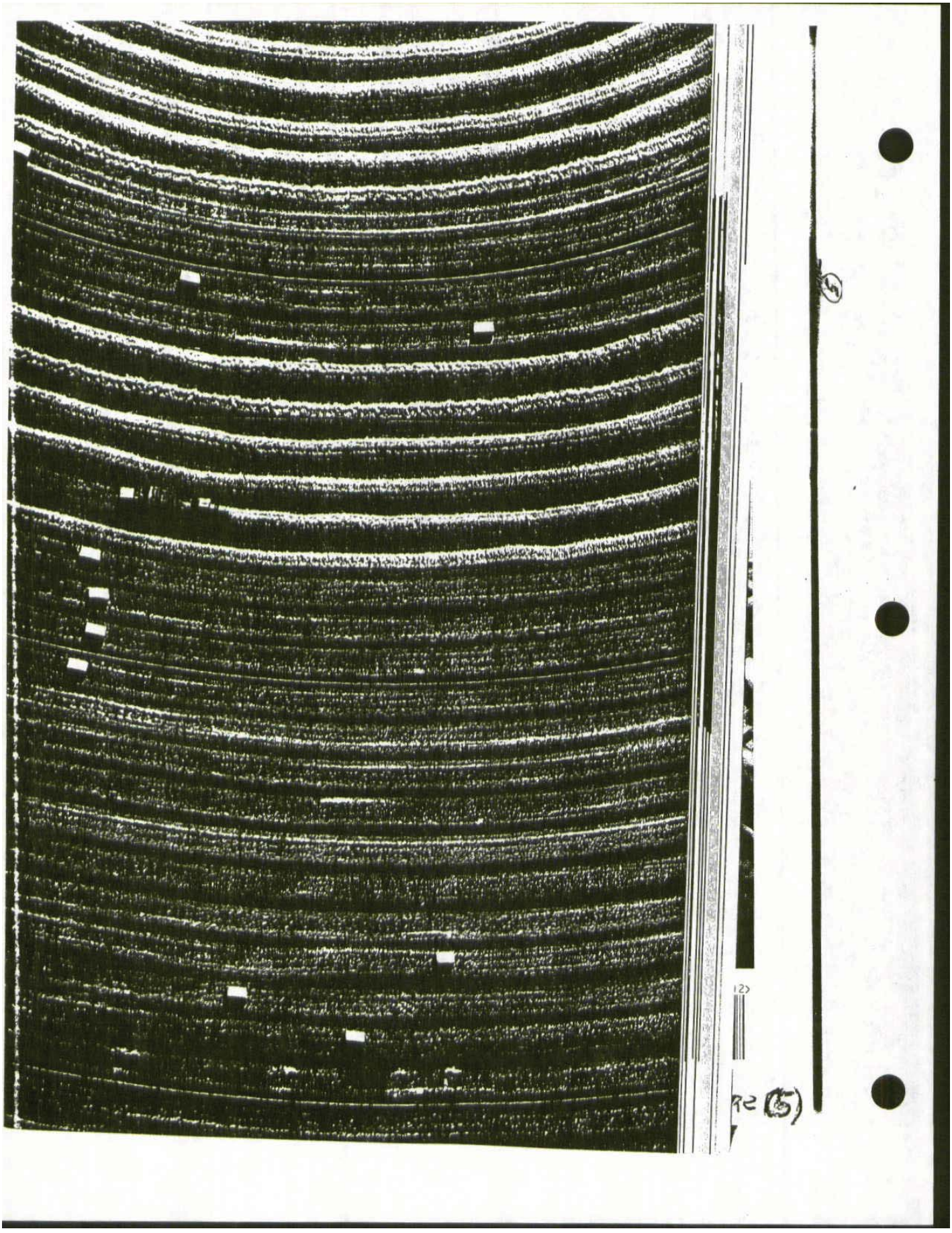




A backyard pool is the perfect remedy to Phoenix's brutal heat. The drought has yet to put a serious dent in the lifestyles of millions who moved to the region in recent decades. Water from aquifers and the Colorado and Salt Rivers has so far allowed Phoenix to avoid restrictions imposed in other desert cities.



Center-pivot irrigation crafts the geometry of an alfalfa field in the arid San Luis Valley of southern Colorado. More efficient than the flood irrigation it replaced, the technique has allowed agriculture to prosper in dry places across the West. But water shortages have ignited tension between rural and urban users.



"This is a dilemma for the Park Service," he says. "The projections are that Joshua trees may not survive in Joshua Tree National Park. Sequoias may not survive in Sequoia National Park. What do you do? Do you irrigate these things? Or do you let a 2,000-year-old tree die?"

While the trees die, the subdivisions proliferate. "Our job was to entice people to move to the West, and we did a darn good job," says Terry Fulp, who manages water releases at Hoover Dam. The federal Bureau of Reclamation built the dam in the 1930s primarily to supply the vegetable farms of the Imperial Valley and only secondarily to supply the residents of Los Angeles. Farmers had first claim to the water—they still do—but there was plenty to go around. "At Lake Mead, we basically gave the water away," says Fulp. "At the time, it made perfect sense. There was no one out here." After Reclamation built Hoover and the other big dams, more people came to the desert than anyone ever expected. Few of them are farmers anymore, and farming, crucial as it is to human welfare, is now a small part of the economy. But it still uses around three-quarters of the water in the Colorado River and elsewhere in the Southwest.

In the wet 1920s, as the dam was being planned, seven states drew up the Colorado River Compact to divvy up 15 million acre-feet of its water. California, Nevada, and Arizona—the so-called Lower Basin states—would get half, plus any surplus from the Upper Basin states of Wyoming, Colorado, New Mexico, and Utah. The compact also acknowledged Mexico's rights to the water. Surpluses were almost always on hand, because the Upper Basin states have never fully used the 7.5 million acre-feet they are entitled to under the compact. They are only entitled to use it, in fact, if in so doing they don't prevent the Lower Basin states from getting *their* 7.5 million—the compact is unfair that way. But in the wet 20th century, it didn't seem to matter.

In 1999 both Lake Mead and Lake Powell —created in 1963 upstream of Lake Mead to ensure that the Upper Basin would have enough water even in drought years to meet its obligation to the Lower Basin—were nearly full, with 50 million acre-feet between them. Two years later, representatives of the states in the basin completed long and difficult negotiations with the Bureau of Reclamation on new guidelines for dividing up the surpluses from Lake Mead. Then came the drought. Both lakes are now only half full. "Those guidelines are almost a joke now," says the Southern Nevada Water Authority's Pat Mulroy. "All of a sudden, seven states that had spent years in surplus discussions had to turn on a dime and start discussing shortages."

Mulroy, a crisp, tanned, fiftysomething blonde with a tailored look and a forceful personality, has run the Las Vegas water district since 1989. During that time she has watched the area's population growth consistently outstrip demographic projection. The population is almost two million now, having grown by 25 percent during the drought years; Mulroy is convinced it will go to three million. Before the drought, she and her colleagues nevertheless thought their water supply, 90 percent of it from Lake Mead, was safe for 50 years. In 2002 they were celebrating the opening of a second water intake from Lake Mead, 50 feet lower than the old one, which more than doubled their pumping capacity. Now they are scrambling to insert a third "straw" even deeper into the sinking lake. Las Vegas is also trying to reduce its dependence on the Colorado. The SNWA is exercising water rights and buying up ranches in the east-central part of the state. It plans to sink wells and tap groundwater there and pump as much as 200,000 acre-feet of it through a 250-mile pipeline to the city. There is considerable local opposition, of course, and an environmental impact statement must be prepared—but there is "zero chance," Mulroy says grimly, that the pipeline won't be built.

Other southwestern cities are also realizing their vulnerability to drought. Phoenix, hellish as it is in summer and bisected by the dry bed of the Salt River, is better off than most—for the moment. "In 2002 Phoenix was virtually the only city in the Southwest that had no mandatory

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The West was built by dreamers. As the climate that underpinned that expansive vision vanishes, the vision needed to replace it has not yet emerged.

restrictions," says Charlie Ester, water resources manager at the Salt River Project in Phoenix. "We didn't need them." Phoenix pumps groundwater whenever it needs to, though it is under a state mandate to stop depleting the aquifer. And it gets a little over a third of its water from the Colorado River via the Central Arizona Project, a 336-mile-long canal. But the Salt River remains its biggest source. The riverbed is dry in the city because the SRP has half a dozen dams in the mountains north and east of the city, which convert the Salt and its tributary, the Verde, into chains of terraced lakes.

Phoenix would thus seem to possess that holy grail of water managers: a diversified portfolio. But Ester was still disconcerted to see his lake levels dropping in the drought, until they were less than half full. After he called the tree-ring lab, Dave Meko and climatologist Katie Hirschboeck looked into the tree-ring records for the Salt and Verde Rivers' watersheds.

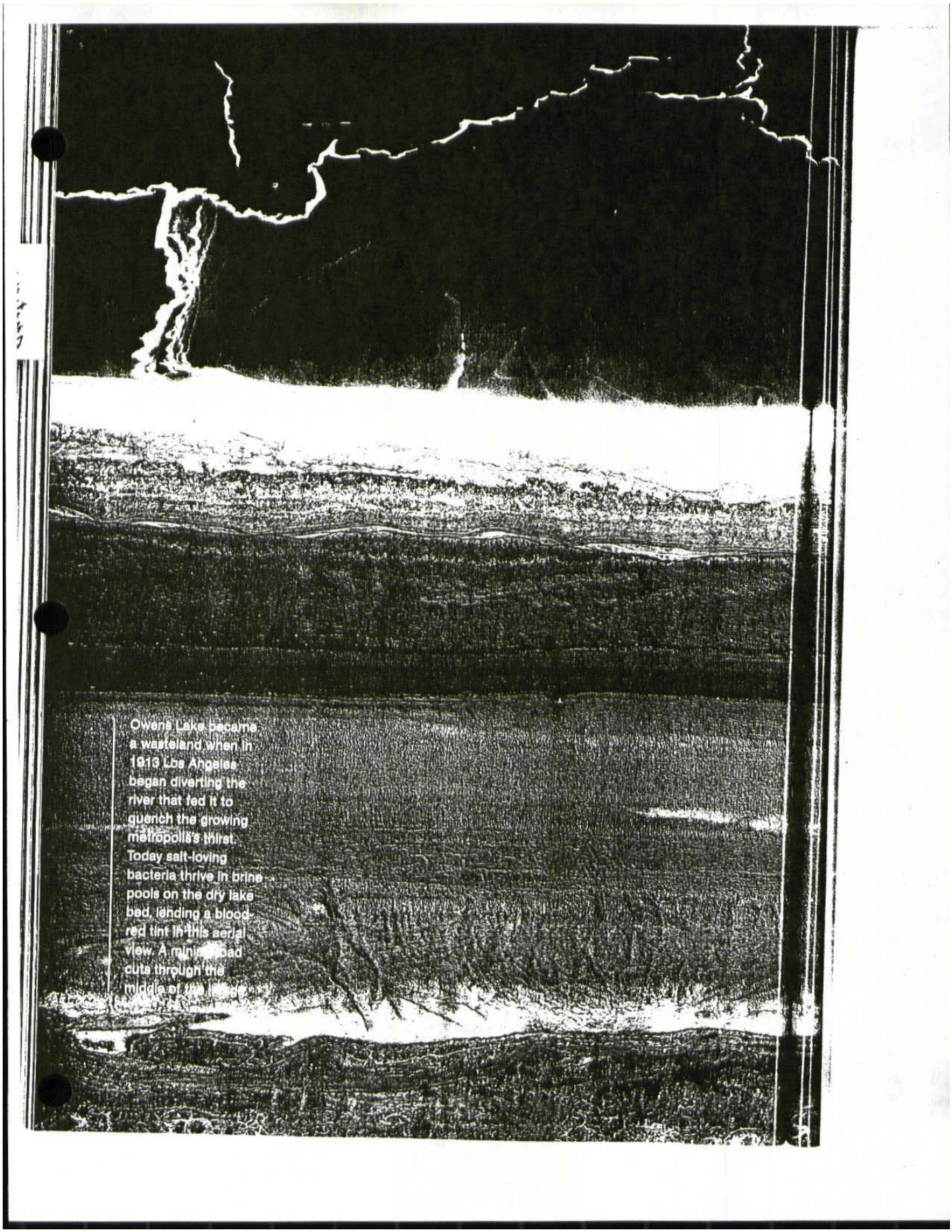
"They found they were virtually identical," Ester says. "There were only three years out of 800 where the Colorado was wet and the Salt was dry or vice versa. What that means is, if we have a bad drought in Arizona, and the Salt dries up, we can't rely on the Colorado to bail us out. So what are we going to do? Well, we're going to hurt. Or move."

Since the Hoover Dam was built, there has never been a water shortage on the Colorado, never a day when there was simply not enough water in Lake Mead to meet all the downstream allocations. Drought, and a realistic understanding of the past, have made such a day seem more imminent. Under the pressure of the drought, the seven Colorado basin states have agreed for the first time on how to share prospective shortages. Arizona will bear almost all the pain at first, because the Central Arizona Project, which came on line in 1993, has junior rights. Nevada will lose only a small percentage of its allotment.

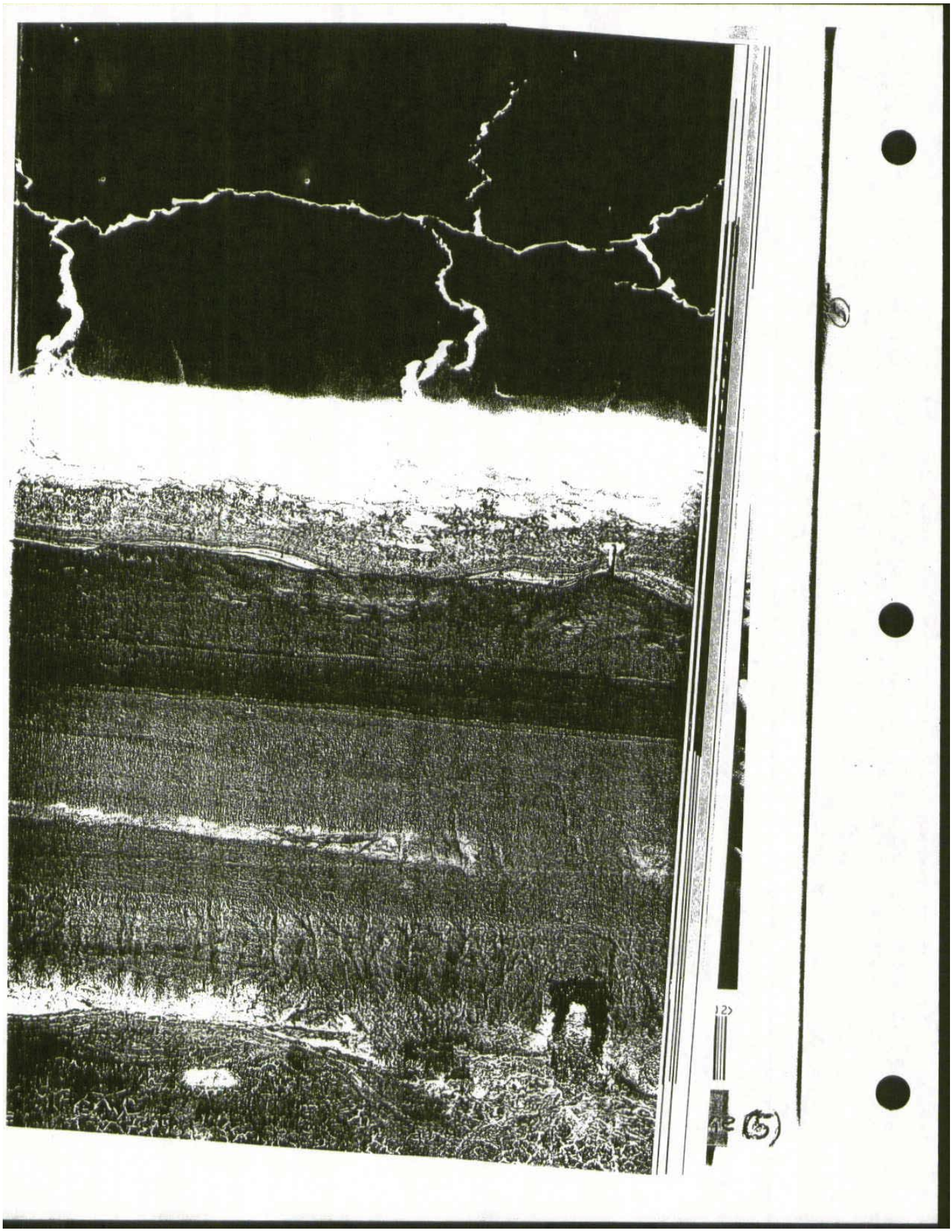
Meanwhile California would give up nothing, at least until Lake Mead falls below 1,025 feet, nearly 200 feet below "full pool." At that point, negotiations would resume. According to Bureau of Reclamation calculations, a return of the 12th-century drought would force Lake Mead well below that level, perhaps even to "dead pool" at 895 feet—the level at which water no longer flows out of the lake without pumping. Reclamation officials consider this extremely unlikely. But their calculations do not take into account the impact of global warming.

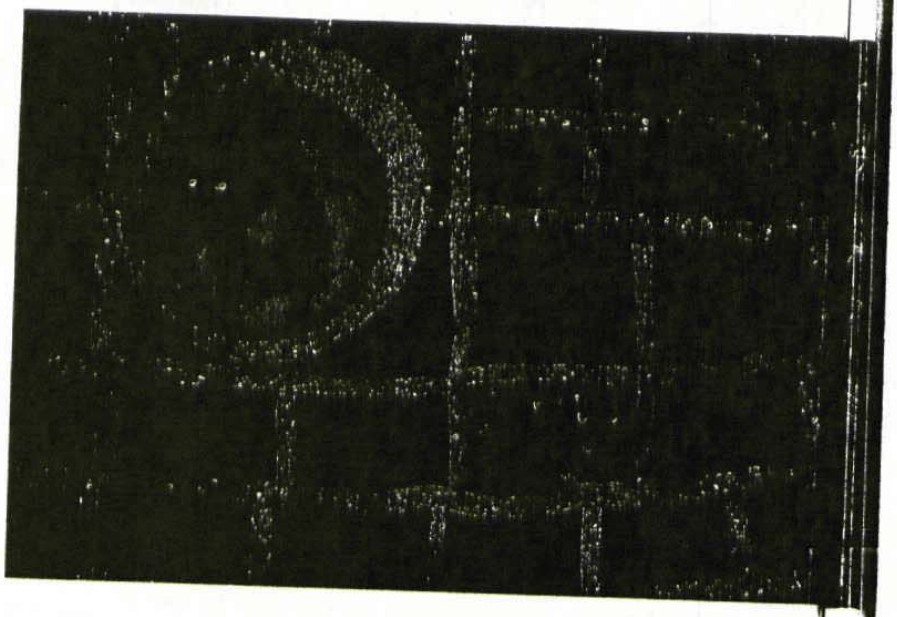
Every utility in the Southwest now preaches conservation and sustainability, sometimes very forcefully. Las Vegas has prohibited new front lawns, limited the size of back ones, and offers people two dollars a square foot to tear existing ones up and replace them with desert plants. Between 2002 and 2006, the Vegas metro area actually managed to reduce its total consumption of water by around 20 percent, even though its population had increased substantially. Albuquerque too has cut its water use. But every water manager also knows that, as one puts it, "at some point, growth is going to catch up to you."

Looking for new long-term sources of supply, many water managers turn their lonely eyes to the Pacific, or to deep, briny aquifers that had always seemed unusable. Last August, El Paso inaugurated a new desalination plant that will allow the city to tap one such aquifer. The same month, the Bureau of Reclamation opened a new research center devoted to desalination in Alamogordo, New Mexico. The cost of desalination has dropped dramatically—it's now around four dollars per thousand gallons, or as little as $1,200



Owens Lake became a wasteland when in 1913 Los Angeles began diverting the river that fed it to quench the growing metropolis's thirst. Today salt-loving bacteria thrive in brine pools on the dry lake bed, lending a blood-red tint in this aerial view. A mining road cuts through the middle of the lake.

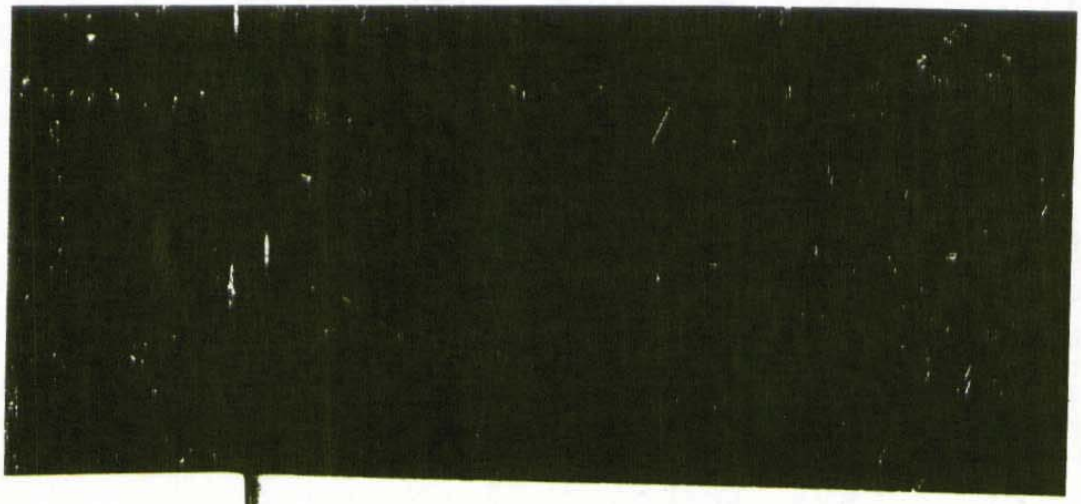




A viable desert home during a long wet spell may be uninhabitable when the rains stop. The ancient Anasazi created a flourishing culture in New Mexico's Chaco Canyon, epitomized by Pueblo Bonito (above). Then prolonged drought hit the region in 1130. By the time it ended 30 years later, the Anasazi were gone. Sprawling cities in the present-day Southwest like Scottsdale (above right) grew by the millions during half a century of above-average rainfall. But with no end to the present drying trend in sight, the region faces an uncertain future.

per acre-foot—but that is still considerably more than the 50 cents per acre-foot that the Bureau of Reclamation charges municipal utilities for water from Lake Mead, or the zero dollars it charges irrigation districts. The environmental impacts of desalination are also uncertain—there is always a concentrated brine to be disposed of. Nevertheless, a large desalination plant is being planned in San Diego County. In Las Vegas, Mulroy envisions one day paying for such a plant on the coast of California or Mexico, in exchange for a portion of either's share of the water in Lake Mead. "The problem is, if there's nothing in Lake Mead, there's nothing to exchange," she says.

A more obvious solution for cities facing shortages is to buy irrigation water from farmers. In 2003 the Imperial Irrigation District was pressured into selling 200,000 of its three million acre-feet of Colorado water to San Diego, as part of an overall deal to get California to stop exceeding its allotment. San Diego paid nearly $300 per acre-foot for water that the farmers in the Imperial Valley get virtually for free. The government favors such market mechanisms, says the Bureau of Reclamation's Terry Fulp, "so people who really want the water get it." At that



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price, the irrigation water in the Imperial Valley is worth nearly as much as its entire agricultural revenue, which is around a billion dollars a year. But not everyone favors drying up farms so that more water will be available for subdivisions. The valley is one of the poorest regions in California, yet the richest farmers stand to benefit most from the sale. Many more people fear the loss of jobs and, ultimately, of a whole way of life.

The West was built by dreamers. The men who conceived Hoover Dam were, in the words beneath a flagpole on the Nevada side, "inspired by a vision of lonely lands made fruitful." As the climate that underpinned that expansive vision vanishes, the vision needed to replace it has not yet emerged. In a drying climate, the human ecosystems established in a wetter one will have to change—die and be replaced by new ones. The people in the Southwest face the same uncertain future, the same question, as their forests: What happens to the stuff that's there now?

In the second half of the 13th century, as a drying trend set in, people who had lived for centuries at Mesa Verde moved down off the mesa into the canyons. They built villages around water sources, under overhangs high up in the walls of the cliffs, and climbed back up the cliffs to farm; their handholds in the rock are still visible. Some of the villages were fortified, because apparently their position on a cliff face was not defense enough. Those cliff dwellings, abandoned now for seven centuries but still intact and eerily beautiful, are what attract so many visitors today. But they are certainly not the product of an expansive, outward-looking civilization. They are the product of a civilization in a crouch, waiting to get hit again. In that period, the inhabitants of the Mesa Verde region began carving petroglyphs suggesting violent conflict between men armed with shields, bows and arrows, and clubs. And then, in the last two or three decades of the century, right when the tree rings record one of the most severe droughts in the region, the people left. They never came back. □

Water Woes See more images of the causes and consequences of drought at **ngm.com.**

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FAX: (559) 733-6898

September 25, 2007

Assemblyman Bill Maze
5959 S. Mooney Blvd.
Visalia, CA 93277

Dear Assemblyman Maze:

There is an impending water crisis facing Tulare County and all of California. This is an ongoing problem, and the situation will only worsen in the coming years.

In September of 2006, the Friant Water Users Authority reached an agreement that will restore water flows down the San Joaquin River to help sustain a salmon fishery. This will force a reduction in water to Friant users at an average of 19% and a maximum of 23%. Friant contractors include the City of Lindsay, the City of Orange Cove, and the community of Strathmore, among others. The City of Fresno receives 40% of its water from the Friant system.

In August 2007, Judge Oliver Wanger reached a decision to reduce pumping in the Sacramento-San Joaquin Delta to save an endangered fish; the Delta Smelt. As a result, water supplies to Northern, Central, and Southern California will be reduced by 14-35%. An estimated 25 million people statewide use water from the Delta. The Central Valley, the Bay Area and Los Angeles will be affected by this ruling.

The decreased supply of surface water will lead to more pumping from the underground aquifers. We are currently in an overdraft situation, and the two recent lawsuits will further exacerbate this problem. Pumping additional water can lead to higher levels of contaminants in our residents' drinking water.

As you can see, the current water situation in Tulare County is in dire need of assistance. Losing water will affect agriculture and people. Our citizens will be left with a minimal supply of drinking water, and our farmers will not be able to irrigate their crops. Something must be done about this dangerous situation.

enclosure (12)

We urge you to support the Governor's plans for additional water storage and to impress upon your urban colleagues the need to endorse his plan. It is time to take action on this issue of great importance.

Sincerely,

Allen Ishida, Chairman
Tulare County Board of Supervisors

Connie Conway, Vice-Chairman
Tulare County Board of Supervisors

Phil Cox, District Three
Tulare County Board of Supervisors

J. Steven Worthley, District Four
Tulare County Board of Supervisors

Mike Ennis, District Five
Tulare County Board of Supervisors

CC: Tulare County Legislative Delegation

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Senior Engineering Geologist
Irrigated Land/Non-15

DATE: 15 January 2008

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SUBJECT: ***FEBRUARY 2006 DRAFT IRRIGATED LANDS EXISTING CONDITIONS REPORT***

I have reviewed Chapter 4 (Groundwater Quality) of the February 2006 *Draft Irrigated Lands Existing Conditions Report*. In general, it would be helpful to add an introduction to this Chapter that emphasizes the importance of and need to protect groundwater quality and that provides information that would be useful in developing a long-term regulatory program that will protect groundwater quality. Some of the introductory sections of each of the groundwater basins could be transferred to this introduction. Some suggestions for the Chapter 4 Introduction, Sacramento and San Joaquin Valley Groundwater Basins sections, and the long-term regulatory program follow.

CHAPTER 4 INTRODUCTION

Importance of Groundwater

For purposes of discussing the importance of groundwater in the Region, the Chapter Introduction could include very brief discussions of the following:

1. The importance of groundwater in the Central Valley Region.

   The extent of the groundwater basins and agriculture and the use of groundwater for agriculture uses as well as urban uses in the Region are significant and have been quantified in the Department of Water Resources Bulletin 118 available at http://www.groundwater.water.ca.gov/bulletin118/. Additional information on this can be found in United States Geological Survey (USGS) Scientific Investigation Report 2007-5179 available at http://pubs.usgs.gov/sir/2007/5179.

2. The connection of groundwater and surface water.

   The connection between groundwater and surface water is important in the development of any program designed to protect water resources since the movement of water from one hydrologic system to another can also move pollutants between the two systems. Discussions of the importance of the interconnection between groundwater and surface water can be found in *Why Protecting Land Helps Protect Water* available at http://www.tpl.org/tier3_print.cfm?folder_id=1885&content_item_id=21897&mod_type=1

and the California Department of Water Resources Bulletin 118 (*California's Groundwater*) available at http://www.groundwater.water.ca.gov/bulletin118/.

Groundwater systems are part of the entire hydrologic system and consist of recharge, discharge, and storage (aquifers) areas. Groundwater systems can be connected to surface water in each of these areas. It would be useful to include a conceptual model of a hydrologic system showing groundwater recharge, discharge, and storage areas. Some examples of recharge and discharge areas that could be included are:

- Recharge areas:
  - Infiltration of precipitation
  - Inflow from streams, rivers
  - Irrigation water leaching below a crop's root zone
  - Surface water pumped into an injection well to artificially store water in an aquifer
  - Agricultural return flows recirculated back to cropland
- Discharge areas:
  - Groundwater discharging to surface water along a stream
  - Groundwater pumping (discharging) from an aquifer to irrigate cropland running off the cropland as tailwater into a nearby stream or river
  - Shallow groundwater discharging to surface water via subsurface drains

An example conceptual model can be found at http://in.water.usgs.gov/NAWQAWHMI/act_sugar.php.

A discussion of groundwater in the California hydrologic cycle can be found in University of California's Division of Agriculture and Natural Resources (ANR) Publication 8083 (Basic Concepts of Groundwater Hydrology) available at http://anrcatalog.ucdavis.edu/pdf/8083.pdf.

The differences in the movement of surface water and groundwater are also important in the effects and solutions to pollution. Most important is that groundwater does not typically flow to a single outlet and groundwater movement occurs on a different time scale than surface water pollution. A discussion of this can be found in University of California's Division of Agriculture and Natural Resources (ANR) Publication 8084 (Groundwater Quality and Groundwater Pollution) available at http://groundwater.ucdavis.edu/Publications/Harter_FWQFS_8084.pdf.

Useful Information To Consider In Development of a Long-Term Regulatory Program

How agriculture impacts groundwater quality and the vulnerability of groundwater to pollution from agricultural practices will be important considerations when developing a long-term regulatory program for irrigated lands. The Chapter 4 Introduction should include a brief discussion of these issues as suggested below.

1. How agriculture impacts groundwater quality.
   To provide an understanding of how agriculture impacts groundwater quality in the Region, it would be helpful to include a discussion of the following:

- The methods of impact (irrigation resulting in leaching of imported, naturally occurring, or concentrated pollutants; tillage: drainage; chemical use; application of animal waste)
- The common pollutants in groundwater related to agriculture and their characteristics

Information on this can be found in the following:

- USGS Fact Sheet 2004-3098 (*Studies by the U.S. Geological Survey on Sources, Transport, and Fate of Agricultural Chemicals*, September 2004) available at http://pubs.usgs.gov/fs/2004/3098/pdf/fs2004-3098.pdf.
- Irrigated Agriculture Technical Advisory Committee Report available at http://www.swrcb.ca.gov/nps/docs/tacrpts/tac_irriag.doc.
- University of California's Division of Agriculture and Natural Resources (ANR) Publication 8055 (*Nonpoint Sources of Pollution in Irrigated Agriculture*) available at http://anrcatalog.ucdavis.edu/pdf/8055.pdf.
- University of California Sustainable Agriculture Research and Education Program Components Newsletter Spring 1990 (*California Agriculture and Groundwater Quality*) available at http://www.sarep.ucdavis.edu/newsltr/components/v1n2/sa-3.htm.

2. The importance of groundwater vulnerability to pollution.

Several agencies have recognized the importance of identifying the vulnerability of groundwater to pollution as a result of agricultural practices and use this information to prioritize where and what solutions are needed. A brief discussion of the Department of Pesticide Regulation's (DPR's) Groundwater Protection Program, the California Department of Food and Agriculture's (CDFA's) Fertilizer Research and Education Program (FREP), the California Department of Health Services Drinking Water Source Assessment Program, and the State Water Resources Control Board Groundwater Ambient Monitoring and Assessment (GAMA) Program would be helpful.

The discussion could include the factors used to evaluate groundwater vulnerability, what potential pollutants are evaluated, how the information is used, and where additional information on these programs can be found (DPR's Groundwater Protection Program at http://www.cdpr.ca.gov/docs/emon/grndwtr/index.htm, CDFA's FREP at http://www.cdfa.ca.gov/is/ffIders/criteria.html, CDHS's DWSAP at http://www.cdph.ca.gov/certlic/drinkingwater/Pages/DWSAP.aspx, and the State Water Resources Control Board GAMA Program at http://www.waterboards.ca.gov/gama/index.html).

A brief discussion of the drainage problems along the west side of the San Joaquin Valley should also be included in this section. The San Joaquin Valley Drainage Program has identified areas along the west side of the San Joaquin Valley between the Sacramento-San Joaquin Delta and the Tehachapi Mountains to the south that are vulnerable to drainage problems caused by irrigation of cropland where the underlying groundwater is shallow and there are marine sediments derived from the Coast Ranges

that naturally contain elevated levels of salts and trace elements. Irrigation of these areas has leached the salts and trace elements from the sediments to groundwater. A shallow clay layer underlying these areas obstructs vertical movement of the irrigation water. Because of the poor drainage, the groundwater table rises to within a few feet of the surface and subsurface drainage is required to remove this water from the crop's root zone. The San Joaquin Valley Drainage Implementation Program (SJVDIP) was established in 1991 to implement recommendations of the San Joaquin Valley Drainage Program to address the drainage problems on the west side of the San Joaquin Valley. Information on these drainage problem areas is available at http://www.sjd.water.ca.gov/drainage/index.cfm and information on the SJVDIP is available at http://www.owue.water.ca.gov/statedrain/index.cfm.

Other Topics from the Sacramento River and San Joaquin Valley Groundwater Basin Introductory Sections

The Chapter 4 Introduction could also include some of the common topics that are included in the introductory sections for Sacramento River and San Joaquin Valley Groundwater Basins. These topics could then be removed from each of the Groundwater Basin discussions. These topics include the following.

1. Organization and Elements and General Sources of Information for both groundwater basins. This information is available under the separate introductory sections for the Sacramento River and San Joaquin Valley Groundwater Basin and would best be combined into the introduction to Chapter 4.

2. Constituents of Concern in Groundwater related to agriculture. Table 4 in the General Concepts and Processes Affecting Groundwater Quality in the Sacramento River Basin is also applicable to the San Joaquin Valley Groundwater Basin and could be included in the Chapter 4 Introduction.

SACRAMENTO RIVER AND SAN JOAQUIN VALLEY GROUNDWATER BASIN SECTIONS

Introductory Sections

The introductory section for each of the groundwater basins should be consistent. Assuming the Chapter 4 Introduction includes the recommendations above, the remaining topics in the introductory sections for each groundwater basin should include:

1. Overview of Agricultural Chemical Impacts to Groundwater
   This information for the Sacramento River Basin is currently under the heading General Concepts and Processes Affecting Groundwater Quality in the introductory section to the Sacramento River Basin. This heading (not the information under the heading) should be revised to Overview of Agricultural Chemical Impacts to Groundwater to be consistent with the San Joaquin Valley Groundwater Basin.

2. Groundwater Movement and Solute Transport
   The section on Groundwater Movement and Solute Transport in the Sacramento River Basin introductory section discusses results of a GAMA study on the susceptibility of groundwater in the Chico area to contamination (The report should provide a reference for this discussion). It is not mentioned that the GAMA program has also completed similar studies in the Fresno, Stanislaus, Sacramento, and Kern County areas and is also

working on a similar study in the San Joaquin County area. It would be appropriate to discuss the GAMA study results for the Sacramento County area or at least refer to the study in the Sacramento River Basin introductory section.

It would also be appropriate to include a section on Groundwater Movement and Solute Transport in the San Joaquin Valley Groundwater Basin introductory section where the results of the GAMA studies in the Fresno, Stanislaus, and Kern County areas could be summarized. A table similar to Table 4-3 (Summary of Groundwater Quality Issues for the Groundwater Basins) in the introductory section of the Sacramento River Basin under the subheading Groundwater Quality Summary would be very useful in the San Joaquin Valley Groundwater introductory section as well.

3. General Management Practices
Management Measures are discussed for each groundwater subbasin in the Sacramento River Basin. Management Measures are not discussed for the subbasins in the San Joaquin Valley Groundwater Basin although the introductory section for the San Joaquin Valley Groundwater Basin includes a discussion of General Management Practices. A consistent approach should be used for both groundwater basins. Since most of the subbasins for the Sacramento River Basin indicate that management measures were not identified and management measures for subbasins that have the same crops were the same, it would be appropriate to summarize management practices specific to certain crop types grown in the Sacramento River Basin under the heading General Management Practices in the introductory section of the Sacramento River Basin.

The discussions of groundwater level and groundwater quality monitoring by government agencies and Groundwater Management Plans that are included in the Sacramento River Subbasin discussions are not appropriate under the heading Management Measures. Such information is useful but would be more appropriate in the section on Pertinent Ordinances or Regulations.

4. Assessment of Data Adequacy
Each Sacramento River Subbasin includes a discussion of the Assessment of Data Adequacy and Need for Added Data. There is no discussion of data adequacy for each groundwater subbasin in the San Joaquin Valley Groundwater Basin although the introductory section for the San Joaquin Valley Groundwater Basin includes a discussion of Assessment of Data Adequacy. A consistent approach should be used for both groundwater basins. Since for most of the subbasins in the Sacramento River Basin "Data from DWR provide somewhat limited picture of groundwater quality...in that there is not extensive areal coverage for groundwater quality" it would be appropriate to summarize this in the introductory section to the Sacramento River Basin and remove the Assessment of Data Adequacy and Need for Added Data from the subbasin discussions. Also, the following should be removed from the Sacramento River Basin under the heading Assessment of Data Adequacy: (1) the discussion of the Need for Added Data since the purpose of the Existing Conditions Report does not include identifying where more data is needed, and (2) groundwater quality issues for each subbasin should be moved to the Water Quality section of each subbasin.

Other useful information (available in California Department of Water Resources Bulletin 118) that could be included in the introductory section for each groundwater basin includes:

- General hydrogeology (general groundwater flow direction, Coast Range sediments on west side and Sierra Nevada sediments on east side – additional information is available in *A Management Plan for Agricultural Subsurface Drainage and Related problems on the Westside San Joaquin Valley, Final Report of the San Joaquin Valley Drainage Program*, September 1990 available at http://www.owue.water.ca.gov/docs/RainbowReportIntro.pdf).
- Groundwater development

Subbasin Sections

The Sacramento River Subbasin and San Joaquin Valley Groundwater Subbasin discussions should follow the same format. The following differences were noted.

1. Management Measures
   For the Sacramento River Subbasins, this information should be moved to the introductory section to the Sacramento River Basin under the heading General Management Practices as noted on page 5 above.

2. Assessment of Data Adequacy and Need for Added Data
   For the Sacramento River Subbasins, this information should be moved to the introductory section to the Sacramento River Basin under the heading Assessment of Data Adequacy as noted on page 5 above.

3. Water Quality
   The Water Quality discussions for the Sacramento River Subbasins only include general water quality information on inorganics from DWR Bulletin 118, while the Water Quality discussions for the San Joaquin Valley Groundwater Subbasins includes the general water quality information from DWR Bulletin 118 (Inorganic Constituents) and information on pesticides from the Department of Pesticide Regulation (DPR). Pesticides in the Sacramento River Basin counties are discussed in the introductory section of the Sacramento River Basin. A consistent approach should be used for both groundwater basins. Some consistency could be provided without having to add additional information to the Water Quality section of the Sacramento River Basin by including a table similar to Table 4-2 (Pesticide Detections in Wells for Counties in the Sacramento River Basin (1985-2003)) in the San Joaquin Valley Groundwater Basin introductory section with the appropriate counties listed.

4. The introductory section and the subbasin sections for the Sacramento River Basin use the word "we" in describing what is included or discussed in the report. The word "we" does not occur in the San Joaquin Valley Groundwater Basin or Subbasin discussion. Use of the word "we" is not appropriate in the report and should be removed.

LONG-TERM PROGRAM CONCERNS

Dairies

The current waiver program for discharges from irrigated lands does not cover discharges from irrigated lands that receive liquid waste from sources such as dairy operations and food

processors and requires that owners and/or operators of facilities that receive such liquid waste must obtain waste discharge requirements or a separate conditional waiver. Under Waste Discharge Requirements General Order No. R5-2007-035 for Existing Milk Cow Dairies (General Order), owners and/or operators of existing dairies that apply dairy waste (liquid or solid) to land that is under their control are required to develop and implement a nutrient management plan and monitor discharges of storm water and tailwater (when irrigation has occurred less than 60 days after application of manure and/or wastewater) to surface water. Dairy owners/operators who transfer their wastewater to a third party for the third party's use are only required to have a written agreement with the third party. While the third party agrees to use the wastewater at agronomic rates and prevent runoff of wastewater to surface water in the written agreement, the third parties are not currently directly regulated under either the General Order or the Irrigated Lands Waiver Program.

If third parties are put under waste discharge requirements, it would likely discourage them from receiving dairy wastewater and would likely require significant staff resources since such transfers of waste can fluctuate significantly within short periods of time. It may be appropriate to consider allowing these lands to be covered under the long-term irrigated lands program with the requirement that a nutrient management plan be developed and implemented for any such land. This requirement could also be applied to third parties that receive solid waste from dairies, who are now covered under the irrigated lands waiver program.

Water Quality Protection Measures

The long-term regulatory program should be an integrated approach with the goal of protecting both surface water and groundwater quality. Any required management measures to protect surface water should not have a negative impact on groundwater quality, and vice versa.

RECOMMENDED NEXT STEPS

The most efficient way to revise Chapter 4 would be a stepwise approach. The first revisions should include the following (see the discussion above and the outline below).

1. Draft the Chapter 4 Introduction.

2. Revise the introductory section to the San Joaquin Valley Groundwater Basin (this section needs more additional information than the Sacramento River Basin introductory section).

3. Revise the first subbasin of both the Sacramento River Basin and the San Joaquin Valley Groundwater Basin.

Once these revisions are completed, then the introductory section of the Sacramento River Basin and the remaining subbasin discussions can be completed.

The following outline for a revised Chapter 4 should be used as guide to complete Chapter 4.

Chapter 4 Introduction
Importance of Groundwater
Useful Information to Consider in Development of a Long-Term Regulatory Program
- How Agriculture Impacts Groundwater Quality
- Importance of Groundwater Vulnerability to Pollution

Organization and Elements
General Sources of Information
Constituents of Concern in Groundwater Related to Agriculture .

Sacramento River Basin
Introduction
- Overview of Agricultural Chemical Impacts to Groundwater - *This is under the heading General Concepts and Processes Affecting Groundwater Quality in the Sacramento River Basin in the 2006 Draft Existing Conditions Report*
- Groundwater Movement and Solute Transport – *add discussion of GAMA study in Sacramento County area*
- Groundwater Quality Summary
- General Management Practices
- Assessment of Data Adequacy
- General Hydrogeology
- Groundwater Development

Subbasins (Individual)
General Basin Parameters
- Acreage, Physiography, and Water-Bearing Units
- Major Sources of Recharge
- Land Use
- Coalitions, Water Districts, Major Urban Areas
- Pertinent Ordinances or Regulations – *include any Groundwater Management Plans or groundwater level or groundwater quality monitoring by government agencies as noted under Management Measures in the 2006 Draft Existing Conditions Report*

Water Quality – *move water quality discussions covered under the heading Assessment of Data Adequacy and Need for Added Data in the 2006 Draft Existing Conditions Report to this section*
- Inorganics
- Pesticides
- Other

Discharge Pathways and Sources of Contaminants - *The subheadings Dissolved Solids, Nitrate, Boron, and Pesticides should be moved to the Water Quality section.*

San Joaquin Valley Groundwater Basin
Introduction
- Overview of Agricultural Chemical Impacts to Groundwater - *Include a table similar to Table 4-2 (Pesticide Detections in Wells for Counties in the Sacramento River Basin (1985-2003)) with the appropriate counties listed*

Groundwater Movement and Solute Transport – *add discussion of GAMA studies in Fresno, Kern, and Stanislaus County areas*

Groundwater Quality Summary – *add a table similar to Table 4-3 (Summary of Groundwater Issues for the Groundwater Basins)*

General Management Practices

Assessment of Data Adequacy

General Hydrogeology

Groundwater Development

Subbasins (Individual)

General Basin Parameters

Acreage, Physiography, and Water-Bearing Units

Major Sources of Recharge

Land Use

Coalitions, Water Districts, Major Urban Areas

Pertinent Ordinances or Regulations

Water Quality

Inorganics

Pesticides

Other

Discharge Pathways and Sources of Contaminants

Temporal trends in concentrations of DBCP and nitrate in groundwater in the eastern San Joaquin Valley, California, USA

K. R. Burow · N. M. Dubrovsky · J. L. Shelton

Abstract Temporal monitoring of the pesticide 1,2-dibromo-3-chloropropane (DBCP) and nitrate and indicators of mean groundwater age were used to evaluate the transport and fate of agricultural chemicals in groundwater and to predict the long-term effects in the regional aquifer system in the eastern San Joaquin Valley, California. Twenty monitoring wells were installed on a transect along an approximate groundwater flow path. Concentrations of DBCP and nitrate in the wells were compared to concentrations in regional areal monitoring networks. DBCP persists at concentrations above the US Environmental Protection Agency's maximum contaminant level (MCL) at depths of nearly 40 m below the water table, more than 25 years after it was banned. Nitrate concentrations above the MCL reached depths of more than 20 m below the water table. Because of the intensive pumping and irrigation recharge, vertical flow paths are dominant. High concentrations (above MCLs) in the shallow part of the regional aquifer system will likely move deeper in the system, affecting both domestic and public-supply wells. The large fraction of old water (unaffected by agricultural chemicals) in deep monitoring wells suggests that it could take decades for concentrations to reach MCLs in deep, long-screened public-supply wells, however.

Résumé Les suivis en temps du pesticide 1,2-dibromo-3-chloropropane (DBCP), des nitrates et des indicateurs de l'âge moyen des eaux souterraines ont été utilisés dans le but d'estimer le transport et le devenir des produits agrochimiques dans les eaux souterraines, et de prédire leurs effets à long terme dans le système aquifère régional de la San Joaquin Valley orientale, en Californie. Vingt piézomètres ont été implantés en alignement, approximativement selon une ligne de flux souterrain. Les concentrations en DBCP et nitrates mesurées dans les piézomètres ont été comparées aux concentrations dans les réseaux de surveillance du secteur. Le DBCP dépasse continuellement la valeur limite fixée par l'US Environmental Protection Agency, à des profondeurs proches de 40 m sous le niveau piézométrique, et plus de 25 ans après son interdiction. Les concentrations en nitrates supérieures aux limites se retrouvent à des profondeurs supérieures à 20 m sous le niveau piézométrique. Les écoulements verticaux sont prépondérants, du fait des pompages intensifs et de la réalimentation par irrigation. Les concentrations élevées (supérieures aux limites) présentes dans la tranche la plus superficielle de l'aquifère sont susceptibles de migrer plus en profondeur dans le système, et d'affecter les puits privés et ceux destinés à l'alimentation en eau potable. Cependant, la large proportion d'eau ancienne (non affectée par les produits agrochimiques) dans les piézomètres profonds suggère que les limites de concentration ne seront pas dépassées avant longtemps dans les puits d'alimentation en potable, qui sont profonds et présentent des hauteurs crépinées conséquentes.

Resumen La monitorización temporal del plaguicida 1,2-dibromo-3cloropropano (DBCP) y de los nitratos así como indicadores de la media de edad del agua subterránea han sido utilizados para evaluar el transporte y el destino de los compuestos químicos en el agua subterránea y para predecir los efectos a largo plazo en el sistema acuífero regional situado al este del Valle de San Joaquín, California. Se instalaron veinte pozos de control en un transecto situado aproximadamente siguiendo la línea de flujo del agua subterránea. Las concentraciones de DBCP y nitratos en los pozos se compararon con las concentraciones en la red de control regional. DBCP persiste con concentraciones por encima de los niveles máximos contaminantes (MCL) de la Agencia de Protección Medioambiental de Estados Unidos a profundidades cercanas a los 40 fm por debajo del nivel piezométrico, más de 25 años después de haber sido prohibido. Las concentraciones de nitratos por encima de MCL alcanzaron profundidades de más de 20 m por debajo del nivel piezométrico. Debido al bombeo intensivo y los retornos de riego, las líneas de flujo verticales son dominantes. Las altas concentraciones (por encima de MCLs) situadas en la parte superficial del sistema acuífero regional probablemente se moverán más profundamente en el sistema,

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enclosure (16)

afectando a los pozos domésticos y a los pozos de abastecimiento. No obstante, la alta proporción de aguas antiguas (no afectadas por compuestos químicos de origen agrícola) en los pozos de control profundos sugiere que pueden pasar décadas para que se alcancen concentraciones que alcancen MCLs en profundidad, en los pozos de abastecimiento totalmente ranurados.

Keywords Agriculture · Contamination · San Joaquin Valley · Groundwater monitoring · Groundwater age

Introduction

Widespread occurrence of 1,2-dibromo-3-chloropropane (DBCP) and nitrate at concentrations of concern affects both rural and public drinking-water supplies in the eastern San Joaquin Valley, California. DBCP, a soil fumigant used to control nematodes, was applied to crops nationwide beginning in the 1950s. In 1977, agricultural use of DBCP was suspended in California in response to concern about the potential hazardous effects of DBCP on human health; however, DBCP persists in groundwater in this region at concentrations above the US Environmental Protection Agency (USEPA) maximum contaminant level (MCL) of 0.2 μg/L, posing a threat to drinking-water supplies more than 25 years after it was banned from use (California State Water Resources Control Board 2002a). Similarly, nitrate occurrence in groundwater is an issue of concern, in part, because nitrate concentrations persist in oxic groundwater and have increased over time in many areas (Nightingale 1970; Schmidt 1972; Madison and Brunett 1985; Lowry 1987; Anton et al. 1988; Almasri and Kaluarachchi 2004). Nitrate has been widely detected in groundwater in the eastern San Joaquin Valley. Nitrate concentrations exceeded the USEPA MCL of 10 mg/L (as nitrogen) in 24% of domestic wells sampled during 1993–1995 (Dubrovsky et al. 1998), and the Central Valley is one of the top three regions in the state in regards to the number of public drinking-water wells exceeding the USEPA MCL for nitrate (California State Water Resources Control Board 2002b). Nitrate concentrations in groundwater in the eastern San Joaquin Valley are expected to persist over the long term, owing to continued anthropogenic nitrogen inputs and generally oxic geochemical conditions.

Many studies have addressed issues of DBCP and nitrate occurrence and sources in the eastern San Joaquin Valley aquifer (Schmidt 1972; Miller and Smith 1976; Nightingale and Bianchi 1974; Schmidt 1986, 1987; Burow et al. 1998a; Harter et al. 1998; Loague et al. 1998a,b; Loague and Abrams 1999) and some studies have analyzed data on temporal trends in concentration (Nightingale 1970; Schmidt 1972; California State University Fresno Foundation 1994; Kloos 1996; Burow et al. 1998b; Burow et al. 1999); however, long-term monitoring data are scarce, and few wells have been sampled over time spans long enough to assess the potential for long-term degradation of the groundwater resource. Predicting the long-term fate of agricultural chemicals in groundwater in this region is difficult owing to intensive groundwater pumping, mixing sources of recharge water, and complex flow paths through heterogeneous alluvial fan sediments. Coupling chemical concentrations with groundwater age indicators can aid in understanding groundwater-flow systems and identifying trends in groundwater quality (Cook and Böhlke 1999; Lindsey et al. 2003; MacDonald et al. 2003; Broers and van der Grift 2004; Puckett and Hughes 2005). Understanding the behavior of nonpoint source agricultural constituents such as DBCP and nitrate, is fundamental to predicting the long-term effects of anthropogenic practices on the quality of groundwater in the eastern San Joaquin Valley. Analysis of these constituents can assist in characterizing dominant aquifer processes controlling the fate and transport of a wide range of possible chemicals of concern in the subsurface.

To assess temporal trends in groundwater quality in the study area and determine the possible long-term effects of agricultural management practices on groundwater quality in this region, DBCP and nitrate concentrations in groundwater were analyzed in samples collected from monitoring wells in 1994–1995 and in 2003. The monitoring wells were installed at multiple depths along a transect, representing a range of groundwater ages. The groundwater ages, determined from CFC concentrations, were used to estimate the concentration of DBCP and nitrate in recharge through time. Simulated age distributions for each monitoring well, derived from a groundwater flow and transport model developed for the study site (Weissmann et al. 2002b), were evaluated in relation to DBCP concentrations and compared to previous estimates of the in-situ half-life of DBCP in the aquifer (Burow et al. 1999). Spatial and temporal patterns of nitrate concentrations were also evaluated and compared to nitrogen fertilizer applications. Simulated age distributions (Weissmann et al. 2002b) were used to adjust fertilizer application curves to further interpret apparent changes in nitrate concentration over time. Results of the analysis at the study site were compared to data from regional areal well networks to extrapolate the findings to a larger spatial scale.

Study area

Hydrogeology of Fresno study area

The study area is west of the foothills of the Sierra Nevada and east of the San Joaquin Valley trough on the upper part of the Kings River alluvial fan (Fig. 1). The alluvial sediments consist primarily of interlayered lenses of gravel, sand, silt, and clay deposited by the Kings River in aggradation sequences linked to Pleistocene glacial episodes (Burow et al. 1997; Weissmann et al. 2002a). These sediments were derived from source materials in the Sierra Nevada that consist primarily of granitic rocks, with lesser amounts of metasedimentary and metavolcanic rocks (Page and LeBlanc 1969; Cehrs et al. 1980).

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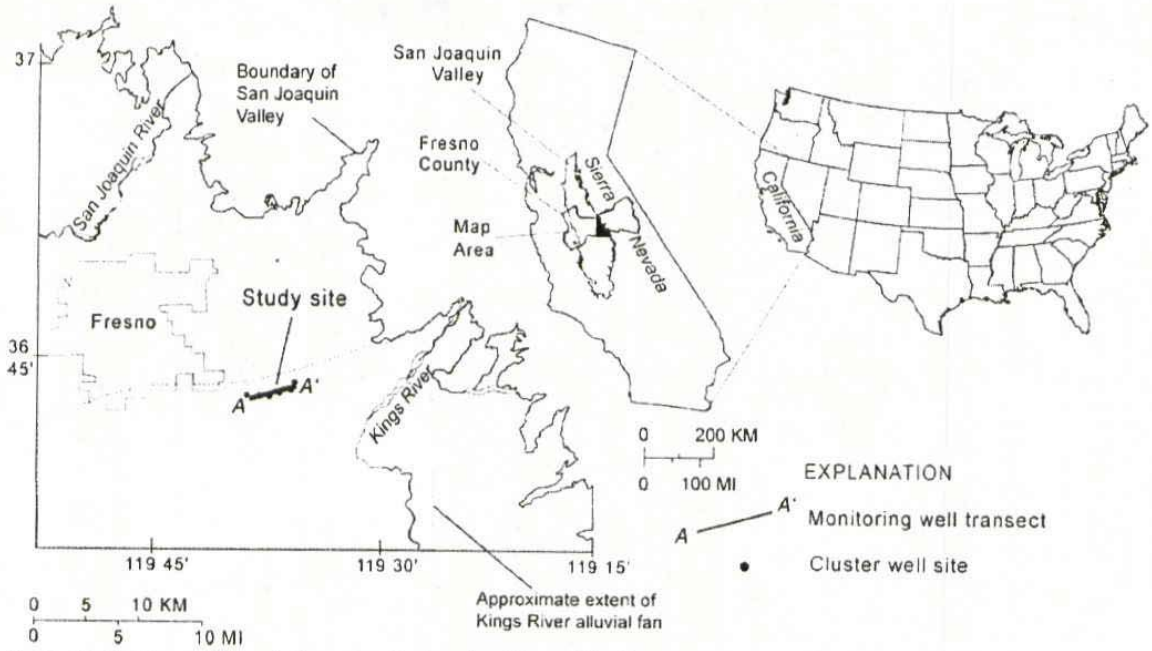

Fig. 1 Study site near Fresno in the eastern San Joaquin Valley, California

The aquifer in the study area is unconfined. Locally, water-bearing layers of sand and gravel are confined by clay layers, but at the regional scale, the sand layers are interconnected (Page and LeBlanc 1969). The transmissivity of the aquifer sediments ranges from about 650 to 2,000 m^2/day (Page and LeBlanc 1969); the hydraulic conductivity of the individual hydrogeologic facies units ranges over several orders of magnitude (Burow et al. 1999).

Regional movement of groundwater is southwest, toward the axis of the San Joaquin Valley; however, because of the intensive pumping and irrigation recharge, the dominant flow paths in the aquifer system are vertically downward. The horizontal gradient along the transect is about 0.002, whereas vertical gradients between monitoring wells varied from 0.0003 to 0.1, due to local confining clay layers or pumping of nearby irrigation wells (Burow et al. 1999). Groundwater in the study area is recharged by artificial recharge from canal seepage and infiltration of excess irrigation water; by natural recharge from precipitation, rivers, and streams; and by subsurface inflow from adjacent areas. Pumping is the primary mechanism of groundwater withdrawal in the study area, although some groundwater flows downgradient to adjacent areas or discharges into the San Joaquin and Kings Rivers (Muir 1977).

Groundwater development in the study area began in about 1880. Groundwater withdrawals increased slowly until the 1940s and 1950s when groundwater pumping for irrigation increased sharply (Bertoldi et al. 1991). Beginning in the early 1950s, water from the San Joaquin River, which has low nitrate and DBCP concentrations, was diverted into canals to distribute surface water to farms in the study area. In 2000, about 14 m^3/day of water was used in this region; more than 90% of the water is used for irrigation (Hutson et al. 2004). The relative proportion of surface water and groundwater used for irrigation varies spatially and temporally. Fields adjacent to the irrigation canals likely receive more surface water than fields at greater distances. During wet years, surface-water supplies may be available during the irrigation season, but during dry years, many farmers rely solely on groundwater for irrigation. Although the source of water to specific locations varies from year to year, about 50% of the total urban and agricultural water use is supplied by groundwater (Fred Stumpf, California Department of Water Resources, unpublished data, 1988; Hutson et al. 2004).

Land use and sources of DBCP and nitrate

Agriculture is the predominant land use in the San Joaquin Valley. In the eastern San Joaquin Valley, vineyards occupy about 19% of the more than 1.1 million ha of agricultural land. In eastern Fresno County near the monitoring well transect, grapes have been grown since the late 1800s and the area of harvested grapes has increased steadily from about 570 km^2 in 1958 to more than 900 km^2 in the late 1990s (Fresno County Agricultural Commissioner, unpublished data, 2005). The acreage of vineyards near the monitoring well transect has remained relatively constant during the last several decades (Fig. 2); however, some individual fields were converted from vineyards to other crops (primarily orchards) between 1987 and 2000 (California Department of Water Resources 1971, 2001).

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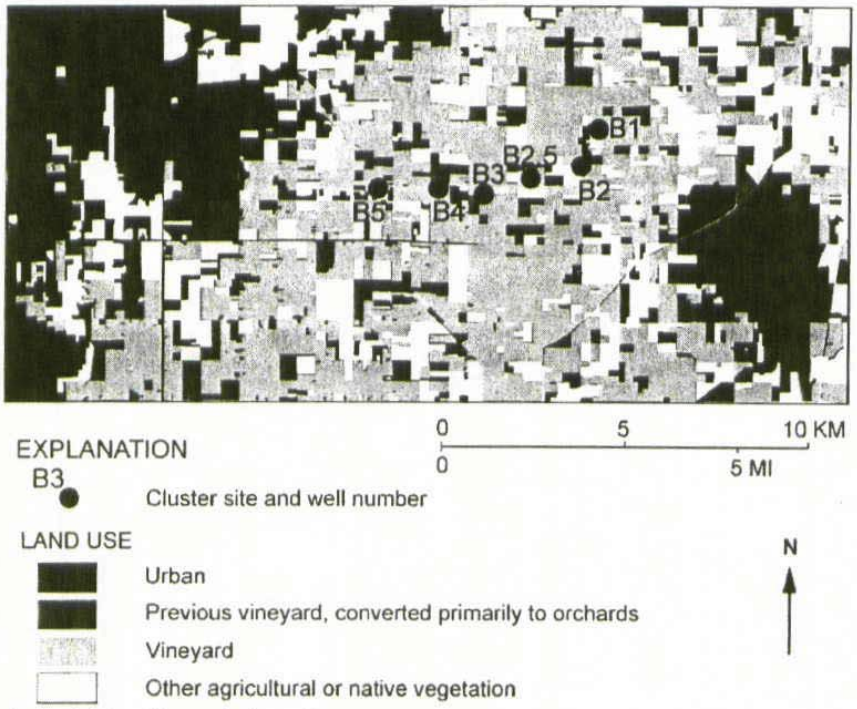

Fig. 2 Land use in the vicinity of the monitoring well transect

Application of DBCP to crops is not well documented, although partial reporting of applications to the California Department of Pesticide Regulation indicates that DBCP was used primarily on vineyards and orchards beginning in the 1950s; the most intensive use was between about 1960 and 1977 (California Department of Food and Agriculture 1973; Domagalski 1997). DBCP was used intermittently to treat nematode problems that occurred especially in older, well-established crops; at many locations it was used only once (California State University Fresno Foundation 1994). In 1977, agricultural use of DBCP was suspended in California in response to concern about the potential hazardous effects of DBCP on human health (California State Water Resources Control Board 2002a).

The persistence of DBCP was documented in laboratory studies, which indicated a half-life ranging from 6.1 years (Deeley et al. 1991) to more than 140 years (Burlinson et al. 1982). The term half-life is a radioactive decay rate that is often used to represent organic chemical transformation. Half-life is used here to represent the time required for the concentration of DBCP to decrease to one-half of the original value, and was determined in laboratory studies by curve-fitting the kinetic data. Several of the chemical and physical properties of DBCP facilitate its transport to groundwater and its continued presence in the aquifer near Fresno. DBCP has a relatively low vapor pressure, 0.8 torr at 21°C, and a moderate water solubility, 700–1,230 mg/L at 20°C (Burlinson et al. 1982; US Environmental Protection Agency 1985). Using subsurface sediments from the Fresno area, Deeley et al. (1991) determined that DBCP is weakly sorbed (K_D, sorption coefficient, ranged from 0.06 to 0.07 l/kg), owing to the predominantly low organic content of soils in this area. Laboratory experiments by Castro and Belser (1968) indicate that DBCP could undergo biological transformation in soils, but DBCP is resistant to biological transformation in well-oxygenated groundwater (Bloom and Alexander 1990) such as the groundwater in the Fresno area. An apparent half-life for DBCP determined from a contaminant transport modeling study (Burow et al. 1999) is consistent with the 6.1-year half-life determined by Deeley et al. (1991). Results from Burow et al. (1999) indicate that chemical transformation of DBCP to 2-bromoallyl alcohol (BAA) is not a dominant process, however, and the mechanism for decreases in concentrations observed in the Fresno region was not determined. Apparent decreases in DBCP concentrations may be due to unknown transformation processes or the result of physical processes such as hydrodynamic dispersion and pumping and reapplication of irrigation water (Burow et al. 1999).

Nitrate occurs naturally in groundwater; however, in agricultural areas, elevated concentrations of nitrate (above background levels) occur as the result of farming operations where nitrogen fertilizers or manure are applied (Nightingale 1972; Owens et al. 1992), confined animal feeding operations, and rural septic systems. In the study

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area, confined animal feeding operations were not present, and background concentrations of nitrate are expected to be less than 3 mg/L (Schmidt 1972). Septic inputs were expected to be small, relative to the contribution from the surrounding crops, although locally they could affect concentrations in water from individual wells. In contrast to DBCP use in the area, nitrogen fertilizer use has generally increased since the 1950s (Alexander and Smith 1990; Battaglin and Goolsby 1994; Ruddy et al. 2006). Nitrogen fertilizers were applied more consistently (spatially and temporally) than DBCP and continued to be applied after DBCP use was banned.

Methods

Twenty monitoring wells were installed in 1994–1995 at depths ranging from 21.3 to 81.7 m below land surface at six cluster sites along a 5.9-km transect southeast of Fresno (Figs. 2 and 3). The length of the screened interval of each well is about 1.5 m (Burow et al. 1997, 1999). The monitoring well transect generally was aligned in the direction of regional groundwater flow in the study area.

Groundwater samples were collected during 1994–1995 and 2003 and analyzed for DBCP and nitrate concentrations. Groundwater samples were also collected and analyzed for CFCs and SF_6 concentrations to estimate mean groundwater ages along the transect. Concentrations of nitrate plus nitrite are hereafter referred to as nitrate because nitrite was only detected in three samples and accounted for less than 3% of the total nitrate plus nitrite in those samples.

Groundwater samples were collected using protocols developed by the USGS National Water-Quality Assessment (NAWQA) program (Koterba et al. 1995) and are further described in Burow et al. (1999). Analyses of DBCP and nitrate were completed at the USGS National Water-Quality Laboratory (NWQL) in Arvada, Colorado. DBCP samples were collected by filling 40-ml vials with unfiltered water and analyzed by liquid/liquid extraction followed by gas chromatography/electron-capture detection (GC/ECD; Fishman 1993). The detection limit for DBCP using this method was 0.03 µg/L. Nitrate samples were filtered using a 0.45-µm pleated capsule filter and analyzed using standard methods of analysis (Fishman and Friedman 1985). Following collection of the samples described above, a submersible, positive-displacement piston pump with 0.6-cm diameter aluminum tubing was used to collect samples for analysis of CFC concentrations using methods described by Busenberg and Plummer (1992). The samples were analyzed for dichlorodifluoromethane (CFC-12), trichlorofluoromethane (CFC-11), and trichlorotrifluoromethane (CFC-113) by the USGS labo-

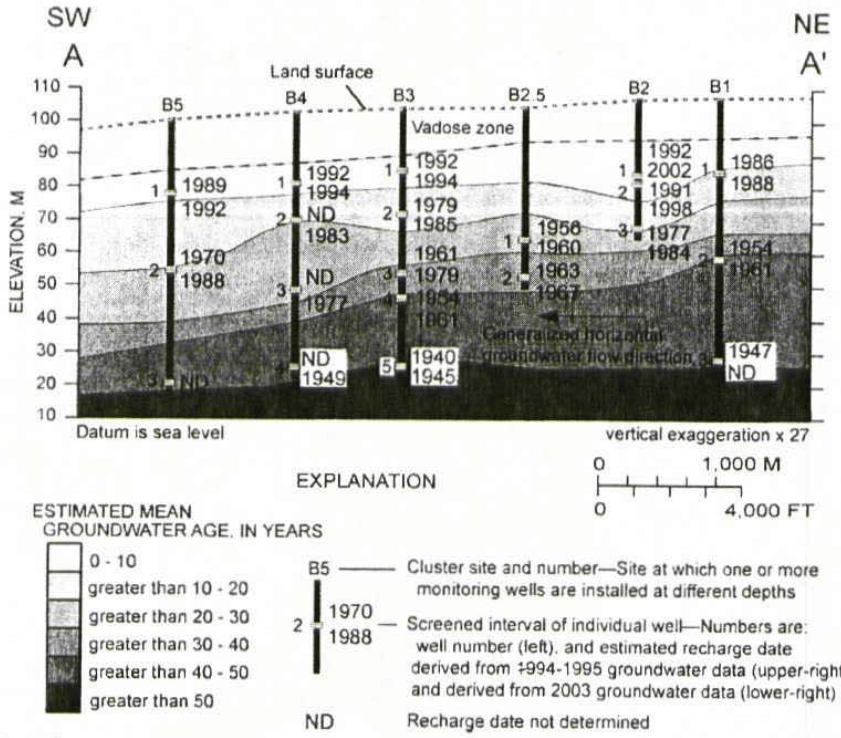

Fig. 3 Monitoring well transect showing estimated groundwater recharge dates determined from chlorofluorocarbon (CFC) concentrations in groundwater samples collected from wells during 1994–1995 and 2003 (refer to Fig. 1 for transect location)

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ratory in Reston, Virginia, using a purge-and-trap GC/ECD procedure (Busenberg and Plummer 1992). Samples were collected for dissolved gases (N_2, Ar, CO_2, CH_4, and O_2) and sulfur hexafluoride (SF_6) also. The dissolved gas samples were analyzed by gas chromatography after extraction in headspaces of glass samplers (Busenberg et al. 1998), and SF_6 was determined by methods described in Busenberg and Plummer (2000).

Results and analysis

Groundwater age

Mean groundwater ages (the mean age of groundwater reaching the wells) were estimated along the monitoring well transect using CFC concentrations in samples collected in 1994–1995 (Burow et al. 1999) and in 2003 (Table 1). CFC concentrations were the primary age tracers used in this analysis; SF_6 concentrations were used primarily to corroborate the CFC-determined ages.

In the study area, CFC-based mean groundwater age increased with depth (Fig. 3). Groundwater in the shallow aquifer depth zone, less than or equal to 10 m below the water table, was generally less than 15 years old, whereas groundwater in the deep aquifer depth zone, more than 60 m below the water table, was generally more than 45 years old (Table 1). In most samples, concentrations of two or more tracers were evaluated and compared to simple analytical models of groundwater age (e.g., Cook and Böhlke 1999) using the TRACERMODEL software (Böhlke 2005). The groundwater age interpreted from concentrations of the various tracers were generally concordant, indicating a lack of significant mixing between young (1940s or younger) and old, pre-tracer-aged groundwater. The mean groundwater ages determined from CFC concentrations were based primarily on a piston-flow model (Plummer and Busenberg 2004), where the ages of groundwater samples from different depths are nearly uniform. Some samples indicated local contamination problems and other samples had concentrations consistent with the early (1940s) or late (after 1990s) part of the input curve, which resulted in a greater uncertainty in interpreted mean ages. Additional factors considered in the interpretation of mean age included comparison to concentrations of other solutes, knowledge of specific site history, and fitting of a conceptual model for position of the well in the flow system.

Mean groundwater ages determined from groundwater flow and transport simulations (Weissmann et al. 2002b) were older than the CFC-based mean ages-about 25 years in the shallow aquifer depth zone and more than 100 years in the intermediate (10–60 m below the water table) and the deep depth zones. Simulated CFC concentrations were similar to observed concentrations, however (Weissmann et al. 2002b). The mean ages determined from the simulations were older than CFC-based mean ages because the simulated mean ages account for the full distribution of ages of water reaching the well screens, including water that is older than the introduction of the age-dating tracers into the environment. As noted by Kazemi et al. (2006), it is difficult to accurately represent complex groundwater-flow systems with simple analytical models; however, the simulated age distributions resembled a piston-flow type curve in the shallow part of the system, and resembled an exponential-piston-flow- or dispersion-type curve with depth as the proportion of old, pre-tracer-aged groundwater increased. Conceptually, the piston-flow part of the age distribution curves likely represents the young fraction of water traveling through preferential flow paths, whereas the exponential part of the age distribution curves represent older water traveling along slower flow paths or diffusing from fine-grained sediments. Because the CFC concentrations indicated a lack of significant mixing, the CFC-based mean ages reflect the mean age of the young, piston-flow fraction of water reaching the wells.

Change in DBCP concentrations

DBCP concentrations in 2003 persisted at concentrations above the USEPA MCL at 7 of the 20 wells along the monitoring well transect (Table 1), at depths of nearly 40 m below the water table. DBCP concentrations increased in 6 of the 20 wells between 1994–1995 and 2003 but decreased in 8 other wells. DBCP was not detected in either 1994–1995 or 2003 in the remaining six wells, likely reflecting variability in application patterns and the effects of heterogeneity on transport in the subsurface. The largest changes in concentration were decreases in the high concentrations at site B2 (Table 1) in the shallow and intermediate depths of the aquifer, suggesting that high-DBCP water was replaced by recharge with low-DBCP water at this site (Fig. 4). DBCP concentrations varied greatly near the water table. DBCP was not detected in either 1994–1995 or 2003 at shallow aquifer depths at sites B3 and B4. DBCP was also not detected in the deepest wells at sites B3, B4, and B5 (Fig. 4). DBCP concentrations increased at intermediate aquifer depths at sites B2.5, B3, and B4, and although the concentrations were low, the largest percentage change in concentrations between 1994–1995 and 2003 was at wells with increases in low concentrations (Table 1). The largest percentage change in concentration occurred at B1-3, the deepest well along the transect where DBCP was detected. DBCP concentrations also increased in the intermediate and shallow depth wells at site B1, indicating that high concentrations of DBCP have moved laterally and downward within the aquifer adjacent to site B1.

Persistence of DBCP and initial concentrations

Using the change in concentration of DBCP and estimated groundwater recharge dates derived from CFC concentrations in groundwater samples collected in 1994–1995 and 2003, an in-situ half-life estimate for DBCP in groundwater was calculated. The DBCP half-life was calculated using a first-order decay equation (Domenico and Schwartz 1998),

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Table 1 Mean groundwater age determined from chlorofluorocarbon (CFC) concentrations, and 1,2-dibromo-3-chloropropane (DBCP) and nitrate concentrations in groundwater samples in 1994–1995 and 2003 in the eastern San Joaquin Valley, California

Well (Figs. 2 and 3)	Depth below land surface to midpoint of screened interval (m)	Depth below water table (m)	Depth zone[a]	Mean age for 1994–95 samples (years)	Mean age for 2003 samples (years)	DBCP in 1994–1995 (µg/L)[b]	DBCP in 2003 (µg/L)[b]	Difference in DBCP concentration (percent)	Nitrate in 1994–1995 (mg/L)[c]	Nitrate in 2003 (mg/L)[c]	Difference in nitrate concentration (%)
B1-1	22.4	7.2	Shallow	8	16	2.6	3.1	19	8.6	11	28
B1-2	48.9	33.7	Intermediate	41	43	0.29	0.49	69	2.3	2.4	4
B1-3	79.4	64.2	Deep	48	ND	<0.03	0.18	500	1.4	2.1	50
B2-1	22.4	7.2	Shallow	2	2	2.8	0.17	−94	12	20	67
B2-2	25.2	10.0	Shallow	4	6	3.0	0.44	−85	14	18	29
B2-3	38.9	23.7	Intermediate	18	19	6.4	3.6	−44	11	13	18
B2.5-1	40.4	25.2	Intermediate	39	43	<0.03	0.08	170	1.9	2.2	16
B2.5-2	51.7	36.5	Intermediate	32	37	0.86	0.47	−45	3.3	3.9	18
B3-1	19.0	3.8	Shallow	3	9	<0.03	<0.03	0	6.3	30	380
B3-2	32.2	17.0	Intermediate	16	19	0.3	0.08	−73	11	17	55
B3-3	50.1	34.9	Intermediate	33	24	0.04	0.12	200	5.1	8.6	69
B3-4	57.8	42.6	Intermediate	41	43	0.46	0.17	−63	2.9	3	3
B3-5	78.5	63.3	Deep	55	58	<0.03	<0.03	0	2.3	2	−13
B4-1	21.5	6.3	Shallow	2	9	<0.03	<0.03	0	6	14	130
B4-2	32.8	17.6	Intermediate	ND	20	<0.03	<0.03	0	6.1	8.7	43
B4-3	53.8	38.6	Intermediate	ND	26	0.86	1.1	31	4.1	5.1	24
B4-4	77.3	62.1	Deep	ND	55	<0.03	<0.03	0	2.6	2.6	0
B5-1	22.1	6.9	Shallow	6	12	1.3	0.06	−95	31	40	29
B5-2	45.9	30.7	Intermediate	25	16	2.0	1.7	−12	8.1	10	23
B5-3	79.4	64.2	Deep	ND	ND	<0.03	<0.03	0	5	7.9	58

[a] *Shallow* includes depths of less than or equal to 10 m below the water table, *intermediate* includes depths of more than 10 m to 60 m below the water table, and *deep* includes depths of more than 60 m below the water table

[b] Micrograms per liter

[c] Milligrams per liter

ND no data

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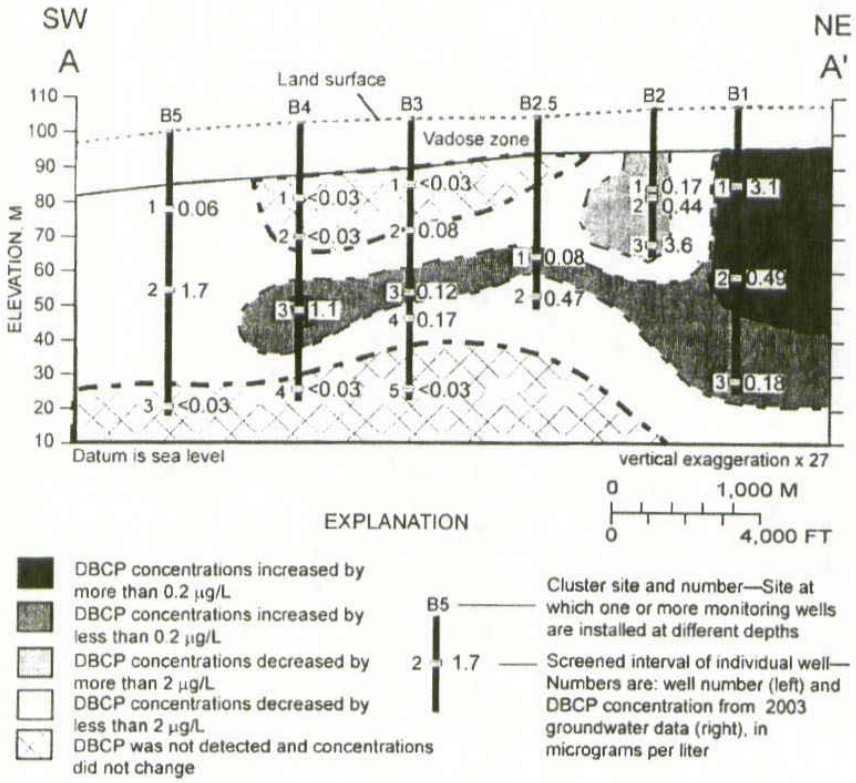

Fig. 4 DBCP concentrations in groundwater samples collected from wells in 2003 and change in DBCP concentrations between 1994–1995 and 2003

$$C_o = C(t)e^{kt}, \quad (1)$$

and

$$k = \frac{0.693}{t_{1/2}}, \quad (2)$$

where C_o is the initial DBCP concentration, $C(t)$ is the DBCP concentration at time t, t is the time since beginning of the reaction, k is the rate constant for a first-order reaction, and $t_{1/2}$ is the half-life for the reaction. The difference in concentrations of DBCP between 1994–1995 and 2003 for wells with similar recharge dates in 1994–1995 and 2003 were used in the half-life calculations (Table 2). Samples were paired if the estimated recharge dates were within 1 year. In most cases, there was only one sample from 1994–1995 and one sample from 2003 for each recharge date. Although the first-order reaction rate may not adequately reflect DBCP reaction rates in the aquifer, limited data were available to characterize the decay function, and previous work was limited to the use of a first-order reaction rate (Burow et al. 1999).

Resulting DBCP half-life estimates ranged from 2 to 6 years, with a median of 4 years. An estimated half-life of in this range is consistent with results of earlier work, in which contaminant transport model results suggested that the effective in-situ half-life of DBCP was about 6 years (Burow et al. 1999). Although the results indicated by this analysis compare generally well with previous estimates

Table 2 Calculated 1,2-dibromo-3-chloropropane (DBCP) half-life from changes in DBCP concentration and groundwater age dates for groundwater samples with common recharge dates in the eastern San Joaquin Valley California

Recharge date	DBCP in 1994–1995 (µg/L)[a]	DBCP in 2003 (µg/L)[a]	Calculated DBCP half-life (years)
1960	0.04	0.17	[b]
1977	6.4	1.1	3
1979	0.3	0.12	6
1986	2.6	0.89	5
1989	1.3	3.1	[b]
1992	2.8	0.06	2
Mean	2.2	0.91	4
Median	2.0	0.53	4

[a] Micrograms per liter

[b] Half-life could not be calculated because concentrations increased Elapsed time between sample dates was 8.5 years

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of the in-situ half-life of DBCP determined through contaminant transport modeling, this approach assumes that DBCP is generally well-distributed throughout the profile and that the mixing of older water does not affect the calculations. A mass-balance approach would likely provide a better estimate of in-situ DBCP half-life; however, the data and analysis requirements to attempt a mass balance in this system were prohibitive.

Estimated initial concentrations of DBCP in recharge through time were calculated, again using the first-order decay Eqs. 1 and 2 and the CFC-based and simulated mean groundwater age estimates. Initial concentrations of DBCP calculated using groundwater recharge dates estimated from CFC concentrations and a half-life of 6 years ranged from less than 1 to 70 μg/L (Table 3). Maximum measured concentrations in production wells sampled during the early 1980s were about 50 μg/L (California Department of Pesticide Regulation 1992, 1993, 1994). For comparison, initial concentrations of DBCP were calculated using the simulated mean groundwater age (Weissmann et al. 2002b). Initial concentrations resulting from the simulated mean age were from 2 to 5 orders of magnitude higher than the estimates from the CFC mean age (Table 3). The initial concentration estimates from the simulation-based mean age were extremely high because the simulated age distributions include water that is older than the introduction of DBCP into the environment, and, thus, the simulated mean age does not represent the mean age of the fraction of water containing DBCP. In 6 of 14 wells where DBCP was detected in 2003 (B2-3, B2.5-1, B2.5-2, B3-3, B3-4, and B4-3), estimated groundwater recharge dates from the simulated mean groundwater ages were before 1950, probably before DBCP was used (California State University Fresno Foundation 1994).

The analysis described above indicates that the mean age determined by CFC concentrations better reflects the age of the water containing DBCP than the simulated mean age because the CFC-based mean ages correspond more closely with the timing of the input of DBCP. Additionally, the uncertainty in the simulated mean ages determined in the transport simulations ranged from 10 to 30 years (Weissmann et al. 2002b), suggesting that the simulated mean ages may be a coarse evaluation of age for interpreting changes in chemical concentrations of less than a few decades. To accurately represent the true mean age and predict long-term concentrations in the aquifer, however, a complete distribution of age is needed that includes the age distributions of both the young and old fractions of water.

Change in nitrate concentrations and relation to nitrogen fertilizer use

Nitrate was detected in samples from all wells along the monitoring well transect. Concentrations in 2003 ranged from about 2 mg/L (as nitrogen) in the deepest monitoring wells to 30 to 40 mg/L in the shallow wells (Table 1). Concentrations above the USEPA MCL reached depths of more than 20 m below the water table. As noted in Burow et al. (1999), and corroborated with dissolved gas data collected in 2003, groundwater along the transect is oxic. Nitrate is expected to be persistent in the aquifer and assumed to be transported conservatively through the system.

Nitrate concentrations increased by more than 1 mg/L between 1994–1995 and 2003 in 12 of 20 wells along the monitoring well transect (Table 1). Increases in nitrate concentrations were the greatest in the shallow part of the aquifer (Fig. 5). Nitrate concentrations in shallow wells at sites B2, B3, B4, and B5 increased by 8–23 mg/L. A plum orchard was in production immediately upgradient from site B3 during the 1990s, and other citrus and nectarine orchards were planted upgradient from site B4 by 2000. Nitrogen fertilizer application rates are typically much higher for orchard crops (158 kg/ha/year) than for grapes (60 kg/ha/year; Rauschkolb and Mikkelsen 1978), although it is not known whether the high nitrate concentrations are due to the differences in crops or whether other sources of nitrate or management practices may have affected concentrations at these sites. Nitrate concentrations increased at a slower rate in wells screened in the intermediate part of the aquifer. Nitrate concentrations generally increased less than 1 mg/L in the deepest wells and remained at concentrations of less than 3.0 mg/L in the intermediate and deep wells at sites B1, B3, and B4.

Nitrate concentrations were compared to nitrogen fertilizer applications to evaluate whether the observed changes in nitrate concentration in recharge through time could be explained by fertilizer use. Using a method outlined by (Böhlke 2002), nitrate concentration in recharge water from nitrogen fertilizer applications were estimated using groundwater recharge dates and data for county-level fertilizer applications. Based on the mean groundwater age from CFC concentrations, a linear groundwater age gradient was characterized, indicating a constant vertical water velocity with depth (Cook and Böhlke 1999). Although the aquifer in the study area is a heterogeneous mixture of alluvial fan sediments, the aquifer receives distributed recharge and lacks extensive confining clays, which is consistent with a generally linear or logarithmic age gradient with depth. The estimated recharge rate, r, was calculated using the equation,

$$r = nZ/\tau, \tag{3}$$

where n is the effective porosity, Z is the saturated thickness of the aquifer, and τ is the mean age of groundwater in the aquifer (Cook and Böhlke 1999; Böhlke 2002). An effective porosity of 0.3 was calculated, assuming an effective porosity ranging from 0.2 to 0.35 and using the proportion of each of the four hydrogeologic facies identified in the study area (Weissmann and Fogg 1999). A saturated thickness of about 50 m was assumed. A mean age of groundwater of 24 years was calculated by averaging the apparent CFC-based mean ages from 1994–1995 and 2003 concentrations (Table 1). The resulting

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Table 3 Initial 1,2-dibromo-3-chloropropane (DBCP) concentrations in recharge determined from chlorofluorocarbon (CFC) age dates and simulated age distributions in the eastern San Joaquin Valley, California

Well (Figs. 2 and 3)	Estimated recharge date from CFC age dates in 1994–1995 (year)	Estimated recharge date from CFC age dates in 2003 (year)	Initial DBCP concentration from CFC age dates in 1994–1995 using a half-life of 6 years (µg/L)[a]	Initial DBCP concentration from CFC age dates in 2003 using a half-life of 6 years (µg/L)[a]	Simulated mean age[b] (years)	Estimated recharge date from simulated mean age[b] (year)	Simulated fraction of groundwater younger than 50 years[b] (%)	Initial DBCP concentration from simulated mean age using a half-life of 20 years[b] (µg/L)[a]
B1-1	1986	1988	6.6	20	22	1981	100	40
B1-2	1954	1961	33	70	ND	ND	ND	ND
B1-3	1947	ND	ND	ND	ND	ND	ND	ND
B2-1	1992	2002	3.5	0.2	32	1971	70	6.8
B2-2	1991	1998	4.8	0.9	33	1970	70	20
B2-3	1977	1984	51	32	57	1946	60	2,600
B2.5-1	1956	1960	ND	11	81	1922	60	920
B2.5-2	1963	1967	35	32	140	1863	40	5.0E+6
B3-1	1992	1994	ND	ND	18	1985	90	ND
B3-2	1979	1985	1.9	0.7	34	1969	70	4.1
B3-3	1961	1979	1.8	1.9	87	1916	60	2,800
B3-4	1954	1961	52	24	97	1906	40	12,000
B3-5	1940	1945	ND	ND	ND	ND	ND	ND
B4-1	1992	1994	ND	ND	19	1984	100	ND
B4-2	ND	1983	ND	ND	44	1959	70	ND
B4-3	ND	1977	ND	22	100	1903	30	110,000
B4-4	ND	1949	ND	ND	120	1883	<1	ND
B5-1	1989	1992	2.6	0.2	24	1979	70	1.0
B5-2	1970	1988	36	10	52	1951	60	690
B5-3	ND	ND	ND	ND	120	1883	0	ND

[a] Micrograms per liter

[b] Simulations from Weissmann et al. 2002b

ND No data

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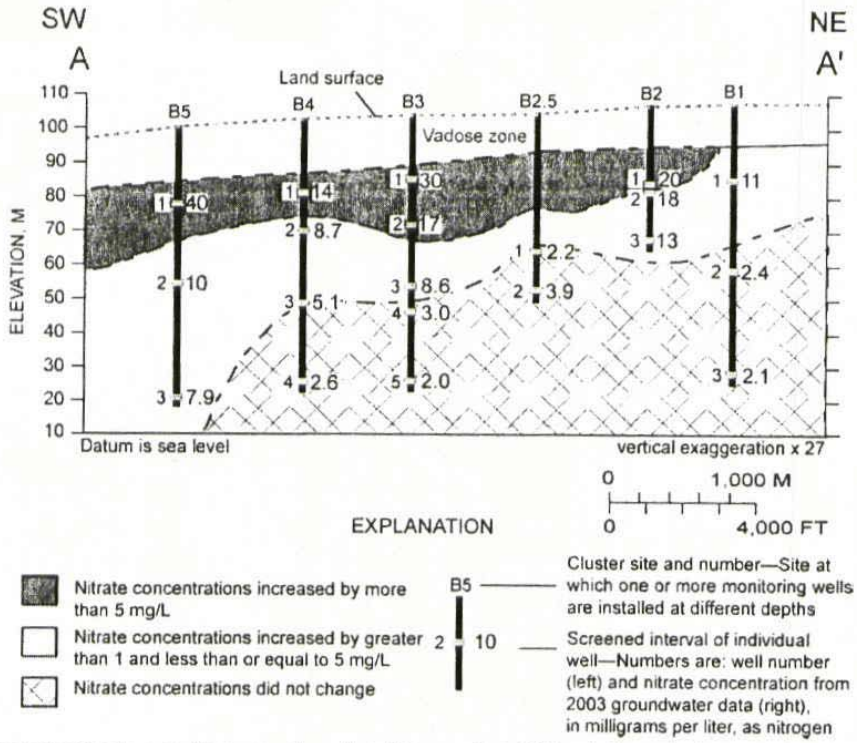

Fig. 5 Nitrate concentrations in groundwater samples collected from wells in 2003 and change in nitrate concentrations between 1994–1995 and 2003

estimated recharge rate was 0.6 m/year. The mean age of groundwater used in the estimate of the recharge rate is based on the CFC mean ages because the elevated nitrate concentrations are likely contained within the piston-flow component of the age distribution, which appears to be adequately represented by the CFC-based ages. The nitrogen application was estimated by dividing the reported application by the area of fertilized land in the county, as determined from annual crop estimates, and assuming that 50% of the nitrogen fertilizer reached the water table.

Estimated initial nitrate concentrations in recharge, represented as observed nitrate concentrations and estimated groundwater recharge dates, generally increased over time (Fig. 6). Estimated nitrogen fertilizer applications also generally increased over time. The axes representing initial nitrate concentration and nitrogen fertilizer application are quantitatively related through the recharge rate such that the application amount on one axis corresponds to the expected concentration in recharge on the other axis (Fig. 6). The estimated nitrogen fertilizer applications were higher than observed nitrate concentrations before about 1980. After this time, the observed nitrate concentrations appear to have increased significantly, whereas the nitrogen fertilizer applications leveled off.

The analysis using nitrogen fertilizer applications may cause the amount of nitrogen expected in the groundwater samples from annual fertilizer applications to be overestimated because the applications do not account for the wide range of ages represented in each groundwater sample: each fertilizer application amount is associated with only 1 year. Therefore, the nitrogen fertilizer applications were corrected using the distribution of groundwater age from simulations of Weissmann et al. (2002b). The estimated fertilizer application was applied to the fraction of water for each year for each well for which an age distribution was simulated. Before about 1970, the resulting age-corrected nitrogen fertilizer applications correspond more closely to the observed nitrate concentrations than the uncorrected applications, but after 1970, the age-corrected applications appear to be much lower than the observed concentrations (Fig. 6). Local variability in management practices may have contributed to the high observed nitrate concentrations in recent years. The highest observed concentrations are at site B5; concentrations of nitrate were 31 mg/L in 1994–1995 and 40 mg/L in 2003. The history of land use at this site includes vineyards and corn in 1986 and vineyards and orchards in 2000; vineyards comprise about 50% of the area around the well. Consistently high nitrate concentrations relative to those at the other sites along the transect may be due to the presence of orchards and/or corn, which typically receive much more nitrogen fertilizer than vineyards. Concentrations of 30 to 40 mg/L were observed in samples from other wells in the eastern San

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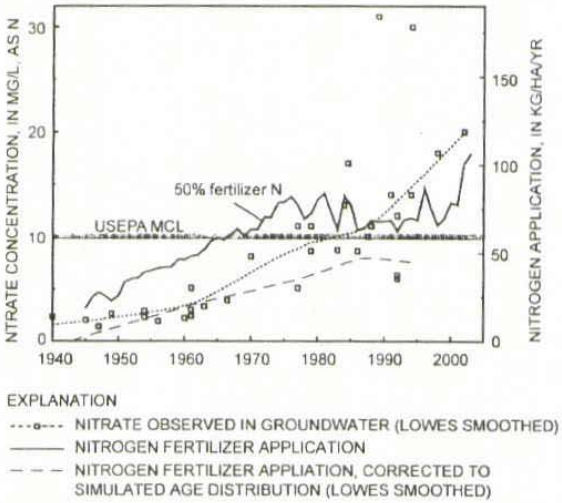

Fig. 6 Estimated initial nitrate concentrations in recharge and nitrogen concentrations estimated from county-level annual nitrogen fertilizer applications. The fertilizer loading curves represent 50% of the nitrogen fertilizer applications divided by the area of fertilized land. dissolved in 0.6 m/year of recharge. Fertilizer loads are also shown corrected for simulated distribution of ages at monitoring wells. *USEPA* US Environmental Protection Agency; *MCL* maximum contaminant level

Joaquin Valley representing groundwater beneath almond orchards and corn, alfalfa, and vegetable crops (Burow et al. 1998a).

The discrepancy between observed nitrate concentrations and nitrogen fertilizer applications may also have been caused by evapoconcentration of nitrate as groundwater containing nitrate was pumped and reapplied as irrigation water (Nightingale and Bianchi 1974). Burow et al. (1999) indicated that recycling of groundwater through groundwater pumping and reapplication of irrigation water was likely a dominant process in the study area. This process is likely to result in increasing concentrations of nitrate even without increasing fertilizer applications. Because of the complexity of the groundwater system in this area, however, it is difficult to separate the effect of the recycling of groundwater from other processes such as the mixing of groundwater and surface water used for irrigation and local variability or changes in management practices over the long term. Surface water supplied for irrigation has low nitrate concentrations and using this water would result in lower nitrate concentrations in recharge than groundwater-derived irrigation water.

Long-term changes in water quality in the regional aquifer

Nitrate concentrations from samples collected from the local network of monitoring wells along the transect were compared to nitrate concentrations in regional areal networks to evaluate whether concentrations observed along the monitoring well transect near Fresno were reflected in regional areal networks in the eastern San Joaquin Valley. Concentrations along the transect were compared to networks of domestic and monitoring wells sampled as part of the NAWQA program (Burow et al. 1998a,b) that represent shallow groundwater conditions throughout the aquifer underlying the eastern San Joaquin Valley, an approximately 16,000 km^2 area. Concentrations along the transect were also compared to concentrations in nearby public-supply wells sampled for regulatory compliance monitoring (Wright et al. 2004). The public-supply wells are typically deep and have long screened intervals.

Nitrate concentrations from wells in the regional areal networks sampled in 2001–2002 were grouped by well type and well depth below the water table to characterize nitrate concentrations in the different parts of the used resource and to extrapolate concentrations areally to other parts of the regional aquifer. In the regional aquifer, domestic wells are generally screened in the shallow part of the aquifer, whereas public-supply wells tend to be screened in the deeper part of the aquifer. Monitoring wells included in the analysis from the regional areal networks are screened near the water table. Similar to conditions observed along the transect, groundwater in the areal networks is typically oxic (Burow et al. 1998a,b). Nitrate is expected to be persistent in the aquifer and assumed to be transported conservatively through groundwater.

Nitrate concentrations are the highest and most variable in the shallow monitoring wells in the areal networks; variability and concentration decrease with depth (Fig. 7). Highly variable concentrations of nitrate at the water table are expected, even with relatively constant fertilizer applications, because of the heterogeneous distribution of sediments and the high variability of nitrate in the moderately thick vadose zone (Harter et al. 1998). The observed decrease in concentration with depth could be due to dispersion and mixing as nitrate moves farther from the source of nitrate in recharge; however, the decrease in

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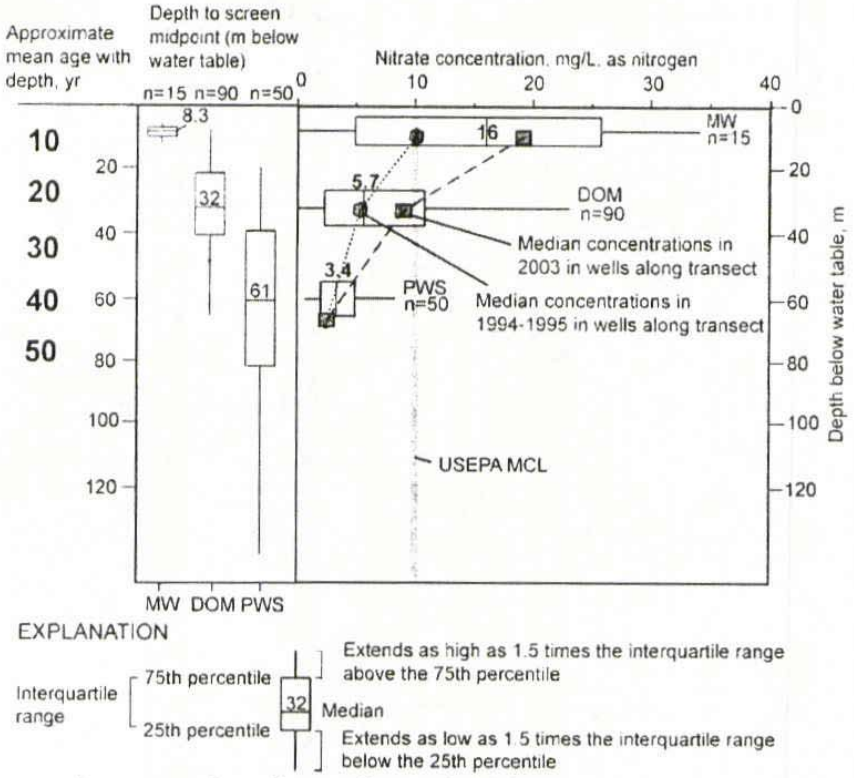

Fig. 7 Relation among nitrate concentration, well type, well screen depth below water table, and groundwater age in the eastern San Joaquin Valley, California. Concentrations in samples from wells along monitoring well transect are grouped by well type. *Boxplots* are concentrations of nitrate sampled in the 2000s from monitoring and domestic well networks (Burow et al. 1998a). Boxplot of concentrations in public-supply wells from Wright et al. (2004). *MW*, monitoring well; *DOM*, domestic well; *PWS*, public-supply well; *n* number of samples; *USEPA*, US Environmental Protection Agency; *MCL*, maximum contaminant level

concentrations with depth is also consistent with an increase in nitrogen fertilizer applications over time (Fig. 6). In the shallow and intermediate depths in the aquifer, concentrations increased between 1994–1995 and 2003 to concentrations similar to those observed at the water table in 1994–1995, indicating that the elevated concentrations at the water table did not attenuate significantly as groundwater moved deeper in the system.

CFC-based mean groundwater age in the monitoring wells along the transect were used to estimate the mean age of groundwater at the depths of the domestic wells; the groundwater in the domestic wells was estimated to be about 20–30 years old. However, mean groundwater age of about 6 years was determined from 18 domestic wells sampled for CFC concentrations in eastern Fresno and Tulare Counties (Spurlock et al. 2000). Despite the apparent differences in groundwater ages, nitrate concentrations observed in the local network of monitoring wells along the transect are within the range of observed concentrations in the areal networks at the same depths. The estimated age of groundwater in domestic wells could be younger than monitoring wells screened at the same depths because of pumping.

Using a similar analysis as described above, CFC-based mean groundwater age at the depths of the public-supply wells are about 30–50 years old. To the extent that the areal networks reflect processes observed in the local network of monitoring wells along the transect and based on chemical data indicating that the aquifer is generally oxic, high nitrate concentrations at the water table in the regional aquifer will likely move deeper in the system without significant attenuation of concentrations over time. However, the proportion of water older than the age-dating tracers increases with depth. The simulated age distributions in the deepest monitoring wells along the transect indicate that groundwater at the depth of the public-supply wells contains from 0 to 40% young water and mean ages are 100 years or more (Weissmann et al. 2002b). Although some young water containing elevated concentrations of nitrate concentrations may reach the deeper wells relatively rapidly along preferential flow paths, the distribution of ages of the old fraction of water reaching the well will control the length of time for concentrations of nitrate to reach levels of concern (MCLs) in the public-supply wells.

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Although DBCP was applied less consistently throughout the eastern San Joaquin Valley, causing detection frequencies to vary more, a similar analysis was done using wells from areal networks representing the almond and vineyard land-use settings (Burow et al. 1998a). DBCP was used most commonly on permanent crops such as orchards and vineyards. In contrast to nitrate concentrations, water along the monitoring well transect having the highest median DBCP concentrations of 0.17 µg/L was in the intermediate depth zone, at a depth comparable to that of the areal domestic well networks (Fig. 8). DBCP was detected in 49% of the domestic wells in the areal network; 33% exceeded the USEPA MCL of 0.2 µg/L. DBCP was detected in less than 50% of the areal domestic network wells, and, therefore, detection frequencies instead of concentrations were used for comparison to concentrations along the monitoring well transect. The median DBCP concentration in the shallow wells along the monitoring well transect, 0.12 µg/L, was lower than the concentration in the intermediate depth zone. Similarly, detection frequencies for the areal networks were lower for the shallow depth wells than the intermediate depth wells. DBCP was detected in 30% of the areal monitoring well networks at shallow depths; 10% exceeded the USEPA MCL. Because overall detection frequencies and concentrations at the water table appear to be about one-half of those at the depth of the domestic wells, and concentrations of DBCP in the shallow monitoring wells along the transect decreased between 1994–1995 and 2003, DBCP concentrations in domestic wells likely will not increase in the future. DBCP was not detected in public-supply wells in Fresno above the detection limit of 0.5 µg/L (Wright et al. 2004); however, small increases in concentration along the monitoring well transect suggest that DBCP detections and concentrations may increase at the depths of the public-supply wells in the future.

Because of the dominantly vertical-downward flow paths in the aquifer system and the lack of significant attenuation mechanisms, high concentrations of DBCP and nitrate are expected to move downward over time, which would result in increasing concentrations in the deeper domestic and public-supply wells in the future. The length of time to reach concentrations of concern will depend on the age mixtures in water in the wells. Further

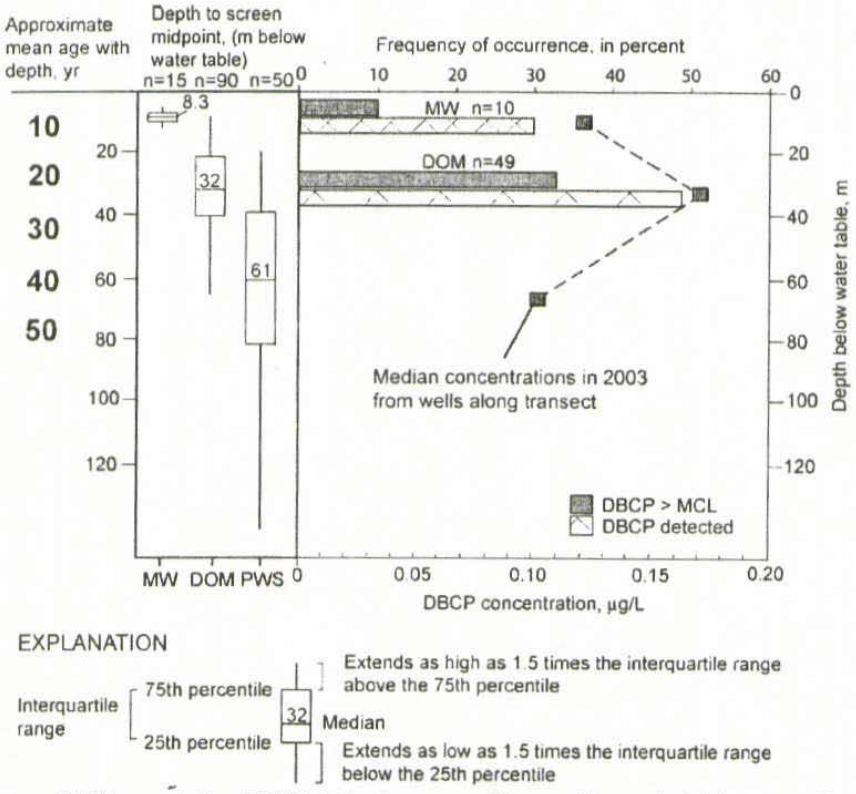

Fig. 8 Relation among DBCP concentration, DBCP detection frequency, well type, well screen depth below water table, and groundwater age in the eastern San Joaquin Valley, California. Concentrations in samples from wells along monitoring well transect are grouped by depth category. *Bar charts* correspond to frequency of detection of DBCP in wells sampled in the 2000s from monitoring and domestic well networks (Burow et al. 1998a) in the eastern San Joaquin Valley. *MW*, monitoring well; *DOM*, domestic well; *PWS*, public-supply well; *n* number of samples; > greater than

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characterization of ages of the older fraction of water in the regional aquifer is needed to better predict future impacts on the aquifer resource.

Conclusions

Mean groundwater ages determined from CFC concentrations along a monitoring well transect in the eastern San Joaquin Valley, California indicate that groundwater less than about 10 m below the water table is generally less than 15 years old, whereas mean ages of water at depths of more than 60 m below the water table are generally more than 45 years old. DBCP concentrations in groundwater persist at concentrations above the USEPA MCL more than 25 years after its use was banned, although high concentrations of DBCP in the shallow and intermediate depths of the aquifer have been replaced by recharge consisting of water with low DBCP concentrations. DBCP concentrations increased in samples from deep wells along the transect as DBCP moved deeper in the aquifer.

Using the changes in concentration of DBCP and the difference in mean groundwater age between samples collected in 1994–1995 and 2003, an estimated half-life of 2–6 years with a median of 4 years was determined. This half-life is in the range of earlier analysis and contaminant transport modeling results indicating a half-life of about 6 years (Burow et al. 1999). Initial concentrations of DBCP calculated assuming first-order decay and using groundwater recharge dates estimated from CFC concentrations and a half-life of 6 years were consistent with historical data on observed maximum concentrations in the aquifer. Calculations of initial concentrations of DBCP using simulated mean groundwater ages at the study site (Weissmann et al. 2002b) were inconsistent with observed concentrations because the simulated mean age accounts for ages of groundwater that are older than the age-dating tracers. Although the full age distributions are needed to interpret overall travel times in the aquifer and predict future impacts, the mean age of the young fraction of water determined using CFC concentrations better reflects the age of the water containing DBCP than the simulated mean age in this analysis of temporal changes in DBCP concentrations.

Nitrate concentrations ranged from about 2 mg/L in the deepest monitoring wells to 30 to 40 mg/L in the shallow wells, with concentrations above the USEPA MCL reaching depths of more than 20 m below the water table. Nitrate concentrations increased from 8 to 23 mg/L in the shallow part of the aquifer between 1994–1995 and 2003. Estimated initial concentrations of nitrate in recharge indicate an overall increase in nitrate concentrations during the last 50 years, which is generally consistent with increases in nitrogen fertilizer applications. Transport simulation results were used to correct estimates of nitrogen fertilizer loads to account for the full groundwater age distribution reaching the well screens (Weissmann et al. 2002b). Elevated nitrate concentrations resulting from pumping groundwater with high nitrate concentrations and reapplying it as irrigation water may explain elevated concentrations in later years.

DBCP and nitrate concentrations along the monitoring well transect were compared to concentrations in areal monitoring networks. Overall, concentrations along the monitoring well transect were similar to concentrations in the areal networks, suggesting that the dominant processes affecting nitrate concentrations may be similar at both local and regional scales. Nitrate concentrations were the highest and most variable in the shallow monitoring wells in the regional areal monitoring networks; the variability in nitrate concentrations and median values decreased with depth. Because of intensive pumping and irrigation recharge, the dominant groundwater flow paths in the aquifer system are vertically downward. High concentrations in the shallow part of the aquifer could be expected to move downward over time, which would result in increasing concentrations in the deeper domestic and public-supply wells in the future as water with high nitrate concentrations moves deeper in the groundwater system. Therefore, to the extent that the areal networks reflect processes observed in the monitoring wells along the transect and based on chemical data supporting that the regional aquifer is generally oxic, it is likely that high nitrate concentrations at the water table in the regional aquifer will move deeper in the system without significant attenuation of concentrations over time, affecting both domestic and public-supply wells in the regional aquifer. In contrast to nitrate concentrations, the highest DBCP concentrations were in intermediate depths in the aquifer. DBCP concentrations in shallow and intermediate depths in the regional aquifer represented by domestic wells will likely not increase in the future; however, increasing detection of low concentrations of DBCP may occur in public-supply wells open to the deepest parts of the aquifer as DBCP moves deeper in the system.

The analysis of spatial and temporal data on agricultural constituents such as DBCP and nitrate and indicators of mean groundwater age, are a useful approach to understanding the movement and fate of agricultural chemicals in the aquifer and in predicting future impacts on the resource. The data indicate that anthropogenically impacted water containing DBCP and nitrate has reached the deepest wells along the transect, at depths that corresponding to the depths of typical public-supply wells open to the regional aquifer. Mean ages determined from CFC concentrations correlate with the age of the anthropogenically impacted water; however, the CFC-based ages did not characterize the distribution of pre-tracer-aged groundwater. The simulated groundwater age distributions in the monitoring wells (Weissmann et al. 2002b) indicate that these wells contain a large fraction of old water, resulting in mean ages of 100 years or more. Assuming that DBCP and nitrate will continue to move deeper in the system, the length of time for concentrations of DBCP and nitrate to reach levels of concern in the public-supply wells in the regional aquifer will depend on the distribution of ages in water from those wells. Further characterization of the distribution of ages in the regional aquifer is

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needed to better predict future impacts of anthropogenic chemicals on the regional aquifer.

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Assessing the Vulnerability of Public-Supply Wells to Contamination from Urban, Agricultural, and Natural Sources

By Sandra M. Eberts, Martha L. Erwin, and Pixie A. Hamilton

What are the most important factors controlling contamination of public-supply wells, and how can we do a better job of predicting their vulnerability to contamination?

In 2001, the U.S. Geological Survey's National Water-Quality Assessment (NAWQA) Program began an intensive study to assess the vulnerability of public-supply wells to contamination from a variety of compounds.

The study builds on previous NAWQA studies from 1991 to 2001 that found low levels of mixtures of contaminants in ground water near the water table in urban areas across the Nation (in about 90 percent of monitoring wells) and, less frequently, in deeper ground water typically developed for public supply (Hamilton and others, 2004). Data from more than 1,000 public-supply wells within major water-supply aquifers are being evaluated in this study, and data from more aquifers and wells are scheduled to be added in 2009 (see map, p. 4).

This NAWQA study is focusing on the transport and chemical breakdown of selected anthropogenic contaminants from urban and agricultural sources, as well as contaminants from natural sources, within that part of the ground-water system contributing water to public-supply wells. Scientists are investigating how the linkage between contaminant sources and public-supply wells is affected by processes that occur below land surface—whereby contaminants are mobilized, dispersed, diluted, volatilized, adsorbed, and (or) degraded. Scientists are also investigating how the operation of public-supply wells can affect their vulnerability to contamination.

Because subsurface processes and management practices differ among aquifers and public-water systems, public-supply wells in different parts of the Nation are not equally vulnerable to contamination, even where similar contaminant sources exist. The study is identifying these important differences, as well as similarities, in a complementary set of aquifer systems, urban settings, and public-water systems.

A national priority, a scientific challenge

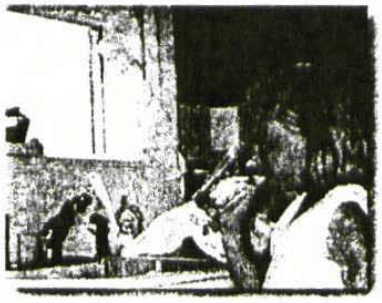
About one-third of the U.S. population gets drinking water from public-supply wells. The occurrence of contaminants in these wells is highly variable (U.S. Environmental Protection Agency, 1999). To safeguard public health, we need a better understanding of how these wells can become contaminated.

Understanding public-supply well contamination is also an economic issue because cleaning up contaminated ground water is expensive and difficult. Drinking water from public-supply wells must meet U.S. Environmental Protection Agency (USEPA) and (or) State water-quality standards. Vulnerability assessments based on sound science will help decision-makers *predict* which wells are vulnerable to contamination and design strategies to *prevent* future contamination, thereby sustaining the water supply.

Vulnerability assessments, however, are inherently uncertain. Scientists do not fully understand contaminant behavior in the subsurface, and there are limitations in the databases and models used to perform the assessments (National Research Council, 1993). An additional challenge is the need to strike a balance between complex, costly assessments and those that are oversimplified (Focazio and others, 2002). As a result, groundwater vulnerability has been assessed using many different methods (Nolan, 1998); most of the previous assess-

Contaminants assessed in this study

- Anthropogenic contaminants, including nitrate, pesticides and their breakdown products (such as atrazine and deethylatrazine), compounds found in wastewater; and volatile organic compounds (such as MTBE and disinfection by-products)
- Naturally occurring contaminants, including arsenic, uranium, radon, and radium
- Fecal contamination, using indicators such as *E. coli* and total coliform (bacteria) and coliphage (a group of viruses)



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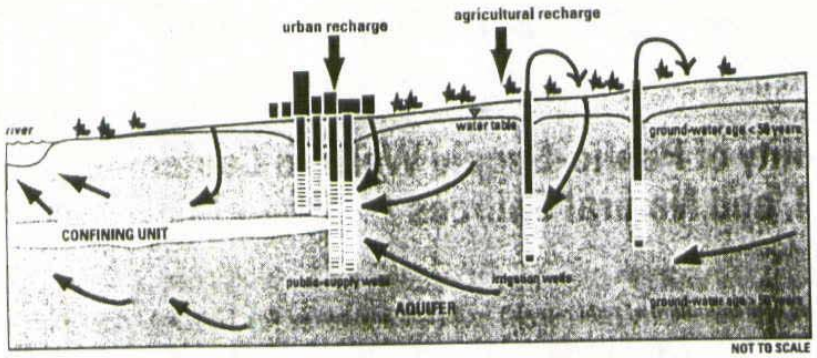
April 2005



An aquifer system and public-water system in an urban setting. The water entering the well screens of the public-supply wells is of different ages and from different areas because of their long screened intervals, which commonly make public-supply wells vulnerable to contamination from multiple sources. In this example, sources of contaminants may include those associated with urban and agricultural land-use activities. Aquifer materials may also serve as sources of natural contaminants such as arsenic.

Ground-water vulnerability—the likelihood that contaminants will reach a specified reference location in a ground-water system (the water table, deep within the aquifer, a public-supply well, the interface between ground and surface water) (National Research Council, 1993).

Area contributing recharge—the surface area at the water table or a surface-water body from which water entering the ground-water system eventually flows to the well. Estimates of areas contributing recharge to public-supply wells are made in order to target ground-water protection practices (Franke and others, 1998).

Ground-water age—the time elapsed (ranging from days to millennia) since water reached the water table during recharge. Young ground water tends to be more susceptible to contamination from current sources at the land surface than older ground water (Focazio and others, 2002). Water discharging from a well is usually a mixture of waters of different ages.

Ground-water sustainability—the development and use of ground-water resources in a manner that can be maintained indefinitely without unacceptable consequences (Alley and Leake, 2004). Water quality and water quantity are equally critical for the long-term sustainability of the Nation's water supply (U.S. Geological Survey, 2002).

ments have focused on the transport of contaminants to the water table rather than to public-supply wells.

In the current study, we address the challenges of vulnerability assessments by collecting and analyzing similar data within a variety of settings, including unique data collected using new tools. We are developing a library of site-specific models to help sort out the most important factors to include in vulnerability assessments in different settings at both regional and local scales.

Study results will provide a foundation for assessing the vulnerability of the Nation's public-supply wells to a variety of contaminants, and will help those involved in well siting and water-quality protection anticipate the response of different systems to changes in management practices. The results also will be useful to those involved in planning and implementing State source-water assessment and protection programs, as guided by the USEPA (U.S. Environmental Protection Agency, 1997).

General objectives of the study

- Identify the dominant contaminants and sources of those contaminants in public-supply wells in representative water-supply aquifers across the Nation
- Assess the effects of natural processes (such as degradation) and human activities (such as irrigation) on the occurrence of contaminants in public-supply wells in representative aquifers
- Identify the factors that are most important to incorporate into public-supply well vulnerability assessments in different settings and at different spatial scales
- Develop simple methods and models for screening public-supply wells for vulnerability to contamination in unstudied areas and from newly emerging contaminants
- Increase understanding of the potential effects of water-resource development and management decisions on the quality of water from public-supply wells

Unique characteristics of the study

Sampling at different depths

The screened or open intervals of public-supply wells are commonly from tens to hundreds of feet in length; therefore, water from these wells is generally a mixture of waters of different ages that enter the well at different depths and are associated with different potential sources of contamination. The graphic on this page illustrates a situation where recharge to public-supply wells reflects urban and agricultural land-use activities. Specifically, water recharges the aquifer in the urban area containing urban-related contaminants, such as volatile organic compounds, and enters the well screens above water that has traveled from the more distant agricultural area where recharge water may contain contaminants such as agricultural pesticides.

Using a USGS-developed sampler (Izbicki, 2004), we are collecting samples at multiple depths in pumping public-supply wells to ascertain where and how contaminants from different

sources enter the wells. For example, samples collected from public-supply wellheads and analyzed for concentrations of multiple contaminants are being "dated" to determine ground-water age and compared to samples and ages of water entering the wells at various depths (see graph below). This analysis is helping to evaluate the usefulness of ground-water age samples from wellheads for predicting the risk of contamination.

Evaluating multiple settings and scales

Consistent methods are being used to collect and analyze data, and investigations are being conducted at both regional (tens to thousands of square miles) and local scales (less than 10 square miles). We can therefore compare and contrast results and identify the most important processes to include in vulnerability assessments applied at different scales and in a variety of water-supply aquifers. For example, nitrate is detected in ground water in most participating study areas. The distribution and concentration of nitrate between the water table and public-supply wells are controlled predominantly by dilution in some areas and by dispersion or degradation in others. Using models developed for each study area, we are exploring how these differences in subsurface processes affect the response of different aquifer systems to common management practices.

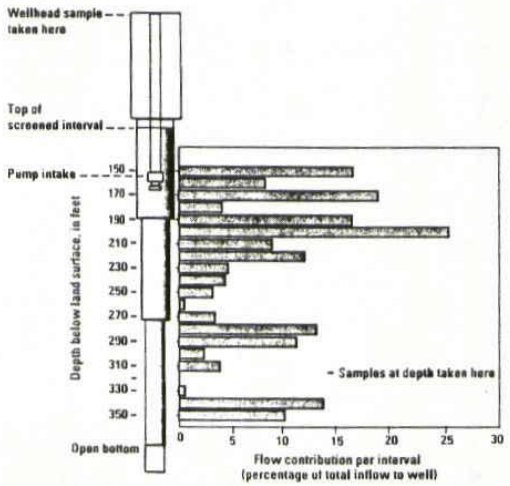
Exploring the consequences of uncertainty

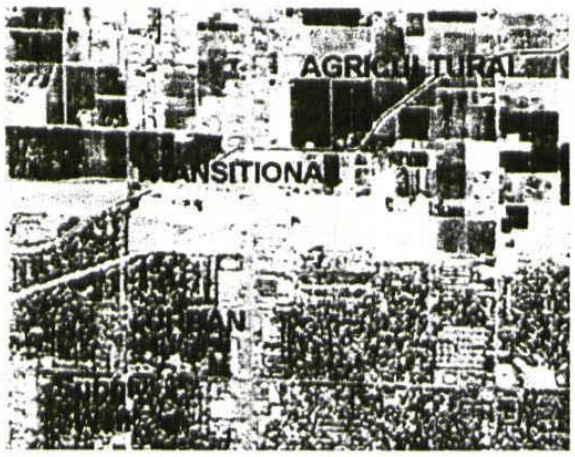
To make informed decisions about activities at a particular location, decision-makers need to know whether the location is contributing recharge to public-supply wells. They also need information about traveltimes between potential contaminant sources and public-supply wells. Because this information cannot be measured directly, decision-makers must rely on estimates that are inherently uncertain (due to limitations in the methods). We are exploring the consequences of this uncertainty, and helping decision-makers understand these consequences, by comparing estimates from traditional and probabilistic modeling approaches with actual water-quality data from public-supply wells.

How this information can be used

Study results, models, and other decision-support tools will apply to broad classes of contaminants, including newly identified, emerging contaminants, and will help water managers and scientists:

- Better understand how and why contamination of public-supply wells occurs
- Improve assessments of the vulnerability of ground water and public-supply wells to contamination, even in unmonitored areas
- Choose new sites for water supply and develop and prioritize monitoring programs
- Evaluate various resource-development and management scenarios.





Inflow at different depths within a public-supply well. The aerial photo shows an approximately 63-square-mile area near the well. Water entering the well screen is associated with different potential sources of contaminants because of the different land-use activities in the areas contributing recharge to various intervals along the well screen, as well as the different aquifer materials through which water flows between the recharge areas and the well. The amount of contamination that might be contributed by any given interval is related to the volume of water that flows into the well along the interval and the concentration of any associated contaminants. Depth-dependent samples are a composite of all intervals beneath the sampling point; these samples are being analyzed for chemical quality and ground-water age and then compared to samples collected from the wellhead.

Locations of regional-scale studies of public-supply well vulnerability to contamination from urban, agricultural, and natural sources. Studies began in 2001 in eight States, in Texas and New Mexico in 2005, and are scheduled for Illinois and New Jersey or New York in 2009.

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The NAWQA Program

The study of public-supply well vulnerability is one of five national priority topics being addressed by the NAWQA Program in its second decade, which began in 2001. Other topics include effects of urbanization on stream ecosystems; ecological effects of nutrient enrichment; mercury in stream ecosystems; and sources, transport, and fate of agricultural chemicals. In addition, anthropogenic organic contaminants in source waters for many of the Nation's largest community water systems are being assessed; concentrations in source waters are being compared to concentrations in finished waters. During the Program's first decade, NAWQA scientists assessed surface- and ground-water chemistry, stream hydrology, habitat, and biological communities in 51 major river basins ("Study Units"; see map at *http://water.usgs.gov/nawqa*). Baseline assessments of pesticides, nutrients, VOCs, trace elements, dissolved solids, and radon, and of the condition of aquatic habitats and fish, insect, and algal communities are described in hundreds of reports, available at the Web site above. Reassessments planned in 42 of the Study Units in the Program's second decade will determine trends at many of the streams and ground-water sites; fill critical gaps in the characterization of water quality; and build upon findings that show how natural features and human activities affect water quality and aquatic ecosystems.

Summary of Constituents Above Drinking Water Standards
GAMA Voluntary Domestic Well Assessment Project - Tulare County

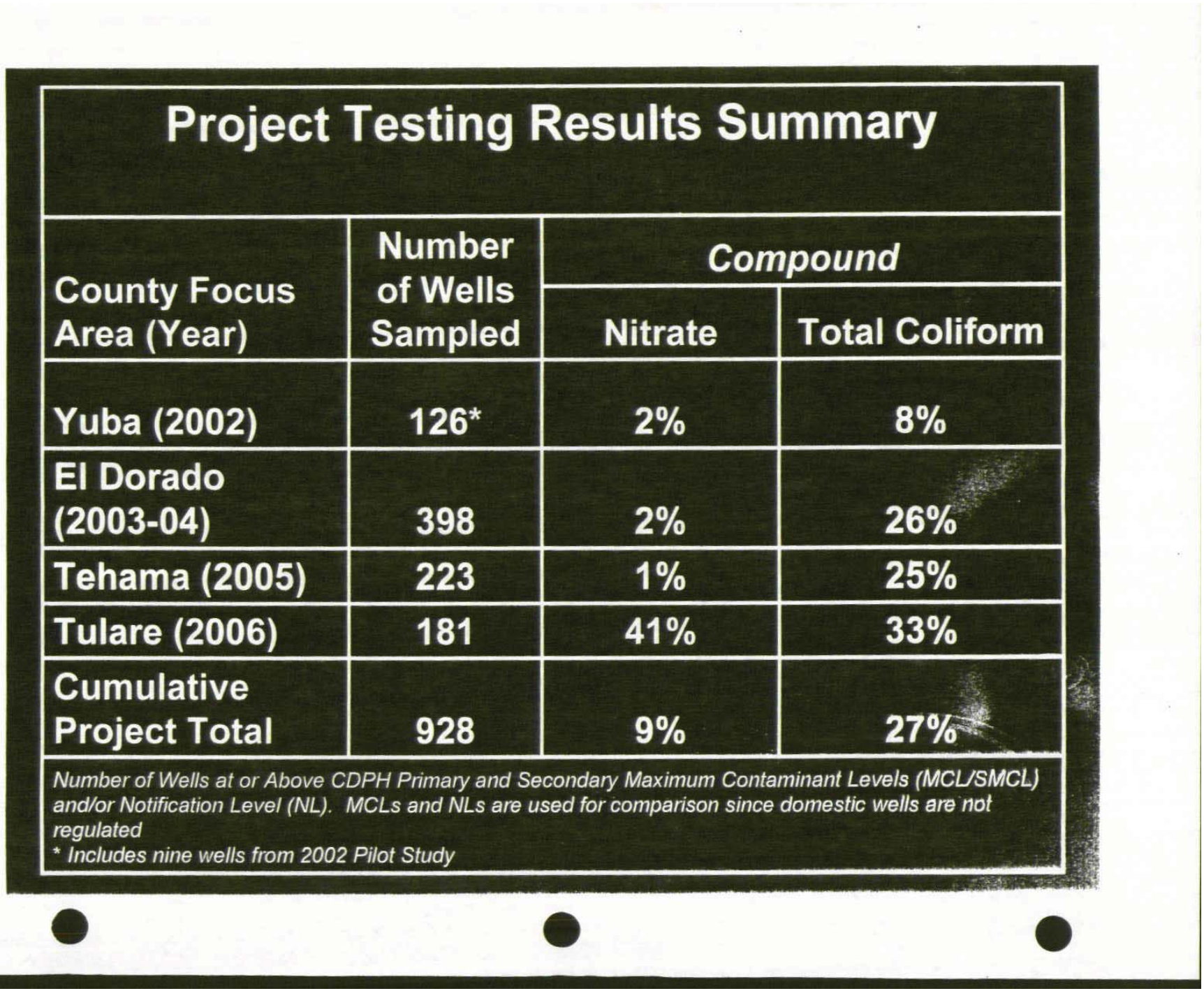
Number of Wells Above MCL*	Constituent	Number of Wells Sampled	Range of values	Primary MCL	Secondary MCL	DHS Notification Level
			BACTERIA INDICATORS			
60**	Total Coliform	181	Present	Present		
			INORGANICS			
2	Aluminum	181	275 - 450 µg/L	1000 µg/L	200 µg/L	
3	Arsenic		10.4 - 14 µg/L	10 µg/L		
1	Beryllium		113 µg/L	4 µg/L		
1 ***	Boron		48.4 mg/L			1 mg/L
2	Chromium		76.7 - 91.9 µg/L	50 µg/L		
2	Iron		608 - 650 µg/L		300 µg/L	
2	Manganese		96.5 - 172 µg/L		50 µg/L	500 µg/L
5	Nickel		100 - 213 µg/L	100 µg/L		
75	Nitrate (as Nitrogen)		10 - 54 mg/L	10 mg/L		
5	Nitrite (as Nitrogen)		1.7 - 13.4 mg/L	1 mg/L		
4	Specific Conductance		1820 -2060 µmhos/cm		1600 µmhos/cm	
6	Thallium		2.1 - 7.32 µg/L	2 µg/L		
4	Total Dissolved Solids		1002 - 1014 mg/L		1000 mg/L	
14 ***	Vanadium		50 - 92.9 µg/L			50 µg/L
1	Zinc		17,300 µg/L		5000 µg/L	
			ORGANICS			
8	Dibromochloropropane (DBCP)	181	0.283 - 1.3 µg/L	0.2 µg/L		
1	1,2 Dichloroethane (DCA)		0.78 µg/L	0.5 µg/L		
1 ***	1,2,3 Trichloropropane		0.8 µg/L			0.005 µg/L
			PERCHLORATE			
2 ***	Perchlorate	40	7.9 - 13 µg/L			6 µg/L
			RADIONUCLIDES			
1	Uranium	13	228 pCi/L	20 pCi/L		
1	Radium 226+228		5.1 pCi/L	5 pCi/L		
3	Gross Alpha		15.1 - 602 pCi/L	15 pCi/L		

* MCL – Maximum Contaminant Level for public drinking water supplies established by Calif. Dept of Health Services
** Fifteen of those wells testing positive for total coliform also tested positive for fecal coliform
*** MCLs have not been established for these constituents

mg/L – milligrams per liter µg/L – micrograms per liter µmhos/cm – micromhos per centimeter

12/12/06

ENCLOSURE (57)



Project Testing Results Summary

County Focus Area (Year)	Number of Wells Sampled	*Compound*	
		Nitrate	Total Coliform
Yuba (2002)	126*	2%	8%
El Dorado (2003-04)	398	2%	26%
Tehama (2005)	223	1%	25%
Tulare (2006)	181	41%	33%
Cumulative Project Total	928	9%	27%

Number of Wells at or Above CDPH Primary and Secondary Maximum Contaminant Levels (MCL/SMCL) and/or Notification Level (NL). MCLs and NLs are used for comparison since domestic wells are not regulated

** Includes nine wells from 2002 Pilot Study*

Tulare County Feasibility Study for Regional Solutions for Disadvantaged Community Water Needs 1

Applicant: Tulare County

Problem Description:

Tulare County has many public water systems with unsafe drinking water. Approximately 20% of the small public drinking water systems are unable to meet a Maximum Contaminant Level (MCL) on a regular basis, and another 20% are over half the MCL in at least one contaminant. The small communities served by these water systems are almost entirely disadvantaged communities. These systems continue to rely on increasingly contaminated, over-drafted, groundwater aquifers. With decreasing surface water deliveries to the area, groundwater water quality and quantity will continue to decline.

Nitrates, arsenic, DBCP and uranium are some of the leading contaminants. Unfortunately, treatment cost and by-product disposal are costly solutions for small, poor communities. Options for these small disadvantaged communities in Tulare County include locating and utilizing safe groundwater sources if they are still available, blending groundwater with other sources, connecting to larger systems, and/or participating in regional solutions.

Communities with drinking water systems and irrigation water users recognize the need to develop regional solutions to increase the reliability and quality of our water supplies. There is a need for the development of regional strategies that are long-term sustainable solutions for exchanging water and meeting the drinking water needs and water supply reliability Tulare County communities.

Project Description:

A technical regional evaluation is needed to identify ways by which small communities can achieve clean and reliable water supplies, and implement those plans. This feasibility study would examine how to improve the regional planning, plumbing and water management that would provide increased water reliability and drinking water quality. Such a study would include mapping the existing needs and assets, and subsequently making the recommendations of the feasible ways to improve the planning, plumbing and water management decisions that will maximize these assets and meet more of the water needs of the region. The feasibility study would evaluate the use of some of the following infrastructure alternatives:

- ✓ Community-to-water district and community-to-community **inter-ties**
- ✓ Connections to cross valley and inter-valley **pipelines** and/or **canals**
- ✓ Regional **drinking water treatment facilities**
- ✓ Regional **wastewater treatment facilities**
- ✓ **Conjunctive**-use sites and groundwater recharge improvement
- ✓ Improved and new wastewater collection and drinking water **distribution infrastructure**

The feasibility study would also evaluate regional and joint cost-sharing and management structures for projects to ensure that small, disadvantaged communities are able to keep operational costs at affordable levels.

Projected Project Costs: $500,000

BOS Agenda 7/17/07
enclosure (A)

Applicant: Tulare County

Problem Description:

Tulare County has many public water systems with nitrate levels over the Maximum Contaminant Level (MCL) of 45 ppm. Approximately 20% of Tulare County's small public drinking water systems are unable to meet the nitrate MCL on a regular basis, and another 20% are over half the nitrate MCL. The number of systems affected and the levels continue to increase. Additionally, the State Water Resources Control Board's (SWRCBs) Groundwater Ambient Monitoring Assessment Program (GAMA) recently found that 40% of the private domestic wells tested in the County had nitrate levels over the MCL.

Most of the areas of high nitrate are located in particular regions of the County, especially along the east side of the valley floor. In order to begin to look at source water protection and decrease inputs of nitrate into drinking water aquifers, we must identify the types of sources. Potential sources include fertilizers, animal waste, food processing facilities, septic systems, and public wastewater treatment systems. Without a study to identify sources, the County and individual water systems have no guidance as to how to reduce current and prevent future nitrate contamination.

Project Description:

The County would work with consultants to design and implement a sampling program to identify the sources of nitrate and age of the water in which the nitrate is found, for a number of representative regions of the County where groundwater utilized for drinking water has nitrate levels over the MCL. The results would be utilized to map areas of nitrate contamination and make recommendations on actions that can be taken to prevent/reduce future nitrate contamination of aquifers.

Total Amount Requested: $500,000

Tulare County Feasibility Study to Evaluate Ground Water Quality Information

Applicant: Tulare County

Problem Description:

Tulare County is dependant on ground water for almost all of its drinking water. The County has extensive groundwater quality issues primarily related to the contaminants nitrate, arsenic, DBCP and uranium. It is estimated that contamination issues will be exacerbated by land use practices and from overdraft, drought, and the loss of Friant-Kern water due to the San Joaquin River settlement. Approximately 20% of our small public water systems are over the Maximum Contaminant Level for nitrates and another 20% are over half the MCL. The trend has been for a continual increase in the number of systems affected and the levels seen. There are nearly 20,000 private wells within the county and there is very little information on the water quality of these wells. The SWRCB's GAMA Program recently found that 40 percent of the 180 private domestic wells tested in the County had nitrate levels over the MCL.

The small communities served by public water systems are almost entirely disadvantaged communities and continue to rely on increasingly contaminated, over-drafted, groundwater aquifers. With decreasing surface water deliveries to the area, groundwater water quality and quantity will continue to decline.

Though nitrates, arsenic, DBCP and uranium are the leading contaminants, there is no thorough knowledge of the magnitude of the problem in Tulare County.

Since agriculture is the driving force of the economy the effect of diminished water for irrigation due to the Friant–Kern - San Joaquin River decision will have an impact on ground water levels and quality due to increased pumping to make up for the deficit.

Project Description:

An evaluative study over an 18 month period of the county's water quality is needed to formulate policies and make recommendations of projects that can prevent additional contamination of aquifers used as a source of drinking water. To this end it is necessary to know what the situation is so that solutions can be determined. The study would include:

Compiling of current and historic data on ground water contamination
Testing and research to fill in the data gaps
GIS mapping of information
Evaluating data in relationship to depth of wells, precipitation, importation of surface water, groundwater pumping and other factors

Maps and other information generated would be produced in a format that would be usable to County planners and water agencies for policy decisions and project recommendations.

Projected Project Cost: $500,000

Letter I11

C#	Date	T	Source	Location	Overview of Changes Requested/Made	Staff Recommendation	Status
	31			Measure 22)		Policy WR-3.9, Establish Critical Water Supply Areas should be the reference policy, not Policy WR-3.10, Diversion of Surface Water.	
					WR (General Comments)		
1	FEB 22	L	Susan Shaw, Tulare County HHSA	WR (General Comments)	Ag and dairies have an impact on the quality of our water but are essential for our economy. We are not reaching a crisis of quantity and quality with regard to our water. It is important that we take a regional approach with such a comprehensive issues as water which touches son many agencies, entities and interests. Solutions need to look at the macro view instead of band aiding as has been done in the past.	Agree. See Implementation 3.	No change needed
2	FEB 22	L	Susan Shaw, Tulare County HHSA	WR (General Comments)	The valley is experiencing ever increasing levels of salts and in particular, nitrates. Much of the county is in overdraft which will increase as we will no longer will be receiving the amount of water from we once had from the Friant-Kern Canal. This will put an increased demand on ground water and increased pumping will also serve to pull the contamination vertically into the deeper aquifers. The water table is lowering in certain areas and the stress will be particularly felt in draught years. Finding good water is increasingly becoming a challenge and in certain areas a doubtful risk. Our situation demands cooperation in finding and implementing solutions. The Salinas Valley in Monterey established a working relationship with the agricultural community to address their nitrate situation. Education and best management practices are an important part of this effort and getting buy-in from the source of pollution. They found that farmers at first reluctant to have interference in how they conduct their livelihood later became the very ones demanding stronger regulations on their peers.	Comment noted.	No change needed

typo. Should be "now" not "not" according to source at phone (559) 733-6441, extension 2810, Tulare County Environmental Health

enclosure (20)

3-814

Letter I11

C#	Date	T	Source	Location	Overview of Changes Requested/Made	Staff Recommendation	Status
3	FEB 22	L	Susan Shaw, Tulare County HHSA	WR (General Comments)	More than 95% of county residents use groundwater for their drinking supply. There are 420 public water systems within the county and over 20,000 private wells. Tulare county ranks about 5th in the state for the number of people on private wells. **Breakdown of public water systems:** County Environmental Health oversees: 290 systems (15-199 connections) 74 state smalls (5-14 connections) State oversees: 56 systems (200+ connections and National Park systems)	Comment noted.	No change needed
4	FEB 22	L	Susan Shaw, Tulare County HHSA	WR (General Comments)	Nitrate is the most prevalent contaminant effect over a third of the 290 systems that the county oversees. There are 56 of these 290 systems over the maximum contaminant level (MCL) and 60 over half the MCL. Four of the 56 larger systems which the state oversees are over the MCl and 2 are over half the MCl. Systems such as Porterville, Exeter, Lindsay, Cutler and Orosi have limited excess water supply and have trouble finding new supply which does not require treatment. The number of systems with high nitrates levels continue to rise. Nitrates have numerous sources such as fertilizers, animal waste (confined animal operations), human waste (sewage and septic) and naturally occurring. Some of the other contaminants present in our public water systems are dibromochloropropane (DBCP), arsenic, uranium and carbon tetrachloride. DBCP is a fumigant used for nematodes in vineyards and orchards which was banned in 1977. Arsenic is naturally occurring and is found primarily in the mountains and in the deep alluvium in the southwestern part of the county. Uranium is also naturally occurring in the mountain, foothills and valley. The county began a program of testing new private domestic wells in 2005 and this has revealed areas of concern, in particular a pocket of high uranium which has initiated further study. Recently a state program (GAMA – Groundwater Ambient Monitoring and Assessment) did an evaluation of about 181 random private wells and the results showed 75 over	Comment noted.	No change needed

3-815

C#	Date	T	Source	Location	Overview of Changes Requested/Made	Staff Recommendation	Status
					the MCl for nitrate. Currently most of our data comes from where there is a public water system so there are numerous areas where we have little or no knowledge of the water quality.		
5	FEB 22	L	Susan Shaw, Tulare County HHSA	WR (General Comments)	What can be done about the water issues facing the County? Do the Research: Determine what is our solution – how do we become self sustaining. - How much growth we can sustain - Water quality - Water quantity - Geology/soils/topography - Causes of contamination - Prevention measures: BMP, destroy abandoned wells - Options - Feasibility - Cost	This task is ongoing.	No change needed
					1) Re-write the well ordinance and septic regulations to reflect what we are seeing.	See Implementation 14C, which will be amended to change "known bacteriological contamination" to "known contaminants".	Policy Report revised 07/13/07
					2) Gather more data in areas where we have little or no info to get a better understanding of our situation. Currently most of our data is from public water systems. Due to the number of people on private wells we need to get more water quality information on these wells. It would be good to expand the testing of private wells by requiring water testing on the sale of a property for the few know contaminants.	See new Implementation Measure 7A.	No change needed
					3) Develop a good education program to inform citizens about what they can do; care of wells, aquifer protection, septic care, health effects of contaminants.	See Implementation Measure 19.	No change needed
					4) Stress the importance of destroying abandoned wells.	This is a continuing and ongoing program.	No change needed

C#	Date	T	Source	Location	Overview of Changes Requested/Made	Staff Recommendation	Status
					5) Set spatial and number limitations on septic systems and encourage community systems and regional waste water treatment plants.	This is done in Chapter 5, Land Use, Table 5-1, Land Use designations, which sets minimum parcels sizes for septic and well, and in Chapter 13, Public Facilities and Services, Policy PFS-3.3, New Development Requirements and Policy PFS-3.4, Alternative Rural Wastewater Systems. We should add the words, "such as annexation to city systems and regional wastewater treatment systems" to the last bullet in PFS-1.8, Funding for Service Providers.	Policy Report revised 07/13/07
					6) Build in the concept of a retention pond in new communities which can serve as a park.	See PFS-4.5, Detention/Retention Basins. The 2nd word "detention" will be removed.	Policy Report revised 07/13/07
					7) Trade nitrate contaminated groundwater from disadvantaged communities for Friant-Kern Canal water creating large regional surface water treatment plants.	This is probably not feasible as it will put contaminated water into a canal that will be used eventually for drinking water.	No change needed
					8) Encourage with incentives consolidation between cities and smaller contaminated systems located close-by. Until this time this has met with much resistance and roadblocks. We are particularly looking at Porterville and Exeter. The worry of losing their Charter City status has been a problem and several attempts have been made in the legal arena to address this issue but nothing as yet has been resolved.	This is addressed in part in Chapter 13, Public Facilities and Services, PFS-1.8, Funding for Services Providers	No change needed
					9) Engage a cooperative participation with the agricultural community to work with nitrate management and to find solutions.	See Chapter 11, Water Resources, Policy WR-2.7, Industrial and Agricultural Production. This title will be changed to "Industrial and Agricultural Sources" to more accurately reflect the policy	Policy Report revised 07/13/07

C#	Date	T	Source	Location	Overview of Changes Requested/Made	Staff Recommendation	Status
						contents.	
					10) Create a County-wide GIS program to share the data so we could do a drill down on a particular parcel and see everything that is known or what is planned for that parcel.	This is an existing program.	No change needed
					11) See that Tulare County receives its share of funding monies available. Tulare County is the poorest in the state yet it doesn't get the grants according to its needs. We need to take a consolidated approach to get the funding.	In order to receive a fair share of grant funding an Integrated Regional Water Management Plan is required. See next comment.	Policy Report revised 07/05/07
					12) The county should take the lead in coordinating regional efforts to put together an Integrated Regional Water Management Plan.	Policy WR-3.2, Develop an Integrated Regional Water Master Plan and Implementation Measure 14B have been added to address this issue.	
					We are at a point where it would be irresponsible to continue on our current course to where our water is no longer drinkable without expensive treatment. The county should take the lead in pulling the regional efforts together.	Policy WR-3.2, will be changed to indicate that the "County will take the lead with other agencies…"	
6	FEB 9	L	Paul Boyer, Self Help Enterprises	WR (General Comments)	SHE supports the Water Resources Element's draft goals. We believe that water quality as well as water quantity are necessary aspects of securing the current and long-range needs of Tulare County. The adequate supply of potable water and the availability of sanitary sewage disposal facilities to County residents are crucial. The affordability of these basic services should also be a factor. The target rate for water and sewer services should not be more than 1% each of the median household income of the area served.	Comment noted. Any target rates must be based on the cost of the services provided; otherwise it is considered a tax under Prop. 218.	No change needed
7	JAN 16	L	Laurel Firestone, Community Water Center	WR (General Comments)	Overall the Water Resources Element's Draft Goals are good. We think it is important that the General Plan recognize that both water quality and water supply are necessary aspects of securing the current and long-range needs of the County. The current draft also recognizes that the groundwater in the valley floor is high in nitrates and salts, an important first step to addressing these severe problems in the County.	Comment noted.	No change needed

TULARE COUNTY WATER COMMISSION

SUBCOMMITTEE ON NITRATES
NITRATE INVESTIGATION WORKSHOP
9:00 am - 4:00 pm on Thursday, January 17, 2008
Tulare County Water Commission Contact: Jeff Forbes, staff (559) 733-6271

WORKFORCE INVESTMENT DEPARTMENT
4025 W. NOBLE AVE., SUITE A
VISALIA, CA 93277

AGENDA

Objective: Develop a study design and methods that will address the following questions, and provide reasonable expectations of a timeframe with the available funds and resources.

Study Design & Method Questions:

1. **Characterization of the problem (9:00 am - 10:45am)**
    a. **What is the extent of nitrate contamination?**
        i. **What existing data can we use?**
            1. **Public drinking water wells**
            2. **Private wells**
        ii. **How can we fill in the gaps?**
            1. **Consistency in data**
            2. **Site selection / getting volunteers**
            3. **Design of monitoring wells**
        iii. **What are the health consequences of nitrate?**
        iv. **Should we include other contaminants / variables?**
            1. **DBCP, TDS, coliform, etc.**

2. **What are the sources of nitrate contamination? (11:00am – 12:00 pm)**
    a. **How can we determine sources of nitrate?**
        i. **Different water ages**
        ii. **Different depth**
        iii. **Different areas of the county**

3. **Developing Solutions (1:00pm – 2:00pm)**
    a. **How can we use this data to address the problem?**
        i. **What are potential management practices?**
        ii. **Are there ways to reduce contamination in the groundwater?**
            1. **Bioremediation**
            2. **Recharge/pumping**
    b. **How can we monitor progress on solutions?**

4. **Moving Forward (2:00 pm– 3:15pm)**
    a. **Funding**
        i. **What do we already have funding for and what can we do given that amount of funding?**
        ii. **What additional funding is necessary and where can we get it?**
    b. **Timing**
        i. **How long will this study reasonably take?**
        ii. **When can we get started?**

5. **Next steps (3:15 pm – 4:00pm)**

enclosure (21)

enclosure (21)

3

Comments by J. Peter Clum, 45638 South Fork Drive, Three Rivers, CA on the Tulare County General Plan Update 2030 and Draft Environmental Impact Report (DEIR) Made to the Tulare County Planning Commission April 23, 2008

The General Plan Update 2030 and the DEIR are a road map for urban sprawl. The General Plan Update will not accomplish the guiding principles or objectives set forth on page ES 7 of the DEIR. Quite the opposite.

- It will not protect agricultural land
- It will not protect our economy
- It will not protect our air quality, water supply or water quality

The General Plan Update and DEIR are an abdication of the county's responsibility to protect our health and welfare, our physical environment, and to comply with the California Environmental Quality Act. They are a blank check for unimpeded market forces development.

I urge you to read the comments submitted to RMA, including those of the Tulare County Farm Bureau; the Council of Cities; Tulare County Citizens for Responsible Growth; the California Attorney General; the comments of Kimball Loeb, who is a local business owner and certified engineering and hydrogeologist; my comments of April 14; and Carole Clum's comments of April 14.

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February 26, 2008

Written Comments submitted by J. Peter Clum,
45638 South Fork Drive, Three Rivers, CA
on the Tulare County General Plan 2030 Update
Draft Environmental Impact Report (DEIR)

Most people would agree with the objectives of the General Plan Update. Perhaps they need to specifically address air and water quality, but generally there is a basis for consensus. That's the good news. The rest is largely bad news because more often than not the policies and implementation measures are general, vague, weak, unenforceable or nonexistent. We simply will not be able to obtain the Update's objectives with these policies and implementation measures.

Further, the baseline set of environmental conditions are incomplete and confusing. There appears almost to have been a conscious effort to avoid meaningful thresholds of significance, feasible mitigation measures, and a reasonable range of alternatives. Mitigation measures are frequently either absent, unenforceable, or deferred without performance standards or criteria to gauge their accomplishment or timeframe therefor. All to often, the determination of an impact is significant but unavoidable when in fact there are existing mitigation measures to lessen the significant impacts. For example, see the public comments contained in the Public Comment Matrix, Tulare County General Plan.

Compounding the problem is that the DEIR fails to provide

a reasonable range of alternatives which offer substantial environmental advantages to the General Plan Update. The purpose of alternatives is to reduce or avoid significant environmental harm while achieving all or most of the objectives. Other than the no project alternative, the alternatives have been preordained to offer little essential or pratical difference.

Let me give you a few examples of what I am talking about:

(1) Page ES-43 to 44 of the DEIR sets forth new policy AQ-4.6, PM-10 and PM 2.5 Reduction Measures for Dairy and Feedlot Operations. The second to last paragraph provides manure water shall either be injected subsurface or placed on the surface in thin layers. The last time I heard, we had significant groundwater contamination issues. How will this new policy help water quality? What is the mitigation measure for this potentially significant impact on water quality? There is none and that's because the DEIR's assessment of the General Plan Update on water quality is less than significant. Pages ES-72 to 74, DEIR. Which is interesting in that the Yokohl Ranch NOP specifically identifies water quality as a potentially significant impact, pages 32 to 34. I note that page 8-5, DEIR, states "[a]s part of the analysis, the following General Plan Amendments (GPAs) and General Plan Initiatives (GPIs) are taken into consideration for the cumulative impacts discussion and analysis." Yokohl Ranch is a specified GPI.

Should have been 47 not page ES-44-45

(2) Urban and wildland fire hazards are judged to be less than significant, page ES-64, DEIR, despite the fact the General Plan Update would allow substantial development in the area of greatest concern - the urban wildland interface. Didn't we learn anything from the terrible 2007 California fires? In any case, the Yokohl Ranch NOP, page 1, recognizes this impact as potentially significant.

(3) The DEIR judges hydrology issues other than flooding due to increase in impervious surfaces as less than significant. For example, impact PFS-4 and 5 on pages ES-80 to 82 are judged as less than significant. Quite the opposite conclusion is reached in the Yokohl Ranch NOP, pages 32 to 34.

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[redacted]

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[redacted]

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TYPED VERSION OF HANDWRITTEN 2008 COMMENTS

April 14, 2008

From: Carole Clum
45638 South Fork Drive
Three Rivers, CA 93271

To: David Bryant, Project Planner
Tulare County Resources Management Agency (RMA)
5961 South Mooney Boulevard
Visalia, CA 93277

Subject: Comments on the Tulare County General Plan 2030 Update Draft Environment Impact Report (DEIR)

Encl:
1. Hydrogeologic Characterization of the Foothill Fractured Terrain for Assessing Water Supply Reliability
2. County of Tulare Impending Water Crisis Legislative Letter
3. Carole Clum's public comment to the Board of Supervisors concerning the Planned Community Zoning Amendment on September 25, 2007
4. California Department of Water Resources SWP Delivery Reliability Report of February 8, 2008
5. General Plan Background Report Table 10-4. Irrigation Districts in Tulare County, page 10-15
6. "California Salmon Population Collapses" from the Fresno Bee, January 30, 2008
7. "Delta Smelt's Numbers Decline" from the Fresno Bee, January 30, 2008
8. General Plan Background Report Table 10-1. California Water Supplies with Existing Facilities and Programs Thousands Acre Feet (taf), page 10-6

Attachment 39

9. Table 4-4. General Plan Population Estimates by Unincorporated Community and Table 4-5 Summary of Domestic Water Supply Conditions for Unincorporated Communities in Tulare County, from Draft EIR
10. Carole Clums Factchecking on Tables 4-4 and 4-5 in Draft EIR
11. California Income Inequality Grew in California Over the Past Two Decades
12. Public Policy Institute of California, California Counts, Population Trends and Profiles, "How Many Californians? A Review of Population Projections for the State, October 1999

My comments address population projections, income inequality, General Plan Framework Value Statements, air quality and water resources. My comments run to 72 pages plus the twelve enclosures.

_____

Carole A. Clum

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_____

Carole A. Clum

It is clear that the policies and implementation measures of Tulare County's General Plan Update jeopardize the health and welfare of the residents of Tulare County, the air quality, the water quality and supply, crop yield, agriculture's viability, open space, the existence of natural habitats, native species, and the Tulare Lake hydrologic region.

Tulare County does not exist in a vacuum. It is one of eight counties in the San Joaquin Valley. The air pollution we generate does not stop at our borders. Our depleted and contaminated aquifers extend into neighboring counties. Our failures affect the economy of the entire state of California. The greenhouse gases we generate imperil the earth.

The lack of impact fees on new development places a burden on our poor county to create infrastructure for new development when our existing roads, schools, police coverage, fire coverage, libraries, and social services are underfunded and inadequate. This creates a greater disparity between the rich and the poor and is fundamentally unfair. Unless development impact fees cover all the costs of new infrastructure, the existing residents are penalized.

To ease the growing disparity between low income and upper middle income residents, the County needs to encourage (with monetary incentives and/or lower impact fees) low income housing in the places where low income people work or provide clean convenient, inexpensive transit between places of work and residence for the poor and open libraries five or six days a week for these people so they can access books and computers. They would learn more and they would get better paying jobs. For more information on growing income inequality see the California statistics in the Report by the Economic Policy Institute and the Center on Budget and Policy Priorities, published April 8, 2008. See Enclosure 11.

The residents of Tulare County have the lowest per capita income in California. Three of General Plan Framework Value Statements, if applied, would help the poor residents of Tulare County:

- The beauty of the County and the health and safety of its residents will be protected and enhanced.
- The County will create and facilitate opportunities to improve the lives of all County residents.
- Every community will have the opportunity to prosper from economic growth.

I challenge the use of California Department of Finance (DOF) population projections to determine how many people will live in Tulare County in 2030 for the following reasons:

(1) The 20 year projections of population growth made in 1970 overstated growth by 6 million people over the next 20 year period.
(2) Different agencies predict widely varying numbers of people over 30 to 40 year time periods. Most predict fewer Californians than DOF projections. See Enclosure 12.
(3) Current agencies' predictions don't take into consideration that behavior will change significantly over decades, despite much historical evidence showing as immigrant women become better educated, they choose to have smaller families. The economic climate can change dramatically in unexpected ways, impacting migration patterns and rates and places of growth. Many variables are difficult if not impossible to assess.
(4) Metropolitan Water District of Southern California (MWD) has concluded that population projections are accurate for only about 10 years out.
(5) Developed countries in Europe and Japan have shrinking populations.
(6) "Interest is increasing in slowing or preventing growth in many ports of the state. Ballot measures in every election, somewhere in the state, are designed to control or manage growth. Recognition is also increasing that resources are finite and that growth should somehow be tied to resource availability." (from Managing Water: Avoiding Crisis in California by Dorothy Green, 2007). SB610 and SB221 of 2001 require large development show a reliable water supply for the next 20 years and that water supplies be in EIR's and urban management plans.

There is significant variation in population projections by the Census Bureau (CB), California Department of Finance (DOF), United States Bureau of Economic Analysis (BEA), UCLA Anderson Forecast (UCLA), and the Center for Continuing Study of the California Economy (CCSCE). Tulare County decision makers need to consider the level of plausible variation in population projections. See Enclosure 12. Planning and building infrastructure for the wrong population can be costly. The lowest population projections are for a 29% increase from the state's 1999 population for the year 2025 and the highest population projections are for a 64% increase from the state's 1999 population for the year 2025. Why is Tulare County projecting a 72% population increase for the year 2030?

According to the Public Policy Institute of California in October, 1999, "growth rates will be lower than in the past." Now that California is in a recession, there will be less domestic and international migration to California because of fewer job opportunities. And, with the crackdown on illegal immigration at the border with Mexico and at the workplaces that employ illegal aliens, fewer Mexicans and Central Americans will migrate here for fear of spending time in jail and deportation.

To the Board of Supervisors and Planning Commission at Joint Hearing on February 26, 2008, Addressing General Plan Update Omissions

There are serious omissions in the Value Statements listed on page ES-6 of the Draft Environmental Impact Report of the Tulare County General Plan Update.

Clean air, clean water and sustainable water were top priorities of the citizens of Tulare County during all the public workshops and the Blueprint Process.

I have carefully read the Air Quality and Water Resources elements of the Goals and Policies Report of the Tulare County General Plan. The policies and implementation measures for air quality, water supply and water quality are weak, vague, and unenforceable.

We need clean air. This General Plan Update makes air quality worse. You know that.

A sixth value statement must be added to specifically, directly address air quality, water quality and water supply. And the policies and implementation measures must be made mandatory. Every mitigation must be mandatory and sufficient to offset the adverse impact.

Carole Clum

Air Quality Element

The Air Quality Analysis in Appendix D of the Draft Environmental Impact Report consists of two pages of Mobile Emissions, On-Road Emissions for year 2007 and an estimate for year 2030 which predicts an increase of 7% for VMT of on-road mobile emissions. Where are the emissions numbers for off-road mobile vehicles like construction, industrial, commercial, recreational, residential and agriculture vehicles and power generation? There are no emission estimates for stationary sources of air pollution such as (1) industrial emissions, (2) residential emissions, (3) agricultural emissions from diesel engines, cows, pigs, (4) landfills, (5) power plants, and (6) oil and gas production. This is inadequate; There is not enough information to inform decision makers of the environmental consequences of this General Plan Update. There must be a complete, current inventory of all greenhouse gas sources, a total of all GHG emissions in 2008, and a realistic estimate of GHG emissions in 2030 if this General Plan Update is implemented to buildout. The County has failed to meet the requirements of Assembly Bill 32 and Executive Order 5-3-05.

AQ Key Terms Throughout the Air Quality element Implementation Measures must require Best Available Control Technology (BACT) and Best Available Retrofit Control Technology (BARCT).

AQ Existing Conditions Overviews Add to the end of this sentence "in spite of these improvements the San Joaquin Valley is still identified as having some of the worst air quality in the nation "and it will get worse because the County predicts in its Air Quality Analysis that VMT by mobile emissions of on-road vehicles will increase by 71% by 2030 because of new land use policies.

AQ Existing Conditions Overview The largest contributors to ROG are dairies, farming operations, managed burning and disposal. Be sure to mention this in your overview.

AQ Key Terms Global Warming Contrary to your implication, global warming is not just a natural cyclical cycle, it has man made causes. The earth's surface has warmed 1.5% F in the last century and is predicted to speed up. Scientists agree the future is grim due to global warming.

Greenhouse Gases

Greenhouse gases GHG) contribute to global warming. Humans create more and more greenhouse gases every year. We must by law reduce greenhouse gases to 1990 levels by 2020. Attorney General Jerry Brown has stated that the General Plan EIR must adequately analyze the adverse effects of implementation of the General Plan Update on air quality and climate change and adopt feasible mitigation measures to minimize the adverse effects of implementation of the General Plan Update on climate change and air quality.

AQ Existing Conditions Overview

According to a recent report "Health in the Heartland: The Crisis Continues", the age-adjusted rate for avoidable hospitalizations in Tulare County was about 20% higher than the statewide average of California. Diagnoses related to hospitalizations included: asthma, chronic obstructive pulmonary disease, and congestive heart failure. Poor air quality causes and exacerbates all of these diseases. Poor air quality contributes to cancer and early deaths. It poses one of the greatest threats to public health and is particularly burdensome to children, the elderly, and those with lower incomes. Tulare County has the lowest per capita income in California. Environmental impacts of air pollutants include climate change, smog, acid rain, and ozone depletion.

Insert on page 9.4 after long paragraph on global climate change due to greenhouse gases, just after list of attainment status:

The County has failed to adopt a Greenhouse Gas Emissions Reduction Plan as required by the California Global Warming Solutions Act (AB 32). This plan must include:

- An inventory of all known, or reasonably discoverable, sources of GHG that currently exist in the County
- A baseline inventory of the GHG currently being emitted by the County from all source categories in the inventory
- An inventory of the GHG emitted in the County in 1990 from all source categories in the inventory
- A projected inventory of GHG that can reasonably be expected to be emitted in the year 2020 due to the County's discretionary land use decisions pursuant to the General Plan Update, as well as new GHG emitted by the County's internal government operations
- A target for the reduction of those sources of emissions reasonably attributable to the County's discretionary land use decisions and the County's internal government operations, and feasible GHG emission reduction measures whose purpose shall be to meet this reduction target by regulating those sources of GHG emissions attributable to the County's discretionary land use decisions and the County's internal government operations.

The following GHG targets have been established by Executive Order S-3-05 by California Governor Arnold Schwarzenegger on June 2005:

by 2010, reduce GHG emissions to 2000 levels
by 2020, reduce GHG emissions to 1990 levels
by 2050, reduce GHG emissions to 20% below 1990 levels

Global Climate Change effects include:

- sea level rise
- extreme heat waves
- less precipitation
- earlier snowmelt
- increased flooding in Spring
- average temperature increases
- reduced air quality
- extreme meteorological events (flooding, hurricanes, high winds) and sea level rises can displace people, exacerbate wildfires, damage property and agriculture, cause stress on levees, storm wave run up, saltwater intrusion into groundwater and coastal erosion
- crop reductions due to heat and larger population of pests
- heat induced stress and health related problems (e.g. heat rash, heat stroke, asthma, malaria, dengue fever, yellow fever and encephalitis)
- increased demand for water by humans and agriculture due to higher evaporation rate and heat stress
- decreased potable water supply

Attorney General Jerry Brown has said, "We cannot allow one more molecule of greenhouse gas to be produced in California." Tulare County is required to reduce its greenhouse gases substantially.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) of which Tulare County is a part, is currently designated as extreme non-attainment for federal and state ozone standards and serious non-attainment for PM10 standards at the federal level and non-attainment at the state level. As a result, a series of resolutions have been developed for the SJVAPCD to achieve attainment.

Resolution 2002-0157 requires Tulare County to commit to implementing the Reasonably Available Control Measures (RACMs):

- Increasing transit service to the unincorporated communities of Woodville, Poplar and Cotton Center
- Purchase of three new buses and installation of additional bicycle racks on buses
- Public outreach
- Providing preferential parking for carpools and van pools
- Removing on-street parking and providing bus pull outs in curbs to improve traffic flow
- Supporting purchase of hybrid vehicles for the County fleet
- Programming $13, 264,000 of highway widening projects
- and most importantly, mandating that the General Plan Update implement land use policies supporting public transit and vehicle trip reduction.

This means no New Towns in remote regions of Tulare County. 95% of all new development must be inside existing city, town, and hamlet development boundaries.

Resolution 2004-067, adopted by the Tulare County Board of Supervisors in 2004, contains additional RACMs as summarized below:

- The development and implementation of recommended procedures, thresholds, and policies related to land use projects to help achieve air quality goals;
- Encouraging land use patterns which support public transit and alternate modes of transportation;
- Exploring concepts of Livable Communities as they address housing incentives and transportation;
- Consideration of incentives to encourage development in unincorporated communities that are sensitive to air quality concerns; and
- Exploring ways to enhance van/carpool incentives, alternate work schedules, and other Transportation Demand Management strategies.

There has been no evaluation of the current efficacy of these RACM programs which have been in place since 2002 and 2004. These programs have not worked. Make them mandatory. "Exploring," "considering," "supporting' and 'encouraging' do not work.

Resolution 2002-0812, adopted by the Board of Supervisors in 2002, contains Best Available Control Measures (BACMs) to be implemented in order to reduce PM10 emissions in the County by:

- Paving or stabilizing of unpaved roads and alleys;
- Paving, vegetating, chemically stabilizing unpaved access points onto paved roads;
- Curbing, paving, or stabilizing shoulders of paved roads;
- Frequent routine sweeping or cleaning of paved roads;
- Intensive street cleaning requirements for industrial paved roads and streets providing access to industrial/construction sites; and
- Debris removal after wind and rain run off when blocking roadways

There is not one mention of all the dust raised on unpaved roads on dairy operations or farms. Why not?

The EPA announced tougher air standards for ozone (75 parts per million, 8 hours ozone) in March 2008.

Here are my recommendations for modification:

On page 9-4, left column, last paragraph, after first sentence add the following:
"The County will provide training for contractors, architects, building professionals and building owners. The County will provide free technical assistance. The County will evaluate the feasibility of carbon neutrality in all new construction."

On page 9-4, right column, after urban development boundaries or corridors, mandate smart growth and healthy community principles, require energy efficiency . . . construction and renovation, and mandate efficiency in transportation.

On page 9-4, give a new title to State Perspective for 9.1
"Statewide Greenhouse Gas Reduction Plan"
The County shall reduce GHG as required by Assembly Bill 32 and adopt all feasible mitigation measures. The County shall reduce all other air pollutants by all feasible mitigation measures. Targets will be set and met.

AQ – 1.3 Cumulative Air Quality Impacts	The County shall require developments to be located, designed, and constructed almost entirely (95%) within urban and hamlet development boundaries in order to reduce cumulative air quality impacts. Developers shall be required to build to LEED-silver standards in order to reduce air emissions and enhance rather than harm the environment. The County must follow CEC energy efficiency standards that apply to newly constructed buildings and additions to and alterations to existing buildings, better than Title 24 standards, if feasible.
AQ – 1.5 CEQA Compliance	Developers shall be required to completely mitigate air pollution including GHG, associated with the project. Implementation Measure. Developers can pay a mitigation fee to their air district to be used to fund off-site emission reduction projects.
AQ – 1.6 Purchase of Low Emission/ Alternative Vehicles	The County shall MANDATE all departments to replace existing vehicles with low emission/alternative fuel vehicles when the old vehicles wear out.
AQ – 1.7 Support Statewide Global Warming Solutions	The County shall monitor and support the efforts of the CARB, under AB32, to formulate all mitigation strategies, that may be implemented by local government, and further require the County to ultimately mandate any such strategies once they become available. This policy must have an Implementation Measure.

AQ – 1.8 Water Use Efficiency

The County shall require the Best Available Technology for increasing water efficiency of water transport and reduction of water use in all new development and redevelopment which would reduce GHG. Approximately 19% of all electricity, 30% of all natural gas, and 88 million gallons of diesel fuel are used to convey, treat, distribute, and use water and wastewater.

Implementation Measure

Use both potable and non-potable water to the maximum extent possible; low flow appliances (i.e., toilets, dishwashers, showerheads, washing machines, etc.), automatic shutoff valves for sinks in restrooms, drought resistant landscaping; "Save Water" signs near faucets.

The County should mandate no new water demand and provide incentives for water neutral development.

AQ-2.2 Indirect Source Review

The County shall require <u>all</u> development projects to mitigate air quality impacts associated with the project. The County shall work with SJVAPCD to determine mitigations . . . Include the following mitigation measures:

- provide walkable shopping into development plans
- provide a bus stop
- provide park and ride location.

A good Implementation Measure would be:

Developers must pay into a mitigation fund to offset the cumulative air quality impacts of their development.

AQ-2.3 Transportation and Air Quality

When developing the regional transportation system, the County shall work with TCAG to comprehensively study <u>and</u> <u>act</u> on methods of transportation which <u>will</u> contribute to a reduction in air pollution <u>and greenhouse gases</u> in Tulare County. Add to possibilities: "Provide many paved, convenient, and spacious park and ride locations." There are only two park and ride locations in Tulare County. "Light rail between cities in County."

AQ-2.4 Transportation Management Associations

The County shall require commercial, retail, and residential developments to participate in . . .

AQ-2.5 Ridesharing

The County shall continue to encourage ridesharing programs, such as employer-based rideshare by offering incentives.

Implementation Measure

The County shall provide rebates, lower taxes and a fine if they don't participate

AQ-3 Land Use/ Design

To improve air quality and minimize impacts to human health . . . Where are the policies to improve air quality and minimize impacts to human health? Policies that include wording "shall encourage', "shall identify", "shall promote" do NOT ensure air quality or minimize impacts to human health. This is shamefully inadequate and does NOT fulfill CEQA's requirement that local government protect the environment.

AQ-3.1 Location of Support Services

In order to make this policy work the County needs an Implementation Measure that allows it to happen - providing a grant, a tax break, a free location, or a low interest loan for a small business.

AQ-3.2 Infill Near Employment

Smart Land Use strategies encourage jobs/housing proximity, promote transit-oriented development, encourage high density residential/commercial development along transit corridors. These strategies reduce vehicle trips and improve air quality.

Implementation Measure

Lower impact fees shall be levied on infill development with the lowest fees going to mixed use buildings.

AQ-3.3 Street Design

The County shall require street design that provides an environment which encourages transit use, biking and walking, specifically, a small block grid street system.

AQ-3.4 Lanscap

The County shall require the use of ecologically based design principles . . . landscaped medians, planting many California native shade trees, and landscaping within the development with California native plants, mulch, and drip irrigation.

AQ-3.5 Alternative Energy Design

The County shall require all new development . . . green building practices to LEED-silver standards . . . water systems, and the highest R-value insulation. Requiring green building has a positive effect on air quality and greatly reduces energy consumption which reduces greenhouse gases and global warming.

AQ-4.1 Air Pollution Control Technology

. . . These measures shall be applied to all new development approval and permit modifications.

AQ-4.2 Dust Suppression Measures

. . . Techniques shall but are not limited to, the following:

-
-
-
- Suspension of grading activities during wind periods greater than 15 miles per hour
- Paved roads in all new projects
- Dust suppression shall be required in agriculture and dairy operations

AQ-4.5 Appliance Energy Efficiency Standards

New buildings shall contain the most energy efficient appliances (i.e. washers, dryers, refrigerators, stoves, water heaters, heating systems). The Implementation Measure shall provide incentives for old construction to convert to the most energy efficient appliances.

AQ-4.7 Cement Manufacturing Reduction of Energy Use and Emissions

The County shall require cost effective reductions to reduce energy consumption and to lower carbon dioxide emissions in the cement industry.

The Implementation Measure shall set a target emission reduction percentage and levy a fine for non-compliance.

AQ-4.8 Enteric Fermentation Reduction

Cattle emit methane from digestive processes. Manure emits methane. Reduce methane emissions, a potent greenhouse gas.

Implementation Measures.

- Change cattle feed
- Capture methane from manure lagoons

AQ-4.9 Solar Iniatiative

The County shall require 100% of new development to install hot water heaters to meet LEED-silver building standards to offset increasing demand for natural gas, propane, and electricity by 2010.

Implementation Measure.

Provide incentives like lower impact fees or rebates.

AQ-4.10 Methane Capture

The County shall require landfills, wastewater treatment plants, and confined animal facilities to capture methane and, if possible, use it as an energy source to clean nitrate contaminated groundwater or just to generate electricity.

AQ-4.11 Urban and Suburban Forestry

Trees must be planted to the maximum extent possible around all new development. Trees near structures act as insulators from weather, thereby decreasing energy requirements. Trees also store carbon and reduce GHG.

AQ-4.12 Afforestation/ Reforestation Projects

Reforestation projects focus on restoring native tree cover on lands that were previously forested and are now covered with other vegetative types. Trees store carbon.

Implementation Measure.

Clustering residential development to preserve forest/woodland resources, increasing housing density, preserving and restoring open space, replanting trees.

AQ-4.13 Agriculture and Open Space Protection

The County will limit development to very low density on sensitive lands, while increasing density of infill sites. The County will restrict land divisions in hazard areas (in foothills and mountains where there is wildfire risk and in lowlands where there is flood risk). The County shall

conserve open space and habitats for endangered and threatened species and wildlife corridors like the blue oak woodlands in the foothills. The larger the open space and agricultural land, the greater the carbon sequestration.

AQ-4.14 Energy Audits

The County shall require homeowners and builders provide prospective buyers with an audit scoring of the home's energy efficiency. Homeowners selling their older homes must supply the previous 12 months utility bills to prospective buyers. The energystar.gov site estimates sealing air leaks and adding insulation, for instance, can reduce a home's energy costs by 10%. Less energy used means less air pollution and less GHG.

AQ-4.15 Tiered Impact Fees

Impact fees for new homes and businesses must be tiered according to the distance from large cities (Visalia, Porterville, Tulare) with public transit, services, jobs, shopping, and entertainment. The lowest impact fee should be for development which is infill. The highest impact fee should be levied for the most distant development (sprawl) which creates greater Vehicle Miles Travelled (VMT) during construction and occupation.

Impact fees should also be based on the size of the home. Larger homes require more energy to heat and air condition, longer to build (creating more VMTs), have more electric gadgets which lead to larger carbon dioxide emissions which are the main culprits in global warming. For instance, a 2000 square foot house should have a much lower impact fee than a 4000 square foot house which consumed more construction materials which were manufactured and delivered and took longer to build, generating more VMTs and using more energy in the manufacturing process.

AQ-4.16 Transportation Refrigeration Units (TRU), Off Road Electrification

The County will mandate strategies to reduce emissions from TRUs, increase off road electrification.

Implementation Measure

In projects where TRUs access the site, the County shall implement measures to reduce emissions, such as, install electrification in applicable projects (i.e., truck stops, warehouses, etc.)

AQ-4.17 Green Building Initiative

The County shall implement the Green Building Executive Order, S-20-04 (CA 2004) which sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared to 2003 levels.

Implementation Measure

A project could increase its energy efficiency percent beyond Title 24 requirements. In addition, the project could implement other green building design (i.e., natural daylighting and on site renewable electricity generation.)

AQ-4.18 Greenhouse Gas Emissions Reduction Plan

The County shall develop a Greenhouse Gas Emissions Reduction Plan that identifies greenhouse gas emissions within the County as well as ways to reduce those emissions.

Implementation Measure

- Inventory all known or reasonably discoverable sources of GHG in the County;
- Inventory the GHG level in 1990, the current level, and that projected for the year 2020; and
- Set a target for the reduction of emissions attributable to the County's discretionary land use decisions, water use and efficiency, transportation plans, and its own internal government operations.

Air Quality

9.6 Implementation Measures

Implementation 1. . . . The County shall build a sufficient number of park and ride lots.

Implementation 3. The County shall provide financial or other incentives to cities and communities in the County . . .

Implementation 4. . . . and require the preparation of an EIR for all development because development produces GHG and other air pollution.

Implementation 5. . . . SJVAPCD shall develop standard mandatory methods for determining and mitigating project, zoning changes, and transportation planning air quality impacts.

Implementation 10. The County shall provide benefits that employers can offer to employees to commute to work by other methods than one person per car.

Implementation 12. The County shall require infill development first and reward it with financial incentives like lower impact fees.

Implementation 13. The County shall mandate LEED-silver and LEED-ND certification in all new construction.

Implementation 14. The County shall work with TCAG in refining and maintaining a current set of RACM and BACM that shall be mandated in reviewing and conditioning all projects. All projects produce GHG and air pollution.

Water Resources General Comments

In Appendix C of the Background Report, the Keller-Wegley report, "Water Resources Update General Plan County of Tulare" (overview of our County's water supply and quality), lays out widespread groundwater overdrafting in all four watersheds, serious groundwater contamination in many areas (salts, nitrates, arsenic, radon, DBCP, dry cleaning solvents, hydrogen sulfide, methane, natural gas, herbicides, pesticides, and fertilizers), the great expense of removing these contaminants, and lastly, the likely direct and indirect loss of a substantial portion of Friant/Kern canal water in the near future due to the judicial decision to restore the habitat of the San Joaquin River for the Chinook salmon. (Since the delta smelt and Chinook salmon populations both crashed in the fall of 2007, further reductions of water can be expected from the Sacramento Delta and the Friant/Kern canal.)

The Keller-Wegley report does not support a 72% population growth by 2030. The conclusions of the Keller-Wegley report "a major document" commissioned by the County, were not heeded by the Tulare County Board of Supervisors.

Keller and Wegley concluded that in the Deer Creek/White River watershed there is an uncertainty of the availability of water supply, heavy reliance on imported water from the Central Valley Project (CVP) which is absolutely necessary for agriculture; all aquifers exceed arsenic parameters; continued research is needed to determine if an affordable method can be developed to reduce arsenic in water; there is a lack of capability of groundwater recharge on a district wide basis which will not sustain agriculture or community water systems; and the results of litigation are unknown.

Another problem is no state bond money was made available to Tulare County Integrated Regional Water Management Plan. "The absence of any infusion of state bond money related to water resources in 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."

Another hurdle is water quality. Standards are being raised on water quality in agriculture, industry, and municipal water supplies. The 20 year agricultural waiver for the Central Valley has been terminated and replaced with a short term waiver. Individuals with both agricultural discharges and stormwater discharges from

agricultural lands and confined animal facilities may have trouble surviving the significant modifications proposed to the waiver program. "Water quality sampling, testing and reporting are now all required at identified points on waterways within the County. Current participation levels do not include all potential dischargers and the question remains whether or not the waiver format will survive into the future." There are compliance pitfalls and expensive testing and reporting requirements. There is a trend in California law toward increased testing and reporting.

Legislative and regulatory requirements are also tending to dictate decreasing quantities of allowable contaminants and increased testing and reporting requirements in municipal and industrial water. "Compliance brings increased costs related to construction of [contaminant] removal facilities, operation of these facilities, and for compensation for trained and licensed operators qualified to oversee the operations of such removal facilities." This applies to arsenic and DBCP removal. Who will pay for this? The General Plan Update does not say. Dennis Keller's warning: "The planning efforts of the County should recognize the water quality implications related to the parameters noted above [arsenic and DBCP] and the nitrate parameter in planning for the maintenance of an expansion of cities and unincorporated communities which are the topic of this General Plan." In other words, more people and more industry means lower water quality while tightening standards for water quality means greater expense in cleaning drinking water. This will be the result of the General Plan.

As to water quantity requirements, local planning agencies are required to obtain proof of availability of an adequate water supply for any subdivisions which are proposed in excess of 500 homes (SB 221). Keller and Wegley gently suggest all levels of development should pass the water proof of adequate availability test.

In the San Joaquin River restoration case, *NRDC v. Rodgers* (concerning endangered species Chinook salmon), water deliveries from the Friant/Kern canal to Tulare County will most likely be reduced. A settlement has been reached but a federal law must be passed. Water deliveries will be reduced in all but above-normal years of rainfall. "Impacts on lands within the County will still be experienced, even in above normal years, as the allocations to the San Joaquin River will result in the reduction in surplus water deliveries to those entities located in the County who traditionally contract for and take delivery of such surplus supplies."

This information should be used to inform decision makers when they make land use planning decisions. From a planning perspective, the Board of Supervisors should understand that "a judgment bringing rise to release of water down the San Joaquin River for anadromous fisheries restoration purpose could bring about a reduction in an average of 450,000 acre feet, plus the elimination of surplus water deliveries to temporary contractors located in the County." This "could move further in an adverse direction with respect to impact over time, if the decision is made by the court to include adaptive management provisions in the restoration program. Such action could eventually require more water to be released for restoration purposes than the initial" decision. This is the worst scenario. Nevertheless, it could reasonably happen and must be planned for. There was an "unprecedented collapse of Chinook salmon" last fall (2007). See Enclosure 6.

The exact outcome of *NRDC v. Rodgers* is not known. "The potential for the decision to impact development within given population concentration (community) and potentially to completely undermine the existing basis for Tulare County population, allocations and disposal, "individual communities most at risk if an adverse ruling prevails are those communities that use the most Friant/Kern canal water. "It is not possible at the current time to determine the ripple effect which such an adverse opinion may have on communities not directly impacted by an adverse decision."

Nowhere in the General Plan Update Goals and Policies Report Water Resources Element, Background Report or DEIR is there mention of the threatened species delta smelt and the judicial decision *NRDC v. Kempthorne* which has resulted in a ruling in 2007 which imposed tighter pumping limits in the Sacramento Delta in order to leave more water in the delta for protection of the delta smelt and the whole degraded ecosystem. Judge Wanger's decision could cut irrigation deliveries south of the delta by between 20-39% annually. To see which irrigation districts will be affected see Enclosure 5. Last year 2007 there was a "precipitous decline in the delta smelt." See Enclosure 1 which will most likely lead to further reductions in irrigation deliveries to Tulare County.

Nowhere in the Water Resources Element, Background Report or DEIR is there mention of the reasonably foreseeable adverse impacts of Global Climate Change on water supply, water quality, and ground water recharge. Less precipation means less surface water to recharge groundwater. Less surface water means less water

for drinking, for crop irrigation and for blending with contaminated groundwater to achieve safe drinking water standards. We are already seriously overdrafting groundwater. Rising temperatures mean more evaporation. If our population stayed at the current level, by 2030 we would have to practice stringent water conservation, water efficiency, water reuse, water recycling, and rain water harvesting to support our current population.

Because of Global Climate Change water managers will no longer be able to rely on deep snowpack in the Sierras or late snowmelt. We must capture rain where it falls. Trees capture rainwater, filter and clean huge quantities of rainwater through their massive root systems, and recharge the groundwater system. There is no plan to reforest our cities and hamlets and cleared land.

Nowhere in the Water Resources Element, Background Report, or DEIR is there mention of the low 2007 snow pack level in the Sierra Nevadas or that if we have another dry winter in 2008, MWD would have to reduce supplies of water to local communities.

The California Global Warming Solutions Act of 2006 and California Executive Order S-3-05 of 2005 require all cities and counties in California to reduce greenhouse gas emissions substantially. The Water Resources element does not acknowledge or respond to these laws in its goals, policies, or implementation measures.

The Attorney General of California has issued a list of Global Warming Mitigation Measures. There are mandatory, not discretionary. See the next page.

Office of the California Attorney General
Global Warming Mitigation Measures
Updated: 12/3/07

Water Conservation and Efficiency

- Design and implement a comprehensive water conservation strategy. The strategy may include many of the specific items that follow, plus other innovative measures that are appropriate for the location.
- Require water efficient landscapes.[29] Adopt a strong landscape ordinance with water budgets to assure efficient landscape design, installation, and maintenance in new construction.
- Encourage the use of reclaimed water for landscape irrigation in new developments and on public property. Provide necessary infrastructure to deliver and use reclaimed water.
- Require water efficient design for buildings. This may include strengthening local building codes for new construction and implementing a program to renovate existing buildings to require a higher level of water efficiency.
- Adopt a retrofit ordinance that will require installation of water-efficient fixtures upon the sale of homes.[30]
- Adopt and enforce restrictions on watering methods (*e.g.*, prohibiting systems that apply water to non-vegetated surfaces) and controls on runoff.
- Require water efficiency training and certification for irrigation designers, installers and managers.
- Provide individualized water audits for large water users to identify conservation opportunities. Offer financial incentives for adoption of identified efficiency measures.
- Provide water audits for large landscape accounts. Offer financial incentives for efficient irrigation controls and other efficiency measures.
- Fund incentives and technical assistance for water efficiency.
- Adopt standards that prescribe the maximum allowable effective impervious area for all new development and redevelopment projects. Require preservation of the existing hydrologic character of developed sites to manage storm water and protect the environment. (Retaining storm water runoff onsite can drastically reduce the need for energy-intensive imported water at the site.)
- Adopt conservation pricing to encourage efficient water use.[31]

The Board of Supervisors seems to have forgotten the letter of "impending water crisis" sent to Assemblyman Bill Maze on September 25, 2007. See Enclosure (2). The 20th century was the wettest century in the last 1000 years, according to tree rings that go back over 2000 years. We can't assume we'll get lucky again this century. We need to prepare for a drought, possibly a disastrously long drought. Instead, this General Plan Update assumes an increased supply of water from the Central Valley Project, State Water Project, groundwater, and from unnamed recycling facilities currently under construction. See Enclosure 5, (Background Report Table 10-1.) This is a "blue sky" prediction, essentially imbecilic. These predictions do not coincide with realities on the ground.

In March 2008 scientists announced they had found high concentrations of DDT in two High Sierra lakes in Sequoia National Park, despite the fact that DDT was banned from use in agriculture in the U.S. 36 years ago. Widespread contamination of lakes is suspected.

Dr. Karl Longley of Fresno State and founding member of the "Drinking Water Group," conducted a GAMA study of domestic well water quality in Tulare County in 2006. 181 samples of well water were drawn from valley and foothill wells. 41% of the wells were contaminated with unsafe levels of nitrates, 33% with total coliform bacteria, 8% with fecal coliform, and 13% of the wells were contaminated with both nitrates and total coliform bacteria. This is not a healthy climate for growth. Tulare County must concentrate on cleaning contaminated water for its vulnerable residents and stopping the contamination of groundwater by septic systems, agriculture, dairies, and wastewater treatment plants.

Comments by Carole Clum to Board of Supervisors at the Hearing on Draft General Plan Update, Feb. 26, 2008

It is impossible to assess and mitigate the impact of new development on water resources when the decision makers do not have a complete, accurate, current description of the existing environment. It is only against this baseline that intelligent decision making can be made. The DEIR analysis of water supply and water quality is fundamentally flawed because:

- Keller-Wegley Report, a major document used to assess water supply and water quality, is incomplete, missing vital figures and community maps assessing adverse impacts on many unincorporated communities due to loss of water from the Friant-Kern canal. Nevertheless, Dennis Keller, notes the uncertainty of the outcome of the *NRDC v. Rodgers* case concerning the restoration of the San Joaquin River, depending on the successful rebound of the Chinook salmon,

- No consideration of the delta smelt decision to restore the Sacramento delta and limit water exported to Tulare County,

- No consideration of Global Climate Change and scientists' consensus that Tulare County will receive increasingly less precipitation and less snowpack and will experience ever warmer average temperatures which will adversely impact water supply, groundwater overdrafting and groundwater contamination and recharge.

- Absolutely no consideration of serious groundwater overdrafting now in Tulare County,

- Inadequate and inaccurate data in Table 4-5, page 4-107 of the DEIR, which purports to show the ability of 21 unincorporated communities to meet population growth demands of the General Plan Update buildout to 2030, See Enclosures 9 and 10

- Most of the water resources data was collected in 2003 or earlier. This DEIR was published in 2008,

- No consideration of the significant adverse impact on hydrology of Global Climate Change as echoed in the State Water Project Delivery Reliability Report of Jan. 22, 2008,

- No consideration of the expense of improving municipal water supply infrastructure and wastewater treatment facilities to accommodate 72% population growth.

- Page 4-130 of the DEIR states, "The majority of domestic water purveyors in unincorporated areas of the County would continue to be dependent upon groundwater to meet their water needs. Until comprehensive assessments of groundwater and groundwater management efforts occur, it is not possible to conclude that the County's groundwater resources would be capable of meeting future water demands resulting from implementation of the General Plan Update.

- There is widespread contamination of groundwater by nitrates, arsenic, DBCP, radon, etc. Until county-wide, comprehensive groundwater quality monitoring occurs, there is no way to determine if the population can grow by 72%.

- No consideration of the expense of removing contaminants from groundwater and who will pay. Purchasing filtration systems to remove contamination from water is expensive. Maintaining filtration systems is expensive and disposing of the concentrated contaminant (now officially hazardous waste) is extremely expensive. Small municipal water systems cannot afford the expense. This is especially true of disadvantaged communities.

Public Comments by Carole Clum to the Tulare County Water Commission
February 25, 2008

In the past I have commented on water supply. Now I'm addressing water quality.

In the Environmental Impact Report document of the General Plan Update under Air Pollution Control on pages 4-54 through 4-57 are the following paraphrased words: In order to improve air quality by reducing PM-10, PM 2.5 and ROGs (reactive organic gases), the County will require all future dairies and feedlot development projects to adhere to new policies AQ-4.6 and AQ-4.7.

AQ-4.6 allows spreading dry manure on nutrient areas when the wind is less than 10 mph. What are these nutrient areas? On what crops can this dry manure be spread?

AQ-4.7 allows manure water to be either injected subsurface or placed on the surface in thin layers, blending such manure water with irrigation water at a ratio in compliance with a nutrient management plan that shall be required for each dairy and feedlot. In other words, to be determined in the future, on a case by case basis.

Now I ask you, how is injecting manure water into the soil going to be good for groundwater? What is the mitigation for pumping manure water into the ground? How is watering down manure water and spreading it thinly going to halt the evaporation of the liquids and dispersions of solids into the air via the wind and discing?

According to the Environmental Impact Report, the implementation of the above dairy and feedlot policies would ensure that the General Plan Update would not conflict with applicable air qualities plans and that this impact would be less-than-significant.

These dairy and feedlot policies conflict directly with the County's following goals:

- Protecting and enhancing the health and safety of the County's residents, page A-1 General Plan Framework in the Goals and Policies Report
- Protecting the quality of groundwater resources, page 11.3 in the Water Quality section of the Goals and Policies Report.

There are at least 300 dairies in Tulare County and 60-70 feedlots.

Vast quantities of cow manure laden with antibiotic resistant bacteria and nitrates being pumped into and spread on the ground is a huge threat to public health.

In the Water Quality Section on page 11-4 in the Goals and Policies Report there are nine policies under the stated goal "to protect the quality of surface water and groundwater resources".

- All nine policies are new policies.
- Only one policy mentions agriculture. WR-2.7 states the County shall work with agricultural and industrial concerns to ensure that water contaminants and waste products are handled in a manner that protects the long term viability of water resources. This wording is so weak and vague as to be meaningless.
  What are the specific performance standards by which this would be accomplished? What is the time frame in which this would happen? And what measures would be used to ensure it actually happens?
- The wording in three policies is strong.

- The other six policies contain unenforceable wording such as:
  - shall be evaluated
  - if feasible
  - as necessary
  - work with
  - shall continue to promote
  - shall encourage and support the identification of degraded surface and ground water resources—AND THEN WHAT WILL THE COUNTY DO ABOUT IT?!

In policy WR- 2.3 on page 11-5, Best Management Practices and other unnamed mitigation measures shall be continued to be required, if feasible, to protect surface water and groundwater from adverse effects of construction activities and urban runoff in coordination with the Water Quality Control Board. The wording "if feasible" makes this policy very weak. Worse, this policy fails to include other important sources of water contamination such as:

- food processing facilities
- industrial activities
- agricultural activities
- dairies and feedlots
- special uses

It is evident the County doesn't care enough about protecting our water quality to write strong, enforceable policies and implementation measures. Look for yourself in the Goals and Policies Report on pages 11-4 and 11-5.

Water Resources Element

There is no factual basis for the County's capacity to accommodate the General Plan Update's population growth projections.

In the Water Resources element of the DEIR on page 4-106, Table 4-4 General Plan Population Estimates by Unincorporated Community there are 21 communities listed with their domestic water service provider, existing population, and projected range of General Plan Population Estimates. Take Three Rivers, for example, the existing population estimate of 2300 people is from 2003 which is five years out of date. The projected population increase for 2030 is from 920 to 1397 people. The domestic water service provider is listed as CSD and mutual water companies. According to Randy Pares, general manager of CSD on January 21, 2008, CSD controls 75 water connections in Alta Acres where there are only 5 unbuilt lots. The South Kaweah Mutual Water Company, according to Lew Nelson, manager, on January 25, 2008, services 220 water connections in Cherokee Oaks subdivision. There are only 20 unbuilt lots. There are no plans to extend the system. Deer Meadows Mutual Water Company in Cherokee Oaks subdivision, according to Ken Elias, board member on January 23, 2008, has 41 connections and arsenic in its water. There are a total of 35 small, privately owned, volunteer run water systems/companies in Three Rivers. Except for the three largest water companies, there are no water meters. The large majority charge flat rates. Many water companies serve one hotel, or one RV park, or the elementary school, or four or five homes. Most of the approximately 1900 water wells in Three Rivers are private wells serving one household. The water companies have various problems; old water pipes, only one well, arsenic above Federal drinking water standards, reach capacity at times of peak water use, have insufficient water pressure for fire flow, have a moratorium on developing new lots, need an expensive new water storage tank ($35,000), and have applied for grants and loans.

According to Tom Marshall, a 15 year member of the Sequoia Foothills Chamber of Commerce, on January 23, 2008, there are 321 motel rooms, bed and breakfast rooms, and RV spaces. During the summer and especially during the holiday weekends of Memorial Day, 4th of July, and Labor Day, they are fully occupied, reaching peak water use. The consultant who gathered data on these service providers did not ask about peak demand on water and how close that

came to capacity or the cost of expenditures to drill another well or upgrade infrastructure. Most of the people who live in Three Rivers are outside CSD and all the other mutual water companies. None of the private wells have been evaluated. There has been no study of water quality or quantity in Three Rivers. Drilling a well here is like playing roulette. Some don't produce enough water. Others have unacceptable levels of radon or arsenic. Wells are being drilled deeper of necessity. The only way 900-1400 more people could be accommodated in Three Rivers by 2030 is by a new large development, not on 5 acre ranchettes.

Again, according to Ken Elias, board member of Deer Meadow Estates Water Company in Cherokee Oaks, on January 21, 2008, there is one well that produces 60 gallons a minute and a second inactive well that produces only 3-4 gallons a minute. The water company is considering reactivating this well. There are 27 connections to this water system. The water table for well #1 dropped 30 feet during an earthquake in the 1990's. There is enough water during peak demand. There are expensive repairs upcoming, a sediment ram.

According to Ray Murray, manager of the Sierra King Water Company in Three Rivers on Mineral King Road on January 22, 2008, the water company is a homeowner's association which just deals with water supply. There are 41 connections. Recently they drilled a well which had an unacceptable level of radon. They drilled a third well which has good water but is not on line yet. There is a moratorium on building on the remaining 41 lots. They are not 100% metered. Funding is a real problem. The water system has problems with pressure, not enough for firefighting flow. Because of a pinhole in the storage tank, they need to buy a new one. It will cost $35,000.

And yet, in Table 4-5, Summary of Domestic Water Supply, Conditions for Unincorporated Communities in Tulare County, Three Rivers is listed as having adequate facilities to serve projected General Plan Population Growth with Concerns, meaning Three Rivers either has the capacity to serve projected growth or is likely to solve capacity issues within the time horizon of the General Plan Update. How was this conclusion reached?

The people of Three Rivers believe their road to economic prosperity is attracting more tourism. Businesses in Three Rivers fail at an alarming rate because outsiders visit almost entirely between Memorial Day weekend and Labor Day weekend.

Springville is a more egregious example of "blue sky" analysis. Springville (SPUD) is listed as the domestic service provider in Table 4-4. It gets its water supply from Tule River water rights, not groundwater. According to Nancy Bruce, board member of SPUD on January 22, 2008 during peak demand (four consecutive days of 107° F or above), SPUD reaches its capacity of water rights. There has been a moratorium on sewer connections in SPUD for 28 years. SPUD is in non-compliance for effluent treatment. SPUD is unable to expand its wastewater treatment facility due to a lack of available land. And yet, Table 4-5 lists Springville as "More than Adequate", meaning "facility appears capable of serving growth beyond buildout of the General Plan." That's unwarranted optimism and a prediction not based on fact.

Lemon Cove, a community of allegedly 251 people in 2003, has shrunk to less than 200 people on January 21, 2008. The County projects Lemon Cove to grow to 377 to 433 people despite the the fact that Lemon Cove is landlocked by citrus groves in the Williamson Act; its wastewater treatment plant is at 3/4 capacity; it is bisected by Highway 198; and it is assaulted by the noise, dust, vibration, and fumes of heavy diesel trucks hauling crushed granite from the Lemon Cove Granite Pit through town. It is not your ideal town. The Lemon Cove SD has 41 water connections and 60 sewer connections, according to Bill Pensar, board member of Lemon Cove SD, on January 23, 2008. The County does say Lemon Cove has "Significant Concerns", meaning "the provider lacks capacity to serve projected growth and is likely to experience significant difficulties in expanding the system to meet projected demand." They got that right.

I quote from the DEIR, page 4-129

"Impact Analysis
Implementation of the General Plan Update would result in an increased demand on groundwater supplies for urban and rural uses within the unincorporated areas of the County. Due to the lack of comprehensive information regarding the County's groundwater resources, it is uncertain if groundwater supplies

would be sufficient to meet the future demand of rural private domestic, small municipal and agricultural wells. This uncertainty combined with the current regulatory approach could result in insufficient groundwater supplies in unincorporated areas of the County. Growth associated with the General Plan Update would require additional groundwater pumping for designated urban development areas of the County where surface water is not available. In some of the unincorporated urban development areas, there are concerns that adequate water supplies cannot be achieved through sustainable groundwater management, that is, without creating declining groundwater levels, and adversely affecting existing wells. Such concerns are heightened by the fact that most of these areas are presently dependent upon groundwater supplies."

The above impact analysis was based on inadequate, inaccurate data. So, the true impact is most likely worse, creating greater impact on groundwater and existing wells.

Only one small CSD, PUD, ID or JPA in each community was consulted in 2003 in order to analyze each community's ability to meet projected growth. In the case of Three Rivers, the Three Rivers CSD serves 75 water connections. There are approximately 1900 wells in Three Rivers, predominantly one well serving one household. This inadequate analysis was based on less than 5% of the people served by wells in Three Rivers. For a more accurate analysis see Enclosure 10.

In the Background Report under Public Services and Utilities on page 7-35 under "Can't Serve" Special Districts, there are 15 communities listed as under temporary cease and desist orders for water or sewer hook ups as of April 7, 2007.

According to the Background Report, pages 7-41 through 7-43, some of the unincorporated urban areas within Tulare County lack sanitary sewer infrastructure and are served by individual or community septic systems. These are Allensworth, Alpaugh, Alpine Village-Sequoia Crest, Ducor, East Tulare Villa, Lindcove, Monson, Plainview, Ponderosa, Three Rivers, Waukena, West Goshen and others. Other unincorporated communities within Tulare County have sanitary infrastructure in place, however, in many cases the facilities are several years old and are in need of rehabilitation and/or reconstruction to meet current standards. According to Table 7-2, Summary of Sanitary Service

Providers on page 7-43, eleven communities have primary or advanced primary treatment level. The other 15 have secondary treatment level of wastewater. None treat wastewater to tertiary level.

The DEIR did not disclose the extent of groundwater contamination in Tulare County. This draft EIR ignores the extent of water problems in unincorporated communities and assumes a solution to the problem of water supply will be reached in order to fulfill growth projections within the time horizon of the General Plan. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the projected growth will need.

The DEIR does not disclose the cost of remediation or identify any source of funding for remediation measures for many of the water companies needing new wells, pipes, storage tanks or water treatment facilities to eliminate contamination by nitrates, arsenic, oil, DBCP, perchlorate, radon. Almost all the water companies are applying for grants and/or loans. There is not enough state or federal money to meet all the needs. It is extremely expensive to remove some forms of water contamination (arsenic, oil). Many of these unincorporated communities are small and poor. There is a lack of funding for remediation measures. There is great uncertainty that mitigation measures would ever be funded or implemented.

In the DEIR the RMA has abused its discretion by reaching factual conclusions, unsupported by substantial or current evidence.

As a result of projected growth encouraged by the Updated Tulare County General Plan considerably more groundwater would be pumped to serve new housing, retail, dairies, and industry. Since Tulare County is already seriously overdrafting its groundwater, this would result in a significant impact which could be avoided if growth were curbed. 56% of the overdrafting in California occurs in Tulare County.

We need to consider the groundwater impact of every proposed development (new town, slaughterhouse, dairy, ethanol plant, housing development, etc.) Each proposed project must submit realistic estimates for water use, with a firm cap on groundwater use. The impact on existing uses of neighboring properties must be considered. And now that the California Supreme Court

decided on February 1, 2007 in the *Vineyard Area Citizens for Responsible Growth v. The City of Rancho Cordova* that the impact on potential growth for surrounding property owners must be taken into account, we better understand the state of our groundwater. Groundwater depth and contaminant maps should be created and updated every year. There should be a moratorium on building until the groundwater situation is clearly understood.

Tulare County operates several small water systems, called County Service Areas, in Delft Colony, Traver, Yettem, and Wells Tract which rely on groundwater for potable water deliveries. These water systems are currently unmetered, and customers are billed under a flat rate structure. Water furnished without water metering and volumetric pricing causes waste and unreasonable use of water. After installation of water meters and volumetric pricing, water districts have encountered an immediate decrease in water demand by 20-30%. The decrease in water demand leads to a decrease in operating expenses resulting in energy savings and in some cases reduces operation and maintenance costs by extending the useful life of the system equipment. Why hasn't the County invested in meters in its own County Service Areas?

We need a comprehensive hydrological study of groundwater in Tulare County, especially in the foothills where no monitoring of groundwater has been done, before we can accurately project population capacity. We need baseline facts in order to make intelligent decisions.

According to the California Development Department, Tulare County had 10.9% unemployment in December 2007. Tulare County has the lowest per capita income of the 58 counties in California. Where will the money come from to drill new wells, clean contaminated water, improve infrastructure at mutual water companies, pay rent, buy a home? How can our unincorporated communities grow as projected in Tulare County's General Plan Update?

Water Resources
Impacts and Mitigation Measures on page 4-119 through 4-136

Impact WR-3

CEQA guidelines require RMA of Tulare County to include a description of the physical environmental conditions in the County, as they exist at the time the Notice of Preparation, from both a local and a regional perspective. The "baseline" environmental conditions for determining this General Plan's significant effects on the physical environment would normally be described in the DEIR as the "environmental setting". In this case the environmental setting is supposed to be contained in the Background Report, "Domestic Water Infrastructure," page 7.2 Background Report, Section 10.2 Water Resources, Existing Conditions, page 10-5; and Appendix C, Water Resources. Instead of analyzing Tulare County's water resources, the County presents Existing Conditions in the Background Report on page 10-6, Table 10-1, California Water Supplies with Existing Facilities and Programs Thousand Acre Feet of 1998 based on 1995 statistics and projected to 2020, amounts of surface water and groundwater available. This data is outdated and inadequate. It excludes groundwater overdraft. According to this table, annual water delivered from the Central Valley Project is expected to increase. And the State Water Project is projected to increase delivery of water to Tulare County. New water production will result from groundwater." What are the "recycling facilities currently under construction" which will increase our water supply? this "analysis" is fundamentally flawed.

Tulare County is in a "critical overdraft condition", overdrafting 820,000 acre feet of groundwater a year. This is 56% of California's overdraft. Subsidence from overdrafted aquifers has already occurred here. Wouldn't the projected 72% population growth exacerbate an already overdrafted groundwater supply? There has been no County-wide hydrological study of groundwater. See the proposed Fresno County Foothill Hydrological Study in Enclosure 1. Semi-annual monitoring of groundwater in Spring and Fall over time would inform the County of the state of overdraft in general and specific areas of critical overdrafting and groundwater contamination.

In Appendix C of the General Plan Background Report, page C-4, Figure 4-8, Average Groundwater Elevations, City of Visalia, the caption reads: "Of particular concern to local agencies of jurisdiction, as well as to the County, is the condition of groundwater beneath the organized communities and cities. Typical of all communities with groundwater as the principal source of supply, conversion of land from agricultural use to urban use has brought about a change in the sources supply from a conjunctive basis of surface supply and groundwater supply to one which is generated exclusively from groundwater. The impacts of such conversion where not offset by groundwater recharge mitigation measures, results 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."

A serious analysis of surface water available to Tulare County based on fact, up to date, and considering reasonably foreseeable reductions in water supply due to Global Climate Change and upcoming judicial decisions concerning the Sacramento Delta and San Joaquin River exports is needed.

The baseline condition for water resources is a factual quantitative measure of the existing acre feet of water in our groundwater basin as of April 25, 2006, the date of the NOP. The water resource projection must factor in the Friant/Kern canal subsidence, the Friant/Kern canal judicial decision, and the delta smelt judicial decision which both reduce water export to Tulare County.

On September 25, 2007, the Tulare County Board of Supervisors voted unanimously to send a legislative letter to Assemblyman Bill Maze warning of "an impending water crisis" in Tulare County as a result of Judge Wanger's decision to restore the habitat of the San Joaquin River for Chinook salmon by limiting the export of water. See Enclosure 2. At the same session the Board of Supervisors unanimously approved the Planned Community Zoning (New Town "amendment") allowing new towns anywhere in the unincorporated areas of the County. See Enclosure 3.

Without a complete description of the General Plan's environmental setting, the DEIR may never adequately investigate and discuss the environmental consequences of the proposed projected growth. In a recent case the California Court of Appeal rejected a description of the baseline environmental conditions because the EIR did not quantify the size of the groundwater

aquifer beneath a proposed project. There must be sufficient baseline information for intelligent decision making.

There is clear precedent for a rigorous global warming baseline analysis. For example, when considering a proposed general plan's use of water, the baseline conditions must be based on actual water currently used.

In determining whether a project's impacts may significantly affect the environment, there must be a "baseline" set of environmental conditions to use as comparison to the anticipated project impacts. One California Court of Appeals decision acknowledged the "baseline determination is the first rather than the last step in the environmental review process". Several judicial opinions have held the impacts of the project must be measured against "real conditions on the ground". In other words, when considering a proposed project's use of water, the baseline conditions must be based on actual water currently used.

Direct environmental impacts, the immediate, perceptible effects of a project, count as environmental impacts under CEQA (more overdrafting of groundwater and consequent lowering of groundwater in neighboring wells. So do indirect impacts, impacts that are one or more steps removed from the project, as long as they are reasonably foreseeable (for instance, greater use of energy to convey and treat water and to treat wastewater, causing higher emissions of CO_2 from power plants and the foreseeable indirect impact of a new residential subdivision far from existing public services, jobs, commercial uses, and public transit, increasing Vehicle Miles Travelled by the future residents, tourists, and workers to this outlying residential community, leading to increased combustion of fossil fuels, which contribute to global warming.)

We need to consider the impact on groundwater and surface water of every proposed development – ethanol plant, slaughterhouse, dairy, new town, etc. – in Tulare County. Each proposed project must be required to submit realistic estimates from County-approved experts for water use throughout the life of the development, including a firm cap on the maximum amount of water that will be used. Additionally, the impact of uses on neighboring properties now and in the future must be considered.

The California Supreme Court decision on February 1, 2007 (in the *Vineyard Area Citizens for Responsible Growth vs. the City of Rancho Cordova*) that the Impact of potential growth for surrounding property owners must be taken into account makes it even more urgent that we gain a thorough understanding of the state of our groundwater in Tulare County.

For example, water in the foothills is transient, moving through to the valley floor, where it replenishes the groundwater supply. But construction of a big housing development in the foothills will disrupt the flow of this water to the valley.

Estimates of water consumption of any proposed development must come from qualified, independent, reliable experts. If the estimates aren't accurate, the consequences can be widespread and irremediable. As a case in point: the developers of the corn ethanol plant in Goshen assured County planners and supervisors that there was sufficient CAL Water to operate their proposed facility. But when the plant began operating, not enough CAL Water was available. So the owners (Bio Phoenix Industries) asked the Board of Supervisors for permission to dig deep wells. The County approved the request (BOS Resolution 8147), the deep wells were drilled, and now the wells on the neighboring properties are going dry.

The Yokohl Ranch developers claim they have enough surface water for their proposed 20-year project. are these only paper water rights, or is this guaranteed, sufficient, long-term water in wet years and in drought? If enough surface water does not materialize, or disappears in dry years, you can bet that Boswell will be applying for permission to dig deep wells, and there will be another Board of Supervisors resolution and consequent betrayal of the neighbors' water rights.

Given the prospect of projected massive growth in Tulare County, it is obvious that a County-wide groundwater evaluation and management plan must be in place before we approve any new development.

A significant effect on the existing environment is defined by the CEQA Guidelines as a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, in this case water resources in the County. The DEIR must identify and focus on the

possible significant adverse environmental impacts of a proposed project, in this case, groundwater overdrafting caused by projected population growth in a County already suffering from severe groundwater overdrafting.

The California Legislature has determined that certain specified changes to the environment are significantly adverse by definition. These are often called mandatory findings of significance. As a result of the legislature's determination, RMA must conclude that a proposed project (updated General Plan) may have a significant effect on the environment if the project does any of the following:

1) Has the potential to degrade substantially the quality of the environment;
2) Has potential environment effects that are individually insignificant but cumulatively considerable;
3) Has the potential to cause substantial adverse direct and indirect impacts on human beings;
4) Has the potential to reduce substantially the habitat of a fish or wildlife species;
5) Has the potential to cause a fish or wildlife population to drop below self-sustaining levels;
6) Has the potential to threaten or eliminate a plant or animal community or;
7) Has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

Using more and more groundwater and surface water for future projected growth would cause all of the above significant effects on the environment.

The cumulative impacts analysis is one of the most essential elements of the DEIR; it assesses the cumulative damage as a whole greater than the sum of its parts. Cumulative impacts are "two or more individual effects when considered together, are considerable or which compound or increase other environmental impacts." These cumulative impacts can result from individually minor but collectively significant projects taking place over time, as in several small developments requiring groundwater over time. The cumulative impacts are considered significant when considered with the effects of past, current, and foreseeable future projects, thus the project's effects are considered "cumulatively

considerable". There is no analysis of cumulative effects in the General Plan or DEIR.

The EIR should include verification of sufficient water supplies for the future including the following:

- Will groundwater be sufficient in the long term for the projected growth?
- What effect will this increased groundwater pumping have on groundwater levels and on water quality?
- How will potential lowering of groundwater levels affect nearby agricultural wells? domestic wells?
- What are the long term competing uses for this groundwater?
- What are the environmental impacts associated with securing and delivering this water?

Recommendations for Changes in Water Resources Element
in Goals and Policies Report

11. Water Resources Page 11-1

Remove sentences "The policies in this element . . . is a complicated system . . ." Replace with <u>The County is the land use authority and has regulatory control over land use activities that directly impact water management. And, the County operates a number of water and wastewater systems, which manage water. In the systems the users must have water meters and be charged volumetrically.</u>

Existing Conditions Overview page 11-2 (at the end of fourth paragraph) and other factors <u>which include overdevelopment, waste of water by agriculture and residents and Global Climate Change.</u>

(at end of the 5th paragraph) add:
<u>Overdrafting of groundwater occurs in each of these 19 entities.</u>

(at end of the 7th paragraph) add:

In Three Rivers all the mutual water systems are privately owned and run by volunteers.

In foothills water exists only in rock fractures. Drilling a well is like playing roulette. Many drilled wells come up dry, yield little water or are contaminated by radon or arsenic. There is not much groundwater in the foothills and little capability to develop. The foothills are near the of our watershed where our water originates.

Our surface waters, small creeks and streams, and ultimately rivers and lakes, are polluted with run-off from non-point sources, contaminants that flow from developed land, roads, and agricultural fields.

Chemically assisted agriculture is the County's largest source of polluted run-off. Nitrogen from fertizers and VOCs from pesticides, particularly soil fumigants contaminate run-off.

The second largest, and fastest growing, source of run-off is sprawl. Impervious surfaces such as buildings, parking lots, driveways and roads cover our soil, speed run-off, and warm the water, washing the contaminants into small streams. Development is covering our vital watersheds keeping rainwater from being captured, filtered, and recharged into our groundwater.

Comprehensive land use reform is essential to protecting our County's water resources. When agriculture or development alters the shape, the soils and the vegetation of a watershed, the impact on nearby rivers and streams is profound. Automobile exhaust from sprawl (from increased Vehicle Miles Travelled) is a primary source of air borne nitrogen, one of the most damaging aquatic pollutants. The damage to water quality will grow dramatically unless sprawl is brought under control.

Growth must be focused in compact, dense towns with minimal impervious surfaces. Watersheds must be protected. Practically, this means identifying our watersheds that are undeveloped evaluating their biological, recreational, and other public values and maintaining the most important watersheds in an undeveloped state.

Designing compact smart communities that offer a broad array of transportation and housing choices, that integrate work and shopping with housing and have inspiring civic spaces consume less land and dramatically reduce the number and length of automobile trips. This means less airborne nitrogen, less gas and oil runoff, and less heavy metals from brakes and tires, all of which benefit water and air quality.

Conservation of rural landscapes help shape regional growth patterns. This means no more loss of agricultural land and open space. When more than 10% of the acreage of a watershed is covered in roads, parking lots, roof tops and other impervious surfaces, the rivers and streams within those watersheds become degraded. By virtually every measure of ecosystem health, the streams, creeks, marshes, and rivers that are surrounded by hardened watersheds are less diverse, less stable, and less productive. The most obvious change caused by development is that rainwater flows faster across the ground and more of it reaches, creeks, rivers, and estuaries in the form of runoff. A one acre parking lot produces 16 times the volume of runoff that comes from a one acre meadow.

Water temperature rises as runoff flows across paved areas. Because warm water contains less dissolved oxygen than cold water, the fish that are sensitive to oxygen levels, like trout and salmon, decline and disappear. Large undisturbed setbacks are necessary for all streams and rivers. When impervious coverage in the watershed reaches 10%, water quality suffers. Urban runoff transports a vast assemblage of pollutants into the aquatic environment. These include nitrogen, phosphorus, organic carbon, pesticides, petroleum hydrocarbons, and trace metals such as copper, zinc, and lead. The County must minimize impervious ground cover and incorporate small water retention swales into parking lots, curbside, and residential yards in all new development.

More driving and more developed land means more damage to our rivers, streams, and groundwater. Sprawl is at the root of the problem. No new towns shall be allowed. All growth shall be directed into our existing cities' and communities' development boundaries.

WR-1.1 Groundwater Withdrawal (add the following)

. . . No development shall be allowed in areas where groundwater does not meet SDWA standards or is in serious overdraft unless sufficiently mitigated so it will not contribute to groundwater overdraft, and will not result in an injury to the reasonable and beneficial uses of overlying groundwater users.

WR-1.2 Groundwater Monitoring

The County shall require the collection . . . groundwater pollution and overdrafting as part . . . development which would add to the County's available water data which is needed to make informed water and land use policy decisions.

WR-1.3 Water Export Outside the County

. . . The County shall require a "no net loss" . . . To allow any net loss of water to Tulare County contradicts the WR-1 goal to protect the quantity of surface and groundwater resources.

WR-1.4 Conversion of Agricultural Water Resources

The County shall prohibit the transfer of water used for agricultural purposes (within the prior ten years) for domestic consumption under any circumstances in order to ensure adequate supplies are maintained for existing development and to ensure our County remains agricultural.

WR-1.5 Expand Use of Reclaimed Wastewater

. . . The County shall use opportunities . . . recharge efforts like landscape irrigation in new development and on County property. The County shall require new wastewater treatment plants to have tertiary treatment, like a series of ponds that empty into streams or recharge basins.

WR-1.7 Collection of Additional Groundwater Information

The County shall financially support . . . basins. The County will develop comprehensive data for all regions of the County on water quality and supply in order to make informed land use decisions, particularly in the foothills where there is almost no data. This information must be developed before making further significant land use decisions that may further impact groundwater quality and supply.

WR-1.8 Groundwater Basin Management

. . . by surveying our entire four watersheds and identifying all streams, intermittent streams, vernal pools and water retention basins in order to protect them from development and damage of any kind, by setting maximum buffers and by minimizing, to the maximum extent possible, impervious ground cover.

WR-1.9 Collection of Additional Surface Water Information

The County shall require the collection of comprehensive water . . .
The County shall monitor older development to ensure only reasonable and beneficial extraction of water from rivers and streams occur. The County shall forcefully request California Department of Fish and Game monitor and enforce water withdrawals by ditch owners.

WR-1.10 Channel Modification

Channel Modification shall be prohibited . . . Mandatory fines shall be levied for channel modification which adversely impacts groundwater recharge, flooding, erosion, rate of sediment transport, aquatic life and riparian habitat. The channel shall be restored at the developer or landowner's expense.

WR-2 . . . for the protection of the quality of surface water and groundwater resources. Where are the strong policies to protect water quality? Policies that include the words "shall be evaluated", "shall confer . . . as necessary", "shall continue to require the use of feasible . . . mitigation measures", "shall continue to promote", "shall encourage and support", "shall work with" do NOT ensure water quality. This is woefully inadequate and does not fulfill CEQA's requirement that local government protect the environment. So far, Tulare County's policies have failed to protect groundwater since it has become increasingly contaminated with nitrates, etc. Also, the County has ignored the adverse impacts of dairies and agriculture on groundwater.

WR-2.1 Protect Water Quality

All land use and development . . . Remove "as necessary". It is always necessary. Add to the end: The County shall minimize, to the maximum extent possible, impervious groundcover in new development. The County shall stop sprawl. The County shall mandate very large undeveloped buffers around creeks, streams, rivers, vernal pools, and natural water retention basins. The County shall require large and small water retention basins in all new development to capture runoff.

WR-2.3 Best Management Practices

The County shall require the use . . . construction activities, dairies, industrial activities, food processing facilities, agricultural activities, special use and urban runoff. This policy shall incorporate whatever BMP may be developed by the County as part of the Water Commission's Nitrate Subcommittee.

How can this be a new policy and the County is "continuing" to do it?

WR-2.4 Construction Site Sediment Control

. . . from construction sites and shall require site sediment control on agricultural operations and on dairies.

WR-2.5 Major Drainage Management

The County shall protect each individual drainage basin . . .

WR-2.6 Degraded Water Resources

The County shall identify and restore degraded surface water and groundwater resources including interim mitigation options. The persons or companies responsible for the degradation shall pay for the restoration. Restoration and mitigation efforts shall be implemented in cooperation with the Regional Water Quality Control Board and the Department of Public Health, as well as other appropriate state and regional agencies.

WR-2.7 Industrial and Agricultural Sources

The County shall require agricultural . . .

WR-2.8 Point Source Control

The County shall cooperate fully with . . . and penalize for repeated pollution.

WR-2.8A Establish Critical Water Quality Areas

The County shall designate Critical Water Quality Areas county wide to guide in land use decisions. Specifically, the County needs to identify vulnerable aquifers used for drinking water and then set strict guidelines for land uses, development, and Best Management Practices in those areas to protect water quality.

WR-2.9 Private Wells

. . . The County shall require testing of private wells for known contaminants and require those results be submitted to the County and kept in a continually updated database. The County shall fine owners/developers for wells abandoned or driven by unlicensed companies. Anyone who sells a parcel of land with a well on it must disclose the water quality analysis to the prospective buyer before escrow. Implementation Measure. Fines shall be levied for wells driven by unlicensed companies and wells not properly abandoned.

WR-2.10 Educational Programs

Public education is needed on water quality. Issues such as well head protection, proper fertilizer application and septic maintenance can be extremely helpful in protecting our County's water supplies and ensuring clean water in the future. The County shall create educational programs for domestic, agricultural, dairy, urban, and rural users.

WR-3 Water Supply

To provide a sustainable long term supply of water resources . . . Where are the policies that require water conservation, water efficiency, water recycling, water reuse in all new construction and provide incentives for older construction to convert to water saving measures? How does the new policy of allowing extraction and export of groundwater from Tulare County of any amount less than what will substantially increase the groundwater overdraft of Tulare County provide a sustainable water supply? Define "substantial." Implementation Measure 1 does not fulfill CEQA's requirement that local government protect the environment.

. . . recreational needs and to require that new development provide proof of a long term water supply.

WR-3.1 Develop Additional Water Sources

The County shall identify and develop additional water sources . . . groundwater banking, groundwater recharge and infiltration basins, rainwater harvesting and required water conservation programs. The County shall inform and encourage the public to harvest rainwater from roofs into barrels, underground cisterns or basement cisterns for use in irrigation or sewers or toilets. This will take the strain off municipal water systems.

WR-3.2 Develop an Integrated Regional Water Master Plan

. . . The County will establish a County wide well monitoring water conservation, water efficiency-focused integrated regional water master plan for the entire County. Of primary importance is a system for monitoring water quality and water quantity on a yearly basis.

WR-3.3 Adequate Water Availability

The County shall review new development proposals to require . . . Projects must provide evidence of safe drinking water and longterm sustainable water availability or . . . The County must ensure the project will not negatively impact water quality or quantity of present or future use of adjoining properties.

WR-3.4A Comprehensive Water Conservation

The County will design and implement a comprehensive water conservation strategy as recommended by the Attorney General to reduce Global Warming, which will include the following strategies:

- Design and implement a comprehensive water conservation strategy. The strategy may include many of the specific items that follow, plus other innovative measures that are appropriate for the location.
- Require water efficient landscapes.[29] Adopt a strong landscape ordinance with water budgets to assure efficient landscape design, installation, and maintenance in new construction.

- Encourage the use of reclaimed water for landscape irrigation in new developments and on public property. Provide necessary infrastructure to deliver and use reclaimed water.
- Require water efficient design for buildings. This may include strengthening local building codes for new construction and implementing a program to renovate existing buildings to require a higher level of water efficiency.
- Adopt a retrofit ordinance that will require installation of water-efficient fixtures upon the sale of homes.[30]
- Adopt and enforce restrictions on watering methods (*e.g.*, prohibiting systems that apply water to non-vegetated surfaces) and controls on runoff.
- Require water efficiency training and certification for irrigation designers, installers and managers.
- Provide individualized water audits for large water users to identify conservation opportunities. Offer financial incentives for adoption of identified efficiency measures.
- Provide water audits for large landscape accounts. Offer financial incentives for efficient irrigation controls and other efficiency measures.
- Fund incentives and technical assistance for water efficiency.
- Adopt standards that prescribe the maximum allowable efficient impervious area for all new development and redevelopment projects. Require preservation of the existing hydrologic character of developed sites to manage storm water and protect the environment. (Retaining storm water runoff onsite can drastically reduce the need for energy-intensive imported water at the site.)
- Adopt conservation pricing to encourage efficient water use.[31]

WR-3.5 Use of Native and Drought Tolerant Landscaping

The County shall require the use . . . and mandate water . . .

WR-3.6 Agriculture Irrigation Efficiency

The County shall create educational . . . There needs to be an Implementation Measure. This is very important. A lot of water waste occurs in agriculture because the water is so cheap.

WR-3.6A Urban Water Use Efficiency

The County shall increase urban water use efficiency by rewarding and requiring the use of water meters and volumetric pricing of water and other BMP conservation practices in existing communities, by obtaining grants and providing incentives.

WR-3.7 Emergency Water Conservation Plan

The implementation measure for this policy is extremely poor and inadequate. What is the use of simply making a list of priorities?

WR-3.8 Education Programs

The County shall develop educational programs in cooperation with other water purveyors . . .

WR-3.9 Establish Critical Water Supply Areas

. . . and prohibit development in those critical water supply areas until water supply is adequate for development.

WR-3.10 Diversion of Surface Water

. . . and where diversion is not reasonable and beneficial or is to the detriment of aquatic or riparian habitat. CEQA prohibits damage to natural resources.

WR-3.12 Joint Water Projects with Neighboring Counties

. . . and improve availability of clean water, requiring water conservation measures.

WR-3.13 Coordination of Watershed Management on Public Land

This policy has no implementation measure. Implementation Measures 3, 4, and 18 could all reference this policy.

WR-3.14 Coordination of Watershed Management in Unincorporated Areas of County

Watersheds shall be protected and restored, by protecting streams from erosion and by improving groundwater retention and especially by protecting natural water retention basins.

Implementation Measures

Implementation Measure 1

first bullet	. . . will not increase the overdraft
third bullet	incomprehensible, make clear
sixth bullet	Find that the applicant has provided complete mitigation
seventh bullet	There will be no net export of water from the County
eighth bullet	The County shall include a time limit on groundwater exports so they can be reviewed periodically

Implementation Measure 3

. . . balance between urban, rural, ecological, environmental and agricultural demands

Implementation Measure 4

Remove the words "Where feasible"

Implementation Measure 5

The County shall require active participation by local stake holders and take a lead in developing a program of groundwater monitoring . . . developers as a permit requirement for projects identified as potentially impacting groundwater or surface water.

Implementation Measure 6

The County shall prohibit . . .

The County shall establish large buffers around streams and rivers and restore stream banks and meandering nature of streams to enhance flood control and increase groundwater recharge.

Implementation Measure 7

The County shall work with federal, state, regional and local agencies such as local Irrigation Districts to improve . . .

Implementation Measure 9

Replace with, the County will develop a new ordinance requiring testing of all new wells, both agricultural and domestic. All new wells shall be tested for priority contaminants as determined by Environmental Health before permit approval. The homeowner/seller shall provide water testing results to potential buyers before escrow.

Implementation Measure 10

. . . The County shall provide incentives and apply for grants to increase urban water efficiency.

Implementation Measure 11

The County shall identify, evaluate and cause to cease and desist conditions . . .

The point source shall provide mandatory mitigation or be fined by the County for the cost of cleaning up the pollution.

Implementation Measure 12.

. . . constructed to reduce soil erosion and silt transport to the absolute minimum, using all feasible methods, and to maximize runoff retention.

Implementation Measure 13.

. . . shall involve the least disturbance possible to banks . . .

Implementation Measure 15.

. . . lining waterways shall be prohibited and shall allow very wide (300' from high water level) riparian area free of grading and development of any sort. Meandering streams with water retention basins nearby will capture heavy stormwater flows and infiltrate water into aquifer.

Implementation Measure 16.

The County shall expand the role of the . . . industrial interests and wastewater treatment plants.

Implementation Measure 16A.

The County shall identify vulnerable aquifers and then restrict land uses and development in those areas, require Best Management Practices in agriculture, dairies, and industry and provide large buffers, particularly when communities rely on that aquifer for drinking water.

Implementation Measure 17.

. . . The County shall identify and require proper abandonment of unused or "dry" wells. These are known vectors of groundwater contamination.

Implementation Measure 18.

The County will help prepare and maintain Integrated Regional Water Management Plans and abide by their decisions.

Implementation Measure 19.

. . . to provide assured evidence . . . supply capabilities and water quality that meets State Drinking Water Act standards. If groundwater is seriously overdrafted in the area, no new wells will be permitted. Water used for agriculture (in the prior ten years) will not be considered an available water supply. No development will receive approval for more than 10 years after which there will be a review for water availability.

Implementation Measure 20.

The County shall strengthen the Tulare County Water Commission so it can oversee all or some . . .

Implementation Measure 21.

The County shall strengthen and implement . . . consistent with or better than . . . Ordinance for new development and provide incentives for older development to meet the same standards.

Implementation Measure 22.

This is an inadequate mitigation. What exactly are you going to do?

Here are some suggestions:

The County shall place caps on water consumption per household and per business. When a certain number of gallons per month is reached, water to that house or business will be shut off. As the water emergency worsens, caps will be lowered. No watering of landscaping will be allowed.

Implementation Measure 23. add the following

. . . Educational topics should include how to harvest rainwater, how to irrigate agriculture more efficiently. These programs should include outreach and communications in English and Spanish and other languages where appropriate.

Implementation Measure 24.

. . . degrading water quality or adversely affecting groundwater supply. In critical groundwater recharge areas, development should be prohibited.

Implementation Measure 25. add to end

. . . and protect groundwater from contamination.

Implementation Measure 26.

. . . placing strict limitation on the amount . . . zoning techniques with the goal of protecting groundwater quality and quantity.

Implementation Measure 27.

. . . The County will also identify critical groundwater quality areas and maintain a continually updated data base.
This must be done now. 2010-2015 is too late.

Implementation Measure 28.

The County will work with the Department of Fish and Game and the State Water Resources Control Board to monitor stream diversions and enforce regulations in order to restore and maintain healthy aquatic ecosystems.

7/01/07

Draft Proposal

Hydrogeologic Characterization of the Foothill Fractured Terrain for Assessing Water Supply Reliability

Scientific Investigators:
California Water Institute, California State University, Fresno[1]
Lawrence Berkeley National Laboratory, University of California

Collaborators:
County of Fresno
Sierra and Foothill Citizens Alliance
Sierra Foothill Conservancy

SUMMARY

California Water Institute (CWI) of California State University, Fresno will team up with Lawrence Berkeley National Laboratory (LBNL) to provide an accurate assessment of hydrogeologic data to address water supply and sustainable development issues in the Sierra Foothills, eastern Fresno County. To facilitate field work and the data gathering process, and to maximize the benefits to the local community, our project partners include the County of Fresno, Sierra and Foothill Citizens Alliance, and the CalFed funded Millerton Area Watershed Program of the Sierra Foothill Conservancy. Our approach's emphasis is on the utilization of cutting-edge technology and the most advanced and up-to-date scientific knowledge in fracture hydrology, which has been developed with years of research experience gained from the multimillion-dollar federally funded Yucca Mountain Project. We propose a comprehensive multidisciplinary field, laboratory, and numerical modeling approach, including hydrogeology, geophysics, isotope hydrology, and computer model analysis. We will integrate the data using robust spatial analysis techniques to provide the much-needed information for assessing water supply reliability, formulating water policy, and managing water resources in fractured rock terrains.

INTRODUCTION

The foothill area of eastern Fresno County poses an unparalleled technical challenge in terms of its water supply policy and sustainable development. Due

[1] For more information, please contact Professor John Suen at the California Water Institute of Fresno State University. (E-mail address: john_suen@csufresno.edu)

Enclosure 1

to the unique combination of its population growth, economic development potential and local geology, the area is facing extremely complex technical and scientific issues that cannot be found anywhere in the country. Fortunately, due to the recent advances in hydrological science, in particular, in the area of fracture hydrology, many of these issues can now be investigated with high tech equipment, state-of-the-art computer models, and innovative field-tested approaches.

Fractured Crystalline Rocks versus Porous Sedimentary Aquifers

Ground water is the sole source of water supply for the foothill area of eastern Fresno County where ground water occurs in a uniquely different geologic environment than in the Valley below. In the Central Valley, ground water mainly resides in the intergranular porous space within the sedimentary aquifers. In contrast, ground water occurs only in fractures (i.e. cracks and fissures) of the crystalline granitic rocks in the foothill and mountain areas where the geology and the hydrologic properties of the granitic rocks dictate the amount of ground water that is available or can be produced. Since the average storage space in the fractures in a given volume of the rock is typically much less compared to the intergranular space in the same volume of sedimentary aquifers, the amount of ground water available from fractured rocks is significantly less than the amount available from the valley floor. The problem is further complicated by the fact that the spatial distribution of fractures in the foothill terrains is strongly uneven, thus making the assessment of water availability highly difficult and uncertain. Conventional well testing methods which were developed primarily for sedimentary porous aquifers may not be valid for analyzing fractured crystalline rocks. Furthermore, the occurrence or density of fractures decreases rapidly with depth. Therefore, drilling deeper wells would not be a solution.

Implication of the Recent Stable Isotope Study

A recent study on the Big Sandy Creek watershed in the Prather-Auberry area of Eastern Fresno County, conducted by the California Water Institute using advanced scientific equipment and techniques ('fingerprinting" by means of stable isotopes), has confirmed that most of the production water from domestic wells is in fact closely related to fresh precipitation and surface runoffs. The results indicate that the water originates from recent rainfall and snowmelt rather than ancient water deposited by glaciers of the last ice age more than 10,000 years ago. The good news is that the current water usage does not seem to have upset the natural balance of the water cycle. However, it also implies that any periods of drought or climate change scenarios may be likely to have a serious impact on the water supply. Compounded by the rate of development in the area, the good news may not last too long.

Necessary Science and Scientific Data

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To ensure sustainable development, our policy must be based on a strong scientific basis using accurate and reproducible field generated data that are specific to the region and its geology. Because of the fact that conventional hydrogeological methods and models were not developed for fractured terrain, they have limited application for the Sierra foothills. This poses a tremendous challenge because it requires the development of innovative and expensive technology as well as new hydrologic theories and models. No single local community could afford such costly developments, and therefore, the necessary hydrologic data of fractured rocks remained mostly in the uncharted territories of science and technology.

Since about 15 years ago when the U.S. Congress identified Yucca Mountain, near the Nevada Test Site, as the only candidate for our nation's first civilian nuclear disposal site, hundreds of million dollars were appropriated and spent for fracture hydrology development, because fractured rocks underlie Yucca Mountain, the proposed location for the nuclear waste repository. As a result, the U.S. Department of Energy has assembled a large contingent of outstanding scientists and engineers in the national laboratories (D.O.E. labs) who focus their research specifically on the development of sciences and technologies. Among the various national laboratories, the scientists at Lawrence Berkeley National Laboratory (LBNL) of the University of California have amassed a wealth of experience and knowledge about hydrology in fracture rocks. Consequently, LBNL has become the world's leader in fracture hydrology research. Its current annual budget for Yucca Mountain studies amounts to tens of millions.

To answer some critical questions regarding the sustainability of the groundwater resource in the Sierra Foothills area, California Water Institute (CWI) of Fresno State is teaming up with LBNL to apply the valuable knowledge and technical experience obtained from the federally funded Yucca Mountain studies. This proposed study will be an excellent example of technology transfer by which civilian communities can now make use of knowledge derived from federally funded cutting-edge scientific research.

Examples of questions that can be answered by this collaborative project are:

- What is the density of fractures at the surface, and at different depths? At what depth do the fractures disappear?
- How wide are the fractures? What are their lengths? Do they intersect each other?
- What are the dominant orientation (i.e. directions and inclinations)?
- What percentage of the fractures is connected with others forming a network? How many percent is isolated and water cannot flow through?
- Where do they concentrate? Where are the zones of fractures?
- How fast water can flow through fracture networks in the rocks along different directions?
- What is the volume of water contained in the rocks or fracture porosity ?

Enclosure 1

- Can we "x-ray" the rocks below the surface to "see" the fracture network and distribution?
- If we can, then can we use a computer model to predict the behavior of the system?

PROJECT GOALS

CWI and LBNL will conduct a fracture hydrology investigation in the eastern Fresno County area with the collaboration of Fresno County, Sierra and Foothill Citizens Alliance and the Sierra Foothill Conservancy. The local community will be benefited by this scientific study project, the outcome of which will:

- Help improve the fundamental understanding of the local watershed hydrogeology,
- Provide a strong scientific basis for policy makers and regional planners to make sound and informed decisions on watershed management.
- Provide the much needed information for assessing water supply reliability by offering critical hydrogeologic data, and advanced technical tools (for example, ground penetrating radar, coupled surface water-ground water model) as well as cutting-edge technology (borehole pneumatic testing, stable isotope hydrology) for the County Planning Department and other regulatory or non-regulatory agencies, including DWR, the Regional Water Board, and other agencies.
- Enhance watershed stewardship and improve management practices.
- Improve watershed education through our public seminars and presentations; raise the level of public awareness and understanding, and improve reliability and efficient water use.

PROJECT DESCRIPTION

Our study approach emphasizes the utilization of cutting-edge technology and applying the most up-to-date advanced scientific knowledge in fracture hydrology, an area in hydrological science that was overlooked and not developed until about 15 years ago. With a wide range of expertise accessible to us, we propose a comprehensive multidisciplinary field, laboratory, and numerical modeling study, based on hydrogeology, geophysics, isotope hydrology, and computer simulation analysis. We will integrate the data using robust numerical analysis techniques to elucidate one of the most complex problems in hydrological science. Before drilling new wells, we will first make extensive use of existing data that are already available from Fresno County, through the

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Department of Water Resources, and collected by the Millerton Area Watershed Coalition Program (MAWC). We will avoid any possible duplication and ensure maximum efficiency of research effort. With the help of Fresno County and the Sierra and Foothill Citizens Alliance, we will be able to identify study sites that are representative of the hydrogeological conditions of the Sierra foothills. We will select one or two sites for focused studies, depending on a number of factors, such as the availability of existing data, site access, number of available wells, site geology, etc. Based on what we learn about the site(s), we plan to do the following investigations (Tasks):

1) Perform a thorough review of existing hydrogeological data, including pump tests, water usage, well information, water chemistry, ecological data, etc. Much of these data are available from Fresno County and the San Joaquin Valley District office of the Department of Water Resources and through various consultants' reports submitted to public agencies.

2) To ensure the ease of future access, we plan to enter the data in a Geographic Information System (GIS) and create a database that can be used for water resource management and future reference.

3) Examine aerial photos to determine regional fracture characteristics (e.g., trends and orientations). Fracture zones, geologic faults, and structural lineaments can be identified. These geological features ly and large control the availability of ground water. Based on these datat, we will conduct reconnaissance outcrop mapping to determine important fracture parameters, including length, aperture, roughness, density, orientation, and connectivity. We will identify fracture sets and obtain a statistical description for later use in data and numerical analyses.

4) In addition to surface geological mapping, we plan to use borehole cameras to obtain statistical parameters of fracture density and fracture orientation in relation to depth. The new 360° horizontal looking color TV camera can give a complete view of the subsurface, which can provide accurate information on density and orientation in depth.

5) Carry out a field experiment to test the use of Ground Penetrating Radar (GPR) and high resolution cross-borehole seismic tomography surveys to study fractures in crystalline rocks. GPR is the latest geophysical technology and has the potential to "x-ray" subsurface structures. However, due to the strong attenuation of energy, its applicability may be limited to shallow depths or small intervals between wells. Nevertheless, GPR has not been applied extensively to fractured granite, and it has a high potential to yield great benefits in this case.

6) Collect water samples for isotope analyses and water chemistry study. Water samples will include surface water, ground water and precipitation.

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The new stable isotope analytical facility at CWI is specially set up to measure isotope ratios (delta O-18, and delta H-2) of water. These isotopic ratios have the potential to distinguish old fossil (ice-age) water from new meteoric water. The age of the water (fossil water vs. recent rainwater) carries a very significant implication of sustainability of the ground water supply. We plan to obtain major minerals concentration data for the samples as well. Together with major minerals data of the water samples, isotopic data can be interpreted and used as environmental tracers. We will be able to trace the path of the meteoric water through the hydrologic cycle and determine the portions of contribution from different possible sources. Based on these data, we can also make estimates regarding infiltration, evapotranspiration, net recharge and discharge rates in the fractured terrain.

7) Since much pump test data are already available, we do not plan to duplicate the effort. Instead, we plan to analyze available pumping test data using powerful numerical models that were specially developed by LBNL scientists for fractured rocks. These models are highly specialized and are generally not available to and cannot be proficiently applied by typical ground water consultants. These analyses can provide important information on connectivity and storage capacity of the fractured aquifer. Nevertheless, if opportunities arise, we will also be able to design and perform tests meeting our own specifications. For example, when there are new wells drilled, landowners may agree to let our research team perform tests on the wells, since pump tests are already required by Fresno County. If possible, *in-situ* tracer tests at selected sites are also performed to identify flow paths and fracture-matrix interaction.

8) In addition to pump test analysis, we plan to carry out pneumatic testing to characterize fracture connectivity and fracture hydraulic properties in the vadose zone. This innovative method of fracture analysis is a proven technique, which is based on the variation of formation air pressure in response to the change in atmosphere pressure using numerical inversion technique developed by LBNL.

9) Develop submodels for the selected test sites. The usefulness of these models and their capability for prediction will be evaluated by comparing modeling results with selected observations. The evaluation will provide basis for developing large-scale groundwater flow models (Task 11).

10) Develop approaches for estimating water recharge (net infiltration) based on eco-hydrology methods. Eco-hydrology is a relatively new branch of hydrology and focuses on interactions between plants, climate and soil. Especially, study will focuses on how the plant type and its spatial patterns affect recharge and its distribution.

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11) Develop a 3-D regional ground water model by incorporating geological and hydrologic data collected, including fracture parameters, water table, recharge and discharge, and pumpage data. First the model is calibrated to match observed data, such as water table data. Then the model is used for predictive studies under different water usage, recharge or climate scenarios. The primary objective of the ground water model is to provide a quantitative tool for local communities, governments and agency in water resource management and planning.

12) Preliminary results will be reported and made available annually through CWI's website in PDF format. In addition, throughout the project, CWI and LBNL scientists will educate citizens and landowners by offering talks and presentations designed for general public understanding arranged by Sierra and Foothill Citizens Alliance. At the end of the project, we will integrate the findings from all technical areas (geology, geophysics, hydrology, and numerical analysis) and draw overall conclusions regarding the storage capacity and sustainability of the ground water supply. Based on our conclusions and the scientific data obtained from this project, we will be able to make recommendations pertaining to water management practices and development policy in our final report. All data, models, and results will be made available for technical use for public benefit by agencies and watershed management groups in easily accessible digital formats – Adobe, Excel, Access, and ArcInfo/ArcView formats.

The lessons and experience learned from this local study project can be applied state-wide to other areas along the foothills of the Sierra Nevada in California. We plan to extend our study area to other communities and counties in California.

PROJECT DURATION AND BUDGET

The estimated duration of this project is between 3 to 5 years depending on the availability of funds.

A preliminary estimate of the budget required for this study is at about $1,000,000 annually. We expect that the total amount would be from different funding sources, including local, state, and federal funds.

Work Scope and Budget Plan for one five-year Project

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RESO. # 07-469

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF FRESNO COUNTY)
DECLARING SUPPORT OF THE)
FOOTHILL/MOUNTAIN WATER CAPACITY STUDY) RESOLUTION

WHEREAS, increased water demand resulting from population growth and the fractured rock geology of the groundwater supply in the foothill/mountain area of eastern Fresno County pose extremely complex technical and scientific issues pertaining to water management; and

WHEREAS, recent advances in hydrological science utilize high-tech equipment, state-of-the-art computer models, and innovative field-tested approaches to investigate fracture hydrology; and

WHEREAS, the Sierra and Foothill Citizens Alliance and the Millerton Area Watershed Coalition Program (CalFed funded) have partnered with the California State University, Fresno (CSUF), Lawrence Berkeley National Laboratory, and the University of California, Merced to provide an assessment of hydrogeologic data in the foothill area of eastern Fresno County; and

WHEREAS; The Foothill/Mountain Water Capacity Study project will be a state-of-the-art scientific investigation to characterize the geology and assess water supply reliability to address the areas critical water supply and sustainable development issues; and

WHEREAS, the outcome of the study will provide the hard scientific data to enable Fresno County to create policies to reasonably assure sustainable landuse and a viable quality of life for those currently living and those desiring to live in the foothills of the Sierra; and

WHEREAS, Fresno County has a vital interest in creating prudent water and land use policies in the foothill/mountain area of eastern Fresno County; and

WHEREAS, the Fresno County Board of Supervisors has in conjunction with the Foothill Water Study expressed support for a data acquisition program to provide information for monitoring of water demands, refinement of water balance amounts and to evaluate long-term sustainability of water supplies in the area.

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NOW, THEREFORE BE IT RESOLVED, that the County of Fresno Board of Supervisors acknowledges the value of an advanced scientific investigation to address critical water supply and sustainable development issues in the foothill/mountain areas and does hereby support the Foothill/Mountain Water Capacity Study project.

THE FOREGOING RESOLUTION was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 28th day of August, 2007, to-wit:

AYES: Supervisors Larson, Case, Anderson, Perea, Waterston

NOES: None

ABSENT: None

CHAIRMAN, Board of Supervisors

ATTEST:
BERNICE E. SEIDEL
Clerk, Board of Supervisors

By: _____
Deputy

AGENDA #: 33
RESOLUTION NO. 07- 469

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CERTIFICATE OF DELIVERY OF DOCUMENT

I am employed by the County of Fresno as a Deputy Clerk of the Board of Supervisors. On **August 28, 2007** I delivered a copy of **Resolution No. 07-469 (Item no. 33)** to the Chairman of the Fresno County Board of Supervisors.

Sherrie Evans
Deputy Clerk

Enclosure 1

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Agenda Item

DATE: August 28, 2007

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Support for the Foothill/Mountain Water Capacity Study

RECOMMENDED ACTION:

Adopt resolution in support of the Foothill/Mountain Water Capacity Study.

Approval of the recommended action will formalize County support of the Study and assist the project partners in their efforts to obtain funding for the project.

FISCAL IMPACT:

There is no County cost associated with the recommended action.

IMPACTS ON JOB CREATION:

The recommended action has no impact on the goals of the Regional Jobs Initiative.

DISCUSSION:

In an effort to assist Fresno County in creating prudent water and land use policies in the foothill/mountain area of eastern Fresno County, the Sierra and Foothill Citizens Alliance and the Millerton Area Watershed Coalition Program (CalFed funded) have partnered with the California State University, Fresno (CSUF), Lawrence Berkeley National Laboratory, and the University of California, Merced (project partners) to provide an assessment of hydrogeologic data in the foothill area of eastern Fresno County.

The foothill area of eastern Fresno County poses a technical challenge in terms of its water supply policy and sustainable development. The increased water demand resulting from development and the fractured rock geology of the groundwater supply pose complex technical and scientific issues pertaining to water management. Recent advances in hydrological science utilize high-tech equipment, computer models, and innovative field-tested approaches to investigate fracture hydrology.

ADMINISTRATIVE OFFICE REVIEW Brandi Orth Page 1 of 2

BOARD ACTION: DATE August 28, 2007 APPROVED AS RECOMMENDED X OTHER

Clerk of the Board of Supervisors
Deputy

UNANIMOUS X ANDERSON CASE LARSON PEREA WATERSTON

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The Foothill/Mountain Water Capacity Study project will be a scientific investigation to characterize the geology and assess water supply reliability to address the areas critical water supply and sustainable development issues.

The project will emphasize the utilization of advanced technology and scientific knowledge in fracture hydrology, which has been developed with years of research experience gained from the multimillion-dollar federally (U.S. Department of Energy) funded Yucca Mountain Nuclear Waste Storage Project in Nevada. In addition, CSUF has also completed a CalFed funded combined field and laboratory study to prove the advanced concept of applying isotope hydrology to study the fractured terrain of the Big Sandy Watershed in eastern Fresno County. Based on the past successes, the scientists propose a comprehensive multidisciplinary field, laboratory, and numerical approach, including hydrogeology, geophysics, isotope hydrology, and computer modeling analysis. They will integrate the data using robust spatial analysis techniques to provide the much needed information for assessing water supply reliability and formulating water policy in fractured rock terrains.

Through the various available tools, expertise and techniques, the outcome of the study will provide the hard scientific data to enable Fresno County to create policies to reasonably assure sustainable land use and a viable quality of life for those currently living and those desiring to live in the foothills of the Sierra. The outcome of this unique investigation will also provide important and invaluable information for other counties, along the western slope of the Sierra, to develop prudent and sustainable water and land use policies. This effort can ultimately be of great benefit to the citizens of the State of California.

The project partners are seeking support and funding to provide an assessment of hydrogeologic data in the foothill area of eastern Fresno County. At this time, they are asking for County support of the Foothill/Mountain Water Capacity Study as they move forward in their efforts to obtain funding for the project.

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Enclosure 1

PRESIDENT'S REPORT for August 06, 2007

SIERRA and FOOTHILL CITIZENS ALLIANCE is currently involved in the following activities:

- SAFCA has co-sponsored, along with Sierra Resource Conservation District, a study of groundwater quantity and quality conducted by the Millerton Area Watershed Coalition and the California Water Institute through funding provided by grants from CAL-FED. **Study recently completed.**

- The County's Regional Foothill Ground Water Study was published in late March and presented to the Supervisors on April 18, 2006. The Supervisor's voted to accept the recommendations presented in the report. The Report and the recommendations are available on the Fresno County website. The County also anticipates moving into phase two of the study which will require long term well monitoring to establish more finite trends in well water sustainability. SAFCA played a significant role in getting the County to conduct this important Study. **When the Phase II program is initiated we will be asking for people to volunteer their wells for this long term study.**

- Actively promoting the long overdue update of the Fresno County Sierra North Regional Plan (adopted 1983), particularly in light of potential development land use impacts. **On going effort - part of GP2000 review (see below).**

- Invited by the Supervisors to participant in the formalized review process of the County General Plan 2000. We are actively participating in this process. **Process currently underway.**

- Invited by the Supervisors to participate in the "Fresno County Water Management Group" meetings in order to represent the foothill/mountain areas in future regional water policies. We are actively participating in this process and SAFCA has just recently signed a Memorandum of Understanding (MOU) that establishes guidelines for member participation. **On going effort.**

- A participant in the San Joaquin Valley Blueprint Regional Planning Effort - This effort is sponsored by the Great Valley Center. SAFCA has participated in recent meetings. **On going effort.**

- SAFCA supports and is an active participant in the County Task Force for Open Space Buffers between Cities and Farm Land Preservation. The Board of Supervisors approved proceeding with the task force at their April 25, 2006 meeting. This is a major milestone and opportunity for enlightened future planning policy in Fresno County. **On going effort**

- We are currently working closely with the County of Fresno Planning Department, California Water Institute, the Lawrence/Berkeley National Laboratory and the CSU Merced to promote a first of its kind fractured rock aquifer water capacity study in the eastern foothill/mountain area of Fresno County. This could prove to be a very important and rigorous scientific study to determine and implement prudent land use policies up and down the Sierra. Board of Supervisors to vote on Resolution in support of this study on 28th of August. **Fund raising stage.**

- A recent participant in negotiations between the County and developers regarding the proposed Friant/Millerton Regional Plan. County must do RP in order to satisfy Federal Fish and Wildlife requirement for a regional habitat plan in order for F & W to recommend to B of R the allotment of water to Fresno Co. County will require developers to pay for RP process. Encompasses area from Friant to Auberry Rd and from Little Dry Creek to Millerton Rd. **On going**

continued

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- SAFCA invited by Supervisor Waterston to participate in Fresno County Strategic Planning Effort. We are participants and attended the meeting the end of June. Some what similar to the SJV Blueprint effort. **On going**

- SAFCA has developed a positive, on going, working relationship with the Fresno County Bd. Of Supervisors, the Public Works and Planning Department Staff, State and other political representatives. This is important in order to allow SAFCA to creditably voice concerns and promote change regarding water and land use issues that more and more confront our foothill and mountain communities.

Those interested in any of the above activities are highly encouraged to volunteer your time and effort toward producing positive outcomes. Please contact Gary Temple at 855-5653 or Jim Macy at 855-5797.

EDUCATION REPRESENTATION WATER RESOURCES LAND USE

Enclosure 1

County of Tulare

BOARD OF SUPERVISORS

Allen R. Ishida
District One

Connie Conway
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

*

BOARD STAFF

Jeff Forbes

Tracey La Monica

*

CLERK OF THE BOARD

Michelle Baldwin
Chief Clerk

*

Administration Bldg.
2800 West Burrel
Visalia, CA 93291

TEL: (559) 733-6271
FAX: (559) 733-6898

September 25, 2007

Assemblyman Bill Maze
5959 S. Mooney Blvd.
Visalia, CA 93277

Dear Assemblyman Maze:

There is an impending water crisis facing Tulare County and all of California. This is an ongoing problem, and the situation will only worsen in the coming years.

In September of 2006, the Friant Water Users Authority reached an agreement that will restore water flows down the San Joaquin River to help sustain a salmon fishery. This will force a reduction in water to Friant users at an average of 19% and a maximum of 23%. Friant contractors include the City of Lindsay, the City of Orange Cove, and the community of Strathmore, among others. The City of Fresno receives 40% of its water from the Friant system.

In August 2007, Judge Oliver Wanger reached a decision to reduce pumping in the Sacramento-San Joaquin Delta to save an endangered fish; the Delta Smelt. As a result, water supplies to Northern, Central, and Southern California will be reduced by 14-35%. An estimated 25 million people statewide use water from the Delta. The Central Valley, the Bay Area and Los Angeles will be affected by this ruling.

The decreased supply of surface water will lead to more pumping from the underground aquifers. We are currently in an overdraft situation, and the two recent lawsuits will further exacerbate this problem. Pumping additional water can lead to higher levels of contaminants in our residents' drinking water.

As you can see, the current water situation in Tulare County is in dire need of assistance. Losing water will affect agriculture and people. Our citizens will be left with a minimal supply of drinking water, and our farmers will not be able to irrigate their crops. Something must be done about this dangerous situation.

Enclosure 2

We urge you to support the Governor's plans for additional water storage and to impress upon your urban colleagues the need to endorse his plan. It is time to take action on this issue of great importance.

Sincerely,

Allen Ishida, Chairman
Tulare County Board of Supervisors

Connie Conway, Vice-Chairman
Tulare County Board of Supervisors

Phil Cox, District Three
Tulare County Board of Supervisors

J. Steven Worthley, District Four
Tulare County Board of Supervisors

Mike Ennis, District Five
Tulare County Board of Supervisors

CC: Tulare County Legislative Delegation

Letter I11

Public Comment to Board of Supervisors
concerning Planned Community Zoning Amendment

I see on today's agenda that the Board of Supervisors plans to approve a legislative letter regarding an impending water crisis facing Tulare County. If that is what the Water Commission and the Board of Supervisors believe, why are you considering a new town amendment permitting large scale development anywhere in the unincorporated areas of Tulare County? Shouldn't the Water Commission or a watershed council be surveying the watershed to identify its boundaries its groundwater supply, the extent of contamination of its wells and its natural areas that absorb runoff and filter pollutants FIRST?

The Ahwahnee Water Principles advise local government to perform a water supply and demand analysis when preparing a general plan update. This has not been done yet. We cannot sustain vibrant, livable communities if we cannot sustain clean and reliable water supplies. Water supply agencies like the Integrated Regional Water Management Commission created only two months ago in Tulare County should be consulted early in land use decisions like permitting future large planned community zones.

Delay consideration of this amendment until the General Plan update is completed.

Carole Clum
45638 South Fork Drive
Three Rivers, CA 93271
member of Tulare County Citizens
for Responsible Growth

Enclosure 3

Letter I11

Enclosure 4

DWR Home

BDO Home

Organization

Administration & Program Control

Delta Conveyance

Modeling Support

South Delta

Bay-Delta Office
Department of Water Resources

1416 9th Street,
Sacramento, Ca 95814

Mailing Address:
P. O. Box 942836,
Sacramento, Ca
94236-0001

Search

DWR My CA

SWP Delivery Reliability Report

The *Draft State Water Project Delivery Reliability Report 2007* is available for public review. This report updates estimates of the current (2007) and future (2027) State Water Project delivery reliability and incorporates the recent federal court ruling for Delta pumping and potential impacts of future climate change.

The entire report can be accessed by clicking here (pdf download, 1.64 mb)
A summary of the report can be accessed by clicking here (pdf download, 78kb)

Comments to the report should be sent to:
California Department of Water Resources
SWP Delivery Reliability Report- Attn: Cynthia Pierson
P.O. Box 942836
Sacramento, CA 94236-0001

Or emailed to:
comments-on-2007drr@water.ca.gov

The deadline for comments is **March 13, 2008**.

Katherine Kelly, Chief
Bay-Delta Office
California Department of Water Resources
1416, 9th Street, Room 215-37
Sacramento, CA 95814

e-mail: kkelly@water.ca.gov
Telephone: (916) 653-1099
FAX: (916) 653-6077

Main Links

- 2007 Draft Report
- 2005 Final Report
- 2002 Final Report
- Comment Letters and DWR responses
- CALSIM II Follow-up Studies & peer Review
- Background

Related Links

- Bulletin 160
- Modeling Studies
- Historical Simulation Report
- Available SWP/CVP Operation Studies
- CALSIM Access

Quick Hits

- News

3-907

California Department of Water Resources
Bay-Delta Office
January 22, 2008

Summary:
Draft State Water Project Delivery Reliability Report, 2007

The *Draft State Water Project Delivery Reliability Report 2007* updates DWR's estimate of current (2007) and future (2027) SWP delivery reliability and expands the conditions under which reliability is quantified. The report is produce every two years as part of a settlement agreement signed in 2003.

The report shows that future SWP deliveries will be impacted by two significant factors. The first is climate change, which is altering hydrologic conditions in the State. The second is significant restrictions on SWP and Central Valley Project (CVP) pumping in accordance with a December 2007 federal court imposed interim rules to protect delta smelt. The 2007 report incorporates future impacts on water deliveries to communities due to these factors.

This report represents the state of water affairs if no actions for improvement are taken. It shows a continued eroding of SWP water delivery reliability under the current method of moving water through the Delta.

The analysis shows that annual SWP deliveries (Table A and Article 21 amounts) would decrease virtually every year in the future (93% of future years). These reductions would be amount to a 20% reduction from current levels about one-fourth of the time, and greater than 30% in one-sixth of future years.

The report discusses areas of significant uncertainty to SWP delivery reliability:

- the recent and significant decline in pelagic organisms in the Delta (open-water fish such as delta smelt and striped bass);
- climate change and sea level rise; and
- the vulnerability of Delta levees' to failure due to floods and earthquakes.

As in previous reports, estimates of SWP deliveries are based upon operation simulations with DWR's CalSim II model using an extended record of runoff patterns. These patterns have been adjusted to reflect the levels of development in the source areas and, for future conditions, possible impact due to climate change. Potential deliveries under current conditions are estimated at the 2007 level and assume current methods of conveyance across the Delta and the interim operating rules defined by the recent court order to protect delta smelt. Potential deliveries under future conditions are estimated at the 2027 level and are also based on the assumption that no changes will be made in either the way water is conveyed across the Delta or in the interim operating rules to protect delta smelt. The analysis of future conditions incorporates climate change scenarios which correspond to the scenarios contained in DWR's 2006 report, *Progress on Incorporating Climate Change into Management of California's Water Resources*.

Under current conditions, annual SWP Table A deliveries from the Delta average 63% of the maximum Table A amount of 4,133 thousand acre-feet (taf) per year. Over the 82-year simulation period, annual SWP Table A deliveries range from a minimum of 6% to 90% of the maximum amount. Over multiple-year dry periods, average annual Table A deliveries are 34 or 35% of the maximum Table A amount, while average annual Table A deliveries over multiple-year wet periods range from 66 to 73% of the maximum Table A amount. Twenty-five percent of annual SWP Table A deliveries exceed 3,218 taf, 50 percent of deliveries exceed 2,976 taf and 75 percent exceed 2,168 taf.

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Under current conditions, annual SWP Article 21 deliveries average 90 taf, ranging from 0 to 590 taf over the 82-year simulation period. Over the multiple-year wet period of 1978-1987, SWP Article 21 deliveries average 170 taf and range from 0 to 490 taf.

Due to the uncertainty of impacts by climate change on the availability of source water, SWP Table A and Article 21 deliveries under future conditions are expressed as a range in values. Under future conditions, annual SWP Table A deliveries from the Delta average from 66 to 69% of the maximum Table A amount. Although the estimated average annual amount of future SWP Table A deliveries increase when compared to current conditions, the amount of Article 21 deliveries decrease. Also, the amount of SWP Table A deliveries during multiple-dry periods in the future tend to decrease compared to current conditions. This decrease can be significant, depending upon the climate change scenario. This difference in future deliveries is reflected in lower SWP Table A delivery amounts associated with a 75% exceedence level (1,860 to 2,077 taf per year) than is for current conditions (2,168 taf per year).

Under future conditions, annual SWP Article 21 deliveries average 30 taf, ranging from 0 to 420 taf over the 82-year simulation period. Over the multiple-year wet period of 1978-1987, SWP article 21 deliveries average approximately 95 taf per year and range from 0 to 420 taf, depending upon the year and the climate change scenario.

The updated estimates of both current and future total annual SWP deliveries in *The Draft State Water Project Delivery Reliability Report, 2007* report are generally less than were estimated in the 2005 report, at times substantially so. As shown in the figure below, the current total annual SWP deliveries (Table A and Article 21 amounts) decrease in 93% of the years based on the historical data used in the analysis, when compared to the estimates in the 2005 report. Updated estimates for the current level of reliability show the total annual deliveries decrease over 20% in over one-quarter (28%) of the years analyzed and greater than 30% in one-sixth (16%) of the years, when compared to the estimates in the 2005 report. Water deliveries estimated for 20 years into the future show even greater decreases in a majority of years when compared to the estimates in the 2005 report.

The *Draft State Water Project Delivery Reliability Report, 2007* is available for public review via the DWR Home Page, http://www.water.ca.gov . The report is an update to the *State Water Project Delivery Reliability Report, 2005* issued as final in 2006. At least 30 days will be given for public review and comment.

Comments can be sent to:
California Department of Water Resources
SWP Delivery Reliability Report- Attn: Cynthia Pierson
P.O. Box 942836
Sacramento, CA 94236-0001

or emailed to:
comments-on-2007drr@water.ca.gov

Enclosure 4

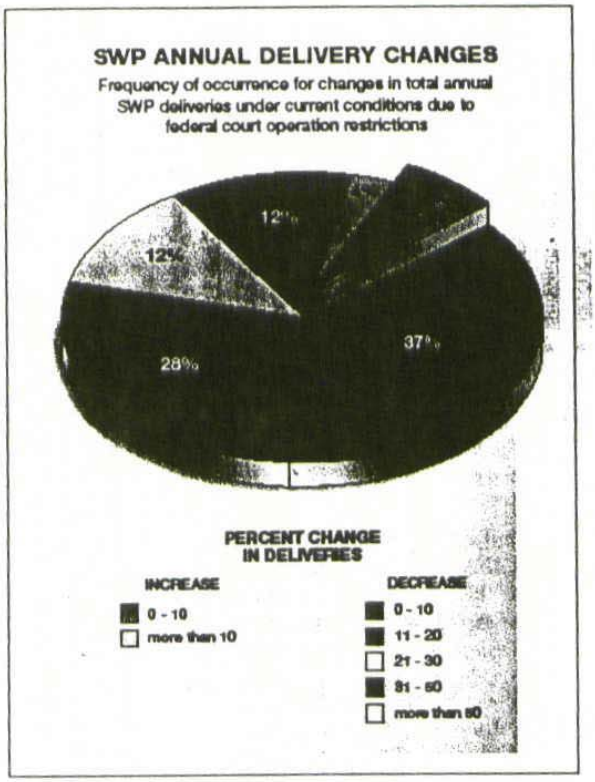

SWP ANNUAL DELIVERY CHANGES
Frequency of occurrence for changes in total annual SWP deliveries under current conditions due to federal court operation restrictions
12%
12%
37%
28%
PERCENT CHANGE IN DELIVERIES
INCREASE
0 - 10
more than 10
DECREASE
0 - 10
11 - 20
21 - 30
31 - 60
more than 60

Table 10-4. Irrigation Districts in Tulare County

Entity	Surface Water	Imported Water Source	Groundwater Extraction
Alpaugh Irrigation District	NA	Friant-Kern Canal (1,000af average)	19,000 af
Alta Irrigation District	King River	Friant-Kern Canal (surplus)	230,000 af
Delano-Earlimart Irrigation District	NA	Friant-Kern Canal (146,050 af average)	8,000 af
Exeter Irrigation District	NA	Friant-Kern Canal (1,000 af average)	14,000 af
Hills Valley Irrigation District	NA	Cross Valley Canal (2,000 af average)	1,000 af
Ivanhoe Irrigation District	Kaweah River	Friant-Kern Canal (11,650 af average)	15,000 af
Kaweah Delta Water Cons. District	Kaweah River	Friant-Kern Canal (24,000 af average)	130,000 af
Kern-Tulare Water District	Kern River	Cross Valley Canal (41,000 af average)	33,000 af
Lindmore Irrigation District	NA	Friant-Kern Canal (44,000 af average)	28,000 af
Lower Tulare River Irrigation Dist.	Tule River	Friant-Kern Canal (180,200 af average) Cross Valley Canal (31,000 af average)	NA
Lindsay-Strathmore Irrigation District	NA	Friant-Kern Canal (24,150 af average)	NA
Orange Cove Irrigation District	NA	Friant-Kern Canal (39,200 af average)	30,000 af
Pioneer Water Irrigation District	Tule River		3,000 af
Pixley Irrigation District	NA	Friant-Kern Canal (1,700 af average) Cross Valley Canal (31,000 af average)	130,000 af
Porterville Irrigation District	Tule River	Friant-Kern Canal (31,000 af average)	15,000 af
Rag Gulch Water District	Kern River	Friant-Kern Canal (3,700 af average) Cross Valley Canal (13,300 af average)	
Saucelito Irrigation District	Tule River	Friant-Kern Canal (37,600 af average)	15,000 af
Stone Corral Irrigation District	NA	Friant-Kern Canal (10,000 af average)	5,000 af
Teapot Dome Irrigation District	NA	Friant-Kern Canal (5,600 af average)	
Terra Bella Irrigation District	NA	Friant-Kern Canal (29,000 af average)	2,000 af
Tulare Irrigation District	Kaweah River	Friant-Kern Canal (100,500 af average)	65,000 af

Source: Bookman-Edmonston Engineering Inc. Water Resources Management in the Southern San Joaquin Valley, Table A-1.

Enclosure 5

California salmon population collapses

By Terence Chea
Associated Press

SAN FRANCISCO — The number of chinook salmon returning to California's Central Valley has reached a near-record low, pointing to an "unprecedented collapse" that could lead to severe restrictions on West Coast salmon fishing this year, according to federal fishery regulators.

INSIDE
Delta smelt numbers decline despite efforts to save fish.
Local & State, B1

The sharp drop in chinook, or "king," salmon returning from the Pacific Ocean to spawn in the Sacramento River and its tributaries last fall is part of a broader decline in wild salmon runs in rivers across the West.

The population dropped more than 88% from its all-time high five years ago, according to an internal memo sent to members of the Pacific Fishery Management Council and obtained by The Associated Press.

Regulators are still trying to understand the reasons for the shrinking number of spawners; some scientists believe it could be related to changes in the ocean linked to global warming.

See **SALMON,** Page A10

Enclosure 6

3-912

Salmon: Juvenile figures are low

Continued from **Page A1**

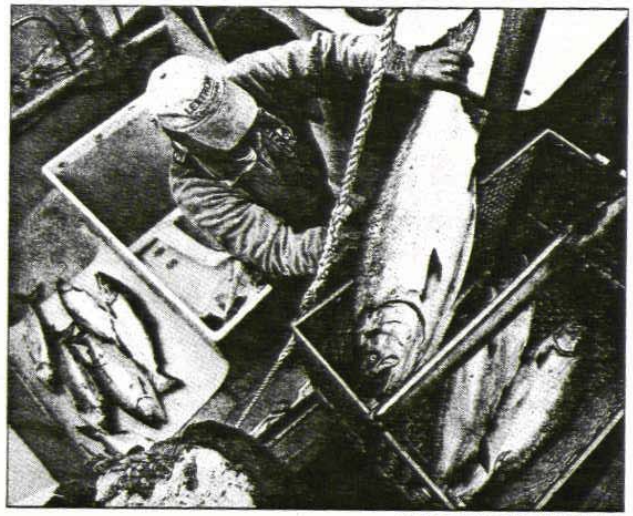
Some fishermen and environmentalists believe the sharp decline is related to increased water exports from the Sacramento-San Joaquin Delta, which supplies drinking water to millions of people in dry Southern California, as well as irrigation for America's most fertile farming region.

"It's time to reduce pumping of delta waters before we destroy the fish and wildlife species we appreciate so much in California," said Mike Sherwood, an attorney for Earthjustice.

Federal lawmakers, meanwhile, are considering how to pay for a plan to restore salmon to the San Joaquin River, which was North America's southernmost salmon run until Friant Dam was completed in 1944 and portions of the river dried up.

Environmentalists filed a federal lawsuit in 1988 and won, prompting Friant-area farmers to reach a settlement in 2006 that would reduce annual irrigation deliveries to free up more water for the river. The settlement also calls for channel improvements and other changes. If all goes as planned, salmon would be reintroduced in the San Joaquin by 2013.

But the federal fishery regulators' memo reports that only about 90,000 returning adult salmon were counted in the Central Valley in 2007, the second-lowest number on record. The population was at 277,000 in 2006 and 804,000 five years ago.



THE PRESS DEMOCRAT FILE

Salmon fisherman Dan Kleinman unloads his catch Aug. 8, 2005, at Tides Wharf in Bodega Bay. The number of chinook salmon returning to the Central Valley is at an all-time low that could lead to severe restrictions on West Coast salmon fishing this year.

In an e-mail to council members, Donald McIsaac, the agency's executive director, said he wanted to give them "an early alert to what at this point appears to be an unprecedented collapse in the abundance of adult California Central Valley ... fall Chinook salmon stocks."

"The magnitude of the low abundance ... is such that the opening of all marine and freshwater fisheries impacting this important salmon stock will be questioned," he said.

It's only the second time in 35 years that the Central Valley has not met the agency's conservation goal of 122,000 to 180,000 returning fish, according to the council, which regulates Pacific coast fisheries.

More worrisome is that only about 2,000 2-year-old juvenile chinooks — used to predict returns of adult spawners in the coming season — returned to the Central Valley last year, by far the lowest number ever counted. On average, about 40,000 juveniles, or "jacks," return each year.

Salmon that spawn in Central Valley rivers form the backbone of the West Coast's commercial and recreational salmon fishery and are caught by fishermen from Southern California to British Columbia.

"Sacramento fish are really what the fishery depends on," said Chuck Tracy, the council's salmon management officer.

Not long ago, salmon restoration efforts in the Sacramento watershed were being touted as a wildlife management success story.

But recent years have seen populations dwindle in many Western rivers, and scientists are trying to understand why.

The council plans to meet in Sacramento in March to discuss possible restrictions, including a complete closure of the salmon season that begins in May. Final decisions will be made in April.

Duncan MacLean, a Half Moon Bay fisherman who is on a team that advises the fishery council, said he is bracing for hard times.

"It's probably going to be worse than anything we've experienced before," said MacLean, 58, who relies on salmon fishing for as much as 70% of his income. "It's going to put a lot of us out of business."

► The Fresno Bee contributed to this report.

Letter I11

Delta smelt's numbers decline

Costly effort to save fish appears to be failing.

By Michael Doyle
Bee Washington Bureau

WASHINGTON — Millions of dollars and untold gallons of water have failed to stop a precipitous decline in the population of the endangered delta smelt, officials acknowledged Tuesday.

In a sobering assessment, state and federal officials told a House panel that their big investment in the tiny smelt hasn't paid off yet.

The concession comes as officials contemplate spending an additional $10 billion or more for new water-supply projects and environmental work to address California's long-term water problems.

The 3-inch-long smelt found in the sprawling estuary where the Sacramento and San Joaquin rivers meet is considered an indicator of the delta's health.

Starting in 1993, the smelt has been protected as threatened under the Endangered Species Act.

It has been a major beneficiary, although not the only one, of the 1.5 million acre-feet of Central Valley water set aside annually for environmental protection.

Even so, the smelt's population last year was only about 2.4% of the population noted when it was placed under federal protection in 1993.

"Obviously, we haven't had the success with the delta smelt that we would have wanted," Bureau of Reclamation Commissioner Robert Johnson said.

Johnson said he could not even estimate how much money has been spent on measures to protect the fish, although it's likely in the tens of millions of dollars.

"The [delta] system is still in decline," California Department of Water Resources Director Lester Snow told the House water and power subcommittee.

The House panel convened the hearing Tuesday in part to let San Joaquin Valley residents like Los Banos farmer Jean Sagouspe and Firebaugh City Manager Jose Ramirez vent about their region's water shortfalls.

In part, the hearing could set the stage for federal legislation, although nothing specific has been introduced yet.

The hearing also follows a ruling by Fresno-based U.S. District Judge Oliver Wanger. Last year, Wanger imposed tighter pumping limits in order to leave more water in the delta for protection of the smelt.

Wanger's ruling could cut irrigation deliveries south of the delta by between 20% and 30% annually.

Snow cautioned that "we don't know precisely how much water we will have year to year."

State and federal officials said they didn't know precisely how much of the smelt's population decline has been caused by something other than irrigation pumping.

Repeatedly Tuesday, Rep. Jim Costa, D-Fresno, and other San Joaquin Valley lawmakers insisted that numerous small pumps not part of the state and federal water projects could account for some of the delta's problems.

The political implication is that Valley farmers are shouldering too much of the burden for restoring the smelt's delta habitat.

The hearing also comes as legislators in Sacramento and Washington consider expensive fixes for California's long-term water problems. These proposed solutions cited Tuesday include an estimated $3.5 billion for new reservoirs, between $3 billion and $4.5 billion for a conveyance facility to haul water around the delta, and some $2.4 billion for various delta habitat improvements.

Federal funding, so far, hasn't met the state's anticipated needs, and California lawmakers pressed Bush administration officials Tuesday to provide more money.

"If we're going to make this happen, we have to get all the California folks to say this is a high priority for us," Costa said.

▶ The reporter can be reached at mdoyle@mcclatchydc.com or (202) 383-0006.

Continued from Page B1

Water: Valley residents testify in D.C.

Enclosure 7

3-913

Letter I11

salt sinks. The remaining runoff (2 – 3 percent) is available as a renewable water supply for urban, agricultural, and environmental uses.

Table 10-1 shows California's estimated water supply, for average and drought years under 1995 and 2020 levels of development, with existing facilities and programs. This information is excerpted from the *California Water Plan*, prepared by the California Department of Water Resources. The state's 1995-level average year water supply was about 77.9 million acre-feet (maf), including about 31.4 maf of dedicated flows for environmental uses.

Table 10-1. California Water Supplies with Existing Facilities and Programs[a] Thousand Acre Feet (taf)

Supply	1995		2020	
	Average	Drought	Average	Drought
Surface				
CVP	7,004	4,821	7,347	4,889
SWP	3,126	2,060	3,439	2,394
Other Federal Projects	910	694	912	683
Colorado River	5,176	5,227	4,400	4,400
Local Projects	11,054	8,484	11,073	8,739
Required Environmental Flow	31,372	16,643	31,372	16,643
Reapplied	6,441	5,596	6,449	5,575
Groundwater[b]	12,493	15,784	12,678	16,010
Recycled and Desalted	324	333	415	416
Total (rounded)	**77,900**	**59,640**	**78,080**	**59,750**

[a] Bulletin 160-98 presents water supply data as applied water, rather than net water. This distinction is explained in a previous section. Past editions of Bulletin 160 presented water supply data in terms of net supplies.

[b] Excludes groundwater overdraft

Source: Department of Water Resources, California Water Plan.

Enclosure 8

The annual average statewide supply is projected to increase about 0.2 maf by 2020 without implementation of new water supply options. While the expected increase in average year water supplies is due mainly to higher Central Valley Project (CVP) and State Water Project (SWP) deliveries (in response to higher 2020-level demands), new water production will also result from groundwater and from recycling facilities currently under construction.

The state's 1995-level drought year water supply was about 59.6 maf, of which about 16.6 maf is dedicated for environmental uses. Annual drought year supply is expected to increase slightly by 2020 without implementation of new water supply options. The increase is expected to be created through higher CVP and SWP deliveries and new production from surface water, groundwater, and recycling facilities currently under construction.

Surface Water Supplies

Surface water supplies for the Tulare Lake Basin include developed supplies from the CVP, the SWP, rivers, and local projects. Surface water also includes the supplies for required environmental flows. Required environmental flows are comprised of undeveloped supplies designated for wild and scenic rivers, supplies used for instream flow requirements, and supplies used for Bay-Delta water quality and outflow requirements. Finally, surface water includes supplies available for reapplication downstream. Urban wastewater discharges and agricultural return flows, if beneficially used downstream, are examples of reapplied surface water.

Central Valley Project. The Legislature authorized the State Central Valley Project in 1933. Because California was unable to sell the bonds needed to finance the project during the Great Depression, the United States Bureau of Reclamation (USBR) initiated project construction. Initial congressional authorization for the CVP included facilities such as Shasta and Friant Dams, Tracy Pumping Plant, and the Contra Costa, Delta-Mendota, and Friant-Kern Canals.

The USBR's CVP is the largest water storage and delivery system in California, comprising of 29 of the state's 58 counties. The project's features include 18 federal reservoirs and 4 additional reservoirs jointly owned with the State Water Project. The keystone of the CVP is the 4.55 maf Lake Shasta, the largest reservoir in California. CVP reservoirs provide a total storage capacity of over 12 maf, nearly 30 percent of the total surface storage in California, and deliver about 7 maf annually for agricultural (6.2 maf), urban (0.5 maf), and wildlife refuge use (0.3 maf) (Table 10-2).

TABLE 4-4
GENERAL PLAN POPULATION ESTIMATES BY UNINCORPORATED COMMUNITY

Community	Domestic Water Service Provider	Existing Population (2003 TCAG Model)	Range of General Plan Population Estimates	Community Plan Last Updated
Alpaugh	Alpaugh JPA	761	849 to 975	None to Date
Cutler	Cutler PUD	4,962	10,245 to 11,763	1988
Orosi	Orosi PUD	8,086	16,694 to 19,169	1988
Ducor	Ducor CSD	504	592 to 680	2004
Earlimart	Earlimart PUD	7,393	13,034 to 14,965	1988
East Orosi	East Orosi CSD	426	N/A	None to Date
Goshen	Cal Water	2,473	4,258 to 4,889	1978
Ivanhoe	Ivanhoe PUD	4,524	6,302 to 7,236	1990
Lemon Cove	Lemon Cove SD	251	377 to 433	None to Date
London	London CSD	1,848	1,927 to 2,213	None to Date
Pixley	Pixley PUD	2,662	5,755 to 6,608	1997
Plainview	Plainview MWC	822	969 to 1,113	None to Date
Poplar-Cotton Center	Poplar CSD	1,789	3,067 to 3,521	1996
Richgrove	Richgrove CSD	2,723	3,315 to 3,806	1986
Springville	Springville PUD	2,755	3,274 to 3,759	1985
Strathmore	Strathmore PUD	2,800	4,166 to 4,783	1989
Terra Bella	Terra Bella ID	3,714	6,506 to 7,471	2004
Three Rivers	Mutual Water Companies/CSD	2,300	3,220 to 3,697	1980
Tipton	Tipton CSD	1,809	1,858 to 2,134	None to Date
Traver	Tito Balling, Inc. (Private Purveyor)	732	1,461 to 1,678	1989
Woodville	Woodville PUD	1,623	1,882 to 2,161	None to Date

Notes:
JPA: Joint Powers Authority
Cal Water: California Water Service Company (Private)
SD: Sanitary District
MWC: Mutual Water Company
N/A: Not Available
Sources: Existing Population obtained from 2000 Census Data; Range of General Plan Population Estimates based upon modeled General Plan Land Use Alternatives; Community Plan Status obtained from Goals & Policies Report (Revised July 8, 2007)

Enclosure 9

Table 4-5

SUMMARY OF DOMESTIC WATER SUPPLY CONDITIONS FOR UNINCORPORATED COMMUNITIES IN TULARE COUNTY

Domestic Water Service Provider	Water Supply Source From	Facilities Adequacy to Serve Projected General Plan Population Growth			
		More than Adequate[1]	Adequate[2]	Adequate w/ Concerns[3]	Significant Concerns[4]
Alpaugh JPA	Groundwater			X	
Cutler PUD	Groundwater			X	
Orosi PUD	Groundwater		X		
Ducor CSD	Groundwater			X	
Earlimart PUD	Groundwater			X	
East Orosi CSD	Groundwater			X	
Cal Water - Goshen	Groundwater			X	
Ivanhoe PUD	Groundwater	X			
Lemon Cove SD	Groundwater				X
London CSD	Groundwater				
Pixley PUD	Groundwater			X	
Plainview MWC	Groundwater				X
Poplar CSD	Groundwater				X
Richgrove CSD	Groundwater	X			
Springville PUD	Surface Water	X		X	
Strathmore PUD	Groundwater/		X		
Terra Bella ID	Groundwater/	X			
Three Rivers CSD	Groundwater/			X	
Tipton CSD	Groundwater			X	
Tito Balling - Traver	Groundwater			X	
Woodville PUD	Groundwater		X		

Notes:

1) "More than Adequate" means that facilities appear capable of serving growth beyond build-out of the General Plan.
2) "Adequate" means (1) apparent capacity to serve build-out growth with little financial, technical or environmental difficulty; and (2) clear capacity to serve projected growth.
3) "Adequate with Concerns" means that the provider either has the capacity to serve projected growth or is likely to solve capacity issues within the time horizon of the General Plan.
4) "Significant Concerns" means that the provider lacks capacity to serve projected growth and is likely to experience significant difficulties in expanding the system to meet projected demand.
5) Source of information is from Municipal Service Reviews Adopted by the Tulare County Local Agency Formation Commission (for applicable Districts) and from discussions with District staff members.

Enclosure 9

Carole Clum's Factchecking on
Tables 4-4 and 4-5 in Draft EIR

Table 4-4 General Plan Population Estimates by Unincorporated Communities

Table 4-5 Summary of Domestic Water Supply Conditions for Unincorporated Communities in Tulare County

Compiled on February 26, 2008
Updated in March 2008
Including Comments on Ability of Each Community to Serve Projected Growth of Updated General Plan for 2030 Buildout

Carole Clum
45638 S. Fork Drive
Three Rivers. CA 93271-9610

Carole A. Clum
February 26, 2008

Enclosure 10

Alpaugh JPA 949-8199 2

person interviewed: Martha Howard

date: Feb 22, 2008

total population: 1000

how many water connections: 325

can you hook up any more homes: can serve 20 more

wells: 2, both have arsenic contamination

infrastructure pipes new

water tanks new

meters: yes. Read but not charging yet by volume Flat rate

peak usage: at maximum capacity

water quality high in arsenic, no nitrates

grants: at top of the list for grant to treat arsenic
will use absorbtion method
Boyle Engineering

Sewers: septic only

problems: Alpaugh's water system is 70 years old

Comments: This is an impoverished community with arsenic in water supply, old water system at maximum capacity during peak demand
SIGNIFICANT CONCERNS

Cutler PUD 528-3859 3

person interviewed: Superintendent Junior

date: Jan 31, 2008

total population: 6300 in 2000 census

# of PUD water connections: 1200

can you serve any more homes: very few undeveloped lots
will annex more land

wells: 2 wells
lost 2 wells due to nitrate contamination

infrastructure pipes
water tank

meters: only on a few commercial accounts
will slowly install meters on domestic accounts in future

peak usage: at maximum capacity
Rationing landscape watering all year, odd and even days

water quality: nitrates

grants: engineers will apply for any grant they qualify for
want to drill another well. Will be blending water
well will cost $500,000

sewers: at capacity now
moratorium on sewers since 2006

Comments: This is a POOR community with nitrate contamination, almost no capacity to serve more connections, at maximum capacity during peak demand, at capacity for wastewater treatment
SIGNIFICANT CONCERNS

Ducor CSD 559 361-0450 4

person interviewed: Melanie, bookkeeper, and Pete Garza, manager 333-1[redacted]

date: Feb. 22, 2008

total population: 300

CSD water connections: 146

Can you serve any more homes: not many $2500 to hook up

wells: 2 wells. (1 well doesn't produce many gallons)
sometimes sulfur smell, sometimes bacteria

infrastructure: pipes - need new pipes
well - need new well

meters: yes. Not read. flat rate charged

peak usage: pumps run longer, costs run higher
in dry years wells pump less water

water quality: okay (except for occasional sulfur smell and bacteria)

grants: applying for grants for well, piping, meters, tank

sewers: no sewage treatment plant. All on septic systems

problems: infrastructure

Comments: This community has only 2 wells (1 doesn't produce much water), sometimes bacteria in wate
little capacity to serve more with water, no sewage treatm
plant, needs new well and new pipes.
SIGNIFICANT CONCERNS

Earlimart PUD 661 849 2663 5

person interviewed: Rachel Garcia
date: Jan. 31, 2008
total population: 8000
# of PUD water connections: 1600
can you serve any more? at capacity now
annexing 2 parcels 300 houses
each lot will pay $8600 to hook up to water and sewer. (This will pay for infrastructu
wells: 3 wells, well # 4 has choliform bacteria, not using this well. Will drill 5th well.
infrastructure: pipes
tank only have pressure tank, no storage tank
meters: just started using meters
peak usage: low water pressure on west side in summer
grants: none
sewers: at 100% capacity for sewage
485 sewer connections
comments: Impoverished farm town can not serve more water connections, at 100% sewage treatment, one well out of 4 has coliform bacteria, low water pressure on west side of town during peak demand.

SIGNIFICANT CONCERNS

GOSHEN CSD sewers only 651-0323 6
water comes from CALWATER 624-165 in Visalia

person interviewed: Maria Garcia
date: Jan 31, 2008
total population: 2394 as of 2002
wastewater treatment: not a lot of capacity
planning to expand — new development of 300 homes will treat its own wastewater
sewer connections: 947 commercial and industrial
760 residential
grants: applying for grant money from state for wastewater treatment enlargement
peak usage: odd and even days for watering landscaping all year

CALWATER supplies Goshen with water, cross connected to entire city of Visalia. As long as Visalia has water, Goshen has water

person interviewed: Jerry Neal 624-1650 operations center
date Jan. 31, 2008
water connections in Goshen entire city from Rd 64 east to Church Street
peak usage no problem. We have over 80 wells. Drill 2 new wells a year, each costing $1 million
potential growth no problem

water quality nitrates We filter it out from well in Patterson tract. MCL - keep lowering levels of contaminants allowable
DBCPs 3 or 4 wells have contamination. We drill wells 320-350' deep, seal upper and middle levels to avoid contamination
meters: charge 50¢ per 100 cubic feet

Comments: Goshen has adequate clean water but almost at capacity for wastewater treatment.
ADEQUATE WITH CONCERNS

Ivanhoe PUD 798-0512 7

person interviewed: Carol Fina
date: Jan. 31, 2008
total population 5000-6000 people within PUD
# of water connections to PUD 1112
can you serve any more homes: only 15 undeveloped lots, will not expand PUD
wells: 7 wells, 1 contaminated with nitrates

infrastructure: pipes 50 years old, breaking

meters: since 1989. charge 22¢ a cubic foot

peak usage: when PSI falls below 35, switch on backup well

water quality: good

grants: applying for grant for new well from State Reserve Fun.

sewers: when it rains a lot, ponds start to fill up. To keep them from running over, we switch on the clarjester which digests sludge and makes it dry. Irrigate with remaining water and spread it on pasture.

comments: Can serve projected growth if grant is received to drill new well and sewage ponds are expanded or clarjester is run more often. Also pipes are old and breaking. Money will need to be found to repair water pipes
ADEQUATE WITH CONCERNS

Lemon Cove PUD 597-2504 8

person interviewed: Bill Pensar, board member
date: January 21, 2008
total population: less than 200
# of connections 41
can you serve more? 40
wells: 1 well searching for clean groundwater
3 wells with too much nitrate contamination, dormant or abandoned
infrastructure: new since 1992

meters: yes. read quarterly. Charge by cubic foot
Standby charge

peak usage: lots of water

water quality: nitrates above drinking water standards

grants: apply for many grants

sewers: at 3/4 capacity, 60 connections

comments: Almost all the land surrounding this small town is in the Williamson Act and can't easily be developed. Population has fallen since 2000 census. Nitrates above drinking water standards. Wastewater treatment at 3/4 capacity. This is a modest town.

SIGNIFICANT CONCERNS

London CSD 591-5142 Mon-Fri 10-4 9

person interviewed: Carolyn Thomas
date: Jan 31, 2008
total population: 2100
# of water connections 448
wells 3, good

infrastructure: pipes need to be replaced
need new well

meters:

peak usage: water pressure goes down. We encourage people not to waste water.

water quality: good

grants: applying for grant to drill well

Comments: This small modest town has infrastructure problems, including pipes that need to be replaced, a new well to be drilled and low water pressure at peak demand.

SIGNIFICANT CONCERNS

10

OROSI PUD 528-4262 M-F 8-12 1--

person interviewed: Elaine Vidana, office manager

date: Jan. 31, 2008

total population: 7318 in 2000 census

how many water connections: 1700

can you serve any more homes:

wells: 4 active, drilling 5th well
abandoned wells on north side of town due to nitrate contamination

infrastructure pipes - replacing water mains, have the money
water tank - need another 750,000 gallon tank, have mon-

meters: had them 4-5 years, pay 76¢ per thousand gallon

peak usage: water pressure low

sewers: Replacing sewer lines, 40 years old, seeping water, have the money
moratorium on sewer connections

grants: applying for grant now via Dennis Keller

Comments: This town has a moratorium on sewer connections. This town has raised money to replace pipes, water tank and sewer lines which were leaking, applying grant for new wastewater treatment plant.
ADEQUATE WITH CONCERNS

Pixley PUD 757-3878 11

person interviewed: Randy Masters, manager 799-3196
Jan. 31, 2008

total population: 2584

# of water connections: 800

Can you serve any more homes:

wells: 1 good well
3 wells, out of compliance with ARSENIC standards

infrastructure: pipes — distribution system old, small lines need to be upgraded
tank - elevated tank

meters: half of homes are metered flat rate $20, charged so much per gallon over 30,000 gallons a month

peak usage: haven't gotten to capacity

water quality arsenic problems

grants: applying for grants from USDA, state, and federal
engineer is Michael Taylor, Provost and Richard

sewers: at capacity
got some grant money for bigger wastewater treatment plant, borrowed rest of money from USDA

Comments: This town has SERIOUS ARSENIC contamination problems and at capacity, FOR wastewater treatment

SIGNIFICANT CONCERNS

Plainview MWC special district a group of individuals 12

person interviewed: Lindsay utilities district which sends out water bills 562-5982

date: Feb. 25, 2008

total population:

total water hook ups: 168

can you serve any more homes:

wells:

infrastructure: new pipes

meters: yes

peak usage

water quality: their domestic wells had nitrates
Now they get water from Lindsay

Sewers: septic only

Comments: This is a very small community with Nitrate contamination problems.

SIGNIFICANT CONCERNS

Poplar CSD 784-7009 13

person interviewed: Mike Clark, bond president, cell 559-359-9918
date: Jan 31, 2008 and Feb 22, 2008
total population: 2500 in 2001
water connections: 596
wells: 3 wells, (2 good, 1 has nitrates)
at 80' deep there is standing water
Real good water supply
infrastructure: pipes - 1972
tank - 1972
pump - new

meters: yes. Don't read them. Flat rate

peak usage: unlimited water

water quality: good

grants: none

Sewers: 1994
640 hook ups
71% of capacity
Major expansion planned
2000 homes to be built
They will pay to be connected to water and sewage and they will pay for expansion of wastewater treatment plant

Comments: This small town has some nitrate contamination problem: RARing to build. No growth for 37 years. All land around community is zoned AE20. Can't wait to develop.

ADEQUATE

Richgrove CSD 1-661-725-5632

Mon, Wed, Fri 8-12

Friday only 1-5

person interviewed: Maria Pimentel

date: Feb. 22, 2008

total population: 2723

# of water connections: 532

can you serve more: NO

wells: 2

infrastructure:

meters: working on getting meters

peak usage: at capacity

water quality:

grants: applying for grant from state for new well

sewers: at capacity

Comments: This town cannot serve any more water connections. During peak demand they reach capacity. Waste water treatment plant is at capacity. Applying for grant to drill new well.

SIGNIFICANT CONCERNS

Springville PUD 15

person interviewed: Nancy Bruce, board member, 539-3351
date: Jan. 22, 2008 and March 23, 2008
total population: 1500
# of water connections: 389
Can you serve more: Don't know
wells: None. SPUD uses Tule River water.
infrastructure: Some very old water pipes laid in 1920's
Don't know where the pipes are. Mapping them now. Can't afford to replace them.
meters: Yes.
peak usage: During peak demand, SPUD reaches the limits of its water rights to the Tule River.
water quality: good
grants: Applying for grants to replace old water pipes and improve wastewater treatment
sewers: Sewer moratorium for last 28 years.
No place to grow wastewater treatment plant.
(375 sewer connections) Want to buy $500,000 ultraviolet light to zap all organisms in wastewater except cryptosporidium. SPUD's permit allows them to treat 100,000 gallons of effluent a day.
Comments: 50% of all private wells in Springville are contaminated with radon or nitrates.
This community has severe constraints on growth.
SIGNIFICANT CONCERNS

Strathmore PUD 559 568 1613 16

person interviewed: Adele Sanchez
date: Feb. 1, 2008
total population:
# of water connections: 487 to 700 dwellings (some share)
Can you hook up more homes: yes. Just approved 41 homes + new school
wells: 5 wells, all high in nitrates
blending water with Friant-Kern canal water. Using only one well.
If water from canal is lost, they will install nitration filtration system
infrastructure: recently replaced 2/3 of water lines
meters: yes. 464 per 1000 gallons
peak usage: at capacity. Have to shut down. Ask customers to conserve.
water quality - Nitrates above standards until blending
grants: applied for several grants for nitrate filtration system
problem with disposing of heavily salt laden water
Sewers: old treatment facility
sewer lines need to be replaced
copper in wastewater - hazardous waste
clients pay progressive fee

LSID Lindsay Strathmore Irrigation District supplies water to part of Strathmore PUD.

Comments: All five wells contaminated with nitrates
Blending well water with FRIANT-KERN canal water.
During peak demand at capacity. Wastewater treatment plant old.
Sewer lines need to be replaced. SIGNIFICANT CONCERNS

Terra Bella I 535-4414 17

person interviewed: Karen Kerwood
date: Jan. 31, 2008
total population: 3200
water connections: domestic treated in town 714
surface water untreated 500

wells: no. using water from Friant-Kern canal

infrastructure: established 1915, aging facilities constantly updated

meters: 900 irrigation meters for lawns and agriculture

peak usage: when near capacity, stop taking water orders from farmers

water quality: not an issue for irrigation

grants: applying for state grant for expansion of treated water

sewers: Terra Bella sewer maintenance district is maintained by Tulare County

Comments: Groundwater around Terra Bella is contaminated with Nitrates
This small irrigation district does NOT receive its water supply from groundwater but from Friant-Kern canal. It is vulnerable to 30% loss of water due to restoration of San Joaquin River. During peak demand it reaches capacity.
SIGNIFICANT CONCERNS

Three Rivers CSD 18

person interviewed: Randy Pares

date: Jan 21, 2008

total population: 2700

# of CSD water connections: 75 in Alta Acres subdivision

can you serve more homes: only 5 undeveloped lots

wells: 1 well

1 river well recently rebuilt for use during peak demand

infrastructure: all pipes need to be replaced. All homes assessed.

meters: yes. read bimonthly. Standard rate. For every gallon over they pay tiered rates

peak usage: exceeded maximum capacity until River well rebuilt in 2007

water quality: good

grants: got a loan for $2 million for rehabilitation of water pipes. grant for $.5 million

sewers: septic only

comments: There are 35 small private, volunteer run water systems in Three Rivers. Most serve a very small number of homeowners, one motel, one school, one RV park. The great majority of private wells serve one home. These homes are on 1-5 acres or more. There is no capacity for the growth projected by the General Plan Update. Some wells are contaminated with radon, nitrates, fecal coliform, or arsenic. There is not reliable groundwater. SIGNIFICANT CONCERNS.

Tipton CSD 752-4182 Mon-Thurs 8-3 19

person interviewed: Johnny Price, maintenance man, cell- 280-4217
date: Feb. 25, 2008
total population: 1792 in year 2000
# of water connections: 594 commercial and residential
wells: 2 wells, third well shut down due to contamination by oil and nitrates

water quality: good
Can you serve more? approximately 20-40 more connections

grants: no
meters: don't read meters, flat rate
peak usage: okay, as long as both wells are working

sewers: not maxed out yet, 3/4 capacity

infrastructure: need to drill another well

Comments: This small town could grow as long as both wells work or don't become contaminated. Sewer capacity is at 3/4 capacity. They need to drill another well.

ADEQUATE WITH CONCERNS

TRAVER - Tito Balling 559-935-2300 20

person interviewed: employee of Tito Balling
date: Feb 8, 2008
total population:
water connections: 180
can you serve more: yes
wells: 3, all good. Third well was needed for water pressure problems at school

infrastructure: pipes old, need to be replaced

meters: not metered

peak usage:

grants: applying for grant for meters

sewer: operated by Tulare County "can't serve" order

comments: many people have their own wells.
impoverished community
The old water pipes need to be replaced.
The water system is under "can't serve" order

SIGNIFICANT CONCERNS

Woodville PUD 686-9649 21

person interviewed: Ralph Gutierez 901-6097 manager
date: Jan 31, 2008, Feb 22, 2008
total population: 1678 according to 2000 census
water connections: 400
can you serve more: 5-10 houses
wells: 2 good wells, 1 well not used because of sand
sometimes only draw 5 gallons a minute
sometimes water is salty
infrastructure: would need another well if there were a new subdivision
meters: yes. Read once a month. Minimum monthly charge plus 50¢ per 100 cubic feet
average water + sewer fee is $50 a month
peak usage: no problem
water quality: good
grants: applying for state money for new sludge beds
sewers: connection fee $7400 for water & sewer

Comments: This small town would need another good well if it were to expand water connections. PUD is applying for state grant money for new sludge beds. Old wells sometimes suck air, draw only 5 gallons a minute or draw up salty water. Only capacity for 5-10 more water connections

SIGNIFICANT CONCERNS

California

Income Inequality Grew in California Over the Past Two Decades

California's Richest Families vs. Poorest Families

- The *richest* 20 percent of families have average incomes **7.9** times as large as the *poorest* 20 percent of families.
- This ratio was **6.5** in the late 1980s.
- This growth in income inequality is the **18th** largest in the nation.
- The very richest families — top 5% — have average incomes **13.3** times as large as the poorest 20 percent of families.

The gap between California's richest and poorest families is

8th

largest in the nation.

California's Richest Families vs. Families in the Middle

- The *richest* 20 percent of families have average incomes **2.9** times as large as the *middle* 20 percent of families.
- This ratio was **2.3** in the late 1980s.
- This growth in income inequality is the **5th** largest in the nation.

The gap between California's richest families and families in the middle is

3rd

largest in the nation.

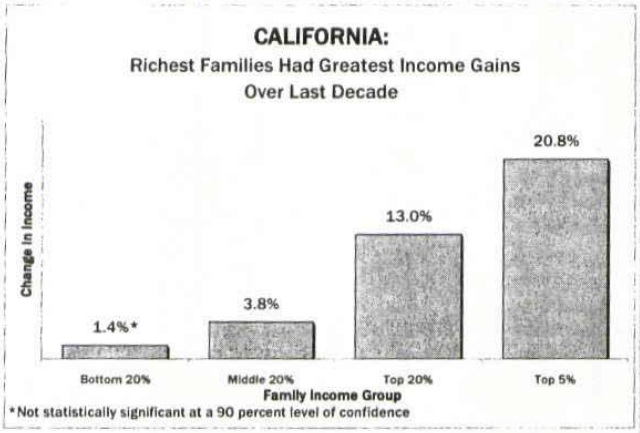
A Closer Look: Short- and Long-term Trends

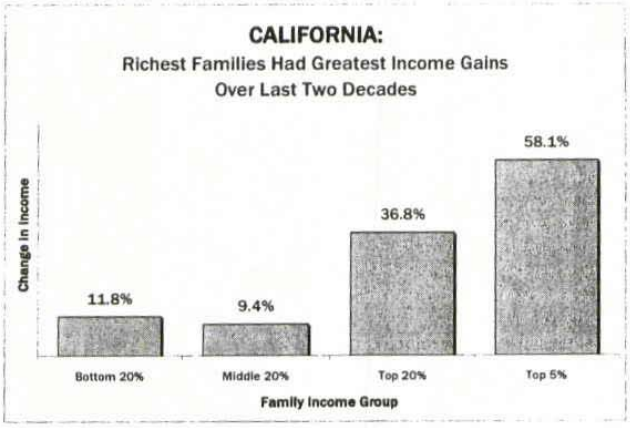
Late 1990s to mid-2000s

- The average income of the *poorest* fifth of families did not change significantly.
- The average income of the *middle* fifth of families increased by **$1,889**, from $49,092 to $50,981.
- The average income of the *richest* fifth of families increased by **$16,772**, from $128,587 to $145,358.
- The average income of the *richest* 5% of families increased by **$41,988**, from $201,397 to $243,386

Late 1980s to mid-2000s

- The average income of the *poorest* fifth of families increased by **$1,926**, from $16,386 to $18,312.
- The average income of the *middle* fifth of families increased by **$4,401**, from $46,580 to $50,981.
- The average income of the *richest* fifth of families increased by **$39,103**, from $106,255 to $145,358.
- The average income of the *richest* 5% of families increased by **$89,456**, from $153,929 to $243,386





Center on Budget and Policy Priorities

Economic Policy Institute

Based on the latest available data (2004-2006)
Source: Center on Budget and Policy Priorities and Economic Policy Institute
Pulling Apart: A State By State Analysis of Income Trends.
Available at: http://www.cbpp.org/4-9-08sfp.htm

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Public Policy Institute of California

California Counts
POPULATION TRENDS AND PROFILES

Volume 1 Number 1 • October 1999

How Many Californians?

A Review of Population Projections for the State

By Hans P. Johnson

Summary

The level of plausible variation in California's future population requires serious consideration by policymakers and planners. Planning and building infrastructure for the wrong population can be costly. To give policymakers and others concerned with projecting population a sense of the range of projections and why the range is so wide, this report compares and analyzes population projections produced for the state by various organizations: the California Department of Finance, the U.S. Census Bureau, the U.S. Bureau of Economic Analysis, UCLA, and the Center for Continuing Study of the California Economy. Those projections are used in short- and long-range planning by local, state, and federal government agencies, as well as by private firms.

The current projections agree on some basic issues: Growth rates will be lower than in the past, but absolute levels of growth will remain high. Natural increase will have more effect than net migration on population growth. Domestic migration will be lower, while international migration will remain strong. California will still have higher growth rates than the rest of the country. However, the projections of future population and rates of population growth vary widely. For example:

- For 2025, the highest and lowest projections differ by more than 10 million people, with the lowest series projecting a population of 41.5 million and the highest projecting over 52 million. By 2040, the difference is over 16 million people (almost half the state's current population), with the lowest projection setting the state's future population at 46.8 million and the highest at 63.4 million.

- These projections imply very different rates of population growth between 1995 and 2025. In the highest projection, California will have another 20 million people by 2025,

1

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The level of plausible variation in California's future population requires serious consideration by policymakers and planners.

or 64 percent of the state's 1995 population. The lowest projection suggests only about 8 million more, or 29 percent of that population.

- The projections differ substantially in some characteristics of the state's future population: e.g., the size of the state's white population and the age structure.

Each of the projections is plausible if you accept its assumptions regarding migration to and from California. The differences in migration assumptions drive almost all of the differences among the various projections. Over the past 15 years, domestic migration between California and other states has fluctuated dramatically. It is possible that California is on the verge of a new demographic era, one in which the state no longer attracts more domestic migrants than it sends out. It is also possible that the state will return to its longtime demographic history of being a place that attracts more migrants from other states than it sends to those states. The lowest projections assume the former, while the highest projections assume the latter. The most recent evidence indicates that the large domestic migration losses of the early 1990s have ceased, although the state has not returned to the positive flows of domestic migrants that characterize the state's past.

Planners need to be aware of the range of plausible future population levels of the state, and should, accordingly, consider alternative scenarios in their planning.

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Public Policy Institute of California

California Counts How Many Californians?

Context

The distinguishing feature of California's population is its tremendous dynamism. That dynamism is evident not only in California's rapid population growth, but also in the increasing diversity of the state's population. For decades, California's population growth rates have rivaled those of many less developed countries rather than typifying those of developed regions of the world. As recently as 1950, the state had only 10 million residents, less than one-third of today's 33 million. Over the past few decades, the state also experienced a dramatic increase in ethnic and cultural diversity. In 1970, white non-Hispanics accounted for almost 80 percent of the state's population; today, they account for approximately half of the state's population. By 2020, Latinos will be the single largest ethnic group in the state.

The sheer size of the state's population increase has important implications for almost all government services and functions including welfare, education, transportation, and corrections. Large increases in the state's population also have important implications for protection of natural resources, distribution of water, agriculture, and location and nature of development. No less important, but less predictable, is how the changing composition of the state's population will influence the state's economic evolution, its political representation, and its cultural identity or identities. Projections of 50 million Californians by 2025 suggest that policy issues related to population growth will become even more salient to policymakers. However, projecting future populations is an uncertain undertaking. The demographic future of California is very much in doubt. The recession of the early 1990s saw record numbers of domestic migrants leaving California. From 1990 through 1996, between 1 million and 2 million more people left California for other states than moved to California from the rest of the United States. At the same time, immigration (international migration) to the state increased substantially during the 1970s and 1980s and, though slowing, still remained substantial during the recession of the early 1990s. Some argue that the patterns of the early 1990s ushered in a new era of demographic change in California. Some predict that the state, once a magnet for migrants from the rest of the country as well as the world, will be the next demographic New York: a place that receives immigrants and sends out domestic migrants. Projections of the state's population are heavily influenced by assumptions about migration patterns.

In this report, we compare and analyze a number of long-term population projections for California. First, we discuss the projected populations, then compare the various methods and assumptions used to develop the projections, and finally discuss some implications of the comparisons. Additional charts, tables, and analyses are available on our website at *www.ppic.org*.

In California, domestic migration has been especially volatile over the past ten years.

Long-Term Projections for California

Three government agencies and two independent organizations produce long-term population projections for California: the California Department of Finance (DOF), the United States Census Bureau (CB), the United States Bureau of Economic Analysis (BEA), the Anderson Forecast at UCLA, and the Center for Con-

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Projections of the state's population diverge widely over time.

tinuing Study of the California Economy (CCSCE). The Census Bureau produces two sets of state population projections: Series A, the "preferred" series, and Series B, the "alternative" series. CCSCE produces three series of projections: high, middle, and low. Projections are revised every few years as additional data become available (e.g., a new census) or as population trends diverge from earlier projections. The BEA has ceased making economic and population projections.

The length of the projection series and the level of demographic detail vary among the series (see Table 1). The projections produced by the California Department of Finance and the Census Bureau are most directly comparable in terms of demographic detail. The Census Bureau projections extend to 2025, whereas all the other series extend to at least 2040.

Total Population and Growth Rates

Projections of the state's population diverge widely over time (see Figure 1 and Table 2). By 2025, the difference between the highest and lowest projection is greater than 10 million people, with the

Table 1. Sources of Long-Term Population Projections for California

Source	Projection Years	Year Issued	Demographic Detail
California Department of Finance (DOF)	1998–2040	1998	Single year of age; five race/ethnic groups; 58 counties
United States Census Bureau (CB)	1995–2025	1996	Single year of age; five race/ethnic groups; two series: preferred and alternative
United States Bureau of Economic Analysis (BEA)	1993–2045	1995	Broad age groups
UCLA Anderson Forecast	1996–2050	1998	Eight regions within the state
Center for Continuing Study of the California Economy (CCSCE)	1997–2050	1998	Broad age groups; subregions;* three series: high, middle, low

*Only total population projections for the entire state were available for this report.

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CB alternative series projecting a population of 41.5 million compared with UCLA's projection of over 52 million. The range in long-term projections is substantially less if we exclude the UCLA projections and all the alternative projections.[1] For example, the DOF projections, the CCSCE middle-series projections, and the CB preferred series agree that California will have almost 50 million residents by 2025, although they disagree about the timing of the

[1] By alternative projections, we mean the CB alternative projections and the CCSCE high and low series.

Figure 1. Total Population Projections for California

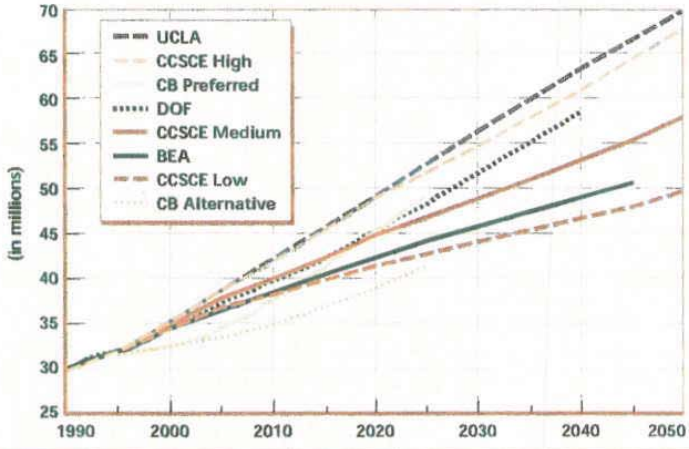

Table 2. Total Population Projections for California (in thousands)

Year	Department of Finance	Census Bureau Preferred	Census Bureau Alternative	BEA	UCLA	CCSCE Medium	CCSCE High	CCSCE Low
1990	29,942			29,905		29,758	29,758	29,758
1995	32,063	31,589	31,589					
1996	32,384	31,758	31,758		32,600			
1997	32,957	31,925	31,917			32,957	32,957	32,957
1998	33,506	32,100	32,078	33,398				
2000	34,653	32,521	32,423	34,470	35,247			
2005	37,372	34,441	33,511	36,657		37,800	38,769	36,831
2010	39,958	37,644	34,968	38,710	42,297	40,030	41,980	38,300
2015	42,371	41,373	36,838	40,686		42,432	45,439	39,850
2020	45,449	45,278	39,034		49,149	44,964	49,084	41,416
2025	48,626	49,285	41,480	44,372		46,917	51,846	42,706
2030	51,869				56,472	48,955	54,749	44,036
2035	55,210					51,081	57,798	45,407
2040	58,731				63,418	53,300	61,002	46,821
2045				50,731		55,615	64,367	48,277
2050					69,823	58,031	67,901	49,779

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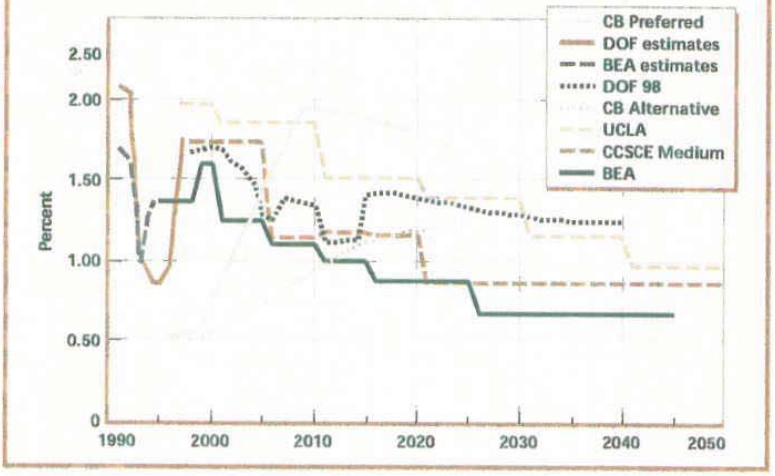
Figure 2. Population Growth Rates: Annual Percentage Change



state's population growth between now and 2025. By 2040, the difference between the highest and lowest projections increases to over 16 million people (almost half the state's current population), with UCLA projecting 63.4 million Californians and the CCSCE low series projecting only 46.8 million.

These projections imply very different levels of population growth. The highest projections suggest that California will need to accommodate another 20 million people by 2025, while the lowest suggest the state's population growth will total only about 8 million people between 1995 and 2025. Total population increases would amount to 29 percent of the state's 1995 population according to the lowest series, compared with 64 percent according to the highest series.

The projections show substantial differences even in the short run. Both Census Bureau series project substantially lower population totals than do the other series. For example, the CB series project fewer than 34.5 million California residents in 2005 whereas the DOF projects 37.4 million Californians. This short-term difference is a product of both differing projections of growth and differing current estimates of the state's population at the time the projections were made. During the 1990s, the Census Bureau estimates of the state's population have increasingly diverged from those produced by the DOF: By 1998, the Census Bureau estimates were lower than the DOF estimates by more than 800,000.

As shown in Figure 2, annual growth rates implied by these projections are substantially different—especially the initial projected growth rates, in which the CB projections are three times higher than the DOF projections. The large disparity in initial rates results from differing base years for the projections. The CB projections were developed at a time when the most recent estimates suggested substantial domestic out-migration from California and population growth in the state was quite slow by historic standards.

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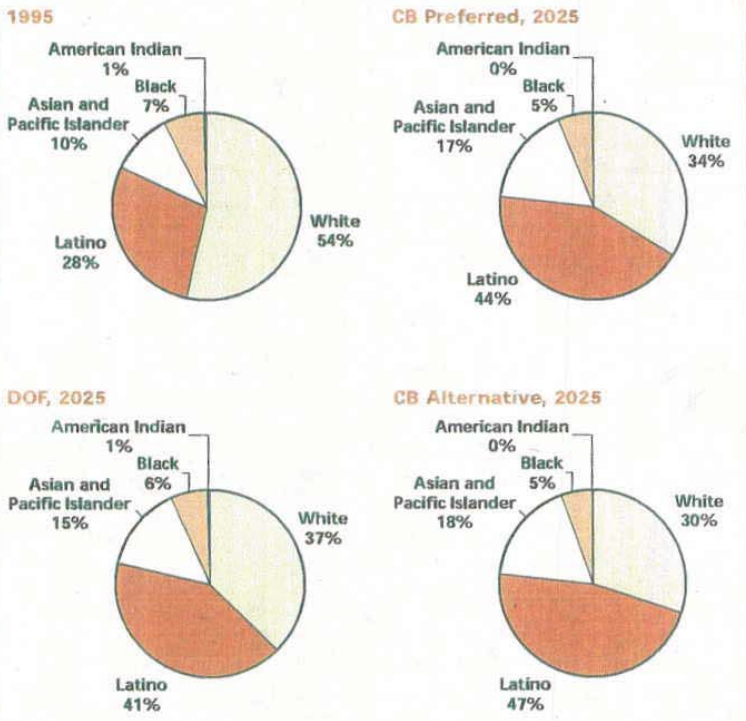
Although the CB projected growth rates are higher than growth rates experienced by the state in the recession, the CB projections did not anticipate the dramatic short-run change in growth rates that occurred between 1994 and 1998 (see Figure 2). Again, if we exclude the alternative series (CCSCE high, CCSCE low, and CB alternative), the range of long-term projections is substantially narrowed.

Population by Race/Ethnicity

Only the projections by the California Department of Finance and the Census Bureau provide race/ethnic detail. While the DOF and CB projections agree on the direction of race/ethnic distributional changes in the state's population, the projections differ on the magnitude of those changes (see Figure 3). In particular, the DOF projects that a somewhat larger share of the population will be white and a somewhat smaller share will be either Latino or Asian and Pacific Islander than the CB projects. According to the CB projections, no race/ethnic group currently constitutes a majority of California's population. According to the DOF projections, that state will be reached between July 2000 and July 2001. The CB preferred series projects that by 2014 Latinos will be the largest single race/ethnic group in the

Figure 3. California Population by Race/Ethnic Distribution



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state, whereas the DOF projection places that date at around 2021.

In absolute terms, the difference between the CB alternative series and the DOF projections is especially pronounced for whites, with the DOF projecting almost 6 million more whites by 2025 than the CB alternative projections (see Table 3). The lower population of whites in the CB series can be attributed to projected continuing net domestic migration losses. Domestic migrants, both to and from California, are more likely to be white than are immigrants or non-migrants in the state.

Age Structure

An easy way to summarize the age structure of a population is to examine the dependency ratio. The dependency ratio is the number of people of nonworking age (less than 18 and over 65) for every 100 people of working age. It provides a rough indicator of a population's ability to support nonworking members. The DOF, CB, and BEA projections each provide projections by age. As shown in Figure 4, California's dependency ratio is projected to increase substantially after 2010.

Table 3. Population Projections by Race/Ethnicity (in thousands)

		1995	2000	2005	2010	2015	2020	2025	2030	2035	2040
White	DOF	17,180	17,422	17,731	17,902	17,969	18,123	18,216	18,222	18,141	18,005
	CB Preferred	16,630	15,562	15,123	15,394	15,838	16,261	16,626			
	CB Alternative	16,631	15,501	14,537	13,771	13,201	12,788	12,477			
Latino	DOF	9,101	10,689	12,301	13,964	15,643	17,778	20,085	22,547	25,199	28,091
	CB Preferred	9,207	10,646	12,268	14,215	16,410	18,757	21,232			
	CB Alternative	9,206	10,628	12,101	13,691	15,433	17,289	19,243			
Asian and Pacific Islander	DOF	3,338	3,999	4,684	5,314	5,815	6,474	7,128	7,786	8,441	9,092
	CB Preferred	3,380	4,006	4,731	5,602	6,549	7,539	8,564			
	CB Alternative	3,379	3,995	4,635	5,309	6,026	6,786	7,582			
Black	DOF	2,251	2,338	2,434	2,541	2,691	2,806	2,918	3,024	3,128	3,234
	CB Preferred	2,184	2,138	2,158	2,268	2,406	2,544	2,679			
	CB Alternative	2,184	2,129	2,083	2,054	2,042	2,042	2,051			
American Indian	DOF	193	206	222	237	253	266	279	290	300	309
	CB Preferred	189	170	162	165	170	176	183			
	CB Alternative	189	169	154	143	135	130	127			

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as large cohorts of baby boomers begin to enter retirement ages. Because of the certain aging of the baby boom, there is little variation in projections of overall dependency ratios.

To the state government, however, the most important component of the dependency ratio is that attributable to children, because the state is the primary provider of services to children (via education) and provides relatively few services to the elderly. After a substantial rise in the child dependency ratio during the 1990s, the DOF and BEA series project a decline to the mid-2010s, followed by an increase (see Figure 5). This is a welcome short-term trend for a state trying to catch up with large increases in public school attendance. The CB projections show an increase in the child dependency ratio from 1995 to the first few years of the next century, before declining to the mid-2010s. After 2015, however, all the series project that the child dependency ratio will increase substantially, rising to levels not seen since the early 1970s according to the DOF projections.[2] The BEA projections show the same long-term pattern, but the increases are substantially lower.

Figure 4.
Historic and Projected Dependency Ratios for California

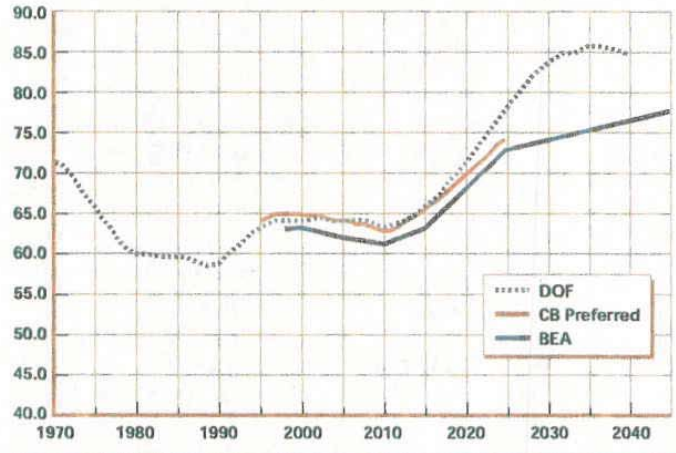
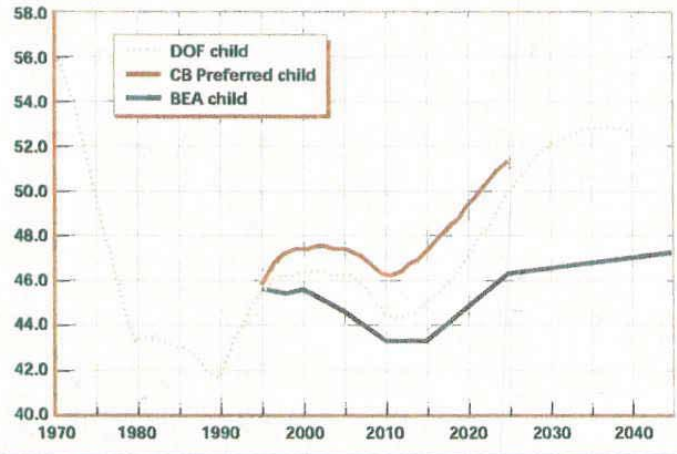


Figure 5.
Historic and Projected Child Dependency Ratios for California



[2] The higher child dependency ratio projections based on the CB preferred series are due to higher fertility projections. The lower BEA projections are based on a method that does not explicitly consider fertility.

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Despite their wide disparities, the current projections agree on some basic issues.

Methods and Assumptions of the Projections

Although some of the variation in the population projections results from differing methodologies, the most important source of variation is differing assumptions. Assumptions differ largely because population trends differed when the projections were developed. Most projections weight recent trends heavily in forecasting long-term trends.

Methods

Methods used to project California's population range from the computationally complex "multistate cohort component projection" technique employed by the Census Bureau to the simple derivative approach employed by UCLA. The projections can be classified into three types: (1) purely demographic (DOF, CB preferred); (2) demographic and economic (CB alternative, BEA, and CCSCE); and (3) derivative extrapolations (UCLA). The purely demographic approaches of the DOF and the CB preferred projections rely on an analysis of historical trends in the components of population change: births, deaths, and migration. This approach implicitly assumes that factors that led to such trends in the past will continue in the future. The methods that incorporate economic factors do so because employment is assumed to drive population growth through migration. Migration, especially domestic migration, to or from California responds strongly to employment opportunities in California versus the nation. The methods employed by CCSCE, BEA, and the CB alternative series use projections of employment to determine future populations of the state. UCLA's projections are primarily based on and extrapolated from an earlier set of projections produced by the Department of Finance, but also include a subjective assessment of recent economic conditions in the state. Finally, some of the state projections consider national population projections (CCSCE, BEA, CB), while others do not (DOF, UCLA).

More complex methods do not necessarily produce more accurate projections, although they might provide details (such as populations by age and gender) that are necessary to the user. Key sources of uncertainty are future employment, domestic migration, and fertility. For example, a decline in fertility rates could lead to substantially lower population projections over the long term for California than the DOF and CB projections currently envision.

Assumptions

When projections are developed partly explains differences between them. The most recent economic and demographic trends available at the time a projection is made are important factors in projecting future trends. In California, domestic migration has been especially volatile over the past ten years. The CB and BEA projections were developed when the most recent data showed massive domestic out-migration from California. Since those projections were developed, however, the large domestic migration outflows have ceased. The DOF, CCSCE, and UCLA projections were all developed after this turnaround, and thus show higher short-term projections. Figure 6 shows the importance of timing for the projections by comparing the DOF and CB migration estimates and projections.

Accuracy, Agreement, and Implications

Demographers have not been particularly successful in identifying and forecasting turning

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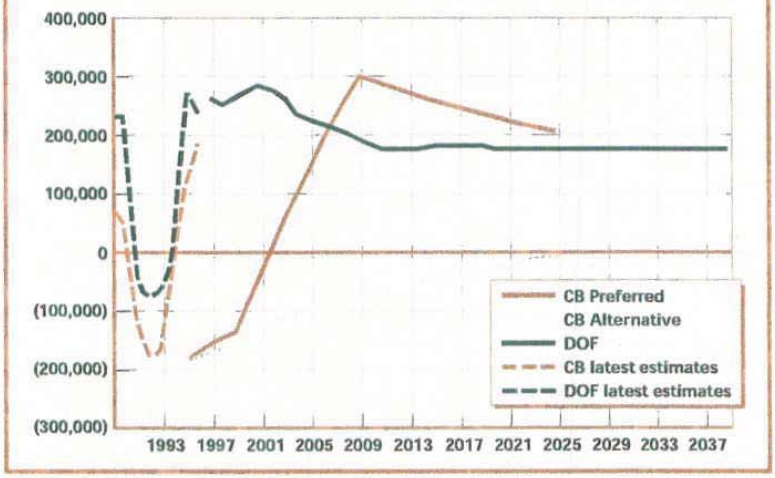
points in population growth. For example, two of the most profound demographic events in the last half of the twentieth century, the baby boom and the baby bust, were not accurately foreseen by demographers.

It is not clear which of the current projections for California are most accurate. Based on when the projections were developed, we can conclude that the CB and BEA projections are too low, at least in the short run. In the long run, the wide range of current population projections reflects the uncertainty of California's demographic future. Although the short-term projections of the CB and BEA are too low, any of the long-term population projections could be realized. None of the scenarios represented by the projections are unrealistic. The highest projection series (UCLA) implies annual growth rates for California that are lower than for any comparable historic period. The lowest projection series (CCSCE's low series) assumes that California's share of national employment growth will be only moderately lower than in the past.

Despite their wide disparities, the current projections agree on some basic issues:

- California's future growth rates will be generally lower than past rates, though absolute levels of growth will remain high.
- Natural increase will be a greater source of population growth in the state than net migration.
- Domestic migration is not forecast to be as great as in the past, while international migration will remain strong.
- California growth rates will still exceed those of the rest of the nation.

Figure 6. Estimates and Projections of Net Migration
Census Bureau and Department of Finance



In the long run, the wide range of current population projections reflects the uncertainty of California's demographic future.

The level of plausible variation in California's future population requires serious consideration by policymakers and planners. Prudent planners should consider several different future levels of California's population in developing their plans. Planning and building infrastructure for the wrong population can be costly. These costs should be explicitly considered and evaluated in developing plans for alternative future scenarios. ◆

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Our web site version of this report contains two appendices with additional tables, charts, and discussions of California population projections. We also provide links to the web sites of the organizations that produce population projections for California.

The Public Policy Institute of California is an independent, nonpartisan research organization established in 1994 with an endowment from William R. Hewlett. The Institute is dedicated to raising public awareness of issues and giving elected representatives and other public officials in California a more informed basis for developing policies and programs.

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Carole Clum
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Public Comments to the Planning Commission on April 23, 2008
Regarding the Tulare County General Plan Update 2030

Five reputable organizations make population projections for California. Tulare County chose to use the predictions of the California Department of Finance which made some of the highest population projections. The Supervisors seem to have concluded we need to put these people in all parts of the county, regardless of the consequences of greater air pollution, groundwater contamination, groundwater overdraft, infrastructure costs, and loss of agricultural land.

The Public Policy Institute of California in October 1999 analyzed the causes of population growth and the accuracy of population projections over time. Different organizations predict widely varying numbers of people over the 26 year time period from 1999 to 2025 from 29% to 64% population growth. The Institute found population predictions are accurate only 10 years into the future. The Public Policy Institute of California states the California population growth rate will be lower than in the past because:

- birth rates are declining
- there will be less interstate migration to California because there are fewer job opportunities due to our recession
- there will be less international migration to California because of fewer jobs and the crackdown on illegal immigration at the Mexican border and at workplaces that employ illegal aliens. These migrants don't want to spend time in jail and be deported.

Tulare County Supervisors need to consider the level of plausible variation in population projections. Planning and building infrastructure for the wrong population can be costly. I1

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In the beginning of the Goals and Policies Report under General Plan Framework Value Statements, there are serious omissions. Clean air, clean water, and adequate water supply are not mentioned. Protection of natural resources was the first priority of the citizens in the public workshops conducted by RMA and in the Blueprint workshops conducted by the Great Valley Center. After reading the General Plan Update, I believe omission of clean air, clean water, and water supply in the Value Statements was intentional. In the Air Quality and Water Resources sections air and water are not protected by mandatory policies and enforceable implementation measures. "Shall encourage", "shall identify", "shall promote", "shall support", "shall monitor", "shall consider", "as appropriate", and "where feasible" do not guarantee compliance. The County has no trouble putting mandatory wording in policies protecting oil and gas resources, prime timber resources, and rock and gravel quarries. They have obvious monetary value. It's harder to calculate the cost of an asthma attack, increased risk of cancer or reduced crop yield due to poor air quality or the impact of nitrate laden groundwater on a child or pregnant woman. It's harder, but possible, and has been achieved by other counties. On the other hand, the cost of drilling a deeper well because new development has continually lowered the groundwater level can be easily quantified. All the environmental consequences of this General Plan buildout have not been disclosed, analyzed, and mitigated. CEQA requires this. This DEIR must be redone and the Goals and Policies Report revised to address the real threats to human health and the environment.

Attachment 40

April 23, 2008 Carole A. Clum

Carole Clum
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To the Board of Supervisors and Planning Commission at Joint Hearing on February 26, 2008, Addressing General Plan Update Omissions

There are serious omissions in the Value Statements listed on page ES-6 of the Draft Environmental Impact Report of the Tulare County General Plan Update.

Clean air, clean water and sustainable water were top priorities of the citizens of Tulare County during all the public workshops and the Blueprint Process.

I have carefully read the Air Quality and Water Resources elements of the Goals and Policies Report of the Tulare County General Plan. The policies and implementation measures for air quality, water supply and water quality are weak, vague, and unenforceable.

We need clean air. This General Plan Update makes air quality worse. You know that.

A sixth value statement must be added to specifically, directly address air quality, water quality and water supply. And the policies and implementation measures must be made mandatory. Every mitigation must be mandatory and sufficient to offset the adverse impact.

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1

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Comments by Carole Clum to the Board of Supervisors at the Hearing on Draft General Plan Update, Feb. 26, 2008

It is impossible to assess and mitigate the impact of new development on water resources when the decision makers do not have a complete, accurate, current description of the existing environment. It is only against this baseline that intelligent decision making can be made. The DEIR analysis of water supply and water quality is fundamentally flawed because:

- Keller-Wegley Report, a major document used to assess water supply and water quality, is incomplete, missing vital figures and community maps assessing adverse impacts on many unincorporated communities due to loss of water from the Friant-Kern canal. Nevertheless, Dennis Keller, notes the uncertainty of the outcome of the NRDC v. Rodgers case concerning the restoration of the San Joaquin River, depending on the successful rebound of the chinook salmon,

- No consideration of the delta smelt decision to restore the Sacramento delta and limit water exported to Tulare County,

- No consideration of Global Climate Change and scientists' consensus that Tulare County will receive increasingly less precipitation and less snowpack and will experience ever warmer average temperatures which will adversely impact water supply, groundwater overdrafting and groundwater contamination and recharge.

- Absolutely no consideration of serious groundwater overdrafting now in Tulare County,

- Inadequate and inaccurate data in Table 4-5, page 4-107 of the DEIR, which purports to show the ability of 21 unincorporated communities to meet population growth demands of the General Plan Update buildout to 2030,

- Most of the water resources data was collected in 2003 or earlier. This DEIR was published in 2008,

- No consideration of the significant adverse impact on hydrology of Global Climate Change as echoed in the State Water Project Delivery Reliability Report of Jan. 22, 2008,

- No consideration of the expense of improving municipal water supply infrastructure and wastewater treatment facilities to accommodate 72% population growth.

- Page 4-130 of the DEIR states, "The majority of domestic water purveyors in unincorporated areas of the County would continue to be dependent upon groundwater to meet their water needs. Until comprehensive assessments of groundwater and groundwater management efforts occur, it is not possible to

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conclude that the County's groundwater resources would be capable of meeting future water demands resulting from implementation of the General plan Update.

- There is widespread contamination of groundwater by nitrates, arsenic, DBCP, radon, etc. Until county-wide, comprehensive groundwater quality monitoring occurs, there is no way to determine if the population can grow by 72%.

- No consideration of expense of removing contaminants from groundwater and who will pay. Purchasing filtration systems to remove contamination from water is expensive. Maintaining filtration systems is expensive. And disposing of the concentrated contaminant (now officially hazardous waste) is extremely expensive. Small unincorporated municipal water systems cannot afford the expense. This is especially true of disadvantaged communities.

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April 14, 2008

Mr. David Bryant
Division Manager - Special Projects
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Re: Review and Comments Regarding Water Resources
Draft Tulare County General Plan *Goals and Policies Report*, *Background Report*, and *Environmental Impact Report*

Dear Mr. Bryant:

Water resources information contained in the Draft Tulare County General Plan is presented in multiple sections in three different documents. The sections have little consistency between them, much is based on old and general data sources, and they are not internally cross referenced rendering the information difficult to access for policy makers and the public, and likely for the document preparers as well.

The pertinent sections of the *Goals and Policies Report* and the *Draft Environmental Impact Report* (DEIR) indicate that they are based upon the "detailed" information contained in the Water Resources section of the *Background Report*. However, there are in fact two unrelated Water Resources sections in the *Background Report*. Both of these Water Resources sections are based on sources that had been revised as of the date of the *Background Report*.

The two Water Resources sections of the *Background Report* need to be updated with current information and integrated into a single comprehensive section. Additionally, the General Plan water resources sections and analysis should address the impacts and planning necessary to address the potentially profound changes to precipitation and Sierra snowpack caused by Global Climate Change.

Once the Water Resources section of the *Background Report* is revised to fully address the present and future water resources of Tulare County, the dependant sections of the *Goals and Policies Report* and DEIR should be revised accordingly.

This letter discusses specific issues and provides comments regarding the three documents.

Background Report – Water Resources

Oddly, there are two different Water Resources sections contained in the *Background Report*. The Water Resources section contained in the body of the report is essentially an extract of the *California Water Plan* published by the State Department of Water Resources in 1998. The *Background Report* is dated December 2007; the 2005 update to the *California Water Plan* should have been used, rather than nearly 10-year-old data.

The other Water Resources section is included as Appendix C of the *Background Report*. While not specifically identified, this document is presumed to be the "Keller, Wegley & Associates" report referenced in other General Plan Documents including the DEIR. Further, the *Background Report* table of contents and introduction make no mention of any appendices. This is the document that was not included in the initial release of the General Plan and DEIR, which resulted in extension of the public review period.

California's Groundwater (Bulletin 118, Update 2003) published by the California Department of Water Resources has much more specific information regarding groundwater conditions in the three principal

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Tulare County subbasins. This document is cited in the DEIR, but is not referenced in, nor was it apparently used for preparation of the Water Resources sections in the *Background Report*.

Most of the references cited in the Water Resources sections are not included in the *Background Report* Bibliography. All citations and reference sources used for the Water Resource sections should be included in the Bibliography.

Water Resources Report in Body of Background Report

The introduction to the Natural Resources section of the *Background Report*, of which the Water Resources section is a part, states "This chapter of the Background Report provides a general overview of water resources and mineral resources within Tulare County to identify and understand these key natural resources." However, what is presented in section 10.2 Water Resources, is not what section 10.1 Introduction states that it is.

The *Background Report*, and the *California Water Plan* upon which it is based, provides broad regional information about the Tulare Lake Hydrologic Region, which in addition to Tulare County includes most of Fresno County, all of Kings County, and the western two-thirds of Kern County. It is essentially an extract of the *California Water Plan*.

While it is useful and important to provide a regional setting when conducting an analysis of water resources, all of the analyses of projected water usage and availability are based on the large regional analysis conducted by the state (other than one table of irrigation districts in the county based on data in a 36-year-old report [cited as Bookman-Edmonston Engineering, 1972]).

Misleading Local Conclusions by Reliance on Regional Analysis

Relying on an overly broad regional view of water resources can lead to misleading conclusions on a local level. For example, the Water Resources section of the *Background Report* concludes with tables presented in the "Water Use Summary" subsection. Tables 10-7 and 10-8, Tulare Lake Basin Average Year and Drought Water use, respectively, list urban, agricultural, environmental, and total water usage for 1995 and projected for 2020.

Face-value inspection of average year water use indicates 13,100 thousand acre-feet used in 1995 decreasing to 12,900 thousand acre-feet in 2020. While this projection is good news for the Tulare Lake Hydrologic Region *as a whole*, the local story for Tulare County is not so rosy.

Closer inspection shows that there is a projected increase of 409 thousand acre-feet (59% increase) in urban water usage, which is offset by a projected decrease of 613 thousand acre feet (6% decrease) in agricultural usage. However, the decrease in agricultural usage is largely due to the anticipated retirement of land in western Fresno and Kings counties. And of course, the largest portion of the increase in urban water usage would be expected to occur in the populated eastern portion of the Basin including Tulare County.

Therefore, if the projections were less generalized and focused on impacts to Tulare County, they would show a projected deficit. This is because a decrease in pumping in the confined aquifer on the west side of the Valley would not be expected to compensate for increased urban usage in the county, especially for the unconfined aquifer from which most of the populated areas of Tulare County obtain their water.

Incorrect Conclusion Regarding Groundwater Supplies

In discussing the 820,000 acre-feet per year of overdraft in the Tulare Lake Basin, the Water Resources section concludes that "this overdraft is due to reductions of surface supplies in recent years by Delta export restrictions, Endangered Species Act requirements, and other factors."

While there is no arguing that decreases in imported surface water supplies have exacerbated the overdraft, the Basin and Tulare County have been in overdraft since long before imported surface water

supplies were made available. The simple fact is that we have been mining our groundwater by pumping and using more than can be sustainably replenished. The quoted conclusion appears to be a political opinion, not a statement of scientific fact.

Tulare County has been conducting non-sustainable mining of its groundwater since development began in the second half of the 19th century. Water table elevations declined between 41 and 100 feet between 1860 and 1961 in the unconfined aquifer beneath Tulare County (Williams and others, 1989). Greater declines were experienced in the lower confined aquifer resulting in the well documented significant land subsidence in the Tulare to Wasco area.

A recent study conducted on the Kaweah River Watershed for the Kaweah Delta Water Conservation District (KDWCD) determined that 413,000 acre-feet were mined between 1981 and 1999, representing a loss of 17% of the total groundwater in storage (KDWCD, December 2003; revised July 2007).

A hydrograph of a water supply well in the City of Visalia was included in Appendix C of the *Background Report* (a copy is attached to this letter for reference). The hydrograph shows a declining static water level (non-pumping) trend from 50 feet below ground surface (bgs) in 1986 to 100 feet bgs in 2005. A hydrograph of this well included in the KDWCD report shows water levels back to 1945, which display a declining trend from original depths of 20 to 30 feet bgs in the 1940s.

Water Resources Report in Appendix C of Background Report

This document provides a much more detailed analysis of the four valley watersheds and the foothill mountain region of Tulare County.

Much of the information in this document should have been included in water resource summaries contained in the other General Plan documents. For example, the following information from Appendix C should be included in water resource summaries of the main General Plan documents including the *Goals and Policies Report* and the DEIR:

Kings River Watershed

- *The static levels of groundwater within the Kings River Watershed exhibit a gradual decline, with time.*
- *There are no communities which are not impacted, to some degree, by either naturally occurring or man-induced contamination within this watershed.*

Kaweah River Watershed

- *While the easterly unit showed approximate balance, computations utilizing different methodologies showed that the overall underground reservoir was overdrafted at a level of between 17,000 [revised to 21,700 in the July 2007 revision] to 36,000 acre-feet per year. Groundwater trend information for the City of Visalia area is presented on Figure 4-8. As can be seen from an analysis of this figure, the static groundwater trend is ever decreasing, as is the corresponding quantity of water being held in storage in the groundwater reservoir.*
- *Lands immediately adjacent to foothills exhibit elevated chloride and nitrate characteristics. As groundwater is tapped toward the central portion of the valley floor of the County, the water normally produced is of excellent quality. Anomalies occur where man-induced contamination has adversely influenced the quality characteristics. Influences from nematodecides such as DBCP, herbicides, pesticides and fertilizers all appear at certain locations within the Kaweah River Watershed, as do the impacts from industrial chemicals such as dry cleaning solvents and petroleum fuels.*

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Tule River Watershed

- [No analysis of groundwater trends were included in the document for the Tule River Watershed. The document should be revised to include this section.]
- *The east side of the valley floor in the Tule River Watershed contains the highest population of individuals impacted by lower quality groundwater of any area within the County. From the foothill fringe, adverse groundwater quality extends into the valley floor for several miles in all locals, except for those immediately adjacent to the Tule River.*

Deer Creek/White River Watershed

- *The maintenance of the groundwater reservoir through this area is dependent, as previously noted, on the continued capability to have available surface water sources available for delivery into the area.*
- *The groundwater quality characteristics appurtenant to the Deer Creek/White River Watershed vary from east to west. In general, water quality on the east side of the valley floor of the County in this area is characterized by diminished quality where nitrates, phenols and salts are present in different concentrations and in different locals. On the westerly side of the Deer Creek/White River Watershed, groundwater quality again declines into unacceptable conditions. Principal among these conditions are elevated levels of arsenic and microsand conditions requiring special drilling techniques and/or well head treatment to allow compliance with applicable standards. Many of these wells produce various gases including hydrogen sulfide, methane and natural gas, further aggravating the capability to deliver a potable supply.*

Analysis of Anticipated Change of Status over Planning Horizon is Incomplete

The Appendix C report states that "This overview includes the status of each of the major sources and any anticipated change in status over the planning horizon covered by the General Plan update." However, there is no analysis of potential impacts due to, and planning needed to address Global Climate Change.

The document includes a good overview on the San Joaquin River restoration litigation and its possible implications to Tulare County water resources. However, this section concludes by stating that:

> *There is no possible way of providing an estimate of those impacts at the current time other than to indicate that both settlement and an adverse court decision will considerably modify the status quo.*

But a few paragraphs before is the statement:

> *Information contained in the Expert Report of Richard M. Moss, P.E., in his representation of the Friant Division contractors in the referenced litigation provides estimates of the degree to which water deliveries could be potentially reduced to County lands as a result of a decision to provide flows for San Joaquin River restoration purposes.*

Why is there "no possible way" to estimate the impacts if there are specific estimates of potential water delivery reductions in the Moss report? Specific estimates of potential impacts to available water supply should be prepared based on available data to provide the information needed to plan for future growth in Tulare County.

Goals and Policies Report – Water Resources

The introduction to *Section 11. Water Resources* states "The policies in this element should not be construed to insert the County into the allocation or management of water resources." This is in direct conflict with several of the implementation measures which state that the County shall take a lead role in management such as WR-1.8 and WR-3.2. Perhaps removing the word "management" from this

sentence would resolve the conflict, but leave the ostensible intent of clarifying that the County does not have regulatory authority over the allocation of water resources.

A number of the policies lack implementation measures. Without effective implementation measures, stated policies are just well-intentioned platitudes without much chance of being realized.

All of the policies and implementation measures should be reviewed and rewritten as necessary to promote "sustainable" water resources in Tulare County. This means not contributing to the groundwater overdraft and not approving new projects with the hope of obtaining unknown or undefined surface water imports at some time in the future. Additionally, planning for the potential impacts of Global Climate Change should be included in the water resource policies and implementation measures.

The Existing Conditions Overview should be revised as needed subsequent to completion of the necessary updating and revisions to the *Background Report*.

11.1 General

WR-1.1 Groundwater Withdrawal

There are not adequate implementation measures for this policy. While Implementation Measure 1 is listed as implementing this policy, it specifically addresses an ordinance "permit process for groundwater export." This implementation measure is applicable to policy *WR-1.3 Water Export Outside the County*, which is not listed as a policy this measure implements.

A similar implementation measure and ordinance should be required to address new wells and groundwater extraction within the County.

WR-1.2 Groundwater Monitoring

Use of the terminology "The County shall support the collection of monitoring data..." should be changed to "The County shall require the collection of monitoring data..."

Implementation Measure 5 should require groundwater monitoring "for facilities or uses that are potential sources of groundwater pollution as part of project approvals..."

Implementation Measure 9 states that 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." Instead, the County should develop an ordinance requiring testing of all new domestic wells, and of domestic wells upon sale of existing homes. The County should require that the Environmental Health Department develop a list of contaminants of concern by location in the County and that the wells be tested for these contaminants.

WR-1.3 Water Export Outside County

Use of vague and undefined criteria such as use of the word "substantially" in "Find and determine that the extraction will not substantially increase the overdraft of the groundwater underlying the County" significantly limit effectiveness of the proposed ordinance. No export should be allowed that would cause any contribution to overdraft.

Issuance of permits for groundwater export should be for relatively short time periods and should require a reevaluation of permit conditions and findings for renewal.

WR-1.4 Conversion of Agricultural Water Resources

This policy should be rewritten to replace "discourage" with "prohibit the transfer of water used for agricultural purposes..." This important policy lacks implementation measures.

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WR-1.6 Expand Use of Reclaimed Water

This policy lacks any implementation measures.

WR-1.7 Collection of Additional Groundwater Information

This policy is vague and should include language regarding collection of data relating to both water supply and quality. Further, information collected should be made readily available to County residents via County websites.

WR-1.8 Groundwater Basin Management

This is a good policy, but the policy and Implementation Measure 11 seem to be in conflict with the statement in the section Introduction referenced above that the "policies in this element should not be construed to insert the County into the allocation or management of water resources."

WR-1.9 Collection of Additional Surface Water Information

This policy lacks any implementation measures. Information collected should be made readily available to County residents via County websites.

WR-1.10 Channel Modification

This policy should be modified to:

> *Channel modification shall be ~~discouraged~~ prohibited in streams and rivers where it increases the rate of flow, rate of sediment transport, erosive capacity, ~~have~~ has adverse effect on aquatic life or ~~modify necessary groundwater recharge~~ reduces groundwater recharge.*

Implementation Measure 13 should be changed from "Stream crossing points should involve a minimum disturbance to banks..." to "Stream crossing points shall be designed to minimize disturbance to banks..."

11.2 Water Quality

WR-2.1 Protect Water Quality

This is a very important policy, however, the terminology "all major land use and development plans" is vague and must be concisely defined. This policy should also be implemented for all projects in known sensitive areas (e.g., as identified under policy WR-3.9).

While there is some overlap in implementation measures for other policies, there is no specific measure to implement this policy.

WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement

Implementation Measure 15, which addresses waterway flood control design, lists WR-2.2 as the sole policy that this measure implements. Was this meant to address policy WR-1.10?

WR-2.3 Best Management Practices (BMPs)

In addition to construction and urban runoff, this policy should include runoff form industrial and agricultural sites (especially from confined animal feeding operations).

~~WR-2.5 Major Drainage Management~~

Suggest modifying this policy to:

> *The County shall continue to promote protection of each individual drainage basin within the County based ~~in the basins~~ on each basin's unique hydrologic and use characteristics.*

There are no implementation measures for this policy.

WR-2.6 Degraded Water Resources

This policy should be changed to:

> *The County shall ~~encourage and support the identification of~~ identify degraded surface water and groundwater resources and promote restoration whenever ~~where appropriate~~ feasible.*

There is no specific implementation measure for this policy.

WR-2.7 Industrial and Agricultural Sources

This policy should be changed to:

> *The County shall ~~work with~~ require to its fullest regulatory authority that agricultural and industrial concerns ~~to~~ ensure that water contaminants and waste products are handled in a manner that ~~protects the long-term viability~~ prevents degradation of water resources ~~in~~ of the County.*

The only implementation measure for this policy is 16, which is limited to consideration of expanding the role of the Water Commission to "examine contaminant management." Stronger implementation measures should be developed.

WR-2.8 Point Source Control

There are no implementation measures for this policy.

WR-2.9 Private Wells

Suggest modifying this policy to:

> *The County shall ensure that private wells are adequately constructed to provide protection from bacteriological and chemical contamination and do not ~~provide~~ create a potential groundwater contamination hazard ~~as to contaminate the aquifer~~.*

11.2 Water Supply

WR-3.1 Develop Additional Water Sources

There are no implementation measures for this policy. Likely, the greatest source of additional water will be realized from conservation measures. Rather than simple "promotion of water conservation programs," the County should develop ordinances requiring significant water conservation in new developments and provide incentives for retrofitting existing development. These should include, but not be limited to:

- Installation of water meters and implementation of tiered pricing
- Installation of low-flow toilets, shower heads, water faucets, etc.
- Water conserving irrigation and usage requirements
- Water conserving landscaping

Some of these measures are included in Implementation Measure 10. Policy WR-3.1 should be included in the policies that are implemented by this measure.

WR-3.2 Develop an Integrated Regional Water Master Plan

This is a good policy, but the policy and implementation measures seem to be in conflict with the statement in the Introduction referenced above that the "policies in this element should not be construed to insert the County into the allocation or management of water resources."

Implementation Measure 3 should assure that watershed planning includes a balance of all water demands including environmental and rural in addition to agricultural and urban demands.

WR-3.3 Adequate Water Availability

This is an excellent and important new policy, however, Implementation Measure 19 should be strengthened to:

> *The County shall adopt an ordinance to require new development proposals to provide suitable evidence of adequate and sustainable long-term water availability or will serve letter prior to approval of the tentative map or other entitlement. For subdivisions proposing to use well water, the new ordinance shall eliminate current waiver provisions and require ~~well pump tests~~ aquifer testing, including long-term pumping tests, conducted by a qualified Professional Geologist or Engineer, to demonstrate water supply capabilities. The aquifer testing report must include a professional opinion that proposed extraction from the new well will be sustainable, will not contribute to groundwater overdraft, and must consider cumulative and regional impacts.*

Simply stating that "well pump tests" be conducted is not adequate as this could be interpreted to mean short-term tests (commonly referred to as "Edison" tests) that would not yield information on the sustainability of the water supply.

WR-3.4 Water Resource Planning

Water resource planning should include evaluation of, and planning for, potential impacts due to Global Climate Change.

WR-3.5 Uses of Native and Drought Tolerant Landscaping

This policy should be changed to:

> *The County shall encourage the use of low water consuming, drought-tolerant and native landscaping and ~~emphasize the importance of utilizing~~ develop an ordinance requiring utilization of water conserving techniques, such as night watering, mulching, and drip irrigation.*

Implementation Measure 10 should be modified to include a water conservation ordinance mandating irrigation schedules, draining or filling of pools by permit, no hosing down sidewalks or driveways, etc. This implementation measure should also be modified to require installation of water meters and tiered billing within the County's regulatory authority.

WR-3.6 Agricultural Irrigation Efficiency

There is no specific implementation measure for this policy.

WR-3.10 Diversion of Surface Water

This is a good policy, but is rendered vague by the terminology "needed groundwater recharge." How is this determined? Perhaps this should be defined as part of policies WR-3.2 and/or WR-3.9. There are no implementation measures for WR-3.10.

Draft Environmental Impact Report – Water Resources

The DEIR does not include discussion and analysis of potential impacts to water resources due to Global Climate Change. The DEIR concludes that there is "no feasible mitigation available" for two of the four identified impacts, yet a number of policies are included in the *Goals and Policies Report* which may provide mitigation if properly implemented. Three of the four identified impacts are expected to cause "significant and unavoidable" impacts to the water resources of Tulare County due to implementation of the policies in the General Plan Update.

The authors of the DEIR need to conduct additional analysis in conjunction with the proposed revisions to the *Background Report* and *Goals and Policies Report* to identify appropriate mitigations to these impacts to provide sustainable water resources for Tulare County. To simply state they are significant and unavoidable with no mitigation measures available is unacceptable.

Impact WR-1: The General Plan Update would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact WR-1 indicates that new facilities that may need to be constructed "could include water treatment facilities, pipelines, pump houses, wells, etc." Construction and extraction of groundwater from new wells will potentially further exacerbate the groundwater overdraft in the County. This is not discussed in the impact analysis or addressed in the mitigation measures.

Impact WR-2: The General Plan Update would require new or expanded water supply entitlements.

The impact analysis finds:

> *Implementation of the General Plan Update would result in additional County-wide residential and non-residential land use developments. These land uses and development consistent with the General Plan Update would increase the demand for water and, in some cases, result in insufficient water supplies available to serve some of the unincorporated areas designated for urban development from existing entitlements. New or expanded entitlements would be required.*

Additionally, the impact analysis finds:

> *As a result, this analysis of the adequacy of future water supplies is based upon whether or not there is a reasonable likelihood that public water suppliers will be able to successfully bring future water supplies on line where it is necessary to serve their respective districts.*

Impact analysis focuses on infrastructure improvements by twenty unincorporated communities for treatment of contaminated water supplies or improved storage and delivery of water. However, the analysis does not address the decreasing availability of water county-wide caused by continued overdraft, decreasing availability of imported surface water supplies, and issues related to Global Climate Change.

The DEIR concludes there is "no feasible mitigation available" for this impact and that it will result in "significant and unavoidable" impact to the water resources of the County.

Mitigation of this impact should include a policy not to approve any development in the County unless the project provides evidence that adequate and sustainable water is available without further exacerbating overdraft conditions. This would be consistent with policy WR-3.3.

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Impact WR-3: The General Plan Update 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.

The impact analysis finds:

> *Implementation of the General Plan Update would result in an increased demand on groundwater supplies for urban and rural uses within the unincorporated areas of the County. Due to the lack of comprehensive information regarding the County's groundwater resources, it is uncertain if groundwater supplies would be sufficient to meet the future demand of rural private domestic, small municipal and agricultural wells.*
>
> *In some of the unincorporated urban development areas, there are concerns that adequate water supplies cannot be achieved through sustainable groundwater management, that is, without creating declining groundwater levels, and adversely affecting existing wells. Such concerns are heightened by the fact that most of these areas are presently dependent upon groundwater supplies.*

There is more than enough information in the *Background Report* and available elsewhere in published reports to conclude that current water usage is not sustainable and has resulted in long-term overdraft of groundwater in the County. Certainly if the County is not meeting its current needs, future demand will only exacerbate the situation.

While the *Goals and Policies Report* provides a number of policies that would help mitigate this impact, the DEIR concludes there is "no feasible mitigation available." Mitigation of this impact should include a policy not to approve any development in the County unless the project provides evidence that adequate and sustainable water is available without further exacerbating overdraft conditions. This would be consistent with policy WR-3.3.

Other mitigations should include the provisions of WR-1.1, as modified above, mandatory water conservation measures, and all of the WR-3 policies as modified above.

Impact WR-4: The General Plan Update could violate water quality standards or waste discharge requirements, or otherwise degrade water quality.

The DEIR finds that this impact is "less-than-significant" with "no mitigation required." However, this was based on a fatally flawed impact analysis. The impact analysis only considered surface-water runoff, but did not consider potential exacerbation of widespread groundwater contamination due to increased demands, potential contamination from agricultural operations, especially confined animal feeding operations, and other sources.

The DEIR does find that "Water quality impacts may also be significantly greater during the rainy season," but offers no analysis or proposed mitigation measures. Much more work needs to be conducted on this impact.

Global Climate Change

As stated previously, none of the General Plan documents (*Background Report, Goals and Policies Report*, nor DEIR) address the potential impacts of Global Climate Change on the water resources of Tulare County. It would be irresponsible not to include planning for the potential effects of Global Climate Change in these essential planning documents.

It is the overwhelming consensus of researchers that Global Climate Change will likely cause profound changes to precipitation patterns affecting Central California and significant decreases in the Sierra snowpack. The California Department of Water Resources estimates "the potential loss of 5 million acre-feet or more of average annual water storage in the State's snowpack" (DWR, July 2006).

It is recommended that the County review available information and published reports from the California Department of Water Resources and other sources and revise all of the General Plan documents and DEIR to address and plan for the potential impacts of Global Climate Change on the water resources of Tulare County.

Sincerely,

Kimball R. Loeb
Professional Geologist No. 5865
Certified Hydrogeologist No. HG 121
Certified Engineering Geologist No. EG 1945

Attachment: Figure 4-8, Average Groundwater Elevations, City of Visalia

References Cited

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KWDWC, December 2003 (Revised July 2007), *Water Resources Investigation of the Kaweah Delta Water Conservation District, Final Report:* Kaweah Delta Water Conservation District, Visalia, CA.

Williamson, A.K., Prudic, D.E., and Swain, L.A., 1989, *Ground-Water Flow in the Central Valley, California:* U.S. Geological Survey Professional Paper 1401-D.

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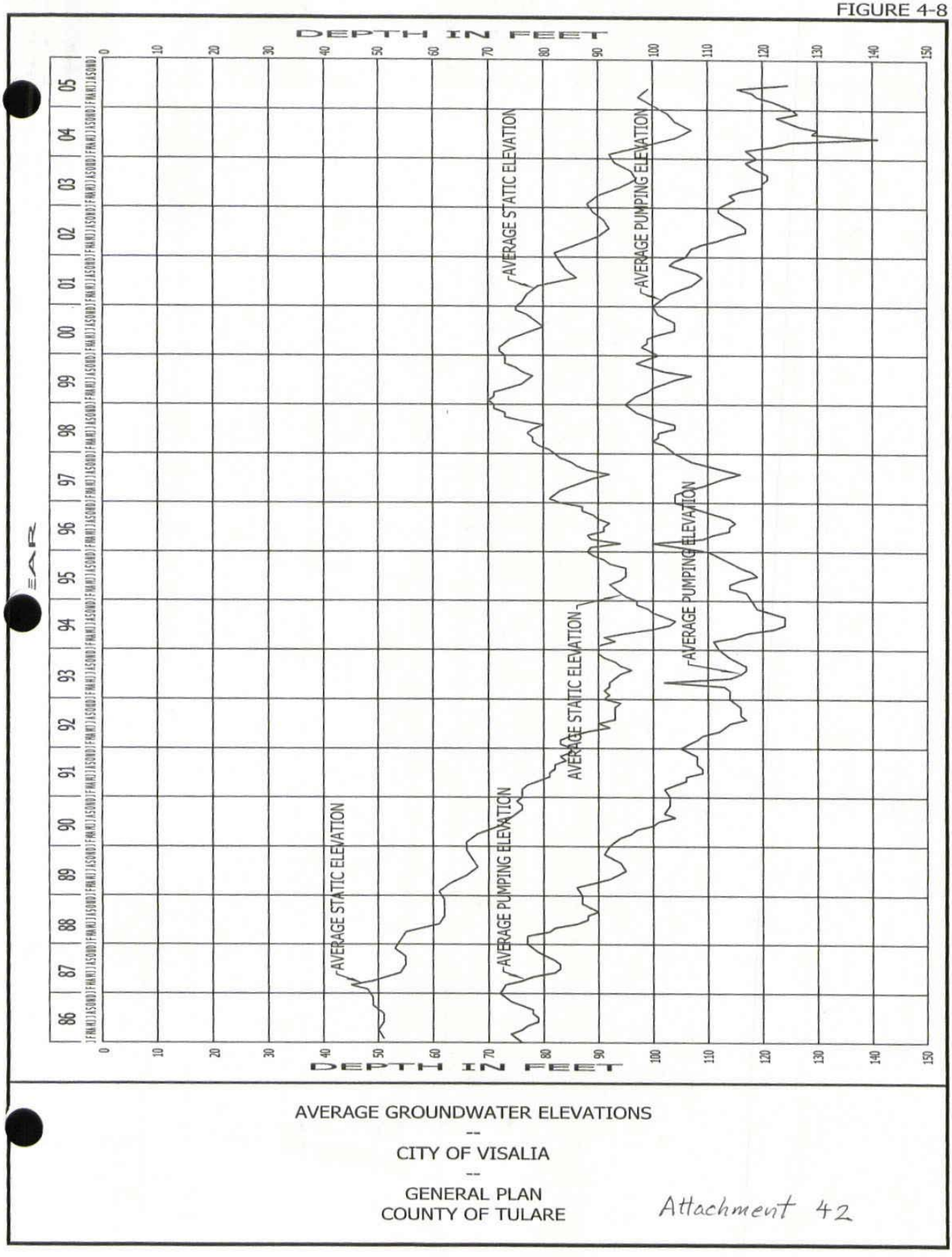
FIGURE 4-8



AVERAGE GROUNDWATER ELEVATIONS
--
CITY OF VISALIA
--
GENERAL PLAN
COUNTY OF TULARE

Attachment 42

4

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SIERRA CLUB
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Mineral King Group
Kern-Kaweah Chapter

April 14, 2008

David Bryant, Project Planner
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia CA 93277

Re: Tulare County General Plan Update and DEIR

Dear Mr. Bryant:

The Sierra Club Mineral King Group include members throughout Tulare County. We submit these comments and recommendations on the General Plan Update and DEIR.

Scenic Landscapes

The scenic landscapes element acknowledges that our county possesses many of California's most unspoiled places and presents goals and policies that reflect our values. Unfortunately, it falls short on effective implementation.

SL-1.1 is a policy to *require new development to not significantly impact or block views of natural landscapes* and the implementation for this policy is that the County shall adopt procedure criteria. This is vague and we have a right to know what the criteria are. The DEIR states the GP Update will *substantially degrade the existing visual character* and *no other feasible mitigation available*. We disagree and submit this mitigation measure as procedure criteria for the County to adopt: The County shall adopt a tree ordinance to protect the visual beauty of this resource. This mitigation is feasible because the City of Visalia has adopted an oak tree ordinance and it is evident throughout the city.

SL-1.3 is a policy to protect watercourses. It did not mention rivers, creeks and streams. These are natural landscapes and must be included. Implementation measures were not listed, so we will submit one: The County shall require a 30-ft or more setback from waterway channels; width of the setback shall depend on the presence of riparian habitat and shall include the riparian habitat. This mitigation is feasible because the City of Visalia has adopted such a standard. Many cities in California, including the City of Visalia, made the mistake of paving over their waterways many decades ago and are now recognizing that these are valuable community resources. Protecting this resource is an asset to the health and wellness of a community's residents. Natural open space and parks along waterways is a scenic respite from the urban structure. Hiking and walking trails along waterways offers aerobic fitness and is much more scenic than a going-nowhere treadmill in a tasteless gym.

SL-2 is a goal *to protect the scenic views for travelers along the County's roads and highways*. Policy SL-2.1 is to formalize a system of County scenic routes and says to see

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www.mineralking.sierraclub.org

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Figure 7.2-1. There is no Figure 7.2-1 in the report. The closest thing to Figure 7.2-1 is Figure 7.2 in the Background Report and is a map of solid waste facilities - not very scenic.

The value of scenic corridors is additionally recognized in the Foothill Growth Management Plan as FGMP-6 to protect scenic routes within the foothills. Several policies are stated to achieve this goal.

FGMP-6.1 is a policy to protect scenic roads against obtrusive development. The policy refers to the FGMP adopted in 1981, which describes some implementation measures. The current version of the FGMP does not state any so we offer this one: New towns or a Planned Community Area (PCA) shall not be allowed within scenic corridors. These types of massive developments with shopping centers and industrial operations are obtrusive.

FGMP-6.2 is a policy for the County to identify scenic routes. Without a doubt, Yokohl Drive through Yokohl Valley is a scenic route.

FGMP-6.3 is a policy *that development along all scenic highways and routes meet the development standards of this FGMP*. Which development standard is the FGMP referring to? The 1981 version identifies a few building standards and scenic corridor standards, but the development standards in the Appendix of the current version refer only to fire protection. The FGMP is very confusing and convoluted. There should be a discussion on which implementation measures from the 1981 version still apply.

We would also like to point out that the FGMP identified development corridors - areas in the foothills where development may occur and will be guided by the PD-F zone. Four development corridors were identified: 1) Badger/Elderwood 2) Kaweah River 3) Tule River 4) Round Valley.

Another point on page 3-3 of the FGMP, a statement in the first paragraph reads "*it is the policy of the FGMP to strengthen the community identify of Springville, Lemon Cove and Three Rivers; therefore, most retail commercial is limited to those existing communities rather than areas outside these communities*".

These two points support our proposed implementation measure that new towns or PCA's shall not be located within a scenic corridor.

Air Pollution

It is common knowledge that air pollution in the San Joaquin Valley is quite dreadful. As a reminder, our air basin is classified extreme non-attainment for ozone and the EPA requires a plan to meet the standards of the federal Clean Air Act by the year 2010. Failure to demonstrate achievement of the standards could lead to denial of federal funding and permits for highway construction and sewage treatment plants. This could result in economic disruption for our county because businesses will not or cannot locate here.

In response to the extreme non-attainment, the Board of Supervisors adopted Resolution 2002-0157 in 2002, requiring the County to commit to implementing Reasonably Available Control Measures (RACM). Some of these are good, such as increasing transit service to the

unincorporated communities of Woodville, Poplar and Cotton Center; supporting the purchase of hybrid vehicles for the County fleet. The Board followed up with another resolution in 2004, Resolution 2004-067, with additional RACM such as *the development and implementation of recommended procedures, thresholds, and policies related to land use projects to help achieve air quality goals.*

We recommend it is now time for the Board of Supervisors to adopt an updated resolution that the County will commit to implementing the Best Available Control Measures (BACM). This new resolution should include expanding transit service to all growth communities, purchasing clean-burning buses, and developing concise, effective procedures to achieve air quality goals.

As written, the DEIR is inconsistent with the Goals and Policies Report and the GPR is internally inconsistent. For example, the DEIR states that *best available controls* will be implemented to regulate air emissions (Impact AQ-2, p. 4-55), referring to policies AQ-4.1 through AQ-4.5 in the GPR. However, AQ-4.1 actually states that BACM and RACM will be applied. Additionally, AQ-4.1 is inconsistent with its stated goal (AQ-4), which is *to implement the best available controls and monitoring necessary to regulate air emissions.* Thus it is also inconsistent with the Board of Supervisors outdated resolutions. A new, updated resolution can be based on specific thresholds. For instance, projects with potentially significant emissions should be analyzed and those that trigger an agreed threshold will be required to implement BACM.

The DEIR presents an inadequate analysis of indirect source review for new development directed into all the UDBs, HDBs, UABs, SOIs, New Towns, Urban Corridors, Highway Corridors, Regional Growth Corridors, and Foothill Growth Corridors. It presents an inadequate discussion of the cumulative impacts resulting from the General Plan Update. The data presented only refers to on-road vehicle and dairy/feedlot emissions. The DEIR should present a summary of the types of sources of air pollution. These would be industrial sources such as factories and power plants; mobile sources including off-road; area sources such as construction and landscaping activities; and residential sources such as energy consumption. Concurrent to this, the DEIR should present an inventory of emissions produced by each type of source.

While many projects will be subject to the ISR rule adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD), the rule will only offset about half the air pollution associated with the project. Given that our air basin must attain federal standards by 2010, the Plan should include a goal to reduce new projects air pollution impacts to zero. A BACM implementation to achieve this could be a requirement for all new projects to come to an agreement with the SJVAPCD to completely offset the air pollution associated with the project. A number of developers in Bakersfield (the West Ming project and the Old River Ranch project) have agreed to participate in an Emissions Reduction Program through the SJVAPCD. This program utilizes techniques such as onsite design features and offsite pollution reduction projects to completely offset the emissions associated with the project. Such participation is validation that this mitigation measure is feasible. The DEIR should include an evaluation of such a program.

Additionally, a recent article in the Fresno Bee, published 2/22/08, reports that a Fresno County judge has upheld a fee imposed on developers to pay for pollution caused by traffic

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coming from new homes and businesses built on sprawl. The ruling allows the Air District to raise millions of dollars to invest in clean air projects, such as replacing diesel buses and street sweepers. The fee can be reduced if developers offset the emissions associated with their project...more reason for implementing an Emissions Reduction Program. These fees could be a benefit to the County, which can be used to uphold your 2002 Resolution for increased transit service and purchasing hybrid vehicles.

Global Warming

The DEIR acknowledges the GP Update will significantly conflict with state AB32 goals to reduce greenhouse gas (GHG) emissions. It offers an analysis of CO_2 emissions from on-road vehicles and methane from dairy and feedlot operations. However, it fails to provide a systematic analysis of other sources of GHGs such as electric generation facilities, gas generation facilities, waste facilities, cement manufacture, residential and commercial.

The DEIR presents two new policies AQ-4.7 and AQ-4.9 as mitigation measures to reduce GHG. The two new policies are not included in the Goals and Policies Report (GPR). We request these policies be officially incorporated into the GPR. AQ-4.9 is a Greenhouse Gas Emissions Reduction Plan. It is merely a policy that states the County will do what it is already required to do by AB32. The DEIR defers action by stating that projects, which will contribute significant CO_2 emissions, have not been defined. Deferring action (i.e. implementation/mitigation measures) is not acceptable under CEQA. For instance, the DEIR lists policies on energy conservation (ERM-1 through ERM-4.6) that are designed to address GHG impacts, yet implementation measures were not stated.

The Goals and Policies Report is inadequate in offering sufficient goals and policies for the reduction of greenhouse gas emissions. We request the GPR contain a separate goal that GHG associated with new projects shall be objectively quantified and completely mitigated. There are a number of policies and implementation measures that could serve as project-specific mitigation. Some of these include:

- Green building measures, such as design buildings to be at least 15% more energy efficient than Title 24 standards.
- Solar energy measures, such as building solar photovoltaics and solar water heating into every structure.
- Water conservation and efficiency measures, such as create water-efficient landscapes, install water-efficient fixtures and appliances.
- Land use measures, such as incorporate mixed-use, infill, higher density developments into all new projects.
- Transportation and motor vehicle measures, such as designating a certain percentage of parking spaces for ride sharing vehicles.

The California Attorney General's Office has made available a document to help local agencies with mitigation measures that can be adopted to offset global warming impacts caused by the projects they permit. This document is available at http://ag.ca.gov/globalwarming/ceqa.php. Once the County determines which mitigation measures will be required, the General Plan Update EIR should address the effect that each of the mitigation measures will have on GHG impacts.

Biological Resources

The DEIR has not fully considered all available options to mitigate GPU impacts to sensitive habitat (Impact ERM-1), riparian habitat (Impact ERM-2), wetlands habitat (Impact ERM-3) and therefore presents an inadequate analysis of project impacts:

ERM-1 is a goal to preserve and protect sensitive, significant habitat. Unfortunately, the policies supporting this goal are too broadly drawn and vague. Policy should be clear and solid, with well defined standards. Thus, mitigation can be measured against these standards. For instance, ERM-1.1, a policy for protection of rare and endangered species, should include a "no net loss" standard. It could be added to the current policy as written: "....., *through compatible land use development* that strives to avoid the net loss of important wildlife habitat." Thus the mitigation for this could be achieved through the use of conservation easements or mitigation banking.

Including the "no net loss" standard would also provide a process to measure mitigation for ERM-1.2, which is a policy to limit or modify development in environmentally sensitive areas. For instance, implementation measure #4 states *"Where avoidance is infeasible, the County shall.....limit the loss of habitat, including modification of the proposal"* and is just a restatement of the policy. It provides no real mitigation. We recommend strengthening this implementation measure to state "Where avoidance is infeasible, the County shall require mitigation at sufficient ratios to replace the function and value of the habitat that was removed or degraded. Mitigation can be adequately achieved through restoration, creation, or mitigation banking."

ERM-1.4, 1.5, 1.6, and 1.8 are policies to protect riparian areas and wetlands. Again, these policies should indicate well defined standards.

Remaining riparian habitat provide critical wildlife habitat and movement corridors. A policy with standards, such as stating "No mature riparian woodland is destroyed or reduced in size" is a clear, strong statement as to how mitigation can be measured. Or a policy similar to that of Fresno County General Plan, October 2000 (Policy OS-D.4) with buffer standards, which provide a clear, unambiguous process for implementation:

"Policy OS-D.4 The County shall require riparian protection zones around natural watercourses and shall recognize that these areas provide highly valuable wildlife habitat. Riparian protection zones shall include the bed and bank of both low- and high-flow channels and associated riparian vegetation, the band of riparian vegetation outside the high-flow channel, and buffers of 100 feet in width as measured from the top of the bank of unvegetated channels and 50 feet in width as measured from the outer edge of the dripline of riparian vegetation."

Remaining wetlands habitat is a State and federal concern, and includes policies for "no net loss". State policy include goals to achieve "net gain" in wetland acreage. ERM-1.6 is a weak policy and should be strengthened to state "The County shall support the preservation and management of wetlands to achieve no net loss of wetland acreage, function or value". Thus, a strong policy provides a solid base to establish concrete mitigation. Examples would

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be avoidance of wetlands as the preferred, but where avoidance is not possible, mitigation would be to achieve a net gain in wetland habitat through restoration or creation.

The "no net loss" standard is feasible because numerous County General Plans, including Fresno County, include this standard. The GPR should be revised to include this standard and the DEIR should include a discussion and analysis of this standard.

ERM-1.8 is a policy for open space buffers but does not provide solid guidelines, specifically because it incorporates the word "should" in the buffer requirements. Changing the word "should" to "shall" and adding standards, such as the Fresno County Policy OS-D.4, will strengthen the policy.

Many of the policies (ERM-1.1, ERM-1.4, ERM-1.5, ERM-1.6, and ERM-1.8) will be carried out through the Zoning Ordinance (Implementation Measure #7 and #8). Implementation Measure #7 is not true mitigation. It is merely a technicality to update the Zoning Ordinance with the Resource Conservation (RC) designation for those areas that are already parks or preserves (i.e. Sequoia/Kings Canyon NP, Blue Ridge NWR) and as new parks or preserves are added. Additionally, this designation is vague because the description for RC (GPR page 5-8) is in the foothill and mountain regions, which leaves out many preserves on the Valley floor (i.e. James K. Herbert Wetlands Preserve, Pixley NWR, etc.).

The DEIR is deficient in discussing how the Zoning Ordinance will protect sensitive, significant habitat and does not quantify how new requirements will mitigate GPU impacts. It does not provide any information to the general public on the adequacy of mitigation that will be incorporated in the Zoning Ordinance (Implementation Measure #8).

In practice, the Zoning Ordinance is undesirable as a means to implement mitigation unless the standards are clearly defined in the General Plan. Mitigation measures must be transparent and available for public review. An acceptable implementation measure would be to prepare a Waterways, Open Space, Wetlands/Riparian or similar Ordinance in conjunction California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, other stakeholders, interested citizens; and then submitted for public hearing as a separate process.

Thank you for consideration of our comments that we believe, are reasonable and flexible and can be incorporated into the General Plan Update.

Respectfully submitted,

Mary Moy
Conservation Chair
Sierra Club Mineral King Group

4

Significance Conclusion

Due to the soil quality coupled with the availability of irrigation water at the proposed Project site, the Project site is considered prime farmland; therefore, conversion of the site to nonagricultural use would be a significant impact.

Mitigation Measures

MM 4.2-1: Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall provide written evidence of completion of one or more of the following measures to mitigate the loss of agricultural land at a ratio of 1:1 for net acreage before conversion. Net acreage is to be calculated based on excluding existing roads and areas already developed with structures. A plot plan shall be submitted substantiating the net acreage calculation along with written evidence of compliance:

- Funding and/or purchase of agricultural conservation easements (will be managed and maintained by an appropriate entity);
- Purchase of credits from an established agricultural farmland mitigation bank;
- Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or
- Participation in any agricultural land mitigation program adopted by Kern County that provides equal or more effective mitigation than the measures listed above.

Mitigation land shall meet the definition of prime farmland or farmland of statewide importance established by the State Department of Conservation. Completion of the selected measure, or with the Planning Director's approval, a combination of the selected mitigation measures, can be on qualifying land within the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, or Kern County) or outside the San Joaquin Valley with written evidence that the same or equivalent crops can be produced on the mitigation land.

Level of Significance after Mitigation

Impacts would be significant and unavoidable.

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4

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is made this 11th day of May, 2007, by and between the Sierra Club, a California nonprofit corporation ("Sierra Club"), and the City of Bakersfield and the City Council of the City of Bakersfield, (collectively, "City"), Keith Gardiner, an individual, Jennifer Gardiner, an individual, Gardiner Family, LLC, a California limited liability company and Rosedale Farming Group, a California limited partnership (collectively, "Landowner"), (Sierra Club, City and Landowner are sometimes individually referred to herein as a "party" or collectively as the "parties").

This agreement is made with reference to the following facts and circumstances:

A. Both Landowner and Sierra Club have an interest in preserving agricultural farm land.

B. Landowner is the owner of real property depicted and described in Exhibit "A" ("Property"), and is developing said Property as a project within the City.

C. The City Council of City, on November 16, 2005, approved General Plan Amendment and Zone Change GPA/ZC No. 04-0671 and adopted Resolution 267-05 approving and certifying a Final Environmental Impact Report in support of the General Plan Amendment and Zone Change ("EIR"), all of which conferred certain entitlements to development of the Property including, but not limited to, a development agreement between the City and Landowner.

D. Sierra Club filed a Petition for Writ of Mandate in the Kern County Superior Court captioned *Sierra Club vs. City of Bakersfield* (Case No. S-1500-CVB-257073-RJO) ("Case") alleging, among other things, that the EIR is inadequate and not in compliance with the requirements of the California Environmental Quality Act (Pub. Res. Code Sec. 21000, et seq.) ("CEQA").

E. The Kern County Superior Court has not rendered a decision regarding the matters contained in the Sierra Club's court filing and no judgment has been entered in the Case.

F. The parties are mindful of the costs and uncertainty associated with further litigation and appeals and have conducted discussions that have led to a compromise resolution among them, and the parties desire to adjust, compromise, settle and satisfy all claims asserted among them, or which could have been asserted among them related to or arising from the matters released below.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth and for other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties agree as follows:

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1. Covenant Not to Sue and Mutual Release

By entering into this Agreement, Sierra Club, Landowner, and City, each agree not to sue and hereby fully release and discharge one another, and any and all of their respective present and past officers, partners, agents, members, employees, elected officials, insurers, attorneys and representatives, with respect to any and all claims, demands, causes of action of any nature related to the City's approval of the project involving the Landowner and the Property described above that are based upon facts in existence prior to the date of this Agreement. The Release is also intended to include any claim or cause of action challenging any current or subsequent permits, approvals or entitlements granted or issued by the City or any other public agency necessary or related to the implementation of the terms of this Agreement or to the development and construction of the project substantially as approved, including, but not limited to, permits, approvals or entitlements allowing any non-material changes to the current zoning. This Release, however, is not intended to bar any claim, demand or cause of action or liability challenging any alleged failure to implement mitigation measures or comply with conditions of the Subdivision as approved, or challenging any subsequent approval of a material change to the project zoning. For purposes of this Agreement, a material change shall be any change which results in a significant change in the density of the Subdivision, in a significant increase in the severity of an environmental impact of the Subdivision, or in a new significant environmental impact of the Subdivision.

By execution of this Agreement, the parties hereto do hereby expressly waive any and all rights based upon the provisions of Section 1542 of the Civil Code of the State of California, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known to him, must have materially affected his settlement with the debtor."

The provisions of this Agreement do not affect Landowner's obligation to defend and indemnify the City as set forth in the conditions of approval for General Plan Amendment / Zone Change No. 04-0671 and Bakersfield Municipal Code Section 16.16.110.

2. Payment Obligations

A. Landowner shall be responsible for paying an agricultural conversion fee (the "Fee") of $2,500.00 per acre, as provided in and according to the fee schedule contained in Exhibit "B". Landowner shall have the right to assign the duty to make such payment to a subsequent owner of any portion of the Property, who will step into Landowner's shoes and would be responsible for making payments required by this Agreement. Regardless of any subsequent changes to the project or Exhibit "B," if any, appropriate payments to the Sequoia Riverlands Trust or its assignee or successor must be made by the Landowner

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or Landowner's assignee.

B. The Fee shall be paid to the Sequoia Riverlands Trust or its assignee or successor contemporaneous in time with the issuance of building permits. Funds can and will only be used for (i) acquisition of agricultural lands or agricultural conservation easements in Kern County and (ii) administration of the Sequoia Riverlands Trust, including but not limited to administrative overhead, salaries, educational activities, transaction costs, endowments, monitoring and enforcement of conservation easements.. In no event shall any of the fees be paid to, or used for the benefit of, the Sierra Club. The City shall not be obligated to monitor the Sequoia Riverlands Trust or its assignee or successor nor shall the City act as the keeper or holder of any of the funds placed in the Sequoia Riverlands Trust.

C. Landowner shall pay Sierra Club's attorney's fees and costs in the amount of $37,770.80 within ten (10) days of the execution of this Agreement.

D. A transfer fee of one quarter percent (1/4 %) or a minimum of $750.00, whichever is greater, shall be paid to the Sequoia Riverlands Trust or its assignee or successor each time a residential, commercial or industrial property that has been built is re-sold. The transfer fee shall be used for administration of the land trust, including but not limited to the following purposes: (i) acquisition of agricultural lands or agricultural conservation easements in Kern County and (ii) administrative overhead, salaries, educational activities, transaction costs, endowments, monitoring and enforcement of conservation easements. The fee shall be explained in detail as part of the project's Covenants, Conditions, and Restrictions (C.C.R.s), which shall be recorded. In addition, this agreement shall be recorded upon its execution. This fee shall be paid in perpetuity or for the longest period allowed by law.

E. A one time administration fee of $75,000.00 will be paid at the signing of this Settlement Agreement to assist in the administration of the land trust, which amount will operate as an offset against Landowner's total payment obligations under subsection A of section 2 of this Agreement.

F. The payment provisions in Section 2, subdivisions (A) - (E) of this Agreement are subject to modification through the operation of the "essential parity conditions and covenants" discussed in section 3 of this Agreement, below.

G. Sierra Club acknowledges that the obligations of Landowner under Section 2 of this Agreement are the obligation of Landowner only and not obligations of the City. Sierra Club therefore shall have no remedy of any kind and shall

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neither initiate nor maintain an action against the City for breach of any of the provisions of Section 2 of this Agreement.

3. Essential Parity Conditions and Covenants

Sierra Club acknowledges that it is currently negotiating with Castle and Cooke on agricultural land preservation mitigation fees and measures in regards to Castle and Cooke's West Ming Project.

If Sierra Club and Castle and Cooke enter into an agreement concerning agricultural land preservation mitigation fees and measures for the West Ming Project ("West Ming Agreement") that requires Castle and Cooke to contribute a transfer fee that is lower than the transfer fee owed by Landowner under this instant Agreement, then the Sierra Club must negotiate in good faith to amend this instant Agreement to match, as nearly as possible, the lower transfer fee reflected in the West Ming Project.

If Sierra Club is unsuccessful in negotiations with Castle and Cooke and the West Ming Project and/or unsuccessful with any court action it might bring against Castle and Cooke regarding the West Ming Project, then any and all transfer fees under this Agreement as referenced in subsection D of section 2 of this Agreement are null and void.

The provision is intended by the parties to prevent this Agreement from placing Landowner's development project in an economically disadvantageous position where it faces agricultural land preservation burdens not equally shared by one of its key competitors, Castle and Cooke. In the event of a dispute concerning the meaning of this Agreement, it should be interpreted so that it is consistent with that end.

4. This Settlement Not an Admission

The parties agree that this Settlement and the settlement reached herein does not and shall not constitute or be construed in any manner or at any time as an admission or indication of any liability or obligation, or that the City's approval of the project or any process or procedure related thereto violates or violated any statute, ordinance or other requirement of law in any manner or respect whatsoever, or that any document relied on was deficient in any respect, or that any of the allegations in the suit providing any basis for the relief sought are true.

5. Litigation Fees and Costs

All parties shall be responsible for the payment of their own attorneys' fees, and all other expenses incurred in connection with the Agreement, any matter or thing respecting the claims made in the Agreement, and/or Settlement thereof, and this Agreement except for those Attorney's fees and costs agreed above.

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6. The Parties' Exclusive Remedies

A. The Parties' and Sequoia Riverlands Trust or its assignee or successor's sole and exclusive remedy for breach of this Agreement shall be an action for specific performance or injunction. In no event shall any party be entitled to monetary damages for breach of this Agreement. In addition, no legal action for specific performance or injunction shall be brought or maintained until (a) the non--breaching party provides written notice to the breaching party which explains with particularity the nature of the claimed breach, and (b) within thirty (30) days after receipt of said notice, breaching party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, breaching party fails to commence and thereafter diligently complete the activities reasonably necessary to remedy the claimed breach.

B. The failure of the City or any other governmental entity with jurisdiction under applicable law to approve any action required to be taken pursuant to this Agreement which lies within the jurisdiction of the City or said governmental entity shall not constitute a breach of covenants contained in this Agreement with the sole exception that if LAFCO does not allow the project to be annexed into the City of Bakersfield the Agreement shall be null and void.

C. If the grounds for the Sierra Club's breach of this Agreement is an alleged initiation or joinder of a lawsuit, dismissal of the suit by or as to the Sierra Club shall constitute a complete cure. If the dismissal of the lawsuit does not occur within thirty (30) days of the receipt of the notice required by Section 6(a) above and litigation ensues, then the prevailing party shall be entitled to recover its reasonable attorney's fees and costs.

D. In the event a party breaches this Agreement and thereafter fails to cure the breach according to the terms of this Agreement, the non-breaching party shall be relieved of its obligations under this Agreement, and the release provided in paragraph 1 as to the non-breaching party shall terminate.

7. Representation and Warranty of Authority

Each individual signing this Agreement represents and warrants that he or she has the authority to execute this Agreement on behalf of the entity on whose behalf he or she signs and to bind and obligate such entity according to the terms and covenants of this Agreement.

8. Third Party Beneficiaries

No member of the Sierra Club nor any other person, other than the City, and the Sequoia Riverlands Trust or its assignee or successor shall be deemed a third party beneficiary of this Agreement, nor shall any such person have any right to bring any action in his or her individual capacity to enforce this Agreement

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9. Severability

Each provision of this Agreement is intended to be severable. In the event any term or provision hereof is declared to be illegal or invalid, for any reason whatsoever, by a court of competent jurisdiction, such illegality or invalidity shall not affect the balance of the terms and provisions hereof, which terms and provisions shall remain binding and enforceable.

10. Voluntary Agreement

The individual signing this Agreement on behalf of the Sierra Club declares that he or she has read and understands this Agreement and warrants and represents that he or she executes this Agreement voluntarily and without duress or undue influence on the party of or on behalf of any party hereto. The individual signing this document on behalf of the Sierra Club hereby acknowledges that Sierra Club has been represented in negotiations and for the preparation of this Agreement by counsel of its own choice, that he or she has read this Agreement and has had it fully explained to him or her by said counsel, and that he or she is fully aware of the contents of this Agreement and of the legal effect of each and every provision hereof. Said person represents and warrants that execution and delivery of this Agreement has been duly approved according to the Bylaws and/or applicable rules governing the conduct of the business of the Sierra Club.

The Sierra Club agrees that upon the execution of this Agreement it will within three (3) business days file a dismissal with prejudice in Kern County Superior Court of that certain case entitled Sierra Club vs. City of Bakersfield (Case No. S-1500-CVB257073-RJO).

11. Entire Agreement

This Agreement contains the sole and entire agreement and understanding to which Sierra Club, Landowner and the City are parties with respect to the subject matter hereof, and any and all prior discussions, negotiations, commitments or understandings related hereto, if any, are hereby merged herein. No representations, oral or otherwise, expressed or implied, other than those contained herein have been made by any party hereto with respect to the matters contained herein.

12. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original agreement, but all of which together shall constitute one agreement.

13. Delivery of Signature Page by Facsimile or E-Mail Transmission

The parties agree that this Agreement will be considered signed when the signature of a party is delivered by (1) execution of an original, (2) facsimile transmission of a signed signature page, or (2) e-mail transmission of a signed and scanned signature page. Such facsimile or e-mail signature shall be treated in all respects as having the same effect as an original signature.

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SIERRA CLUB

SIERRA CLUB, a California nonprofit corporation

By: Jackie Zilles, Vice-Chair, Kern-Kaweah Chapter
Name: Title:

LANDOWNER

KEITH GARDINER, an individual

By:
Keith Gardiner

CITY

CITY OF BAKERSFIELD

By: Robert M. Sherriff, Deputy City Attorney
Name: Title:

JENNIFER GARDINER, an individual

By:
Jennifer Gardiner

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GARDINER FAMILY LLC, a
California limited liability company

By: _____
Keith Gardiner, Its Managing
Member

ROSEDALE FARMING GROUP, a California
limited partnership

By: _____
Jeffrey Townsend, Its General Partner

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GARDINER FAMILY LLC, a
California limited liability company

By:_____
Keith Gardiner, Its Managing
Member

ROSEDALE FARMING GROUP, a California
limited partnership

By:_____
Jeffrey Townsend, Its General Partner

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AGRICULTURAL LAND CONSERVATION TOOLS

Pros and Cons

Categories	Pros	Cons
Land Use Planning Tools - City Growth Strategies		
1 Increased Urban Development Densities/Density Bonuses	Incentive for more compact development, saving land; low cost	May simply be tool for greater development efficiency unless linked with agland protection goals; NIMBY resistance to higher density
2 Transfer of Development Credits	Market driven; no public funds for acquisitions; can accomplish multiple goals (e.g., agland protection, compact development, etc.)	Can be complex to design and administer; sending and receiving areas need to be well defined; NIMBY resistance to higher density
3 Urban Infill Development Policies	More efficient use of urban lands; possible infrastructure cost savings; uses less agland; other urban benefits	Redevelopment of blighted areas may be more costly than development of agland; higher densities may meet resistance from homebuyers, developers, realtors and local politicians.
Land Use Planning Tools - County/Regional Planning Strategies		
4 General Plan Agricultural Element	Signals an entities' commitment to agriculture land uses; can tie together in one place all agland conservation policies; proactive	Temporary, can be changed w/one vote; "down-zoning" difficult to do w/o "taking" claims; element itself is just a vehicle
5 Cluster Development	Flexibility in land use planning; compact development; retain agland	Land-use conflicts; urban infrastructure in ag area; growth inducing
6 Exclusive Agricultural Zoning	Low cost; part of general plan; simple to administer; flexible	Can change with one vote of a board or council; variably applied; may be as restrictive as Williamson Act without tax benefits; not always related to quality of agland
7 Sphere of Influence/City Annexation Policies	One primary role is prime agland conservation; preventative tool	Often competitive self-interests of city members hinders its role in agland conservation; could usurp role of general purpose govt. entity
8 New Towns	If planned for strategically, new towns can relieve growth pressures on farmlands and direct to lower quality agricultural lands	Water and transportation needs may present problems for a new nucleus of growth; may simply be new location for growth in addition to continuing growth in existing cities.
Land Use Planning Tools - Urban Separators		
9 Greenbelts	Creates clear definition of boundaries; improved planning certainty; has multiple benefits if accepted in county	Needs agreement among cities/county; see urban limit lines; is somewhat more stable than zoning, but needs to be enforced

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AGRICULTURAL LAND CONSERVATION TOOLS (continued)

Pros and Cons

Categories	Pros	Cons
10 Urban Limit Line/Growth Boundary	Provides certainty to landowners; integrated w/general planning approach; may reduce taxes on land outside line; low public cost	Temporary; establishment of line is hot politically; like zoning, can be changed with a vote; may limit land for housing & increase cost
11 Buffers	Provide separation between conflicting land uses (e.g., ag and urban), reducing nuisance complaints, vandalism and trespass problems.	Can be costly to developer, city or farmer; not necessarily proven to address all conflicts; land waste if buffer is not used for urban amenity or lower intensity agriculture.
Fee Simple/Easement Acquisition		
12 Purchase of Ag Conservation Easements	Voluntary; stays on tax rolls; just compensation; landowner income; less costly than fee simple; permanent protection; flexible	Still costly for most threatened lands; permanent loss of development potential; often misunderstood as a property rights taking; landowner resistance to permanent easement
13 Fee Simple Acquisition	More control; generates lease income; often better for owner	Expensive; may remove land from tax roll; liability of ownership
14 Lease, Lease-Purchase	Lower up-front costs than fee simple or easement acquisitions; greater landowner acceptance; flexible	Uncertainty of lease; temporary; may ultimately be more costly
15 Transfer of Development Credits (see above)	Voluntary; stays on tax rolls; just compensation; landowner income; local admin. cost only; incentive for compact development	Can be complicated to administer; NIMBYs in "receiving areas"; cost internalized in housing prices; needs to be well thought out
16 Williamson Act In Lieu Cancellation Fees for Conservation Easements (see above)	Keeps cancellation fee dollars local; flexibility for county/landowner; loss in conservation with cancellation is offset with new easement	Loss of state general fund dollars; requires some state oversight and rules

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AGRICULTURAL LAND CONSERVATION TOOLS (continued)

Pros and Cons

Categories	Pros	Cons
CEQA Tools		
17 Land Evaluation and Site Assessment Model	More objective land use decisions; documents decision-making; quantifies impacts of land use decisions; more defensible decisions	Subjectivity can still creep in when setting weighted values to factors; can be time-consuming; may be limited by lack of data; variable effectiveness based on purpose of application
18 Federal Farmland Protection Policy Act for California	Makes state agencies responsible for assessing impacts of projects on farmland; would spur development of consist. state agland policy	Could increase costs of state projects; CEQA already requires assessment of project impacts on farmland; administrative costs
19 Mitigation Banking for Agland Loss	No public funds involved; directly linked to loss of resource; can be strategically linked to general plan; puts a price on resource loss	Requires loss of farmland to protect farmland; increases housing costs; may put city at competitive disadvantage for development; future ag. viability uncertain
Agricultural Enhancement Tools		
20 Right-To-Farm Ordinance	Educational/awareness raising; may offer conflict resolution forum; may limit agricultural landowner liability	Enforceability questioned; must be more than notice in land title to be effective awareness raising/educational tool
21 Federal and State Tax Incentives: Tax Credits/deductions and Capital Gains	Increase incentives for sustaining agricultural uses; encourage ag investment; facilitate transfer of land to next generation	Reduction in federal tax revenues; consumer resistance to more agricultural subsidies; complex policy implications
22 Federal Estate/Inheritance Tax Reform	Reform would allow farms and ranches to be passed along from one generation to the next, keeping land in production; savings to landowner could allow for reinvestment in the land and stimulate local economies.	Reform would be costly to federal government, resulting in lower income tax revenues; would have to be designed to ensure land remains in farming.
23 Agricultural Enterprise Zones	Addresses profitability and practicality of continued farming; recognition that is more than just saving land; multi-faceted; educational	Usually requires public investment in program, policy and budget; requires shift in attitude about agland as urban reserve land; willingness of public to pay for agricultural land and use as an urban amenity
24 Agricultural Enhancement Boards	Like ag elements of general plans; a board can focus entities' policy on agland conservation; develop programs for ag enterprise zones	Many counties already have ag commissions or advisory boards; must have clear role and public support; requires additional staff

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AGRICULTURAL LAND CONSERVATION TOOLS (continued)

Pros and Cons

Categories	Pros	Cons
25 Agricultural Land Redevelopment Act	Would use tax increment funding to enhance urban fringe farmland; could be a tool to consolidate fragmented parcels too small to farm	Undeveloped idea; would tax increment from enhanced farmland be enough? Would there be city or landowner interest or support?
Funding Mechanisms		
26 Installment-Purchase Financing	Uses future dollars to protect land today; multiple landowner tax benefits; flexible for landowner; successfully uses in Maryland	Would require significant upfront, long-term funding; has not been tested extensively
27 Tax Increment - Agland Transfer	Requires no new public funding or taxes; links cost of loss of farmland with protection of farmland elsewhere; can be used with other tools	Local government foregoes normal property tax revenue often anticipated to help pay for urban services
28 Tax Increment - Williamson Act Land	See benefits of "Tax Increment", above; would increase tax benefits and incentives for land remaining in Williamson Act	Local government foregoes normal increase in tax revenue as land exits Williamson Act contracts; increment may not be enough
29 Williamson Act In Lieu Cancellation Fees for Conservation Easements	See item 13, above	See item 13 above
30 Bond Measure	Uses future funds to protect currently threatened agland; voter acceptance of bond measures may be improving with economy	Increases public debt; voter approval in recent years difficult; cost
Funding Mechanisms		
31 Land Transfer Tax or Fee	Direct policy link of fund source (i.e., loss of farmland) with agland conservation; times of greatest threat also times of greatest revenue	Competing uses for land transfer fees; increases cost of development and housing; taxpayer resistance to new tax; sale not necessarily equivalent to land value increase
32 Sales Tax	Taxes and benefits stay local; those enjoy benefits pay directly	Increases costs of living; taxpayer resistance to new tax
33 Donation	No direct cost to the public; tax benefits to the landowner (see item 30)	Disposition of donated land needs to be determined; possible loss to local tax roll; conditions of accepting donation needs to be clear; loss of state and federal tax revenue

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AGRICULTURAL LAND CONSERVATION TOOLS (continued)

Pros and Cons

Categories	Pros	Cons
34 Tax Credit (SB 1280)	No upfront public costs; provides incentives for land donations; provides capital for landowner investment in land improvements	Public cost is in foregone income tax revenues; criteria for accepting donations must be clear; disposition of land needs to be clear
35 City-County Development Agreements	City and county cooperation engendered and competition for development reduced; city control over border and sprawl; promote compact urban growth; reduced county rural development service costs	Difficult to overcome jurisdictional competition; may limit development options and increase housing costs; may raise representation issues.
36 City-County Revenue Sharing Agreements	Reduced interjurisdictional competition for development; balances costs and revenues for development	Revenue sharing divisive; only so much revenue to go around; poor substitute for a statewide solution to local revenue shortfall
37 Project Development Agreements	Linked with loss of farmland; flexible; may require no public finances	Questions of legality have been raised in some cases; usually reactive, not proactive

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People at Risk in 25 Counties Most Polluted by Year-Round Particle Pollution (Annual $PM_{2.5}$)

2010 Rank[1]	County	ST	Total Population[2]	At-Risk Groups									$PM_{2.5}$ Annual, 2006–2008	
				Under 18[3]	65 and Over[3]	Pediatric Asthma[4,8]	Adult Asthma[5,8]	Chronic Bronchitis[6,8]	Emphysema[7,8]	CV Disease[9]	Diabetes[10]	Poverty[11]	Design Value[12]	Grade[13]
1	Pinal	AZ	327,301	85,283	42,819	8,028	23,791	10,272	3,936	84,882	18,309	43,350	21.6	FAIL
2	Kern	CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	181,207	44,207	156,128	21.5	FAIL
3	Riverside	CA	2,100,516	583,297	241,428	54,909	126,317	63,620	23,196	513,861	125,986	260,109	19.7	FAIL
3	Tulare	CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	96,539	23,644	90,369	19.7	FAIL
5	Allegheny	PA	1,215,103	250,672	204,705	23,597	88,545	43,690	18,952	385,161	89,099	145,977	18.3	FAIL
6	Fresno	CA	909,153	270,512	89,615	25,465	53,191	26,798	9,390	213,027	52,230	197,265	17.7	FAIL
7	Jefferson	AL	659,503	157,990	89,377	14,873	38,956	22,217	8,909	188,555	57,398	88,637	17.3	FAIL
7	San Bernardino	CA	2,015,355	590,810	170,130	55,617	118,301	59,184	19,520	458,534	111,974	288,756	17.3	FAIL
9	Kings	CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	32,288	7,759	22,566	17	FAIL
10	Hamilton	OH	851,494	206,018	114,701	19,394	61,384	28,595	11,457	242,599	64,838	113,411	15.7	FAIL
10	Madison	IL	268,078	61,931	37,811	5,830	16,217	9,045	3,628	76,653	18,072	32,953	15.7	FAIL
12	Los Angeles	CA	9,862,049	2,549,168	1,054,932	239,969	611,881	311,413	112,035	2,508,754	618,355	1,482,051	15.6	FAIL
13	Wayne	MI	1,949,929	507,861	234,544	47,808	141,145	63,463	24,562	529,981	131,973	393,147	15.4	FAIL
13	Kanawha	WV	191,018	41,029	31,892	3,862	14,381	6,848	2,991	60,630	18,639	29,656	15.4	FAIL
13	Brooke	WV	23,520	4,396	4,588	414	1,825	883	406	8,018	2,459	2,674	15.4	FAIL
16	Clark	IN	106,673	25,813	13,601	2,430	7,416	3,540	1,377	29,603	7,886	11,286	15.3	FAIL
16	Stanislaus	CA	510,694	145,476	53,728	13,695	30,520	15,491	5,581	124,778	30,713	72,561	15.3	FAIL
18	Clayton	GA	273,718	80,762	18,664	7,603	16,334	8,035	2,517	61,071	17,757	39,619	15.2	FAIL
18	Harris	TX	3,984,349	1,145,274	316,399	107,812	206,787	119,643	39,499	929,844	267,659	603,105	15.2	FAIL
18	Cabell	WV	94,631	19,658	15,551	1,851	7,157	3,313	1,396	28,724	8,822	18,725	15.2	FAIL
21	Cobb	GA	698,158	182,460	59,274	17,176	43,312	22,154	7,564	175,077	50,882	62,563	15.1	FAIL
21	Cuyahoga	OH	1,283,925	301,457	195,113	28,378	93,253	44,264	18,682	385,175	103,383	199,694	15.1	FAIL
21	Bibb	GA	155,216	41,727	20,251	3,928	9,484	4,994	1,990	42,225	12,257	32,923	15.1	FAIL
24	Loudon	TN	46,445	9,901	9,661	932	3,262	1,666	788	15,289	4,269	5,106	14.9	PASS
24	Beaver	PA	172,476	35,214	31,681	3,315	12,565	6,308	2,850	56,769	13,220	19,600	14.9	PASS
24	Berkeley	WV	102,044	26,497	11,108	2,494	7,294	3,261	1,199	26,568	8,215	11,253	14.9	PASS

Notes:

1. Counties are ranked by design value. See note 12 below.
2. **Total Population** represents the at-risk populations in counties with $PM_{2.5}$ monitors.
3. Those **18 & under** and **65 & over** are vulnerable to $PM_{2.5}$ and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **CV disease** estimates are based on National Heart Lung and Blood Institute (NHLBI) estimates of cardiovascular disease applied to county population estimates (U.S. Census).
10. **Diabetes** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on state rates (BRFSS) applied to county population estimates (U.S. Census).
11. Poverty estimates come from the U.S. Census Bureau and are for all ages.
12. The **Design Value** is the calculated concentration of a pollutant based on the form of the National Ambient Air Quality Standard, and is used by EPA to determine whether the air quality in a county meets the standard. Design values for the annual $PM_{2.5}$ concentrations by county were collected from data previously summarized by the EPA and were downloaded on December 1, 2009 from EPA's website at http://www.epa.gov/air/airtrends/values.html.
13. **Grades** are based on EPA's determination of meeting or failure to meet the NAAQS for annual PM2.5 levels during 2006-2008. Counties meeting the NAAQS received grades of Pass; counties not meeting the NAAQS received grades of Fail.

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Letter I11

People at Risk in 25 Most Ozone-Polluted Counties

2010 Rank[1]	County	ST	Total Population[2]	At-Risk Groups							High Ozone Days in Unhealthy Ranges, 2006–2008	
				Under 18[3]	65 and Over[3]	Pediatric Asthma[4,8]	Adult Asthma[5,8]	Chronic Bronchitis[6,8]	Emphysema[7,8]	Poverty[9]	Weighted Avg.[10]	Grade[11]
1	San Bernardino	CA	2,015,355	590,810	170,130	55,617	118,301	59,184	19,520	288,756	141.8	F
2	Riverside	CA	2,100,516	583,297	241,428	54,909	126,317	63,620	23,196	260,109	132.8	F
3	Kern	CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	156,128	115.7	F
4	Tulare	CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	90,369	110.2	F
5	Los Angeles	CA	9,862,049	2,549,168	1,054,932	239,969	611,881	311,413	112,035	1,482,051	92.3	F
6	Fresno	CA	909,153	270,512	89,615	25,465	53,191	26,798	9,390	197,265	66.2	F
7	El Dorado	CA	176,075	37,896	19,950	3,567	11,707	6,118	2,301	13,692	48.3	F
8	Nevada	CA	97,118	17,384	17,481	1,636	6,832	3,661	1,624	8,848	46.7	F
9	Sacramento	CA	1,394,154	362,492	158,340	34,124	86,442	44,138	16,274	182,573	44.7	F
10	Kings	CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	22,566	40.0	F
11	Placer	CA	341,945	74,348	52,148	6,999	22,569	11,699	4,776	22,873	39.3	F
12	Harris	TX	3,984,349	1,145,274	316,399	107,812	206,787	119,643	39,499	603,105	35.7	F
13	Mariposa	CA	17,976	3,112	3,377	293	1,265	669	296	2,388	34.2	F
14	San Diego	CA	3,001,072	744,470	337,004	70,082	188,661	95,863	34,760	364,576	33.8	F
15	San Luis Obispo	CA	265,297	49,431	38,323	4,653	18,160	9,359	3,670	30,243	32.0	F
16	Ventura	CA	797,740	206,833	91,279	19,470	49,794	25,737	9,699	68,486	31.3	F
17	Rowan	NC	139,225	32,568	19,841	3,066	8,067	4,711	1,911	21,042	30.0	F
18	Maricopa	AZ	3,954,598	1,083,241	451,031	101,972	280,306	122,897	45,668	521,208	29.0	F
19	Merced	CA	246,117	76,722	24,433	7,222	14,091	7,080	2,490	52,005	28.2	F
20	Tarrant	TX	1,750,091	493,382	149,164	46,445	91,590	53,034	17,837	208,934	27.5	F
21	Sevier	TN	84,835	18,967	12,886	1,785	5,887	2,933	1,219	11,097	26.3	F
22	Mecklenburg	NC	890,515	237,056	73,754	22,316	49,226	27,682	9,234	95,508	26.2	F
23	Imperial	CA	163,972	47,801	17,493	4,500	9,663	4,855	1,732	32,833	24.7	F
24	Fairfield	CT	895,030	223,180	118,119	21,009	57,917	29,990	12,062	71,553	24.2	F
24	Harford	MD	240,351	59,315	28,123	5,584	16,965	7,957	3,033	13,606	24.2	F

Notes:
1. Counties are ranked by weighted average. See note 10 below.
2. **Total Population** represents the at-risk populations in counties with ozone monitors.
3. Those **18 & under** and **65 & over** are vulnerable to ozone and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **Poverty** estimates come from the U.S. Census Bureau and are for all ages.
10. The **Weighted Average** was derived by counting the number of days in each unhealthful range (orange, red, purple) in each year (2006-2008), multiplying the total in each range by the assigned standard weights (i.e., 1 for orange, 1.5 for red, 2.0 for purple), and calculating the average.
11. **Grade** is assigned by weighted average as follows: A=0.0, B=0.3-0.9, C=1.0-2.0, D=2.1-3.2, F=3.3+.

Attachment 47

3-1000

Letter I11

People at Risk in 25 Counties Most Polluted by Short-term Particle Pollution (24-hour $PM_{2.5}$)

2010 Rank[1]	County	ST	Total Population[2]	At-Risk Groups									High $PM_{2.5}$ Days in Unhealthy Ranges, 2006–2008	
				Under 18[3]	65 and Over[3]	Pediatric Asthma[4,6]	Adult Asthma[5,8]	Chronic Bronchitis[6,8]	Emphysema[7,8]	CV Disease[9]	Diabetes[10]	Poverty[11]	Weighted Avg.[12]	Grade[13]
1	Kern	CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	181,207	44,207	156,128	55.2	F
2	Fresno	CA	909,153	270,512	89,615	25,465	53,191	26,798	9,390	213,027	52,230	197,265	53.3	F
3	Allegheny	PA	1,215,103	250,672	204,705	23,597	88,545	43,690	18,952	385,161	89,099	145,977	45.5	F
4	Riverside	CA	2,100,516	583,297	241,428	54,909	126,317	63,620	23,196	513,861	125,986	260,109	27.3	F
5	Jefferson	AL	659,503	157,990	89,377	14,873	38,956	22,217	8,909	188,555	57,398	88,637	25.0	F
6	Los Angeles	CA	9,862,049	2,549,168	1,054,932	239,969	611,881	311,413	112,035	2,508,754	618,355	1,482,051	19.7	F
7	Sacramento	CA	1,394,154	362,492	158,340	34,124	86,442	44,138	16,274	359,465	88,749	182,573	19.5	F
8	Salt Lake	UT	1,022,651	302,184	89,440	28,446	60,222	30,200	10,192	236,479	44,953	89,216	18.2	F
9	Tulare	CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	96,539	23,644	90,369	15.3	F
10	Stanislaus	CA	510,694	145,476	53,728	13,695	30,520	15,491	5,581	124,778	30,713	72,561	13.0	F
11	Kings	CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	32,288	7,759	22,566	12.7	F
12	San Bernardino	CA	2,015,355	590,810	170,130	55,617	118,301	59,184	19,520	458,534	111,974	288,756	11.2	F
12	Merced	CA	246,117	76,722	24,433	7,222	14,091	7,080	2,490	56,327	13,791	52,005	11.2	F
14	Philadelphia	PA	1,447,395	361,859	185,962	34,064	100,391	46,961	18,156	390,839	88,611	331,349	11.0	F
15	Utah	UT	530,837	185,393	33,761	17,452	28,728	13,536	3,851	98,073	18,088	61,648	10.7	F
16	Pinal	AZ	327,301	85,283	42,819	8,028	23,791	10,272	3,936	84,882	18,309	43,350	10.2	F
17	San Joaquin	CA	672,388	194,385	68,391	18,299	39,916	20,227	7,204	162,098	39,865	108,919	9.2	F
18	Cook	IL	5,294,664	1,313,534	624,187	123,651	311,719	171,660	64,274	1,408,857	329,408	767,182	8.7	F
19	San Diego	CA	3,001,072	744,470	337,004	70,082	188,661	95,863	34,760	774,396	190,719	364,576	8.5	F
20	Union	NJ	523,249	129,721	65,627	12,211	33,748	17,336	6,769	145,343	33,320	45,220	8.3	F
20	Baltimore City	MD	636,919	153,154	75,404	14,417	45,370	20,875	7,808	171,278	41,126	116,585	8.3	F
20	Cache	UT	112,616	35,915	8,563	3,381	6,381	3,047	922	22,639	4,237	13,020	8.3	F
23	Orange	CA	3,010,759	765,649	342,841	72,075	188,534	96,726	35,888	790,757	195,691	294,758	8.2	F
24	Lane	OR	346,560	69,455	49,662	6,538	23,760	12,190	4,864	103,115	19,293	53,423	8.0	F
25	Dauphin	PA	256,562	59,937	35,138	5,642	18,135	8,797	3,564	75,118	17,200	27,090	7.3	F
25	Washington	PA	206,407	41,852	35,648	3,940	15,099	7,464	3,264	66,055	15,299	20,690	7.3	F
25	Plumas	CA	20,275	3,525	4,041	332	1,440	778	360	7,082	1,791	2,408	7.3	F

Notes:

1. Counties are ranked by weighted average. See note 12 below.
2. **Total Population** represents the at-risk populations in counties with $PM_{2.5}$ monitors.
3. Those **18 & under** and **65 & over** are vulnerable to $PM_{2.5}$ and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **CV disease** estimates are based on National Heart Lung and Blood Institute (NHLBI) estimates of cardiovascular disease applied to county population estimates (U.S. Census).
10. **Diabetes** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on state rates (BRFSS) applied to county population estimates (U.S. Census).
11. Poverty estimates come from the U.S. Census Bureau and are for all ages.
12. The **Weighted Average** was derived by counting the number of days in each unhealthful range (orange, red, purple, maroon) in each year (2006-2008), multiplying the total in each range by the assigned standard weights (i.e., 1 for orange, 1.5 for red, 2.0 for purple, 2.5 for maroon), and calculating the average.
13. **Grade** is assigned by weighted average as follows: A=0.0, B=0.3-0.9, C=1.0-2.0, D=2.1-3.2, F=3.3+.

Attachment 47

3-1001

Letter I11

4

People at Risk In 25 U.S. Cities Most Polluted by Year-Round Particle Pollution (Annual $PM_{2.5}$)

2010 Rank[1]	Metropolitan Statistical Areas	Total Population[2]	Under 18[3]	65 and Over[3]	Pediatric Asthma[4,5]	Adult Asthma[5,6]	Chronic Bronchitis[6,7]	Emphysema[7,8]	CV Disease[9]	Diabetes[10]	Poverty[11]
1	Phoenix-Mesa-Scottsdale, AZ	4,281,899	1,168,524	493,850	110,000	304,097	133,169	49,604	1,089,057	234,900	564,558
2	Bakersfield, CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	181,207	44,207	156,128
3	Los Angeles-Long Beach-Riverside, CA	17,786,419	4,695,757	1,900,610	442,040	1,094,827	556,680	200,338	4,484,079	1,104,703	2,394,160
3	Visalia-Porterville, CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	96,539	23,644	90,369
5	Pittsburgh-New Castle, PA	2,441,464	500,897	420,508	47,153	178,047	88,152	38,601	780,756	180,882	285,428
6	Fresno-Madera, CA	1,057,486	311,788	104,922	29,351	62,100	31,280	10,965	248,680	60,964	222,540
7	Birmingham-Hoover-Cullman, AL	1,198,932	290,401	157,265	27,338	70,565	39,978	15,778	336,620	102,410	151,234
8	Hanford-Corcoran, CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	32,288	7,759	22,566
9	Cincinnati-Middletown-Wilmington, OH-KY-IN	2,198,337	549,333	264,870	51,712	157,199	72,080	27,598	598,538	159,753	244,738
9	St. Louis-St. Charles-Farmington, MO-IL	2,903,894	697,769	378,775	65,686	183,117	97,327	38,410	819,824	200,971	327,896
11	Charleston, WV	303,944	66,579	47,792	6,267	22,796	10,760	4,586	94,143	28,970	47,793
11	Detroit-Warren-Flint, MI	5,354,225	1,308,684	656,566	123,194	395,818	178,282	69,051	1,489,633	371,145	742,617
11	Weirton-Steubenville, WV-OH	122,054	23,865	23,413	2,247	9,324	4,528	2,075	41,043	11,747	18,869
14	Louisville-Jefferson County-Elizabethtown-Scottsburg, KY-IN	1,380,591	334,788	174,598	31,519	100,030	46,144	18,053	387,276	104,392	175,744
14	Modesto, CA	510,694	145,476	53,728	13,695	30,520	15,491	5,581	124,778	30,713	72,561
16	Atlanta-Sandy Springs-Gainesville, GA-AL	5,729,304	1,539,475	489,978	144,921	352,973	177,744	59,961	1,394,748	405,484	677,521
16	Houston-Baytown-Huntsville, TX	5,829,620	1,636,150	485,730	154,019	305,885	177,361	59,438	1,387,414	399,750	790,893
16	Huntington-Ashland, WV-KY-OH	284,234	61,064	45,266	5,749	21,366	9,953	4,194	86,407	24,878	51,840
19	Cleveland-Akron-Elyria, OH	2,887,492	674,060	415,419	63,454	210,320	99,014	40,752	851,201	228,028	370,946
19	Macon-Warner Robins-Fort Valley, GA	390,674	101,778	46,661	9,580	24,200	12,584	4,808	104,349	30,300	63,795
21	Hagerstown-Martinsburg, MD-WV	263,753	62,949	34,072	5,925	19,009	8,708	3,366	72,491	19,603	26,016
21	Knoxville-Sevierville-La Follette, TN	1,041,955	229,952	154,126	21,647	72,575	35,954	14,714	307,808	86,888	151,230
23	Augusta-Richmond County, GA-SC	534,218	135,645	65,742	12,769	33,240	17,488	6,776	146,046	41,759	91,978
24	Indianapolis-Anderson-Columbus, IN	2,035,327	532,625	232,310	50,140	137,759	65,257	24,517	537,022	142,759	234,047
25	Parkersburg-Marietta, WV-OH	160,678	34,222	26,995	3,221	12,066	5,742	2,499	50,725	14,845	25,740
25	York-Hanover-Gettysburg, PA	525,702	119,487	73,383	11,248	37,477	18,007	7,258	153,182	35,016	40,986

Notes:
1. Cities are ranked using the highest design value for any county within that Combined or Metropolitan Statistical Area.
2. **Total Population** represents the at-risk populations for all counties within the respective Combined or Metropolitan Statistical Area.
3. Those **18 & under** and **65 & over** are vulnerable to $PM_{2.5}$ and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **CV disease** estimates are based on National Heart Lung and Blood Institute (NHLBI) estimates of cardiovascular disease applied to county population estimates (U.S. Census).
10. **Diabetes** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on state rates (BRFSS) applied to county population estimates (U.S. Census).
11. **Poverty** estimates come from the U.S. Census Bureau and are for all ages.

Attachment 48

3-1003

Letter I11

People at Risk in 25 Most Ozone-Polluted Cities

2010 Rank[1]	Metropolitan Statistical Areas	Total Population[2]	Under 18[3]	65 and Over[3]	Pediatric Asthma[4,6]	Adult Asthma[5,6]	Chronic Bronchitis[6,8]	Emphysema[7,8]	Poverty[9]
1	Los Angeles-Long Beach-Riverside, CA	17,786,419	4,695,757	1,900,610	442,040	1,094,827	556,680	200,338	2,394,160
2	Bakersfield, CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	156,128
3	Visalia-Porterville, CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	90,369
4	Fresno-Madera, CA	1,057,486	311,788	104,922	29,351	62,100	31,280	10,965	222,540
5	Sacramento--Arden-Arcade--Yuba City, CA-NV	2,417,404	591,377	293,951	55,670	153,359	78,640	29,653	285,352
6	Hanford-Corcoran, CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	22,566
7	Houston-Baytown-Huntsville, TX	5,829,620	1,636,150	485,730	154,019	305,885	177,361	59,438	790,893
8	San Diego-Carlsbad-San Marcos, CA	3,001,072	744,470	337,004	70,082	188,661	95,863	34,760	364,576
9	San Luis Obispo-Paso Robles, CA	265,297	49,431	38,323	4,653	18,160	9,359	3,670	30,243
10	Charlotte-Gastonia-Salisbury, NC-SC	2,338,289	597,972	247,933	56,291	133,010	75,049	27,301	281,161
11	Phoenix-Mesa-Scottsdale, AZ	4,281,899	1,168,524	493,850	110,000	304,097	133,169	49,604	564,558
12	Merced, CA	246,117	76,722	24,433	7,222	14,091	7,080	2,490	52,005
13	Dallas-Fort Worth, TX	6,622,032	1,831,927	579,393	172,450	348,930	201,876	68,125	820,338
14	Knoxville-Sevierville-La Follette, TN	1,041,955	229,952	154,126	21,647	72,575	35,954	14,714	151,230
15	El Centro, CA	163,972	47,801	17,493	4,500	9,663	4,855	1,732	32,833
16	New York-Newark-Bridgeport, NY-NJ-CT-PA	22,154,752	5,178,014	2,889,985	487,436	1,472,232	743,282	290,311	2,585,219
16	Washington-Baltimore-Northern Virginia, DC-MD-VA-WV	8,249,194	1,984,957	894,778	186,856	585,428	271,393	99,323	624,420
18	Cincinnati-Middletown-Wilmington, OH-KY-IN	2,198,337	549,333	264,870	51,712	157,199	72,080	27,598	244,738
19	Atlanta-Sandy Springs-Gainesville, GA-AL	5,729,304	1,539,475	489,978	144,921	352,973	177,744	59,961	677,521
19	Birmingham-Hoover-Cullman, AL	1,198,932	290,401	157,265	27,338	70,565	39,978	15,778	151,234
21	Las Vegas-Paradise-Pahrump, NV	1,910,121	501,919	207,091	47,248	119,491	60,364	22,013	212,098
22	Modesto, CA	510,694	145,476	53,728	13,695	30,520	15,491	5,581	72,561
22	Philadelphia-Camden-Vineland, PA-NJ-DE-MD	6,398,896	1,528,290	846,470	143,868	443,728	214,554	84,875	712,300
24	Chico, CA	220,337	45,934	33,068	4,324	14,641	7,514	2,996	44,569
25	Baton Rouge-Pierre Part, LA	797,208	202,763	82,256	19,088	48,156	25,357	9,029	122,432

Notes:
1. Cities are ranked using the highest weighted average for any county within that Combined or Metropolitan Statistical Area.
2. Total Population represents the at-risk populations for all counties within the respective Combined or Metropolitan Statistical Area.
3. Those **18 & under** and **65 & over** are vulnerable to $PM_{2.5}$ and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **Poverty** estimates come from the U.S. Census Bureau and are for all ages.

Attachment 48

3-1004

Letter I11

People at Risk In 25 U.S. Cities Most Polluted by Short-term Particle Pollution (24-hour $PM_{2.5}$)

2010 Rank[1]	Metropolitan Statistical Areas	Total Population[2]	Under 18[3]	65 and Over[3]	Pediatric Asthma[4,5]	Adult Asthma[5,6]	Chronic Bronchitis[6,7]	Emphysema[7,8]	CV Disease[9]	Diabetes[10]	Poverty[11]
1	Bakersfield, CA	800,458	238,789	71,678	22,479	46,597	23,265	7,790	181,207	44,207	156,128
2	Fresno-Madera, CA	1,057,486	311,788	104,922	29,351	62,100	31,280	10,965	248,680	60,964	222,540
3	Pittsburgh-New Castle, PA	2,441,464	500,897	420,508	47,153	178,047	88,152	38,601	780,756	180,882	285,428
4	Los Angeles-Long Beach-Riverside, CA	17,786,419	4,695,757	1,900,610	442,040	1,094,827	556,680	200,338	4,484,079	1,104,703	2,394,160
5	Birmingham-Hoover-Cullman, AL	1,198,932	290,401	157,265	27,338	70,565	39,978	15,778	336,620	102,410	151,234
6	Sacramento--Arden-Arcade--Yuba City, CA-NV	2,417,404	591,377	293,951	55,670	153,359	78,640	29,653	647,176	160,164	285,352
7	Salt Lake City-Ogden-Clearfield, UT	1,717,261	518,277	150,699	48,788	100,197	50,204	16,978	393,363	74,859	141,927
8	Visalia-Porterville, CA	426,276	135,427	40,821	12,749	24,202	12,169	4,249	96,539	23,644	90,369
9	Modesto, CA	510,694	145,476	53,728	13,695	30,520	15,491	5,581	124,778	30,713	72,561
10	Hanford-Corcoran, CA	149,518	40,715	11,487	3,833	8,930	4,349	1,308	32,288	7,759	22,566
11	Merced, CA	246,117	76,722	24,433	7,222	14,091	7,080	2,490	56,327	13,791	52,005
12	Philadelphia-Camden-Vineland, PA-NJ-DE-MD	6,398,896	1,528,290	846,470	143,868	443,728	214,554	84,875	1,808,716	412,970	712,300
13	Provo-Orem, UT	540,820	188,783	34,748	17,771	29,278	13,810	3,948	100,258	18,511	62,642
14	Phoenix-Mesa-Scottsdale, AZ	4,281,899	1,168,524	493,850	110,000	304,097	133,169	49,604	1,089,057	234,900	564,558
15	Stockton, CA	672,388	194,385	68,391	18,299	39,916	20,227	7,204	162,098	39,865	108,919
16	Chicago-Naperville-Michigan City, IL-IN-WI	9,793,036	2,504,341	1,087,551	235,751	580,310	314,388	115,977	2,564,659	605,408	1,139,254
17	San Diego-Carlsbad-San Marcos, CA	3,001,072	744,470	337,004	70,082	188,661	95,863	34,760	774,396	190,719	364,576
18	Washington-Baltimore-Northern Virginia, DC-MD-VA-WV	8,249,194	1,984,957	894,778	186,856	585,428	271,393	99,323	2,208,468	520,827	624,420
18	New York-Newark-Bridgeport, NY-NJ-CT-PA	22,154,752	5,178,014	2,889,985	487,436	1,472,232	743,282	290,311	6,225,658	1,409,941	2,585,219
18	Logan, UT-ID	125,070	39,979	10,051	3,764	7,117	3,411	1,065	25,688	4,849	14,174
21	Eugene-Springfield, OR	346,560	69,455	49,662	6,538	23,760	12,190	4,864	103,115	19,293	53,423
22	Harrisburg-Carlisle-Lebanon, PA	660,042	145,638	97,953	13,710	47,390	22,934	9,456	197,208	45,243	59,172
23	San Jose-San Francisco-Oakland, CA	7,354,555	1,657,339	889,331	156,016	480,165	248,277	93,911	2,050,091	509,263	662,858
23	Indianapolis-Anderson-Columbus, IN	2,035,327	532,625	232,310	50,140	137,759	65,257	24,517	537,022	142,759	234,047
23	Allentown-Bethlehem-Easton, PA-NJ	808,210	182,515	120,493	17,181	57,072	27,849	11,508	239,635	55,042	72,641

Notes:
1. Cities are ranked using the highest weighted average for any county within that Combined or Metropolitan Statistical Area.
2. **Total Population** represents the at-risk populations for all counties within the respective Combined or Metropolitan Statistical Area.
3. Those **18 & under** and **65 & over** are vulnerable to $PM_{2.5}$ and are, therefore, included. They should not be used as population denominators for disease estimates.
4. **Pediatric asthma** estimates are for those under 18 years of age and represent the estimated number of people who had asthma in 2008 based on national rates (NHIS) applied to county population estimates (U.S. Census).
5. **Adult asthma** estimates are for those 18 years and older and represent the estimated number of people who had asthma during 2008 based on state rates (BRFSS) applied to county population estimates (U.S. Census).
6. **Chronic bronchitis** estimates are for adults 18 and over who had been diagnosed in 2008, based on national rates (NHIS) applied to county population estimates (U.S. Census).
7. **Emphysema** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on national rates (NHIS) applied to county population estimates (U.S. Census).
8. Adding across rows does not produce valid estimates, e.g., summing pediatric and adult asthma and/or emphysema and chronic bronchitis.
9. **CV disease** estimates are based on National Heart Lung and Blood Institute (NHLBI) estimates of cardiovascular disease applied to county population estimates (U.S. Census).
10. **Diabetes** estimates are for adults 18 and over who have been diagnosed within their lifetime, based on state rates (BRFSS) applied to county population estimates (U.S. Census).
11. **Poverty** estimates come from the U.S. Census Bureau and are for all ages.

Attachment 48

3-1005

Letter I11

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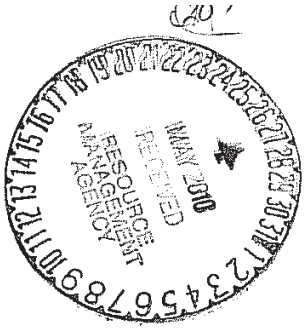
Letter I12



American Farmland Trust
CALIFORNIA OFFICE
BOX 73856 • DAVIS, CA 95617

May 26, 2010

Mr. David Bryant
Project Planner
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Re: Tulare County General Plan Update and
Recirculated Draft Environmental Impact Report

Dear Mr. Bryant:

Please accept and consider these comments from American Farmland Trust (AFT) on the revised Tulare County General Plan Update (GPU) and Recirculated Draft Environmental Impact Report (RDEIR). I12-1

Background information on AFT and its interest in the Tulare GPU can be found in our previous comments submitted to the County on February 14, 2007. Rather than repeat those comments, we attach them and incorporate them by reference in this document. We would add the following points for amplification.

The main shortcoming of the updated GPU remains that it would tolerate, if not encourage, widely scattered development at what appears to be very low densities, thus wasting farmland, other resources and tax dollars. This is the antithesis of the kind of smart, efficient planning for growth that communities around California and the United States are embracing as the key to economic opportunity, environmental sustainability and the protection of the resource on which America's food supply depends. I12-2

The GPU would permit development in 41 separately identified places around the county, as well as in ill-defined transportation corridors and unspecified new towns. As much as a quarter of new development would be welcomed outside existing cities. The rationale for this seems to be a desire to create economic opportunity for every community within the county. I12-3

While we wholeheartedly support this goal, we question whether widely dispersing development would achieve it. It could actually dilute the economic impact of new growth in the County and reduce the opportunity of any given community to capitalize on it. Further, the higher costs associated with creating widely-spread demand for

public services[1] could render communities less able to afford them and make them less attractive to new business. I12-3 cont'd

The GPU would also permit and encourage development at very low densities. Neither document explicitly quantifies the build-out density implied by the GPU. But we calculate that the average build-out density under the GPU would be only 5.3 people per acre, lower than the current development trend in Tulare County of 5.7 people per acre, which in turn is only 70% of the San Joaquin Valley average of 8.1 people per acre.[2] If we assume that roughly three-quarters of the build-out area will be residential, [3] the net housing density would be 6.9 people per acre, which at 3 people per household translates into roughly 2.3 dwellings per acre. In other words, housing lots would average just under a half-acre – over the entire county. I12-4

This astonishing conclusion raises a question about whether, in fact, Tulare County needs more than 59,000 acres of farmland to accommodate anticipated growth out to the year 2030. If the average residential density were increased to the San Joaquin Valley average of 8.1 people per acre, 6,715 acres or 15% of the farmland that would be lost to urbanization could be conserved. If average residential density were increased to 12 people per acre – the prevailing trend in Stanislaus County, which has the highest development efficiency in the San Joaquin Valley – 19,300 acres or 42% of the farmland that the RDEIR assumes will be lost could be saved.[4] Almost three-quarters of this land would be prime farmland. (GPU, Table 3.10-9) In view of this, consideration should, thus be given to reducing the size of many of the CACUDB, HDB and CACUABs. I12-5

The GPU proposes a series of new mitigation measures to reduce the impact of planned development on farmland. They include agricultural conservation easements (AG-1.6, AG-1.18, Ag Element Implementation Measure (AEIM) #15), a comprehensive mitigation program (AEIM #1), a review of agricultural land preservation programs (AEIM #2) and, most significantly, a cooperative effort by TCAG and LAFCO to monitor farmland conversion and development efficiency I12-6

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[1] See, e.g., *Alternatives for Future Urban Growth in California's Central Valley: The Bottom Line for Agriculture and Taxpayers* (American Farmland Trust, 1995), finding that the higher public service costs associated with low density development (3.5 DU per acre) would result in a collective budget deficit for cities in the region.

[2] The RDEIR assumes that the designated growth areas, totaling 59,435 acres, will be fully built out by the 2030 planning horizon of the GPU. (GPU, Table 3.10-9). The projected population increase that will be accommodated within them is 313,970. (RDEIR, 2-24). Dividing the population by acreage yields an average of 5.3 people per acre. The current trend (2000-2008) is derived from the following figures: The population of Tulare County grew 53,715 from 368,628 to 422,343 (U.S. Census estimate), while the area of urban and built-up land grew by 9,448 acres during the same period (CA Dept of Conservation, Farmland Mapping & Monitoring Program), yielding an average of 5.7 people per acre. Comparable figures for the San Joaquin Valley were derived from the same sources. I12-4 cont'd

[3] The preferred growth scenario submitted by TCAG to the San Joaquin Blueprint assumed 76 percent residential.

[4] Another way to look at this is that it would extend the capacity of the existing 59,435 acres within designated growth areas out to the year 2057, without any change in commercial FARs that could achieve further savings. It also bears noting that, even at the Stanislaus density, housing lots would average one quarter acre – hardly a "high rise" growth scenario. I12-5 cont'd

(density) and to produce a report that documents the number of people per developed acre in each designated growth area (AEIM #7).[5] I12-6 cont'd

These mitigation measures are praiseworthy. AFT not only supports them, but would be glad to work with County officials and other stakeholders to implement them. However, as we document above, none of them would mitigate farmland loss as effectively as simply reducing the average size of residential lots contemplated by the GPU. Thus, we disagree with the conclusion of the GPU that there are "no additional technologically or economically feasible mitigation measures are currently available to reduce this impact [on farmland] to a less than significant level." (GPU 3.0-16)

Indeed, Alternative 5, the so-called "confined growth" option,[6] "would require greater land use efficiency standards for development on important farmlands and promote increased densities and mixed use areas within developed areas." (RDEIR, 3.10-15, 16) The RDEIR concludes that this is the "environmentally superior alternative." As suggested above, we submit that it is also likely to be the economically superior alternative as well as the one that best serves the county's agriculture industry. AFT supports the adoption of this alternative or, at a minimum, the incorporation of development efficiency standards into whatever GPU option is selected. I12-7

In conclusion, we would like to point out that Tulare County's neighbors – Fresno, Kings and Kern Counties – all seem to have embraced the idea of smarter, more efficient growth, judging from their preferred Blueprint scenarios and the land use-related greenhouse gas reduction targets recently submitted under SB 375. They apparently believe that true economic opportunity rests upon conserving, rather than wasting both resources and taxpayer dollars. If Tulare hopes to compete with them for new businesses that will help diversify the local economy, can it alone afford to adopt a GPU that ignores smart growth principles?

All of these comments are offered in a spirit of cooperation. We will be glad to discuss any of them and to collaborate with the County in responding to them. I12-8

Respectfully,

Edward Thompson, Jr.
California Director
ethompson@farmland.org

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[5] The development efficiency study comes close to the development efficiency benchmark system that AFT recommended in its earlier comments on the GPU. The difference is that a study would simply document the waste of farmland after-the-fact, rather than prevent it by evaluating development proposals against minimum efficiency standards. I12-6 cont'd

[6] This terminology is not only misleading, it appears to be deliberately calculated to cast this alternative in a negative light. A more appropriate label might be the "controlled" growth scenario, in contrast to what is arguably the uncontrolled growth scenario contemplated by the proposed project GPU. As a practical matter, there isn't much difference between them in terms of where growth would occur. The controlled scenario would accommodate 26% of population growth outside Tulare cities, while the proposed project scenario would accommodate 30%. I12-7 cont'd

American Farmland Trust

Comments and Recommendations
on the Proposed Tulare County General Plan Update
February 14, 2007

The proposed Tulare County general plan update (GPU) was released to the public in November 2006 as a draft *Goals and Policies Report* (GPR). The deadline for public comment is February 14, 2007.

American Farmland Trust deeply appreciates the opportunity to submit comments on the proposed general plan update. We have the utmost respect for local land use decision making, and have consulted farmers, officials and others in Tulare County as we prepared these comments. We hope and trust that they will be received in the same spirit of cooperation as they are offered. We would be glad to discuss them with County planners and elected officials at any time.

Summary

Tulare County is developing more land per new resident than any other county in the Central Valley. At the current rate, its urban area will almost double in size by 2025. Most of the 40 cities, communities and hamlets in the county – all of which are slated to grow under the proposed general plan update – are located in the midst of productive farmland. Thus, the only effective way for the county and its cities to conserve a meaningful amount of farmland is to improve the efficiency of development. The proposed general plan update includes many policies aimed at minimizing the conversion of farmland, but none directly addresses the critical issue of per capita land consumption. AFT proposes that the County adopt an explicit policy of measuring, tracking, publicizing and reducing per capita land consumption and pledges to work with County officials to implement it.

American Farmland Trust and Its Interest in the Tulare GPU

AFT is a national nonprofit organization founded in 1980 to protect the best farmland from conversion to other uses and to help farmers adopt agricultural practices that will improve environmental quality. It is widely acknowledged to be the nation's most authoritative source of information and expertise about farmland protection policies. We have had an office in California since 1983 and have made the Central Valley the focus of our efforts in the state ever since an AFT research report *Farming on the Edge* (1993) concluded that the region was – as it still is – the most productive agricultural area in America under the most severe urban growth pressure. As the second highest grossing agricultural county in the Valley – indeed, in the United States – Tulare is among the jurisdictions that AFT is most interested in helping to conserve the farmland that is the basis of its economy.

In 1995, AFT completed another research project in cooperation with the University of California campuses at Berkeley and Davis, entitled *Alternatives for Future Urban Growth in California's*

Central Valley: The Bottom Line for Agriculture and Taxpayers.[1] That study projected two different growth patterns into the future, finding that a continuation of present trends would consume far more farmland and have a greater negative impact on both the agricultural economy and the cost of municipal services than a more compact, efficient model of development that has come to be called "smart growth." In 2006, AFT released another report *The Future Is Now: Central Valley Farmland at the Tipping Point*[2] which found that, despite the adoption of local plans and policies favoring smarter growth, the pattern of development in the Central Valley has not changed much from a decade earlier. Tulare County was the only county that actually regressed by developing *less* efficiently than in the past.

AFT places a great deal of emphasis on factual analysis as the basis for public policies that will effectively conserve and protect farmland for agricultural use. We, therefore, offer the facts as we know them as the basis for our comments on the proposed Tulare County general plan update. While we have confidence in our sources and analysis, we acknowledge that the County itself may have better information, gathered from local rather than the statewide sources AFT relied on, that may shed even clearer light on the issues raised by the plan. If so, we encourage the County to recalculate the key figures presented below on farmland conversion and planned growth.

Factual Background

Tulare County has long been acclaimed as a national leader in farmland protection. For more than a quarter-century, its Rural Valley Lands Plan has been celebrated as an innovative approach to preventing the unnecessary development of high quality agricultural land. Recent evidence, however, calls into question the efficacy of the county's overall policy framework – and, not to be ignored, the policies of the cities within it – at preventing the kind of unnecessary farmland conversion that can undermine the health of its agricultural economy.

In a region like the Central Valley where the population is exploding, but the amount of farmland remains relatively fixed,[3] the key to minimizing the loss of farmland and, thereby, maintaining agricultural production capacity, is to reduce *per capita* land consumption, i.e., the amount of land developed for each new resident. During the 1990's, development within Tulare County (including its cities) consumed an acre of farmland – 10,070 acres in all -- for every 5.7 new residents, ranking it at the very bottom of all Central Valley counties in its performance at avoiding unnecessary farmland loss.[4] Indeed, measured on a *per capita* basis, Tulare is using up farmland 1.4 times as fast as the Valley as a whole, which itself averaged only 8 people per acre.[5]

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[1] http://www.farmlandinfo.org/documents/30361/FUTURE_URBAN_GROWTH_IN_CALIFORNIAS_CENTRAL_VALLEY.pdf

[2] www.farmland.org/programs/states/futureisnow/default.asp

[3] There is simply no substitute for high-quality farmland. As the *Report of the Agricultural Task Force for Resource Conservation and Economic Growth in the Central Valley* (1998), whose vice chair was current state Resources Agency Secretary Mike Chrisman, put it: "During California's post World War II sprawl, new agricultural technologies an additional irrigation allowed more intense agricultural production to occur while prime soils were being urbanized. This is no longer a viable option. We cannot expect the same kinds of yields nor to remain competitive in a global market if agriculture is pushed onto lower quality soils that require higher inputs." http://www.cfbf.com/issues/landuse/report1.cfm

[4] This and, unless otherwise referenced, all other figures in this comment letter are from AFT's 2006 report, *The Future Is Now: Central Valley Farmland at the Tipping Point*, cited above. Most of the raw data on

The inefficiency of development in Tulare County wouldn't be so problematic if the land being lost were not so highly productive. But 58 percent of all the land developed in Tulare during the 1990's – and 71 percent of that developed between 2000 and 2004 – was prime, unique or statewide important farmland. This is attributable to the fact that almost all of Tulare's cities, communities, hamlets and other developing areas are located in the midst of this high quality farmland. Indeed, 78 percent of all the land within current city spheres of influence in Tulare County is high quality farmland. Thus, as long as the existing cities and unincorporated communities in Tulare County continue to grow, it is unrealistic to suggest (as the GPU does) that a strategy of directing development away from high quality farmland can succeed. The only way to truly minimize the loss of the county's best farmland is to reduce the amount of this land consumed by each new resident.

If the current, inefficient development patterns continue, and the county's population grows by the 189,400 people the County's *General Plan Background Report* (at 2-40) predicts by 2025,[6] Tulare County will lose another 33,200 acres of farmland to urbanization – roughly doubling the current urban area of the county's cities. By contrast, about 50,900 (59%) of the 86,700 acres within the current city spheres of influence in Tulare County remain undeveloped. We have not been able to determine the amount of undeveloped land within community and hamlet urban development boundaries. But the developed area outside city spheres of influence (16,400 acres) represents about 31 percent of the developed area within them.[7] If we assume that these outlying areas are permitted to grow at roughly the same proportion as areas within spheres, it would suggest that an additional 15,800 acres could be available for development.[8] Thus, the total land now planned for urban growth appears to be as much as 66,700 acres – more than twice as much as would be needed to accommodate all development through 2025, even if its efficiency is not increased at all. On the other hand, if the efficiency of development were increased to the Valley-wide average of 8 people per acre, only 23,675 acres would be needed to accommodate growth through 2025; and if it were increased to 15 people per acre, roughly comparable to the prevailing average in the Bay Area and urban Southern California, only 12,625 acres would be needed – less than 20 percent of the land currently planned for development.

In summary, Tulare County and its cities are consuming more farmland per new resident than any other county in the Central Valley. They have earmarked far more land for development than is needed for growth through 2025, even if development does not become more efficient. And most of the land being developed, as well as that planned for development around existing cities and other communities, is of the highest quality for agriculture, making a strategy of avoiding high

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which that report relies is from the Farmland Mapping and Monitoring Program of the state Department of Conservation.

[5] For comparison, new development in the urban areas of the Bay Area and Southern California averaged 14 and 15 people per acre respectively in the 1990's.

[6] The report projects a population of 630,529 by 2025. A 2007 population estimate of 441,100 was obtained by interpolating the 2005 and 2010 data in Table 2-25, yielding a net increase of about 189,400.

[7] This does not include another 21,000 acres of existing "ranchette" development (rural residences on lots from 1 ½ to 20 acres, which are, needless to say, the most inefficient development of all.

[8] Estimated by multiplying the 31 percent of development outside spheres by the amount of available land within spheres (0.31 x 50,900 = 15,800).

quality farmland unrealistic. It is against this background that we evaluated the proposed general plan update.

Our Core Recommendation

- Our principal recommendation for improving the draft general plan is to incorporate policies and implementing mechanisms that will commit the county (and the cities within it) to making a concerted, systematic and good faith effort to increase the efficiency of development and thereby reduce overall per capita land consumption to the extent necessary to save a specific amount of high-quality farmland that would otherwise be developed by the year 2025. In this way – and perhaps only in this way – can the County actually implement its proposed policy of "minimiz[ing] the conversion of existing agricultural land ... associated with new development" (LU-1.8, Land Use Element, New Policy, GPR, 5-12) while enabling its cities and other communities to continue to grow.

Increasing development efficiency will also help achieve other smart growth goals that the County says it embraces, among them, reducing public service costs, traffic congestion and air pollution (including greenhouse gas emissions), and creating more economic opportunity for all communities. True economic opportunity for communities in Tulare County can be realized, we submit, without the unnecessary sacrifice of farmland. Indeed, wasting land on sprawling development is widely recognized to be a deterrent to true economic opportunity because of the excessive financial burdens in puts on growing communities.[9]

Critique of the Proposed General Plan Update

The proposed general plan update contains many lofty and laudable goals with respect to protecting farmland through smarter growth, among them:

- "The County will protect its agricultural economy while diversifying employment opportunities." Value Statement #1, *Goals and Policy Report* (GPR), A-1
- "Protect the county's agricultural uses ... from urban encroachment." Principle 3, Planning Framework, GPR, A-2
- "Preservation of productive agricultural lands shall be the highest priority when considering modifications (to urban development boundaries)." PF-2.2, Planning Framework, GPR, 2-6
- "The County shall maintain agriculture as the primary land use in the valley region of the county." AG-1.1, Agriculture Element, GPR, 4-3

[9] For example, AFT's report *Alternative Futures for California's Central Valley*, cited above, found that a continuation of current development patterns would result in 24% higher public service costs for municipalities than would the same amount of development that is roughly twice as efficient, making it less likely that adequate services could be provided. (Summary Report, at 12).

- "The County shall promote the preservation of its agricultural economic base and open space resources through ... identification of urban growth parameters for all urban areas located in the county." AG-1.7, Agriculture Element, GPR, 4-4

- "The County shall promote the principles of smart growth within UDBs and HDBs, including ... discouraging sprawl, urban infill and preserving open space." LU-1.1, Land Use Element, GPR, 5-12; and last but perhaps most importantly ...

- "The County shall encourage and provide incentives for infill development ... to maximize the use of land within existing urban areas, [and] minimize the conversion of existing agricultural land ... associated with new development. LU-1.8, Land Use Element, New Policy, GPR, 5-12.

We applaud these good intentions. But the ability of the County to achieve these goals will be made very difficult by several other key policy decisions reflected in the proposed GPU:

- New development is permitted in a large number of widely-scattered cities (8), unincorporated communities (19), hamlets (13), and an unspecified number of possible new towns (PF-2, GPR, 2-5; PF-3, GPR, 2-8; PF-5, GPR, 2-10);

- An exceedingly liberal policy of considering urban boundary expansions upon a simple request for subdivision approval, among other methods. (PF-2.2, GPR, 2-6; PF-3.2, GPR, 2-8). This is exacerbated by an illusory policy of allowing urban boundary expansions "only when ... non-agricultural lands are not reasonably available to the community," a condition that will almost always be met because nearly every community and hamlet in the county is surrounded by productive farmland.[10] (PF-4.6, GPR, 2-10)

- The designation of far more land within city spheres of influence and the urban development boundaries of unincorporated communities and hamlets than will be needed to accommodate the population in 2025 (see Factual Background, above).

All of these are open invitations to inefficient urban sprawl that is likely to consume far more agricultural land than is necessary to achieve the county's economic opportunity goals, sacrificing agricultural production, revenue, jobs and open space that could be saved if these policies were tightened. We suggest changes in each of these three policy decisions.

Permitting urban expansion merely through a subdivision proposal, really ought to be reconsidered. There appears to be no good reason for such a piecemeal approach to expansion, one that will be subject to political favoritism and likely to ignore cumulative impacts on farmland. The GPU offers several other, more comprehensive avenues for considering expansion that probably are not as subject to these pitfalls.

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[10] Similarly, the proposed new policy of "direct[ing] development away from valuable agricultural lands to cities, unincorporated communities and hamlets (LU-2.1, GPR, 5-15) appears to be completely ineffectual, given that practically all the undeveloped land in these settlements is productive agricultural land.

Permitting development in every existing community, large and small, and allowing adequate room for it to occur (as the first and third of the above policies do), appear to be unavoidable as long as the county is committed to promoting economic opportunity for all. But new towns should be carefully evaluated lest they divert economic opportunity away from existing communities and pose additional risks to agriculture as new magnets for development, land price inflation and potential land use conflicts. And the county should take stronger measures to assure that economic opportunity is not squandered by allowing development to consume more farmland and tax dollars than necessary.

One measure that is essential to preventing unnecessary, counterproductive farmland conversion in Tulare County, given the foregoing circumstances and policies, is the adoption of an explicit policy of minimizing conversion of the highest quality farmland and a mechanism by which to implement it in the only way that is likely to be effective: measure, track and reduce the total amount of farmland consumed by the 189,400 new residents the county will add by 2025.

The closest that the GPU appears to come to such a policy is in its conditions for supporting the expansion of city urban development boundaries:

> "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 an infill development program and *minimize conversion of productive agricultural lands*." (Emphasis added, PF-4.6, GPR, 2-10)

Again, the intention is praiseworthy, if limited in scope. But unless there is some way to measure how much land development is consuming, not just in the aggregate and after the fact, but in advance and in terms of the amount used on average for each new resident; and unless there are affirmative steps taken to try to decrease *per capita* land consumption; it is difficult to understand how any city could demonstrate the kind of good faith effort this policy seems to call for. Further, limiting the policy to the expansion of cities, in which the county has only an advisory role, inexplicably excludes the opportunity to minimize farmland conversion in cases where the county has direct approval authority over the expansion of unincorporated communities and hamlets and over the location and configuration of new towns.

Therefore, we propose that the County adopt the following policy (or a refinement thereof) as part of the general plan update. It is intended to supplement the other well-intentioned farmland protection policies in the GPU by providing a test that can be applied to future decisions about development to provide better information on which to base such decisions.

> **LU-1.x Efficient Development to Minimize Agricultural Land Conversion**
>
> The County shall promote efficient development that minimizes the conversion of agricultural land and other resources by adopting and applying Development Efficiency Targets in making future land use decisions affecting agricultural land. The County shall establish Targets for average residential density and commercial floor-to-area ratios (to be applied to public projects as well a private development), based on the amount of land to be dedicated to these uses, the projected population and the goal of limiting future

urbanization of agricultural and other open land within the County (including those portions within cities) to not more than 16,000 acres through the year 2025.[11]

The County shall use these Targets (and encourage cities to use them) to evaluate existing spheres of influence and urban development boundaries, existing zoning districts, rezoning petitions, community and specific plans, new town proposals, agreements with cities that would expand their spheres of influence or urban development boundaries, and all new development projects within the unincorporated area of the County that are not already part of a community or specific plan. Such evaluations shall include specific findings, to be made available to the general public, that quantify any deviation of the efficiency of the development that is or would be authorized from the applicable Development Efficiency Targets.

The County shall also identify obstacles to increasing the efficiency of urban development and shall adopt (and encourage cities to adopt) changes in policies, zoning, rules and incentives to enable and encourage all communities to meet Development Efficiency Targets.

This proposed policy would be relatively simple to implement[12] and would provide vital information for future land use decision making. It would not require any specific changes in local zoning or subdivision rules, though it could lay the foundation for graduated mitigation fees and other incentives to encourage more efficient development of farmland. What it ultimately would do is focus the attention of decision makers on the critical issue of development efficiency and, by making empirical information available to them and the public, encourage greater accountability for implementing the County policy of minimizing agricultural land conversion. If it is sincere about wanting to conserve farmland and protect agriculture, frankly, we see no good reason why the County would not want to adopt such a policy and implementing mechanisms.

We would welcome the opportunity to discuss our comments and recommendations with County planners, elected officials and others with an interest in conserving farmland and safeguarding the agricultural economy of Tulare County, while providing greater economic opportunity for all.

Respectfully,

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California Director
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ethompson@farmland.org

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[11] This implies an average development efficiency of about 12 people per acre over the period, double the current trend in Tulare County. It would save 25 square miles of farmland. Obviously, a less ambitious goal could be established, but we believe that what we propose is both realistic and worthwhile.

[12] We are incorporating as part of our comments a spreadsheet that begins to suggest a general approach to establishing Development Efficiency Targets and allows the County to substitute its own data for the sample data it contains. A printout of the sample data is on the next page.

Establishing Development Efficiency Targets:	
Comparison of Current Trend with Potential Gains in Efficiency	
Enter data into green cells only.	
Inputs	
Urban Population - Current	300,000
Total Area of Urban Footprint (Ac) - Current	50,000
Percentage of Community = Residential	75%
Population - Projected	490,000
Existing Conditions - Outputs	
Residential Acreage	37,500
Commercial/Other Acreage	12,500
People Per Acre (Gross)	6.0
People Per Acre (Net Residential)	8.0
Average DU/Ac (assume 3 people per household)	2.7
Commercial/Other Density (FAR) - Current	0.25
Improved Development Efficiency Goals	
Target Residential Density (PPA)	16.2
Equivalent Net DU/Ac	5.4
Target FAR	0.35
Current Trend Analysis	
Increase in Area of Residential Area	23,750
Increase in Area of Commercial/Other*	5,938
Total	29,688
Gross PPA for New Development	6.4
New Gross PPA	6.1
Improved Efficiency Alternative Analysis	
Increase in Residential Area (at Target Density)	11,761
Increase in Commerical/Other Area (at Target FAR)*	4,241
Total	16,002
Gross PPA for New Development	11.9
New Gross PPA	7.4
Total Land Saved by Meeting Targets	13,685
Percentage of Land Saved	46%
Proportion due to Residential	88%
Proportion due to Commercial/Other	14%
Increase in Gross Residential Density	102%
* Assumes same pct of footprint is commercial/other in future.	

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Letter I13

CRPE
CENTER ON RACE, POVERTY AND THE ENVIRONMENT
47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8703
1302 JEFFERSON STREET, SUITE 2, DELANO, CA 93215 TEL 661-720-9140 FAX 661-720-9483

May 26, 2010

Via Hand Delivery

Dave Bryant
Div. Manager - Special Projects
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Re: Comments on Revised Draft Environmental Impact Report for Tulare County General Plan Update (SCN#2006041162)

Dear Mr. Bryant:

Please find attached, the community comment letter which the Center for Biological Diversity, the Center on Race, Poverty & the Environment, and the Community Water Center incorporated by reference into their joint comments on the Revised Draft Environmental Impact Report. Three hundred, ninety-one community residents from six unincorporated communities signed onto the letter. I13-1

Thank you for considering the communities' concerns.

Sincerely,

Caroline Farrell
Acting Executive Director

CRPE
CENTER ON RACE, POVERTY & THE ENVIRONMENT
47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8723 WWW.CRPE-EJ.ORG

Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Estimada Agencia de administración de Recursos:

Nosotros, los que abajo firmamos residentes de comunidades no incorporadas del Condado de Tulare, estamos preocupados que el Condado continua en dejar nuestras comunidades afuera en su actualización del plan general. El Condado continua prioritizando nuevos desarrollos e ignorando a residentes existentes que viven en comunidades no incorporadas. I13-2

Desde que la revisión del Plan General comenzó hace algunos años, hemos trabajado activamente con otros residentes para mejorar nuestras comunidades. Al mismo tiempo que estamos motivados, necesitamos que el Condado use su influencia, recursos y experiencia para que aproveche todas las oportunidades para hacer las mejoras necesarias. El Condado debe crear políticas que den prioridad a nuestras comunidades en ves de enfocar en influenciar para obtener recursos para mejorar áreas incorporadas que ya tienen recursos. Nosotros urgimos al Condado que adopte políticas y medidas de implementación para tratar nuestras necesidades a largo plazo y también en corto plazo. I13-3

Primero, el Condado debe desarrollar un sistema de transportacion que cobra las diferecias entre comunidades, poblados y lugares. Comunidades como Plainview, West Goshen, Tooleville y Allensworth estan dentro del area de influencia o incluyendo son parte de otras comunidades–Strathmore, Goshen, Exeter, y Earlimart, respectibamente. El Condado debe que todas las areas del Condado tienen recursos disponibles para hacer las mejoras identificadas por los residentes afectados, incluyendo fondos y oportunidades para participación publica. I13-4

Segundo, El Condado debe crear un sistema de circulacion que permita a los residents de las comunidades viajar seguros, minimizar los danos a carros y caminos causados por camiones grandes, e incrementar opciones de transporte publico para comunidades rurales a hacia los servicios que necesitan en el Condado. Estas politicas deben tomar en cuenta peatones al igual que vehículos y proveer oportunidades para que todos compartan los caminos de manera segura. Una manera especifica de aumentar la seguridad para los ninos de escuela es designar lugares cubiertos para paradas de autobuses escolares en comunidades rurales. I13-5

Tercero, El Condado deveria integrar su Plan General actualizado con su Elemento de Vivienda actualizado para aseguara que hay un plan comprencivo cubriendo todas las necesidades de las comunidades. Por ejemplo, el Condado puede cunvertir lotes vacios en parques o centros comunitarios y promover jardines comunitarios. Ademas, el Condado deveria incentivar projectos de vivienda para campesinos que no diferencie entre trabajadores documentados y no documentados para que se asegure que las viviendas son usadas para los propositos intentado. I13-6

Page #2

Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nosotros continuaremos buscando más oportunidades para trabajar con el Condado para mejorar y desarrollar nuestras comunidades, poblados y lugares para cubrir las necesidades de los residentes existentes y futuros. I13-7

Nombre: JERRY MC CASKILL Comunidad STRATHMORE
Nombre: Jose Guerrero Comunidad STRATHMORE
Nombre: Jose Lauredo Comunidad STRATHMORE
Nombre: Pedro Manic Comunidad Strathmore
Nombre: Maria Villarreal Comunidad Strathmore
Nombre: Toni Corbus Comunidad Strathmore
Nombre: Mario Gonzalez Comunidad strathmore
Nombre: Michael Mckinley Comunidad STRATHMORE CA
Nombre: Agustin Zavala Comunidad Strathmore CA
Nombre: Jorge Zavala Comunidad Strathmore
Nombre: Vanessa Salomon Comunidad Strathmore CA
Nombre: Cupertino Cisneros Comunidad Strathmore CA.
Nombre: Veronica Cisneros Comunidad Strathmore
Nombre: Fabiola Cisneros Comunidad ROBERTO Cisneros
Nombre: Juan B Cisneros Comunidad Leopolde-Rivera
Nombre: Rosario Cisneros Comunidad
Nombre: Oscar Rojas Cisneros Comunidad
Irene Hernandez Strathmore
Esmeralda Macias Strathmore

2

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Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nombre: _____ Comunidad Strathmore

Nombre: _____ Comunidad Strathmore

Nombre: _____ Comunidad Strathmore

Nombre: _____ Comunidad Strathmore

Nombre: _____ Comunidad STRATHMORE

Nombre: _____ Comunidad Strathmore

Nombre: _____ Comunidad Porvsville

Nombre: JAFierorozco Comunidad Rexes

Nombre: ADRIAN CAMARENA Comunidad CA

Nombre: Jose Herrera Comunidad J Strathmore

Nombre: _____ Comunidad STRATHMORE

Nombre: _____ Comunidad STRATHMORE

Nombre: Manuel Lopez Comunidad Strathmore

Nombre: Isabel Bogan Comunidad STRATHMORE

Nombre: Evicci Mendez Comunidad Strathmore

Nombre: Carmen Ramirez Comunidad

Nombre: Cecilia Ruiz Comunidad Strathmore

Nombre: Veronica Baeza Comunidad Strathmore

Nombre: Roberto Juan deDios Comunidad Strathmoe

Nombre: Leandez Manzo Comunidad STRATHMORE

Darrin Watson Strathmore

Eduardo CASTRO Strathmore[3]

Felicitas Negrete Strathmore

Manuel Negrete

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Mayo 8, 2010

Resource Management Agency
Tulare County
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Nombre: Vicente Juan de Dios Comunidad Strathmore
Nombre: PEDRO MANZO Comunidad STRATHMORE
Nombre: Alma Juan de dios Comunidad Strathmore
Nombre: Efren Martinez Comunidad Strathmore
Nombre: Lolardes Martinez Comunidad Strathmore
Nombre: Celia Martinez Comunidad Strathmore
Nombre: Guadalupe Herrera Comunidad Strathmore
Nombre: Juan Martinez Comunidad Strathmore
Nombre: Griselda Ceballos Comunidad Strathmore
Nombre: [illegible] Comunidad STRATHMOREMORE
Nombre: [illegible] Comunidad Strathmore
Nombre: ANDRES MORENO Comunidad
Nombre: Ricardo Baltazar Comunidad Strathmore
Nombre: [illegible] Comunidad
Nombre: [illegible] Comunidad Strathmore
Nombre: [illegible] Comunidad STRATHMORE
Nombre: [illegible] Comunidad STRATHMORE
Nombre: [illegible] Comunidad STRATHMORE
Nombre: [illegible] Comunidad Strathmore
Nombre: San Juana Meza Comunidad
Nombre: JOSE ALVAREZ Comunidad

Linette Chapa Strathmore

4

Letter I13

CRPE
CENTER ON RACE, POVERTY & THE ENVIRONMENT
47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8723 WWW.CRPE-EJ.ORG

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Dear Resource Management Agency:

We, the undersigned residents of unincorporated Tulare County, are concerned that the County is continuing to leave our communities behind in its General Plan Update. The County continues to prioritize new development and ignore existing residents living in unincorporated communities. I13-8

Since the General Plan Update began several years ago, we have been actively working with other residents to improve our communities. While we are very motivated, we need the County to use its influence, resources and expertise to take advantage of every opportunity to make necessary improvements. The County must create policies that prioritize our communities rather than focus on leveraging resources to improve already resourced incorporated areas. We urge the County to adopt policies and implementation measures to address our needs over the long-term and over the short-term. I13-9

First, the County must develop a transparent system of differentiating between communities, hamlets and places. Communities such as Plainview, West Goshen, Tooleville and Allensworth are within the sphere of influence or even part of other communities –Strathmore, Goshen, Exeter, and Earlimart, respectively. The County should ensure that all areas of the County have resources available to make the improvements identified by affected residents, including funding and public participation opportunities. I13-10

Second, the County must create a circulation system that allows community residents to travel safely, minimize road and car damage from large trucks, and increase public transit options from rural communities to the services they need throughout the County. These policies must take into account pedestrians as well as vehicles and provide opportunities for all to share the roads safely. One specific way to increase safety for school children is to designate a sheltered school bus stop in rural communities. I13-11

Third, the County should integrate their General Plan Update and their Housing Element Update to ensure there is a comprehensive plan addressing all the community's needs. For example, the County can convert vacant lots into parks or community centers and promote community gardens. Further, the County should incentivize farmworker housing projects that do not differentiate between documented and undocumented workers in order to ensure that the housing is used for its intended purposes. I13-12

Page #2

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

We continue to seek further opportunities to work with the County to improve and develop our communities, hamlets and places in order to meet the needs of existing and future residents. I13-13

Name: Debra Noble	Community: allensworth
Name: Nettie Morrison	Community: Allensworth
Name: KAYODE F. KADARA	Community: ALLENSWORTH
Name: DENISE KADARA	Community: ALLENSWORTH
Name: ROBERT E. RILEY	Community: ALLENSWORTH
Name: Steve Noble	Community: Allensworth
Name: Diana Logan	Community: Allensworth Church
Name: Maudine Winters	Community: Allensworth Church
Name: Isaac Garcia	Community: allensworth
Name: Regina Santos	Community: allensworth
Name: Joyce Pruit	Community: Allensworth Church Membe
Name: [signature]	Community: Allensworth Church member
Name: [illegible]	Community: Allensworth
Name: [signature]	Community: Allensworth
Name: Andrea Baiala	Community: Allensworth
Name: Carnell L. Montgomery, JR.	Community: Allensworth representative
Name: RODNEY PORTER	Community: ALLENSWORTH (NEW HERE)

Page #3

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Name: Violet Peres	Community: allensworth Church
Name: Anna Garcia	Community: allensworth Church
Name: Freddie Peres	Community: allensworth Church
Name: [signature]	Community: Allensworth, CA
Name: [signature]	Community: ALLENSWORTH
Name: Valeria Contreras	Community: Allensworth.
Name: Jeronimo Contreras.	Community: Allensworth.
Name: JOHN POPE	Community: ALLENSWORTH
Name: Merry Galanin	Community: ALLENSWORTH
Name: [signature]	Community: Allensworth Property Owner
Name: GUADALUPE RODRIGUEZ III	Community: ALLENSWORTH
Name: Jose Gonzales Jr.	Community: ALLENSWORTH
Name: Ofelia Gonzales Bravo	Community: ALLENSWORTH
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:

Letter I13

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Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Estimada Agencia de administración de Recursos:

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Desde que la revisión del Plan General comenzó hace algunos años, hemos trabajado activamente con otros residentes para mejorar nuestras comunidades. Al mismo tiempo que estamos motivados, necesitamos que el Condado use su influencia, recursos y experiencia para que aproveche todas las oportunidades para hacer las mejoras necesarias. El Condado debe crear políticas que den prioridad a nuestras comunidades en ves de enfocar en influenciar para obtener recursos para mejorar áreas incorporadas que ya tienen recursos. Nosotros urgimos al Condado que adopte políticas y medidas de implementación para tratar nuestras necesidades a largo plazo y también en corto plazo. I13-15

Primero, el Condado debe desarrollar un sistema de transportacion que cobra las diferecias entre comunidades, poblados y lugares. Comunidades como Plainview, West Goshen, Tooleville y Allensworth estan dentro del area de influencia o incluyendo son parte de otras comunidades–Strathmore, Goshen, Exeter, y Earlimart, respectibamente. El Condado debe que todas las areas del Condado tienen recursos disponibles para hacer las mejoras identificadas por los residentes afectados, incluyendo fondos y oportunidades para participación publica. I13-16

Segundo, El Condado debe crear un sistema de circulacion que permita a los residents de las comunidades viajar seguros, minimizar los danos a carros y caminos causados por camiones grandes, e incrementar opciones de transporte publico para comunidades rurales a hacia los servicios que necesitan en el Condado. Estas politicas deben tomar en cuenta peatones al igual que vehículos y proveer oportunidades para que todos compartan los caminos de manera segura. Una manera especifica de aumentar la seguridad para los ninos de escuela es designar lugares cubiertos para paradas de autobuses escolares en comunidades rurales. I13-17

Tercero, El Condado deveria integrar su Plan General actualizado con su Elemento de Vivienda actualizado para aseguara que hay un plan comprencivo cubriendo todas las necesidades de las comunidades. Por ejemplo, el Condado puede cunvertir lotes vacios en parques o centros comunitarios y promover jardines comunitarios. Ademas, el Condado deveria incentivar projectos de vivienda para campesinos que no diferencie entre trabajadores documentados y no documentados para que se asegure que las viviendas son usadas para los propositos intentado. I13-18

Page #2

Mayo 8, 2010

Resource Management Agency
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Nosotros continuaremos buscando más oportunidades para trabajar con el Condado para mejorar y desarrollar nuestras comunidades, poblados y lugares para cubrir las necesidades de los residentes existentes y futuros. I13-19

Nombre: Blandina Munoz Comunidad Allensworth
Nombre: Pastor Herrera Comunidad Allensworth
Nombre: Laura Diaz Comunidad Allensworth
Nombre: Samuel Nuno Comunidad Allensworth
Nombre: Salvina Villagrano Comunidad Allensworth
Nombre: Victor Villagrano Comunidad Allensworth
Nombre: Jose G Diaz Comunidad Allensworth
Nombre: Mercy Galaviz Comunidad Allensworth
Nombre: Margarita Gonzales Comunidad Allensworth
Nombre: Valentin Gonzales Comunidad Allensworth
Nombre: Rigoberto Gonzales Comunidad Allensworth
Nombre: Francisco Tamayo Comunidad Allensworth
Nombre: Salude Corona Comunidad Allensworth
Nombre: Joseluis martines Comunidad Allensworth
Nombre: Maria Martines Comunidad Allensworth
Nombre: Comunidad
Nombre: Comunidad

Letter I13

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CENTER ON RACE, POVERTY & THE ENVIRONMENT
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Mayo 8, 2010

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Desde que la revisión del Plan General comenzó hace algunos años, hemos trabajado activamente con otros residentes para mejorar nuestras comunidades. Al mismo tiempo que estamos motivados, necesitamos que el Condado use su influencia, recursos y experiencia para que aproveche todas las oportunidades para hacer las mejoras necesarias. El Condado debe crear políticas que den prioridad a nuestras comunidades en ves de enfocar en influenciar para obtener recursos para mejorar áreas incorporadas que ya tienen recursos. Nosotros urgimos al Condado que adopte políticas y medidas de implementación para tratar nuestras necesidades a largo plazo y también en corto plazo. I13-21

Primero, el Condado debe desarrollar un sistema de transportacion que cobra las diferecias entre comunidades, poblados y lugares. Comunidades como Plainview, West Goshen, Tooleville y Allensworth estan dentro del area de influencia o incluyendo son parte de otras comunidades–Strathmore, Goshen, Exeter, y Earlimart, respectibamente. El Condado debe que todas las areas del Condado tienen recursos disponibles para hacer las mejoras identificadas por los residentes afectados, incluyendo fondos y oportunidades para participación publica. I13-22

Segundo, El Condado debe crear un sistema de circulacion que permita a los residents de las comunidades viajar seguros, minimizar los danos a carros y caminos causados por camiones grandes, e incrementar opciones de transporte publico para comunidades rurales a hacia los servicios que necesitan en el Condado. Estas politicas deben tomar en cuenta peatones al igual que vehículos y proveer oportunidades para que todos compartan los caminos de manera segura. Una manera especifica de aumentar la seguridad para los ninos de escuela es designar lugares cubiertos para paradas de autobuses escolares en comunidades rurales. I13-23

Tercero, El Condado deveria integrar su Plan General actualizado con su Elemento de Vivienda actualizado para aseguara que hay un plan comprencivo cubriendo todas las necesidades de las comunidades. Por ejemplo, el Condado puede cunvertir lotes vacios en parques o centros comunitarios y promover jardines comunitarios. Ademas, el Condado deveria incentivar projectos de vivienda para campesinos que no diferencie entre trabajadores documentados y no documentados para que se asegure que las viviendas son usadas para los propositos intentado. I13-24

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Mayo 8, 2010

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Tulare County
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Visalia, CA

Nosotros continuaremos buscando más oportunidades para trabajar con el Condado para mejorar y desarrollar nuestras comunidades, poblados y lugares para cubrir las necesidades de los residentes existentes y futuros. I13-25

Nombre:	Lupita [illegible]	Comunidad	Ducor
Nombre:	Yazmin García	Comunidad	Ducor
Nombre:	Armando Tirso	Comunidad	Ducor
Nombre:	Jenny Ramos	Comunidad	Ducor
Nombre:	Susana Mendoza	Comunidad	DUCOR
Nombre:	Aldo Sanchez	Comunidad	Ducor
Nombre:	Judith Uribe	Comunidad	Ducor
Nombre:	Reynaldo García	Comunidad	Ducor
Nombre:	Blanca F de García	Comunidad	Ducor
Nombre:	Alberto Madrigal	Comunidad	Ducor
Nombre:	Pedro Rodrigez	Comunidad	Ducor
Nombre:	Jose Gonzales	Comunidad	Ducor
Nombre:	Leonor Cabrera	Comunidad	Ducor
Nombre:	Jreicy Lizarraga	Comunidad	DUCOR
Nombre	Cesar Lizarraga	Comunidad	DUCOR
Nombre:	Yankani Lizarraga	Comunidad	DUCOR
Nombre:	Cesar Lizarraga	Comunidad	DUCOR

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Mayo 8, 2010

Resource Management Agency
Tulare County
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Nombre: Rafael cerda Comunidad DUCOR
Nombre: MARTHA cerda Comunidad DUCOR
Nombre: Jorge cerda Comunidad DUCOR
Nombre: maribel cerda Comunidad DUCOR
Nombre: Eduardo cerda Comunidad DUCOR
Nombre: RUTH M. MARTINEZ Comunidad DUCOR
Nombre: SIMITRIO RAMOS Comunidad DUCOR
Nombre: FERNANDO BECERRA Comunidad DUCOR
Nombre: MARISELA BECERRA Comunidad DUCOR
Nombre: OLIVA SIERRA Comunidad DUCOR
Nombre: GUADALUPE SIERRA Comunidad DUCOR
Nombre: JESUS SIERRA Comunidad DUCOR
Nombre: IVAN SIERRA Comunidad DUCOR
Nombre: ANDRES SIERRA Comunidad DUCOR
Nombre: REYNA BECERRA Comunidad DUCOR
Nombre: PEDRO MACIEL Comunidad DUCOR
Nombre: JUANA TORRES Comunidad DUCOR
Nombre: ESTELLA GONZALES Comunidad DUCOR
Nombre: ADALBERTO VASQUEZ Comunidad DUCOR
Nombre: MARINZ DELACRUZ Comunidad DUCOR

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Mayo 8, 2010

Resource Management Agency
Tulare County
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Visalia, CA

Nombre:	MARIA ANDRADE	Comunidad	DUCOR
Nombre:	MARIA LOPEZ	Comunidad	DUCOR
Nombre:	ISAIAS RAYA	Comunidad	DUCOR
Nombre:	MARIA LUCIO	Comunidad	DUCOR
Nombre:	APOLONIO LUCIO	Comunidad	DUCOR
Nombre:	LEON ELIZONDO	Comunidad	DUCOR
Nombre:	JOSE RICO	Comunidad	DUCOR
Nombre:	JORGE AVILA	Comunidad	DUCOR
Nombre:	RAMIRO AUILA	Comunidad	DUCOR
Nombre:	MAXIMILIANO MONTANO	Comunidad	DUCOR
Nombre:	RUBEN RODRIGUEZ	Comunidad	DUCOR
Nombre:	MARTHA ALANIS	Comunidad	DUCOR
Nombre:	JESUS DE LA CRUZ	Comunidad	DUCOR
Nombre:	SALVADOR BECCERRA	Comunidad	DUCOR
Nombre:	IGNACIO CEJA	Comunidad	DUCOR
Nombre:	HORTENCIA JUAREZ	Comunidad	DUCOR
Nombre:	JUAN PEREZ	Comunidad	DUCOR
Nombre:	TERESA AUILA	Comunidad	DUCOR
Nombre:	JOSE MEDINA	Comunidad	DUCOR
Nombre:	JOSE CANTU	Comunidad	DUCOR
Nombre:	RAUL PARTIDA	Comunidad	DUCOR

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Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nombre:	FRANK HERNANDEZ	Comunidad	DUCOR
Nombre:	DAVID LUCIO	Comunidad	DUCOR
Nombre:	JORGE SAAVEDRA	Comunidad	DUCOR
Nombre:	JOSE L CHAVEZ	Comunidad	DUCOR
Nombre:	RUDY GARZA	Comunidad	DUCOR
Nombre:	FRACISCO VASQUEZ	Comunidad	DUCOR
Nombre:	MARY RAMIREZ	Comunidad	DUCOR
Nombre:	CAROLINA MACIAS	Comunidad	DUCOR
Nombre:	JAVIER POMPA	Comunidad	DUCOR
Nombre:	DANIEL LUCIO	Comunidad	DUCOR
Nombre:	RIGOBERTO GOVEA	Comunidad	DUCOR
Nombre:	ISAIAS HERNANDEZ	Comunidad	DUCOR
Nombre:	ELOISA POMPA	Comunidad	DUCOR
Nombre:	MARIA VALDEZ	Comunidad	DUCOR
Nombre:	RAFAEL MIRELES	Comunidad	DUCOR
Nombre:	RENE BERRONES	Comunidad	DUCOR
Nombre:	FACUNDO RODRIGUEZ	Comunidad	DUCOR
Nombre:	MARCOS VILLANUEVA	Comunidad	DUCOR
Nombre:	JUAN LOPEZ	Comunidad	DUCOR
Nombre:	ANDREA RODRIGUEZ	Comunidad	DUCOR

Page #2

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

We continue to seek further opportunities to work with the County to improve and develop our communities, hamlets and places in order to meet the needs of existing and future residents. I13-26

Name: MARIA CASTRO	Community: Ducor
Name: OSCAR LUNA	Community: Ducor
Name: LUKE VIGIL	Community: Ducor
Name: DANIEL VIGIL	Community: Ducor
Name: ALONZO DAVILA	Community: Ducor
Name: ISMAEL AVILA	Community: Ducor
Name: EDELMIRA ORTIZ	Community: Ducor
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:

Letter I13

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CENTER ON RACE, POVERTY & THE ENVIRONMENT
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Mayo 8, 2010

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Mooney Blvd.
Visalia, CA

Estimada Agencia de administración de Recursos:

Nosotros, los que abajo firmamos residentes de comunidades no incorporadas del Condado de Tulare, estamos preocupados que el Condado continua en dejar nuestras comunidades afuera en su actualización del plan general. El Condado continua prioritizando nuevos desarrollos e ignorando a residentes existentes que viven en comunidades no incorporadas. I13-27

Desde que la revisión del Plan General comenzó hace algunos años, hemos trabajado activamente con otros residentes para mejorar nuestras comunidades. Al mismo tiempo que estamos motivados, necesitamos que el Condado use su influencia, recursos y experiencia para que aproveche todas las oportunidades para hacer las mejoras necesarias. El Condado debe crear políticas que den prioridad a nuestras comunidades en ves de enfocar en influenciar para obtener recursos para mejorar áreas incorporadas que ya tienen recursos. Nosotros urgimos al Condado que adopte políticas y medidas de implementación para tratar nuestras necesidades a largo plazo y también en corto plazo. I13-28

Primero, el Condado debe desarrollar un sistema de transportacion que cobra las diferecias entre comunidades, poblados y lugares. Comunidades como Plainview, West Goshen, Tooleville y Allensworth estan dentro del area de influencia o incluyendo son parte de otras comunidades–Strathmore, Goshen, Exeter, y Earlimart, respectibamente. El Condado debe que todas las areas del Condado tienen recursos disponibles para hacer las mejoras identificadas por los residentes afectados, incluyendo fondos y oportunidades para participación publica. I13-29

Segundo, El Condado debe crear un sistema de circulacion que permita a los residents de las comunidades viajar seguros, minimizar los danos a carros y caminos causados por camiones grandes, e incrementar opciones de transporte publico para comunidades rurales a hacia los servicios que necesitan en el Condado. Estas politicas deben tomar en cuenta peatones al igual que vehículos y proveer oportunidades para que todos compartan los caminos de manera segura. Una manera especifica de aumentar la seguridad para los ninos de escuela es designar lugares cubiertos para paradas de autobuses escolares en comunidades rurales. I13-30

Tercero, El Condado deveria integrar su Plan General actualizado con su Elemento de Vivienda actualizado para aseguara que hay un plan comprencivo cubriendo todas las necesidades de las comunidades. Por ejemplo, el Condado puede cunvertir lotes vacios en parques o centros comunitarios y promover jardines comunitarios. Ademas, el Condado deveria incentivar projectos de vivienda para campesinos que no diferencie entre trabajadores documentados y no documentados para que se asegure que las viviendas son usadas para los propositos intentado. I13-31

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Mayo 8, 2010

Tooleville

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nosotros continuaremos buscando más oportunidades para trabajar con el Condado para mejorar y desarrollar nuestras comunidades, poblados y lugares para cubrir las necesidades de los residentes existentes y futuros. I13-32

Nombre: Eunice Martinez Comunidad Tooleville
Nombre: Manuel Martinez Comunidad
Nombre: Leo Martinez Comunidad
Nombre: Jose Luis Madera Comunidad
Nombre: Gloria Madera Comunidad
Nombre: Gregorio Cervas Comunidad
Nombre: Rosa Hurtado Comunidad
Nombre: Abel Hurtado Comunidad
Nombre: Rene Hurtado Comunidad
Nombre: Laura Rea Comunidad
Nombre: Jose C. Rubio Comunidad
Nombre: Jose Madera Comunidad
Nombre: Alma Hurtado Comunidad
Nombre: Carlos Hurtado Comunidad
Nombre: Maria Garcia Comunidad
Nombre: Valeriana alvarado Comunidad
Nombre: Griselda alvarado Comunidad

2

Page #2

May 8, 2010

Tooleville

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

We continue to seek further opportunities to work with the County to improve and develop our communities, hamlets and places in order to meet the needs of existing and future residents. I13-33

Name: Patricia A Millsap	Community: Tooleville
Name: Naomi J. Noell	Community: Exeter
Name: James Enlor	Community: Tooleville
Name: Cynthia Newton-Enlor	Community: Tooleville
Name: James M-Enlor	Community: Tooleville
Name:	Community:
Name:	Community:
Name:	Community:
Name:	Community:
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Name:	Community:

Page #3

Mayo 8, 2010

Resource Management Agency
Tulare County
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Nombre: Jorge alvarado Comunidad Tooleville

Nombre: Jorge Jr Alvarado Comunidad

Nombre: Imelda Alvarado Comunidad

Nombre: Rosalva Munoz Comunidad

Nombre: Gomercindo Martinez Comunidad

Nombre: Amanda Martinez Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

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Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Nombre: Comunidad

Letter I13

CRPE
CENTER ON RACE, POVERTY & THE ENVIRONMENT
47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8723 WWW.CRPE-EJ.ORG

Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Estimada Agencia de administración de Recursos:

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Desde que la revisión del Plan General comenzó hace algunos años, hemos trabajado activamente con otros residentes para mejorar nuestras comunidades. Al mismo tiempo que estamos motivados, necesitamos que el Condado use su influencia, recursos y experiencia para que aproveche todas las oportunidades para hacer las mejoras necesarias. El Condado debe crear políticas que den prioridad a nuestras comunidades en ves de enfocar en influenciar para obtener recursos para mejorar áreas incorporadas que ya tienen recursos. Nosotros urgimos al Condado que adopte políticas y medidas de implementación para tratar nuestras necesidades a largo plazo y también en corto plazo. I13-35

Primero, el Condado debe desarrollar un sistema de transportacion que cobra las diferecias entre comunidades, poblados y lugares. Comunidades como Plainview, West Goshen, Tooleville y Allensworth estan dentro del area de influencia o incluyendo son parte de otras comunidades–Strathmore, Goshen, Exeter, y Earlimart, respectibamente. El Condado debe que todas las areas del Condado tienen recursos disponibles para hacer las mejoras identificadas por los residentes afectados, incluyendo fondos y oportunidades para participación publica. I13-36

Segundo, El Condado debe crear un sistema de circulacion que permita a los residents de las comunidades viajar seguros, minimizar los danos a carros y caminos causados por camiones grandes, e incrementar opciones de transporte publico para comunidades rurales a hacia los servicios que necesitan en el Condado. Estas politicas deben tomar en cuenta peatones al igual que vehículos y proveer oportunidades para que todos compartan los caminos de manera segura. Una manera especifica de aumentar la seguridad para los ninos de escuela es designar lugares cubiertos para paradas de autobuses escolares en comunidades rurales. I13-37

Tercero, El Condado deveria integrar su Plan General actualizado con su Elemento de Vivienda actualizado para aseguara que hay un plan comprencivo cubriendo todas las necesidades de las comunidades. Por ejemplo, el Condado puede cunvertir lotes vacios en parques o centros comunitarios y promover jardines comunitarios. Ademas, el Condado deveria incentivar projectos de vivienda para campesinos que no diferencie entre trabajadores documentados y no documentados para que se asegure que las viviendas son usadas para los propositos intentado. I13-38

Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nosotros continuaremos buscando más oportunidades para trabajar con el Condado para mejorar y desarrollar nuestras comunidades, poblados y lugares para cubrir las necesidades de los residentes existentes y futuros. I13-39

Nombre: Silveria Vivar Comunidad Plainview
Nombre: Jesus Sanchez Comunidad Plain View
Nombre: Eva Zavala Comunidad plainview
Nombre: Jose Zavala Comunidad Plainview
Nombre: Jesus Zavala Comunidad plainview
Nombre: Josefina Moreno Comunidad plainview
Nombre: Roberto Andrade Comunidad plainview
Nombre: Emma Torres Comunidad Plainview
Nombre: Jabier Baca Comunidad Plainview
Nombre: Francisco Barrientos Comunidad Plainview
Nombre: Flora Aguilar Comunidad Plainview
Nombre: Marlene Trujillo Comunidad Plainview
Nombre: Julia Marchbanks Comunidad Plainview
Nombre: Maria V. Aguilar Comunidad Strathmore Plainview
Nombre: Santos Lara Comunidad Plainview
Nombre: Jose Zavala Comunidad Plainview
Nombre: Robert Valle Comunidad Plainview

Mayo 8, 2010

Resource Management Agency
Tulare County
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Nombre: Dickie M. Cavazos	Comunidad Plainview
Nombre: David Cavazos Jr.	Comunidad Plainview
Nombre: Sara Cavazos	Comunidad Plainview
Nombre: David Cavazos Sr.	Comunidad Plainview
Nombre: JUANITA CHAPA	Comunidad Plainview
Nombre: JULIAN CHAPA	Comunidad Plainview
Nombre: JUAN CAVAZOS	Comunidad Plainview
Nombre: DANIEL MARTINEZ	Comunidad Plainview
Nombre: FERNANDO MARTINEZ	Comunidad Plainview
Nombre: Maria Chavez	Comunidad Plainview
Nombre: Maria D. Delgadillo	Comunidad Plainview.
Nombre: [illegible]	Comunidad Plainview
Nombre: Raymond Velazquez	Comunidad Plainview
Nombre: Maria Acevedo	Comunidad Plainview
Nombre:	Comunidad
Nombre:	Comunidad
Nombre:	Comunidad
Nombre:	Comunidad
Nombre:	Comunidad
Nombre:	Comunidad

All signed
5-21-10

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Name: FILIBERTO CORTES	Community: Plainview
Name: Elizabeth Sanchez	Community: Plainview
Name: Socorro Oseguera	Community: plainview
Name: Efrain Topete	Community: plainview
Name: Juan Topete	Community: plainview
Name: JAYLEEN LEMUS	Community: Plainview
Name: Vicente Madrigal	Community: Plainview
Name: Jesus Madrigal	Community: Plainview
Name: Adolfo Madrigal	Community: Plainview
Name: Pedro Ramos	Community: Plainview
Name: Edilberto Barajas	Community: Plainview
Name: Teresa Lopez	Community: Plainview
Name: Maria Madrigal	Community: Plainview
Name: Jorge Mena	Community: Plainview
Name: Jorge HART	Community: Plainview
Name: Juanita HART	Community: Plainview
Name: Sagrario Jimenez	Community: Plainview
Name: AGUSTIN LOPEZ	Community: Plainview
Name: ANSELMO Venegas	Community: Plainview
Name: Agustin Lopez	Community: Plainview

Letter I13

All signed 5-21-10

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May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Name: Juan Garcia	Community: Plainview
Name:	Community: Plainview
Name:	Community: Plainview
Name: Raul Torres	Community: Plainview
Name: Imelda Ochoa	Community: Plainview
Name: Armando Magana	Community: Plainview
Name: Marta Ruiz	Community: 46969 Plainview
Name: Primitivo moreno	Community: Plainview
Name: Norteneia chacon	Community: Painview
Name: Serafin moreno	Community: Painview
Name:	Community: Robertomoreno
Name: Juan Moreno	Community: Plainview
Name: Boff Valencia	Community: plainview
Name: anastasia Salas	Community: Plainview
Name: MUNGUIA IGNACIO	Community: Plainview
Name: Jimi Gutierrez	Community: Plainview
Name: Evangelina	Community: plainview
Name: Eva Gutierrez	Community: Plainview
Name: FRANCISCO MARTINEZ	Community: PLAINVIEW
Name: Jorge Martinez	Community: PLAINVIEW
Name Candelario munguia	Community PLAINVIEW
Name Virginia Martinez	Community PLAINVIEW
Name Gisela Martinez	Community PLAINVIEW

All signed
5-21-10

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

We continue to seek further opportunities to work with the County to improve and develop our communities, hamlets and places in order to meet the needs of existing and future residents. I13-40

Name: Martha Martinez	Community: Plainview
Name: Virginia Lemus	Community: plainview
Name: Domitila Lemus	Community: Plain View
Name: MARIA AGUILAR	Community: plainview
Name: Maira Chavez	Community: Plainview
Name: Margarita Valencia	Community: Plainview
Name: Paula Martinez Garcia	Community: Planview
Name: Guadalupe Mungia	Community: plainview
Name: Juan A. V	Community: Plainview
Name: RICK EMSHOFF	Community: RANVIEW
Name: Laura Valle	Community: Plainview
Name: Maria Real	Community: Pianview
Name: Dalia Real	Community: Pianview
Name: Amirada Barrera	Community: Plainview
Name: NORMA NUÑEZ	Community: Plainview
Name: David Garcia	Community: Plainview
Name: Maria Flor	Community: Plainview

Letter I13

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Mayo 8, 2010

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Mayo 8, 2010

Resource Management Agency
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Visalia, CA

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Nombre: Gumesinda Lopez Comunidad
Nombre: Anselmo López Comunidad Toni Ville
Nombre: miguel Lopez Comunidad Tony ville
Nombre: Gisela Lopez Comunidad Tony Ville
Nombre: [illegible] Comunidad Tony Ville
Nombre: Patricia Iniguez Comunidad Tonyville
Nombre: David Iniguez Comunidad Tonyville
Nombre: Veronica Iniguez Comunidad Tonyville
Nombre: Leslie Iniguez Comunidad Tonyville
Nombre: Maribel Baca Comunidad Tonyville
Nombre: Jose I Bedolla Comunidad Tonyville
Nombre: Dayanira Bedolla Comunidad Tonyville
Nombre: Esperanza Bedolla Comunidad tonyville
Nombre: Jose bedolla Comunidad tonyville
Nombre: Elia Bedolla Comunidad Tonyville
Nombre: Romero Bedolla Comunidad Tonyville
Nombre: martin mesa Comunidad tonyville
Hermanados

Page #3

Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nombre: Florinda Hernandez Comunidad Tony-ville

Nombre: Francisco Hernandez Comunidad Tony Ville

Nombre: Demetria Hernandez Comunidad Tonyville

Nombre: Estela Andrade Comunidad TONYVILLE

Nombre: Jose Luis Andrade Comunidad TONYVILLE

Nombre: Jimmy Quinteros Comunidad Tonyville

Nombre: Elidia Quinteros Comunidad Tonyville

Nombre: Rafael Contreras Comunidad Tonyville

Nombre: Perfecta Conte Comunidad tonyville

Nombre: Alberto Callejo Comunidad Tonyville

Nombre: Juan Callejo Comunidad tonyville

Nombre: Pureliano Reyes Comunidad tonyville

Nombre: Pedro Carti Comunidad Tonyville

Nombre: Otero Diaz Comunidad Tonyville

Nombre: [illegible] Comunidad Tonyville

Nombre: ARMANDO OLMOS Comunidad TONY BILL

Nombre: Antonio Vidal Comunidad Tonyville

Nombre: Zenaida Pastrana Comunidad Tonyville

Nombre: Jose Morales Comunidad tonyville

Nombre: Hadela Pastrana Comunidad tonyville

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Mayo 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Nombre: Leticia Quiroz Comunidad Tonyville
Nombre: Lorena Quiroz Comunidad tonyville
Nombre: Sergio Quiroz Comunidad tonyville
Nombre: Jimeno Quiroz Comunidad Tonyville
Nombre: Lucia Hernandez Comunidad Tonyville
Nombre: Lorenzo Quiroz Comunidad Tonyville
Nombre: Norma [redacted] Meraz Comunidad TONYVILLE
Nombre: Jesus Trujillo Comunidad Tonyville
Nombre: Manuel Trujillo Comunidad Tonyville
Nombre: Yesenia Trujillo Comunidad Tonyville
Nombre: Haley Lemus Comunidad tonyville
Nombre: Jose Lemus Comunidad Tonyville
Nombre: Antonia Lemus Comunidad Tonyville
Nombre: Julie morales Comunidad Tonyville
Nombre: Rigoberto Morales Comunidad Tonyville
Nombre: Dolores Lemus Comunidad Tonyville
Nombre: ROBERTO CEBALLOS Comunidad TONYVILLE
Nombre: IRMA MENDOZA Comunidad TONYVILLE
Nombre: Cynthia Chavez Comunidad tonyville
Nombre: Fernando Chavez Comunidad tonyville
Nombre: Jose chavez Comunidad Tonyville

4

TONYVILLE

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

We continue to seek further opportunities to work with the County to improve and develop our communities, hamlets and places in order to meet the needs of existing and future residents. I13-47

Name: Maria Ceballos	Community: TONYVILLE
Name: Angelica Lemus	Community: TONYVILLE
Name: Reynaldo Ceballos.C	Community: TONYVILLE
Name: Joan L Lemus	Community: TONYVILLE
Name: Cristian Bedolla	Community: TONYVILLE
Name: [illegible]	Community: TONYVILLE
Name: JESUS ceballos	Community: TONYVILLE
Name: Rina Ceballos	Community: TONYVILLE
Name: Lorenzo Ceballos III	Community: TONYVILLE
Name: Maria Corona	Community: TONYVILLE
Name: Leticia Ceballo	Community: TONYVILLE
Name: Raul S. Caraballo	Community: TONYVILLE
Name: Mary Lu Caraballo	Community: TONYVILLE
Name: ROBERTO CEBALLOS JR	Community: TONYVILLE
Name: Reynaldo JR. C.	Community: TONYVILLE
Name: Estefany C.	Community: TONYVILLE
Name: Uriel Bedolla	Community: TONYVILLE

Letter I13

TONYVILLE

Page #3

May 8, 2010

Resource Management Agency
Tulare County
Mooney Blvd.
Visalia, CA

Name: Erasmo Ceballos Jr	Community: TONYVILLE
Name: Shirley A Medina	Community: TONYVILLE
Name: Erasmo Ceballos 2nd II	Community: TONYVILLE
Name: Jose Valencia	Community: TONYVILLE
Name:	Community: TONYVILLE
Name: Juan L. Valencia	Community: TONYVILLE
Name: Anthony Valencia	Community: TONYVILLE
Name: Elizabeth Alvarez	Community: TONYVILLE
Name: Armando Ibarra	Community: TONYVILLE
Name: Yecenia Sosa	Community: TONYVILLE
Name: Nohe Sosa	Community: TONYVILLE
Name: Mayra Cebayos	Community: TONYVILLE
Name: Guadalupe Nuñez	Community: TONYVILLE
Name: Ana Cebayos	Community: TONYVILLE
Name:	Community: TONYVILLE
Name:	Community: TONYVILLE
Name:	Community: TONYVILLE
Name:	Community: TONYVILLE
Name:	Community: TONYVILLE
Name:	Community: TONYVILLE

May 27, 2010

Via Electronic and Regular Mail (w/CD of Exhibits)

Dave Bryant
Div. Manager - Special Projects
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277
dpbryant@co.tulare.ca.us

Re: Comments on Revised Draft Environmental Impact Report for Tulare County General Plan Update (SCN#2006041162)

Dear Mr. Bryant:

These comments are submitted on behalf of the Center for Biological Diversity ("CBD"), the Center on Race, Poverty & the Environment ("CRPE"), Community Water Center ("CWC") and the California Rural Legal Assistance Foundation ("CRLAF") on the Revised Draft Environmental Impact Report ("RDEIR") for the Tulare County General Plan Update. CBD is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. CBD's Climate Law Institute works to reduce greenhouse gas emissions to protect biological diversity, our environment, and public health. CBD has over 225,000 members and e-activists including those located in the County of Tulare. CRPE is a

I14-1

national non-profit environmental justice organization that provides legal and technical assistance to grassroots groups in low-income communities and communities of color fighting environmental hazards. CRPE works with many communities, hamlets, and residents in Tulare County. CWC is a nonprofit organization based in Tulare County that seeks to create community-driven water solutions through organizing, education and advocacy in California's San Joaquin Valley. CWC works directly with a number of low-income, primarily Latino communities in Tulare County and elsewhere in the Valley to address problems that range from chronic drinking water contamination to barriers to participation in local water governance. CRLAF's mission is to improve the quality of life for California farm-workers, their families, and their communities. CRLAF utilizes various strategies to accomplish our mission, including litigation, research, policy and legislative advocacy, and community capacity-building.

I14-1 cont'd

As the "constitution for all future developments," general plans are required to be "comprehensive and long term."[1] Given the importance of general plans in the planning process, state planning law "compels cities and counties to undergo the discipline of drafting a master plan to guide future local land use decisions."[2] Unfortunately, this requisite discipline appears to be entirely lacking in the County's Update to the General Plan. The County has provided little in the way of additional clarity and consistency since the first Draft Update to the General Plan was originally circulated over two years ago. Indeed, the latest Draft Update fails to fulfill its most basic purpose of guiding future development because the Land Use Element does not meaningfully describe or illustrate the location and intensity of land uses. Absent this information, it is impossible to intelligently assess Project impacts or have any degree of certainty as to what type of growth would occur under the General Plan. Accordingly, the draft Update to the General Plan does not meet the requirements of the Planning and Zoning Code and the RDEIR fails as an informational document.

I14-2

The undersigned organizations urge the County to go back to the drawing board and prepare a legally sufficient Update to the General Plan that sets forth a sustainable future for the County by directing more growth to existing cities and ensuring that growth that does occur in unincorporated areas is guided toward infill opportunities in existing communities and hamlets. The County can thereby preserve its agricultural heritage and avoid the many environmental impacts and fiscal costs that result from sprawl development. Rather than allow sprawl development, the County can better meet its obligations to underserved communities in unincorporated areas and hamlets by entering into revenue sharing arrangements with Tulare cities. In exchange for directing new growth within City boundaries, Cities must be required to address infrastructural disparities with bordering, fringe, and island unincorporated communities and hamlets. In addition, revenue generated by the County from those revenue-sharing agreements must be set aside for ensuring adequate infrastructure and services for existing unincorporated communities and hamlets. In this manner, targeted investments by the County can help improve the quality of life for existing County residents, while future growth occurs in a sensible and sustainable manner.

I14-3

[1] *DeVita v. County of Napa*, 9 Cal.4th 763, 773 (1995).
[2] *Id.*

I. THE LAND USE ELEMENT DOES NOT MEET THE REQUIREMENTS OF GOVERNMENT CODE SECTION 65302.

I14-4

Government Code § 65302(a) requires that a land use element designate "the proposed general distribution and general location and extent of the uses of land" for specified purposes and "include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." This requirement is very much the heart of the General Plan. Absent a clear understanding of the proposed location and intensity of land uses, in conjunction with population density standards for the various regions, the impacts of the General Plan Update cannot be properly ascertained.

As presented in the proposed General Plan Update, the land use element only appears to describe land use designations and indicate whether the given designation is allowed in a city, community, hamlet or other unincorporated area. Beyond this very general description, the Land Use Element does not appear to indicate with any specificity the location and extent of each of these uses. For example, the General Plan does not identify the total acreage of proposed land uses and the extent to which changes in land use represent a difference from current conditions. Indeed, the General Plan does not even contain a map that clearly illustrates where and which land uses will occur under the proposed Update. Absent such information, it is impossible to assess Project impacts or understand exactly what is being contemplated by the Plan.

To the extent information on proposed land use designations is available elsewhere, this is insufficient to render the General Plan consistent with state planning law. In providing sufficient information on future land use designations, courts have held that while a map or maps that actually delineate proposed land uses and population standards might exist or be cobbled together from existing data, "uncoordinated documents …. make resort to [the General Plan] for planning information an awkward exercise and would also seem to generate doubt concerning the integrity of the plan." *Camp v. Board of Supervisors of Mendocino County*, 123 Cal. App. 3d 334, 349 (1981) (land use element that did not correlate density and land use classifications with locations within county failed to comply with section 65302).

Because the land use element is so woefully uninformative, it must be significantly revised to provide an understanding of the potential growth possible under the General Plan and evaluate impacts based on this worst-case scenario. In revising the General Plan, the County could look to the Land Use Element recently completed by Yolo County.[3] Unlike the Project, the Yolo County General Plan land use element provides maps illustrating the land uses contemplated by the General Plan, and the total acreage occupied by these uses. This information can be compared against current uses so decisionmakers and the public are able to surmise how the General Plan would

[3] Yolo County, 2030 General Plan Update, Land Use Element.

represent a change from both existing baseline conditions and allowable growth under the existing General Plan. I14-4 cont'd

The deficiencies of the land use element cannot be understated. Without data on where growth will occur, other required general plan elements, such as the circulation and open space elements, are meaningless and potentially inconsistent. As presented, it is entirely unclear whether the objectives and policies set forth in these elements are consistent with the vague and ill-defined land use element.

The land use element's failure to provide enforceable and stable policies to direct growth further precludes a meaningful understanding of where growth could occur. For example, the General Plan would allow for the development of entire new towns. (Goal PF-5.) Because the location, density, and population of these potential new towns is not identified, the extent and type of growth contemplated under the General Plan cannot be accurately ascertained. Similarly, urban development is only "encouraged" in existing UDBs and HDBs but could occur in a number of other locations with ill defined criteria. (PF-1.4.; PF 1.2 (allowing urban growth within foothill development corridors "as determine by procedures set forth in Foothill Growth Management Plan.")

II. THE RDEIR VIOLATES CEQA

I14-5

A. The Project Description Lacks Sufficient Detail to be Meaningful

An EIR cannot accurately assess project impacts if the project itself is not sufficiently described. Accordingly, "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *San Joaquin Raptor v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994). Because the RDEIR does not provide a meaningful and stable description of the land uses contemplated by the General Plan, it is unclear what exactly is the "project" under review.

While the RDEIR refers to Figure 4.1 in the General Plan Update in an attempt to describe the Project, Figure 4.1 does not identify land uses designated under the General Plan, it simply references other planning documents. Reference to a patchwork of other plans, which themselves contain conflicting and incomplete information, is an insufficient project description. To accurately and sufficiently describe the Project, the RDEIR must be revised to provide maps of the location and intensity of allowable future development.

The RDEIR describes the Project as directing 75% of new population growth to occur within CACUDBs and Spheres of Influence of incorporated cities and 25% to occur mainly within unincorporated communities and hamlets, foothill development corridors, urban and regional growth corridors and mountain service centers. (RDEIR at 2-24). Yet given the utter lack of clarity of where growth could occur, and the significant loophole allowing the creation of new planned communities of potentially tens of thousands of residents in unincorporated areas, there does not appear to be any evidentiary basis to support this assertion. Indeed, the General Plan does not appear to

I14-6

modify land uses to meet and guide projected population growth, but rather to keep future development options as open-ended as possible. While growth may occur as described, it also may not. The RDEIR must provide a worst-case scenario of how growth might be distributed based on allowable development land use designations and intensities set under the General Plan (to the extent clear designations even exist). To the extent the Project could create capacity for most or all projected population growth to occur in unincorporated areas, through new planned communities and/or by providing a wide range of potential development intensity in rural areas, it is inaccurate and misleading to characterize the Project as directing 75% of new population growth to CACUDBs and Spheres of Influence. I14-6 cont'd

B. The Description of Existing Environmental Conditions Lacks Sufficient Detail I14-7

CEQA requires that an EIR "include a description of the physical environmental conditions in the vicinity of the project." Guidelines § 15125. While the RDEIR contains some generalized data on land use designations in a handful of planning areas, it fails to provide maps or otherwise identify where these designations occur and how they may be distributed. Additionally, physical environmental conditions under CEQA refer to on-the-ground environmental conditions, not permitted conditions. Therefore, the RDEIR must be revised to describe development that currently exists in the County, not what may be permissible under existing land use designations. Only in this manner may impacts from the Project be accurately compared and assessed.

C. The RDEIR Fails to Analyze and Mitigate Project Land Use Impacts Adequately I14-8

The mitigating policies and implementation measures listed by the County under this element are insufficient to address the potential adverse impacts created by the project. We suggest the following additional considerations to the policies and implementation measures.

LU-1.1: Smart Growth and Healthy Communities - This measure focuses on connectivity between new and existing development. There are many existing, underserved existing communities whose health would benefit greatly from a policy encouraging connectivity between communities and between communities and larger municipal service providers. This policy does not address the benefits of encouraging connectivity among existing communities. I14-9

LU-1.8: Encourage Infill Development – This is a beneficial policy but the Zoning Ordinance discussed in Implementation Measure 3 should promote smart growth principles and reduce cumulative impacts. I14-10

LU-1.9: Specific Plans - It could be desirable to have the planning frameworks found in Table 4.3 consider, for example, how much water a municipal provider is likely to need to provide for possible future connections by nearby existing unincorporated communities. This might be one way of ensuring that new developments don't impede future service connections by existing unincorporated communities. I14-11

LU-4.1: Neighborhood Commercial Uses - The County should also encourage development of neighborhood commercial uses in existing unincorporated communities where such uses will not disproportionately burden such communities. For example, corner stores might be desirable in these areas whereas water-intensive uses would probably not be desirable. I14-12

LU-4.2: Big Box Development – Considering big box developments on a case by case basis, as currently planned, subverts many of the policies laid out in the General Plan, such as the smart growth principles and the community center policies (Economic Development Policy 6.1). A California State Bakersfield study linked the big box development, specifically a proposed Wal-mart, with the potential for increasing urban decay in the surrounding area. I14-13

LU-5.1: Industrial Developments – The County policy to encourage industrial development activities in "appropriate locations" should include criteria or guidance to ensure that "appropriate" is applied fairly and protects existing unincorporated communities. Such guidance might include a requirement for buffers where industrial uses will be sited near existing unincorporated communities and, where appropriate, hiring preferences for people in adjacent areas should be pursued. I14-14

LU-5.2: Industrial Park Developments & ED-3.2: Industry Clusters – The County should adopt restrictions to prevent cumulative impacts to local residents.[4] I14-15

ED-2.2: Land Requirements - Clustering industries in industrial parks or industrial areas can be beneficial in terms of reducing impacts on neighbors. However, in terms of some industries, clustering can create local cumulative impacts or hot spots increasing pollution for local residents. The County should adopt an implementation measure that prevents an increase in cumulative impacts. I14-16

LU-5.6: Industrial Use Buffer & ED-2.11: Industrial Parks - The County sets forth a 500 foot buffer as one of the policies, however, the South Coast Air Quality Management District requires a larger buffer for some industries such as warehouses. The California Air Resource Board also has guidance regarding land use planning that discusses the need for set backs. The County should adopt restrictions to prevent cumulative impacts to local residents.[5] In addition, there should be a requirement, or at least a preference, for recreational or green buffers and a requirement for adequate landscaping and screening (not just a high wall) between the uses to minimize visual impacts and enhance the quality of the environment. I14-17

LU-7.6: Screening – There is no criteria to determine what constitutes "landscaping to adequately screen." I14-18

Land Use Implementation Measure 18 - The measure has no standards for what constitutes a "significant buffer," nor does it lay out what alternative measures would be adequate to create this buffer. I14-19

Additionally, the County should recognize community and hamlet councils and resident groups during reviews of permits and proposals within their UBD or HBD (Planning Framework Implementation Measure 3) to ensure projects proposed in these areas have the least adverse impact and most benefit for the local residents. In the same vein, partnering with project applicants to prepare community plans has the potential to I14-20

[4] See: http://www.arb.ca.gov/ch/handbook.pdf.
[5] *See* http://www.arb.ca.gov/ch/handbook.pdf

create a conflict of interest and promote inefficient and incongruent planning between communities and hamlets. This policy (PF-2.5) should be removed from the General Plan. I14-20 cont'd

D. The RDEIR Fails to Analyze and Mitigate Project Traffic and Circulation Impacts Adequately I14-21

The mitigating policies and implementation measures listed by the County under this element are insufficient to address the potential adverse impacts created by the Project. We suggest the following additional considerations to the policies and implementation measures.

TC-1.1: Provision of an Adequate Public Road Network - This policy commits the County to establishing and maintaining roads. The implementation measures center around impact fees, Measure R funding, and other state or federal funding sources. The bulk of Measure R funding centers around Visalia leaving 23 unincorporated communities and hamlets to divide up a very small pot. The County should prioritize Measure R money to redress communities and hamlets neglect. They are often least able to leverage their resources to acquire the funds necessary to repair the roads. I14-22

TC-1.7: Intermodel Freight Villages - The County shall consider the appropriate placement of intermodel freight villages in the County. These villages could have significant air quality impacts for the region and must be tied to implementation measures or sighting criteria that reduce those impacts. As part of Implementation Measure 11, the County should also explore opportunities to build the infrastructure for alternative fuel vehicles. If the infrastructure is in place, the County could then require the use for good movement vehicles operating in the County. I14-23

TC-1.8: Promoting Operational Efficiency - The County is going to give consideration to those programs that improve the efficiency of the goods movement and enhance farm to market connectivity. This should be tied to reductions in air pollution and should not be at the expense of historically neglected communities and hamlets- the residents of which are farm laborers whose work helps drive the economy of the County. Specifically, the County should promote safer, affordable labor transportation for farm workers in the region through incentives. The County should support programs such as the Kings County Agricultural Industries Transportation Services Farm Worker Vanpool program. I14-24

TC-1.15: Traffic Impact Study - The County's threshold of significance of 100 peak hour trips per day seems high. For some areas of the County a number under 100 peak hour trips per day might be significant under CEQA. The County should consider that a lower number of peak hour trips might trigger a traffic study depending on the environmental setting. I14-25

TC-4.4: Nodal Land Use Patterns that Support Public Transit - While we realize that nodal land use patterns are critical to ensuring public transit systems that are more effective, many of these "service area hubs" are also being accessed by residents of the unincorporated communities. The County should have an implementation plan to provide an easy, affordable and effective way for unincorporated community residents to access these hubs with public transit. I14-26

TC-4.5: Transit Coordination - Regional coordination is critical for residents of the rural unincorporated communities. Many of the challenges they face is lack of frequency of service from their unincorporated communities into major city areas such as Visalia or Dinuba, however, these challenges are increased when there is a large lag time, or significant walking distance to access local city transit services. Better coordination between city and transit systems is critical to serving the needs of transit dependent residents of the county. I14-27

E. The RDEIR Fails to Analyze and Mitigate Project Air Quality Impacts Adequately I14-28

The RDEIR fails to analyze and mitigate the air quality impacts of the projected increase in dairies and feedlots and their associated emissions in Tulare County adequately. A recent study on Ozone production in the San Joaquin Valley found that reactive organic gas (ROG) from livestock feed dominates the ROG contributions to ozone formation in the Valley.[6] The contribution was higher than that of light duty vehicles in the Valley.[7] Table 3.3-1 should be amended to include livestock feed as a major pollutant source of Ozone. In addition, the Project should discuss the potential environmental impacts from increased dairies in the Valley and the possible mitigation measures. Impacts 3.3-2 and 3.3-3 incorrectly state that no additional mitigation measures are available for the potential project impacts of a net increase of criteria air pollutants or obstruction of implantation of an air quality plan. Simply relying on the San Joaquin Valley Unified Air Pollution Control District's Rule 4570 to mitigate dairy and feedlot emissions is not sufficient. There are other feasible mitigation measures that could reduce the impact of livestock feed emissions. For example, the County could require new and expanding dairies within the County to build enclosed barns with a biofilter or other pollution capturing mechanisms. This is a feasible mitigation measure that would not only decrease the emissions from dairies and feed lots, but it has been shown to improve milk production and increase breeding success in hot weather.[8] In addition, the County should consider the potential for the Project to create or contribute to a toxic "hot spot."

In addition, we suggest the following additional considerations to the policies and implementation measures. I14-29

AQ-1.1: Cooperation with Other Agencies - The County commits to cooperating with other agencies in developing an implementing regional air quality plans. The Implementation Measures (Numbers 1 and 2) are very vague as to how this will be accomplished. Tulare County sits on the San Joaquin Valley Air Pollution Control Board and is already required to cooperate in regional efforts to reduce pollution. The County should create concrete policies that reduce pollution by creating an emissions cap for the

[6] Howard, Cody J., Kumar, Anuj, et. al., Environ. Sci. & Technol.: *Reactive Organic Gas Emissions from Livestock Feed Contribute Significantly to Ozone Production in Central California*, Vol. 44, No. 7 (2010) 2309-2314.
[7] *Id.*
[8] Powers, William E., Expert Report (Dec. 2007).

County, specify particular uses, reducing energy production and consumption in the County, creating policies to retrofit buildings to be more energy efficient, etc. I14-29 cont'd

AQ-1.3: Cumulative Air Quality Impacts - This policy merely reiterates requirements in the CEQA. In order to implement this policy the County should create policies that prioritize projects that reduce or do not increase local or regional pollution. The County could create Green Tape policies that expedite project approval that meet specific demonstrated environmental benefits. The County could also create emissions caps for areas of the County already overburdened with pollution sources. I14-30

AQ-1.6: Purchase of Low Emission/Alternative Fuel Vehicles - According to this policy the County will encourage departments to replace existing vehicles with low emission/alternative fuel vehicles. However, the County qualifies this commitment with a vague reference to "as appropriate." Furthermore, under Implementation Measure 7 which deals with the policy, the County will only review the performance and maintenance records of its existing hybrid and alternative fuel vehicles fleet. The County should strengthen this policy by removing the "as appropriate" language. The County should also strengthen the implementation measure by requiring existing inefficient fleets to be replaced by hybrid or alternative fuel vehicles. The County should also create an implementation measure to encourage or incentivize the development of an alternative fuel infrastructure i.e. CNG filling stations. This would allow the County to increase its use of alternative fuel vehicles and make it more feasible for the County to require alternative fuel vehicle use as conditions of project approval. These policy and implementation measure changes would also help the County mitigate its greenhouse gas emission impacts. I14-31

AQ-2.3: Transportation and Air Quality - The County will work with TCAG to study methods of transportation which may contribute to a reduction in air pollution. The policy also suggests several public transportation alternatives. However, another aspect of transportation design includes using the County's land use authority to require developers to build projects that reduce vehicles mile traveled (VMTs). Developments that encourage sprawl and create mazes of streets and cul de sacs increase VMTs and contribute to air pollution. The County could create policies to disallow this type of development as part of its transportation design policies. I14-32

AQ-3.6: Mix Land Uses - The County states that it will encourage the mixing of land uses. However, there is no implementation measure for this policy. The County is requiring mix zoning in hamlets which will require a change in the Zoning Ordinance. Also, the County could create an implementation measure which would give priority to the mixed use projects. I14-33

F. The RDEIR Fails to Analyze and Mitigate Project Energy Impacts Adequately I14-34

The California Natural Resources Agency recently reaffirmed that "CEQA's requirement to analyze and mitigate energy impacts of a project is substantive, and is not merely procedural."[9] Pursuant to CEQA Greenhouse Gas Guidelines promulgated under SB 97, Appendix F of the Guidelines was revised to clarify that an EIR *shall* consider energy implications of the proposed project, and where applicable, items that should be

[9] Resources Agency, Final Statement of Reasons for Regulatory Action at 71 (Dec. 2009).

considered include the energy supply and energy use patterns of the region, the effects of the project on local and regional energy supplies, and measures to reduce energy consumption. (CEQA Guidelines, Appendix F.)

I14-34 cont'd

The RDEIR fails to conform to Appendix F because its description of Project energy use is limited to noting the PG&E supplies the County with electricity and natural gas. To properly assess the Project's energy consumption, the County should provide information on the extent to which on-site renewable energy is being used in the County, and discuss whether the County currently has any programs or requirements relating to energy efficiency, renewable energy or green building requirements.

I14-35

The RDEIR's conclusion that Project energy impacts are not significant fails because it is based entirely on a series of vague and aspirational measures aimed at reducing energy consumption. For example, in concluding that the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy in the construction and operation of new buildings, the RDEIR references the following measures:

> **LU-7.15:** The County shall ***encourage*** the use of solar power and energy conservation building techniques by all development.
> **LU Implementation Measure #24:** The County shall review LEED and LEED-ND certification requirements and develop an implementation program.
> **AQ-3.5:** The County shall ***encourage*** all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to maximum extent feasible.
> **AQ Implementation Measure #12:** The County shall ***encourage*** LEED and LEED-ND certification for new development or similar rating system….
> **PFS-5.9:** The County shall ***investigate*** waste disposal and reuse needs for agricultural wastes for energy and other beneficial uses and shall change County plans accordingly.
> **ERM-4.1:** The County shall ***encourage*** the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.
> **ERM-4.2:** The County shall ***promote*** the planting and maintenance of shade trees along streets and within parking areas of new urban development to reduce radiation heating.
> **ERM-4.3:** The County shall ***participate, to the extent feasible***, in local and State programs that strive to reduce the consumption of natural or man-made energy sources.
> **ERM-4-4:** The County ***should coordinate*** with local utility providers to provide public education on energy conservation programs.
> **ERM-4.6:** The County shall ***support*** efforts, when appropriately sited, for the development and use of alternative energy resources …..

(*See* RDEIR at 3.4-29-30.) Because each of these measures is framed in unenforceable, aspirational language, not a single one of the measures supporting the RDEIR's less than

significant determination provides any degree of certainly that they will ultimately function to reduce energy consumption. Additional measures identified in the RDEIR to purportedly "ensure that this impact remains less than significant" similarly provide no assurance that energy consumption will actually be reduced. (RDEIR at 3.4-30). Measure ERM-4.7 calls for the continued integration of "energy efficiency and conservation into all County facilities" but fails to provide any guiding standards or requirements. Similarly, ERM-4.8 simply calls on the County to "*encourage*" new development to exceed minimum state efficiency standards without setting any requirements.

I14-35 cont'd

In addition, while the County states it wants to attract energy resource development (ED-3.1: Diverse Economic Base), there are no criteria for what type of energy development. The County should encourage the development of renewable energies that provide a true reduction in fossil fuel dependence, such as solar and wind. The County also identifies ethanol as an industry to attract to the County (Economic Development Existing Conditions). Corn-based ethanol is bad public policy in terms of air quality, water supply, and for low income communities raising food security issues. Lastly, the County pledges to provide leadership in economic development with attention to attracting clean industries. (ED 1.1) However, there is no implementation measure for this. The County should examine opportunities for the County to participate in the truly green economy which is growing throughout the State and Country. There are several green jobs initiatives that have been taking place throughout California and throughout the Country. Organizations such as Green Jobs for All are providing support for public and private initiatives that advance green jobs for low income people and people of color as a sustainable pathway out of poverty. Tulare County should adopt building code standards, energy efficiency goals for new development and rehabilitating existing buildings to meet LEED standards. The County should also encourage and incentivize job training programs that build the skills necessary for low income residents and people of color in Tulare County to take advantage of the emerging green economy. The County should work with green jobs initiatives and the Economic Development Corporation to identify clean industries and work to create incentives to attract them to the County along with job training programs to allow local residents to fill these jobs. Jobs in green construction, maintenance and restoration, as well as solar and wind energy production provide a good pathway to higher income jobs as well as provide for a healthier environment. The County should prioritize those types of economic projects.

I14-36

Given their vagueness, uncertainty and lack of enforceability, the RDEIR does not, and cannot, quantify or describe the actual energy conservation benefits that will result from these measures. As noted by the Attorney General in "Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions, California Attorney General's Office," "[w]hile a menu of hortatory GHG policies is positive, it does not count as adequate mitigation because there is no certainty that the policies will be implemented." [10] Accordingly, there is no legitimate basis to conclude Project energy impacts are less than

I14-37

[10] California Attorney General, Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions at 5 (2009).

significant. Indeed, it appears that the County does not have a single specific and enforceable policy to reduce non-renewable energy consumption. I14-37 cont'd

There are numerous specific policies that the County can implement to ensure that energy consumption is not wasteful. Energy conservation not only reduces greenhouse gas emissions, but results in financial savings in reduced utility and fuel costs to the County, households, and businesses, thereby keeping money circulating in the local economy that otherwise would have been used to pay energy bills. Given the many benefits of energy conservation, local governments across the state have implemented policies to increase use of renewable energy and improve energy conservation. These measures, which the County should consider as mitigation for Project energy and climate impacts, include:[11] I14-38

- Requiring that all new public buildings meet a minimum LEED silver standard. (*See* Alameda County Administrative Code Chapter 4.38, requiring all new County projects meet a minimum LEED Silver rating);

- Requiring that new residential and commercial development, as well as major remodels of homes and businesses, meet green building standards and are LEED certified and that all new buildings exceed Title 24 energy standards by 25 percent. (*See* Town of Windsor Building and Housing Code Article 13, establishing green building standards and ratings for commercial and residential buildings). Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards (Standards) establish a process which allows local adoption of energy standards that are more stringent than the statewide Standards. This process allows local governments to adopt and enforce energy standards before the statewide Standards effective date, require additional energy conservation measures, and/or set more stringent energy budgets. Local governments are required to apply to the Energy Commission for approval, documenting the supporting analysis for how the local government has determined that their proposed Standards will save more energy than the current statewide Standards and the basis of the local government's determination that the local standards are cost-effective. Once the Energy Commission staff has verified that the local standards will require buildings to use no more energy than the current statewide Standards and that the documentation requirements in Section 10-106 are met, the application is brought before the full Energy Commission for approval. Numerous local governments have taken advantage of this process. *See http://www.energy.ca.gov/title24/2005standards/ordinances_exceeding_2005_building_standards.html*

[11] Many of these measures were identified in CBD's April 15, 2008 comments on the General Plan Update, which are herein incorporated by reference.

I14-38 cont'd

- Requiring building projects to recycle or reuse a minimum of 50 percent of unused or leftover building materials (Alameda County Administrative Code § 4.38.030);

- Offering incentives to encourage green building standards and discourage business as usual construction;

- Requiring energy efficiency and water conservation upgrades to existing residential and non-residential buildings at the time of sale, remodel, or additions. Berkeley's Residential Energy Conservation Ordinance (RECO) is an example of such a measure. (Berkeley's RECO, Berkeley Municipal Code Chapter 19.16.) Under this ordinance, Berkeley establishes ten energy or water conservation measures that residential structures must incorporate. These include measures such as installing ceiling insulation, certain water efficiency technologies to shower fixtures and sink faucets and weatherstripping on all exterior doors. Berkeley Municipal Code Chapter § 19.16.050(B). The ordinance requires the seller to certify that some of these measures have been met prior to the sale or exchange of any residential structure or unit. Berkeley Municipal Code Chapter § 19.16.050(A). Similarly, Berkeley's Commercial Buildings – Energy Conservation Measures requires commercial building owners to conduct an energy audit of their building prior to the sale or major renovation of the building and certify(?) that they have installed energy conservation measures, regarding heating, cooling, water, and lighting systems, among others. Berkeley Municipal Code Chapter §19.72.

- Requiring new residential construction to meet specific energy efficiency standards that go beyond those mandated by California law. For example, the City of Rohnert Park recently enacted an ordinance establishing minimum energy efficiency standards for all new low-rise residential construction of any size, low-rise residential additions over a specific size threshold and all residential and non-residential swimming pools and water features. City of Rohnert Park Municipal Code Chapter 14 at § 14.01.010. The ordinance requires residential buildings to include Energy Star appliances and that new and expanded residential structures meet specific energy use standards City of Rohnert Park Municipal Code Chapter 14 at §§ 14.02.050(A); 14.02.060;

- Requiring that all new buildings be constructed to allow for future installation of solar energy systems. In its Community Greenhouse Gas Reduction Plan, the City of Arcata recommended that it adopt such requirements. City of Arcata, Community Greenhouse Gas Reduction Plan (Aug. 2006). Additionally, Chula Vista's Energy Conservation Regulations mandate that all new residential units include plumbing specifically designed to allow later installation of systems that will rely on

I14-38 cont'd

- Adopting and implementing a Heat Island Mitigation Plan that requires new residential buildings to have "cool roofs" with the highest commercially available solar reflectance and thermal emittance and adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building code "cool roof" requirements for non-residential buildings. Research shows that "cool roofs" can reduce air-conditioning energy use between 10 and 50 percent (Akbari 2000);

- Integrating renewable energy requirements into development and building standards, such as requiring onsite solar generation of electricity in new retail/commercial buildings and parking lots/garages (solar carports);

- Adopting a resolution or ordinance that will require sources of renewable energy, such as installing solar photovoltaic systems to generate electricity for public buildings and operations[12]; using methane to generate electricity at the wastewater treatment plants; and installing combined heat and power systems.

- Requiring new residential developments to participate in the California Energy Commission's New Solar Homes Partnership and include onsite solar photovoltaic systems in at least 50% of the residential units (see http://www.gosolarcalifornia.ca.gov/nshp/index.html; *See also* California Public Utilities Commission, New Solar Homes Partnership Guidebook, Second Edition (July 2007);

- Using Geographical Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies;

- Identifying possible sites for production of energy using local renewable resources such as solar, wind, small hydro, biogas, and tidal and evaluating potential land use, environmental, economic, and other constraints affecting their development, and adopting measures to protect those resources, such as utility easements, rights-of-way, and land set-asides;

- Offering incentives and investing in developments in hamlets and underserved communities that would reduce vehicle miles traveled. For

[12] Under the California Solar Initiative, the California Public Utilities Commission offers different incentives to government agencies, as well as private businesses and residents, for installing certain types of solar power systems. *See* California Public Utilities Commission, California Solar Initiative Program Handbook (Jan. 2008), *available at* http://www.cpuc.ca.gov/puc/energy/solar/ (*last visited* April 7, 2008).

- Require an energy audit for County owned buildings and require rehabilitation to make buildings more efficient, taking advantage of state and federal funding programs for assistance. I14-38 cont'd

Additional policies that can form the basis for development of specific implementation measures are identified in CAPCOA's "Model Polices for Greenhouse Gases in General Plans" and the Institute for Local Government's Best Practices Framework.[13] I14-39

CEQA requires the County to adopt all feasible mitigation measures to reduce the Project's significant impacts on climate change and energy consumption. Accordingly, the RDEIR should be revised and recirculated to include specific and enforceable measures to reduce Project energy consumption and resulting greenhouse gas emissions, including the measures references above in the CAPCOA and Institute for Local Government's Best Practices Framework. I14-40

G. The RDEIR Fails to Properly Analyze and Mitigate Greenhouse Gas Impacts I14-41

As the future land-use planning document for the County, general plan policies and land use determinations have profound implications for global warming. The California Air Resources Board has accurately called local governments "essential partners" in implementing AB 32.[14] Leadership by local governments in improving land use patterns and reducing greenhouse gases is a key component in solving the climate crisis. Supporting smart growth style compact development is one of the most important ways to achieve substantial reductions in greenhouse gas emissions. (Urban Land Institute 2008). Addressing climate change through local planning documents also provides other long term benefits to the local planning agency. Smart growth policies that discourage sprawl not only reduce greenhouse gas emissions but also reduce the cost of public services (Carruthers 2007), improve public health, allow for streamlining of future environmental review through the method of tiering to a Program EIR (CEQA Guidelines §§ 15064(h)(3), 15183.5), and facilitate compliance with state greenhouse gas reduction requirements under the Global Warming Solutions Act (AB32) and Executive Order S-03-05.[15] Unfortunately, the General Plan does not appear to take its obligation to reduce greenhouse gas emissions seriously or seem to recognize the many fiscal and quality of life benefits that result from improved land-use planning. We urge the County

[13] CAPCOA, Model Policies for Greenhouse Gases in General Plans (June 2009); Institute for Local Government, CCAN Best Practices Framework (Feb. 2010), *available at* http://www.ca-ilg.org/node/1191.
[14] CARB, Climate Change Proposed Scoping Plan (Oct. 2008) 26-27.
[15] *See* Anders et al, *Applying California's AB 32 Targets to the Regional Level: A Study of San Diego County Greenhouse Gases and Reduction Strategies,* 37 ENERGY POLICY 2831 (2009) ("Although the largest reductions are achieved through state mandates, all measures, including at the local level, will be required to achieve the AB 32 target.")

to revisit the RDEIR's greenhouse gas analysis and develop a climate action plan with a legitimate emissions target, specific and enforceable mitigation and a robust monitoring program. I14-41 cont'd

1. The RDEIR Does Not Sufficiently Explain How Emission Estimates Are Derived I14-42

The RDEIR states that vehicular emissions were calculated using estimates by the Tulare County Association of Government's vehicle miles travelled estimates for 2030. However, it is unclear whether these estimates are tied to the actual land uses envisioned under the General Plan. If not, the RDEIR should be revised to estimate VMT based on the maximum allowable extent and location of growth permitted under the General Plan. Absent this analysis, Project impacts cannot be accurately described and alternatives accurately compared.

2. Proposed Mitigation for the Project's Greenhouse Gas Impacts is Vague, Unenforceable, and Improperly Deferred I14-43

While the RDEIR properly acknowledges that Project greenhouse gas impacts are significant, it fails to adopt all feasible mitigation and alternatives to minimize this impact as required under CEQA. Pub. Res. Code § 21002. Like its treatment of energy impacts, mitigation for the full range of Project's greenhouse gas impacts is improperly vague, unenforceable and deferred. As recently set forth by the Court of Appeal in *Communities for a Better Environment v. City of Richmond*, "the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena.'" 2010 Cal. App. LEXIS 571, 51-52 (Cal. App. 1st Dist. Apr. 26, 2010) (citation omitted).

Rather than propose meaningful mitigation for the Project's greenhouse gas impacts in the RDEIR, the General Plan simply provides a policy that the County will develop a climate action plan at some undetermined date that will inventory, mitigate and monitor the County's greenhouse gas emissions. (RDEIR at 3.4-38-39). No date is set for completion of this plan, no mitigation target set, and no specific measures are proposed. Notably, CBD raised this same concern over two years ago in comments on the DEIR, which similarly called for the future development of a climate action. The County had ample opportunity to develop and adopt a meaningful climate action plan within that time period but has failed to do so. In invalidating an EIR for improperly deferring mitigation of greenhouse gas impacts, the Court in *Communities For a Better Environment v. City of Richmond*, held that the "solution was not to defer the specification and adoption of mitigation measures until a year after Project approval; but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment." 2010 Cal. App. LEXIS 571 (Cal. App. 1st Dist. Apr. 26, 2010). Indeed, were the Climate Action Plan to be developed after general plan approval as currently contemplated, land uses would be locked in that could frustrate attainment of I14-44

emission reduction objectives. The time to analyze and commit to sustainable, low-carbon growth is when the General Plan is developed, not after. I14-44 cont'd

Additionally, AQ-1.7 only states that the County will support statewide global warming solutions and monitor ARB's efforts to develop global warming mitigation for local governments to implement as part of AB 32. However, there is no implementation measure associated with this policy. Further, this policy overlooks the fact that independent of ARB, the County as a local lead agency has a duty under CEQA to mitigate direct and indirect impacts from projects in its jurisdiction. I14-45

3. The Proposed Climate Action Plan Sets an Improper Target and Fails to Contain Meaningful Policies and Mitigation I14-46

Documents released by the County include a Draft Climate Action Plan (CAP) wherein the County asserts it will adopt the CAP "in close proximity and subsequent to the adoption of the General Plan Update." As set forth above, the CAP must be developed and adopted concurrently with the General Plan to conform with CEQA. In addition, the CAP itself falls far short of a plan that could be used for streamlining CEQA review of project-level GHG impacts. (See Guidelines §§ 15064(h)(3), 15183.5.) In particular, the Plan's emission reduction target is not supported by substantial evidence and contrary to available guidance on this issue. Moreover, proposed mitigation measures are deferred and unenforceable. A revised CAP should be recirculated that meets the standards of new CEQA Guideline § 15183.5, which sets specific criteria for climate action plans, and available guidance. The County should also consider Climate Action Plan resources developed by the Bay Area Air Quality Management District (BAAQMD) that can be applied statewide.

a. The Proposed Greenhouse Gas Reduction Target is Fatally Flawed I14-47

The CAP states that its emission reduction objective "must be set at a level that demonstrates consistency with State targets, but should be feasible for the vast majority of projects to achieve." (CAP at 4.) As set forth in the CEQA Greenhouse Gas Guidelines adopted by the Resources Agency, the target for a greenhouse gas reduction plan is the "level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable." (Guideline § 15183.5.) In other words, the relevant consideration in setting a greenhouse gas target is scientific evidence demonstrating that the target is sufficient to ensure projects compliant with the plan will not have a cumulative impact, not that the target is set at a level to allow the "vast majority" of projects to demonstrate consistency.

The CAP's proposed 29 percent below business as usual emissions reduction target is flawed on numerous grounds. (CAP at 12). First, the CAP's assertion that this target is based on guidance by SJVAPCD and BAAQMD is incorrect. Guidance proposed by SJVAPCD was limited to industrial, residential and commercial projects, not general plans. It also must be noted that the Attorney General opined that the 29% below

business as usual threshold proposed by SJVAPCD "will not withstand legal scrutiny."[16] The CAP also mistakenly asserts that BAAQMD developed a 28% below business as usual target for general plan. Emission reduction targets for climate action plans identified by BAAQMD for 2020 are 6.6 tons of emissions per capita, a 15 percent decrease from current levels, or reaching 1990 levels.[17] Because the guidance is based on statewide objectives, it is applicable to the Tulare County General Plan Update. Here, the General Plan falls far short of all of these metrics. Emissions per capita for 2030 are 27.4 tons not 6.6 (a number based on 2020 goals, not 2030, which would be lower). Total County emissions by 2030 are 6,105,480 tons, a 20% *increase* from current levels. While the CAP claims that simply calling for a 6% reduction in emissions from new development from an undefined base case scenario is insufficient to ensure the County is consistent with California's emission reduction objectives, the high per capita emissions and overall increase in emissions from current levels demonstrates otherwise and unmasks the inherent gamesmanship and illegitimacy of the County's significance criteria.

I14-47 cont'd

b. The CAP Fails to Properly Identify and Analyze Emissions Resulting from Specific Actions or Categories of Actions

I14-48

Not only is the use of a 29% below business as usual target without evidentiary support, but, in calculating the County's role in meeting this target, it improperly takes credit for a range of state action that has not yet been realized. As set forth in BAAQMD guidance, a climate action plan "should identify and analyze GHG reductions from anticipated actions in order to understand the amount of reductions needed to meet its target."[18] Rather than do so, the CAP simply asserts that implementation of state measures will result in a 24.2 percent reduction in County emissions. As many of these state measures have not been adopted or specified, and their application to County activities is unclear, there is simply no evidence to support this blanket assertion. While it is appropriate for a CAP to account for state action, this should only be for measures, such as Pavely vehicle mile standards, where there a sufficient level of certainty that the measure will occur and specificity to understand its effect on local GHG emissions.[19] Properly analyzing the extent to which state action will reduce emissions generated locally is critical to understanding additional action that will be needed by local government.

A clear understanding of the potential gap between the results of state action and the County's emission reduction targets underscores the importance of analyzing climate impacts and alternative development scenarios in the General Plan itself, rather than defer this analysis to a later date. Because the climate action plan would be adopted *after*

[16] Letter from Attorney General to SJVAPCD re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA, Nov. 4, 2009.
[17] BAAQMD, CEQA Guidelines Update, Proposed Thresholds of Significance, May 3, 2010.
[18] BAAQMD, CEQA Air Quality Guidelines, May 2010 at 4-10.
[19] BAAQMD, GHG Plan Level Quantification Guidance, April 15, 2010.

approval of the general plan, it is severely limited in its ability to reduce emissions from the transportation sector through better land use planning. I14-48 cont'd

c. The CAP Does Not Contain Specific Measures That Would Collectively Achieve the Target Emissions Level I14-49

Because the CAP simply incorporates the same set of aspirational and non-binding measures listed in the General Plan, it fails to demonstrate that implementation will result in emissions reductions. Indeed, the CAP does not appear to have a single binding measure that would function to reduce community emissions. As set forth above, there is a vast array of potential measures, such as requiring on-site renewables for projects above a certain number of units, green building standards, and policies prohibiting leapfrog development that can significant reduce community emissions. Many of these measures are incorporated in CBD's original comments on the DEIR for the General Plan and are herein incorporated by reference.

d. The CAP's Proposal to Monitor Progress is Inadequate I14-50

As set forth in Guideline § 15183.5, it is critical that a CAP establish a mechanism to monitor progress toward its emission target, and to require amendment if that target is not reached. While the CAP states it will develop benchmarks, the mitigation monitoring and reporting lacks specificity and any assurance that it will not be immediately disregarded. For example, BAAQMD Guidance recommends that a CAP should, among other things, identify the department and lead staff in charge of oversight and provide an integrated timeline of implementation of measures.[20] This level of specificity is entirely absent from the Tulare County CAP.

H. The RDEIR Fails to Analyze and Mitigate Project Noise Impacts Adequately I14-51

The County's policy to discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes (LU-1.3) does not include implementation measures designed to address the impact of development that occurs within city limits that intrudes upon county residential areas.

I. The RDEIR Fails to Analyze and Mitigate Project Hydrology, Water Quality and Drainage Impacts Adequately I14-52

1. Impact 3.6-1: Water Quality

The RDEIR wrongly concludes that adoption of the current draft Update to the General Plan will have a "less than significant" impact on water quality and compliance with water quality standards in the County.[21] The RDEIR largely ignores the fact that extensive groundwater contamination problems already exist and even goes so far as to

[20] BAAQMD, GHG Plan Level Quantification Guidance, April 15, 2010 at 16.
[21] RDEIR, § 3.6, pp.37-40.

I14-52 cont'd

downplay the significance of these problems, stating that "high TDS, nitrate, arsenic, and organic compounds such as herbicides, pesticides and fertilizers, as well as instances of radiological parameters such as uranium and radium 228 . . . *are not of significant concern* across most of the sub-basins" of the County.[22] This is in direct contradiction to the Background Report, which documents substantial groundwater contamination in every major watershed in the County.[23] The current draft Update to the General Plan does little to address the fact that existing communities throughout the County already suffer from degraded groundwater resources, and it is substantially likely that ignoring this problem will only exacerbate it. If the County does not acknowledge and address existing groundwater contamination in its land use planning and land and water policymaking, these problems will only intensify, especially as new development places increasing strain on an ever-lowering water table, intensifying contaminant concentrations and competition for those aquifers that remain potable.[24] As the Background Report observes, many water purveyors solve their water contamination problems by "shifting to another area where water quality problems are absent."[25] Another coping method used by many water providers in the County is to dig deeper wells, but frequently this just means a water system trades a nitrate contamination problem for an arsenic contamination problem.[26] Thus, a significant environmental impact of adopting the Update to the General Plan as drafted is the substantial likelihood that existing County residents will continue to suffer from degraded water quality, that more and more County residents will be negatively affected by contaminated groundwater as time progresses, and that water purveyors will continue to supply water that does not comply with federal and state safe drinking water standards.

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[22] RDEIR, p.3.6-27 (emphasis added).

[23] *See* Background Report, Appendix C, p.7 (observing that in the Kings River Watershed, "there are no communities which are not impacted" by contamination problems, including the residual effects of now-banned fertilizers, pesticides, and herbicides); p.10 (noting that portions of the central valley floor within the Kaweah River Watershed suffer from "man-induced contamination[,]" namely, "nematodecides such as DBCP, herbicides, pesticides and fertilizers . . . [and] industrial chemicals such as dry cleaning solvents and petroleum fuels" and that "petroleum hydrocarbon contamination . . . has further impacted the availability of groundwater for consumptive purposes *in numerous locations*") (emphasis added); pp.13-14 (noting that "the Tule River Watershed contains the highest population of individuals impacted with lower quality groundwater of any area within the County" and that "[t]he number of wells constructed in [the Lindsay] area which have been successfully designed to avoid groundwater contamination containing [chlorides, nitrates and DBCP] are limited"); pp.17-18 (noting the "unacceptable conditions" of groundwater quality in various locations throughout the Deer Creek/White River Watershed, including nitrates, phenols, salts, arsenic, microsand, hydrogen sulfide, methane and natural gas, which "aggravate[e] the capability to deliver a potable water supply" in "many" wells); see also Background Report, Appendix C, p.7 (noting that Three Rivers in the Foothill Mountain Region currently experiences water quality problems that are "bacteriological, viral, and pathogenic in nature" and that consumption is only "tolerable" for "single family dwellings" that are "equipped with point of entry water treatment units").

[24] Background Report, Appendix C, p.11.

[25] Background Report, Appendix C, p.10.

[26] *See, e.g.*, Background Report, Appendix C, p.18 (noting that the "common approach" is to drill and develop new wells " with the design capability to select water from identified aquifers meeting current drinking water standards" but that "quantities . . . are limited under this paradigm, as taking water from too shallow of a zone, or too deep a zone, results in significant diminishment of the quality to be delivered").

The County can take steps to mitigate these negative environmental impacts by amending existing plan policies and drafting additional new plan policies, as follows: I14-52 cont'd

a. Protecting Public Health I14-53

As drafted, the Plan Update fails to articulate that access to clean, safe, and affordable drinking water is an important goal for the County. Safe drinking water is fundamental to human survival, and as the Background Report documents extensively, many County residents currently lack access to a potable water supply in their homes. For the most part, those same residents are among the County's most economically disadvantaged, and yet they pay disproportionately high water bills for water that is not safe to drink.[27] Although the County government is not directly responsible for serving water to most areas of the County, it should at minimum acknowledge in its General Plan that the provision of safe, affordable drinking water to every County resident is an important County goal. The Plan Update currently contains an implementation measure (Chapter 11, Water Resources, Implementation Measure 20) that serves as an excellent blueprint for a new policy emphasizing the importance of securing clean, safe, and affordable water for all County residents. Building on IM 20, the County should add a new policy to the Plan Update, as follows:

> **WR-__: Potable, Cost-Efficient Drinking Water**
> The County will support water purveyors, other public agencies, schools, IRWMPs, non-profit organizations and community-based groups in their efforts to secure an adequate, potable, and cost-efficient drinking water supply to sustain a high quality of life, especially in unincorporated areas.

WR-2.6: Degraded Water Resources – Widespread groundwater contamination throughout the County constitutes an immediate public health threat, especially in disadvantaged communities located in unincorporated areas, where some of the County's most vulnerable residents cannot afford to buy alternative sources of drinking water. As drafted, WR-2.6 does not demonstrate an affirmative desire by the County to help alleviate this public health crisis by developing both short-term and long-term solutions. WR-2.6 should therefore be amended as follows: I14-54

> The County shall encourage and support the identification of degraded surface water and groundwater resources, facilitate interim solutions, and ~~promote~~ require restoration where ~~appropriate~~ possible.

Implementation Measure 20 should also be expanded to implement this newly revised WR-2.6 (Degraded Water Resources), and the suggested new policy above, WR-__ (Potable, Cost-Efficient Drinking Water), as follows: I14-55

[27] Residents in many communities pay as much as 10% of their household income for water alone. The EPA recommends that 1-1.5% of household income is affordable. *See* U.S. Environmental Protection Agency, Information for States on Developing Affordability Criteria for Drinking Water, *at* http://www.epa.gov/safewater/smallsystems/afforddh.html.

> The County will support TCAG's Regional Blueprint efforts to provide an adequate, potable, cost-efficient, and realizable water supply to sustain a high quality of life. In areas with degraded water quality, the County shall help facilitate interim safe drinking water solutions, especially in unincorporated areas and disadvantaged communities where contaminated water constitutes an immediate public health emergency.

I14-55 cont'd

WR-2.6 also needs a new implementation measure that provides a framework for restoring contaminated aquifers. The County should add the following new implementation measure for WR-2.6 to Chapter 11, Water Resources:

I14-56

> The County shall work with the Regional Board to develop programs to restore contaminated aquifers, such as treating water pumped from the aquifer and recharging aquifers with uncontaminated water to dilute contaminant levels.

b. Helping Unincorporated Areas

I14-57

As the sole representative for unincorporated communities, the County has a particular responsibility to help address the needs of residents in these areas. The County should acknowledge this special responsibility in the General Plan Update in the following policies:

WR-1.8: Groundwater Basin Management – It is important not just that the County take an active role in groundwater basin management, but that it ensure that the needs of disadvantaged communities and hamlets are taken into account in these processes. WR-1.8 should be amended to reflect this responsibility as follows:

> The County shall take an active role in cooperating in the management of the County's groundwater resources and shall ensure that these groundwater management efforts take into account the needs of unincorporated communities.

WR-3.2: Develop an Integrated Regional Water Management Plan – Pursuant to its special responsibility to residents of unincorporated areas, the County should ensure that local IRWMP efforts include and address the needs of disadvantaged communities and hamlets. Thus, WR-3.2 should be amended to include such language:

I14-58

> The County will participate with other agencies and organizations that share water management responsibilities in the County to enhance modeling, data collection, reporting and public outreach efforts to support the development and implementation of appropriate Integrated Regional Water Management Plans (IRWMPs) within the County. The County shall ensure that local IRWMP efforts include and address the needs of residential water users in unincorporated communities.

Likewise, Implementation Measure 18 should be amended as follows:

I14-59

> The County will participate in Integrated Regional Water Management Plans and ensure that all areas of the County are included.

c. Contamination Prevention

I14-60

The current draft Update to the General Plan's policies and implementation measures retain a myopic focus on soil erosion as the sole source of water contamination, largely ignoring the primary sources of groundwater contamination in this County: the application of pesticides, herbicides, and fertilizers to agricultural crops, improper disposal of dairy waste and industrial chemicals such as petroleum fuels and dry cleaning solvents, and leaking septic systems.[28]

I14-61

WR-2.3: Best Management Practices (BMPs) – As written, this policy appears to apply a much more stringent standard to construction activities and urban runoff than WR-2.7 (Industrial and Agricultural Sources) applies to other potential sources of surface and groundwater contamination, such as dairies and food processing facilities. The County should ensure that *all* land uses that are significant sources of non-point source pollution are implementing best management practices and mitigation measures, not just construction and urban runoff. Therefore, WR-2.3 should be amended as follows:

> The County shall, in coordination with the Water Quality Control Board, continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from the adverse effects of ~~construction activities and urban runoff in coordination with the Water Quality Control Board~~ land uses that are potential sources of non-point source pollution, including construction activities, urban runoff, and agricultural and industrial concerns.

I14-62

WR-2.1: Protect Water Quality – This policy is appropriately expansive, acknowledging the water contamination risks associated with the "discharge of potentially harmful substances" and "ground leaching from storage of . . . wastes[,]" but WR-2.1's implementing measures deal exclusively with soil erosion from new development. This is true of WR-2.6 (Best Management Practices) as well. WR-2.1 and WR-2.6 need additional implementation measures that will help protect groundwater from the discharge of harmful substances (*e.g.*, excessive fertilizer application) or the leaching of wastes (*e.g.*, dairies) through Best Management Practices and mitigation measures. Therefore, the County should add the following new implementation measure to Chapter 11, Water Resources, to implement WR-2.1 and WR-2.6:

> The County shall work with the Regional Board to protect groundwater from the discharge of harmful substances or the leaching of wastes, such as by requiring Best Management Practices (BMPs) and mitigation measures from industrial and agricultural concerns.

I14-63

The County should also clarify that Implementation Measure 24 also implements WR-2.1 (Protect Water Quality) explicitly. (IM 24 is currently listed as implementing only WR-3.9 (Critical Water Supply Areas).) This is a good implementation measure that opens the door to County regulation (prohibition) of land uses "with the potential to

[28] *See* Background Report, Appendix C, pp. 7, 10.

discharge harmful pollutants" or otherwise degrade water quality, so the Update to the General Plan should explicitly link it to WR-2.1. I14-63 cont'd

d. Water Quality Monitoring, Data Collection, & Designation I14-64

More data on groundwater quality throughout the County are desperately needed in order to make informed water and land use policy decisions.

WR-1.2: Groundwater Monitoring – This is a good policy, as it will help ensure that potentially polluting entities identify possible sources of groundwater contamination before the problem becomes widespread, and the information generated by such monitoring will contribute toward and increase the County's available groundwater quality data. WR-1.2 is weakened by the current language of Implementation Measure 5, however. Rather than just directing the County to "develop groundwater-monitoring partnerships with local groundwater users and developers[,]" IM 5 should also build on WR-1.2's language regarding linking project approvals to the collection of groundwater monitoring data. For example, IM 5 could be amended to read as follows: I14-65

> The County shall encourage active participation by local stakeholders, ~~and~~ develop groundwater-monitoring partnerships with local groundwater users and developers~~.~~, and impose monitoring requirements, such as participation in county groundwater monitoring programs, as a permit condition for projects identified as potentially impacting groundwater or surface water.

WR-1.7: Collection of Additional Groundwater Information – This policy is important, because we need to develop more comprehensive data regarding both water supply *and* water quality for all regions of the County in order to make informed land use decisions. To this end, the County should require all new supply wells, for both residential and agricultural uses, to test for priority contaminants. Implementation Measure 8 should be amended as follows to include this requirement: I14-66

> The County shall encourage responsible agencies and organizations to install and monitor additional groundwater monitoring wells in areas where data gaps exist. County staff shall also adopt an ordinance requiring, as a condition of permit approval, that all newly constructed private wells test for priority contaminants, as determined by the Environmental Health Department.

WR-2.9: Private Wells – This is a very good policy, but it needs additional implementation measures. First, even properly-constructed private wells need ongoing maintenance and monitoring, so Implementation Measure 9 should be amended as follows: I14-67

> The County will research the development of an education program to inform homeowners in the Valley and Mountain areas regarding water quality concerns. The County shall also work with local community groups to provide assistance and guidance to private well owners on well construction, monitoring, treatment, protection, and rehabilitation.

Second, the Plan Update should also address proper abandonment of unused or "dry" wells, which are known vectors of groundwater contamination that threaten public health and both public and private groundwater supplies. To this end, Implementation Measure 17 should be amended as follows: I14-68

> The County shall amend the well ordinance to require deeper seals in areas of known contaminants. The County shall also identify and direct the proper abandonment of unused wells.

WR-3.9: Establish Critical Water Supply Areas – This is a very good policy, as formal designation is an important precursor to protecting vulnerable areas and ultimately restoring them, where possible. However, the County should amend this policy to expand its coverage to include (or clarify that it does in fact already encompass) areas that have degraded groundwater quality, regardless of whether those areas do or do not currently supply a community or municipality with drinking water. Groundwater contamination is not static: contaminated areas are a threat to those areas that still contain good-quality groundwater, as human-induced groundwater contaminants are known to spread and drift. Furthermore, formal designation will contribute positively toward future water and land use planning, as regions with contaminated groundwater should not be targeted for land uses that must rely on clean water, such as residential development. I14-69

To the extent that the County has intended to create two separate regulatory regimes for vulnerable water *quantity* areas on the one hand (pursuant to WR-3.9), and vulnerable water *quality* areas on the other hand (pursuant to WR-2.6, Degraded Water Resources), this is a misguided approach. Issues related to water quality and water quantity are frequently intertwined, especially in the context of drinking water, and it does not make administrative or institutional sense for the County to bifurcate designation and regulation of vulnerable and compromised areas according to whether the vulnerability centers around quantity versus quality. Rather, pursuant to WR-3.9, the County should move forward with designating all areas that are "critical" to supplying a sufficient quantity of safe drinking water, including mapping and labeling areas of the County with known groundwater contamination and designating those areas for special treatment. Once such areas are designated, the County should institute protective measures for the health and safety of current water users and precautions against further contamination, such as restricting land uses and requiring best management practices in designated areas, particularly when communities rely on that aquifer for drinking water. I14-70

To clarify this, the County should amend WR-3.9 as follows:

> The County shall designate Critical Water Supply Areas to include the specific areas used by a municipality or community for its water supply system, areas critical to groundwater recharge, and other areas possessing a vital role in the management of the water resources in the County, including areas suffering from degraded groundwater quality.

Implementation Measure 24 should likewise be amended to implement this expansive purpose of WR-3.9 designation (which is not just to protect and facilitate groundwater recharge, but also to protect the *quality* of drinking water supplies). Since we are recommending several amendments to IM 24 based on several different comments to I14-71

several different plan policies in this joint letter, for clarity, our recommended additions to IM 24 that are relevant to *this* comment are highlighted below in bold, in order to distinguish from our recommended additions to IM 24 discussed in later comments: I14-71

> The County shall protect groundwater recharge areas in the County by carefully regulating the type of development within these areas**, and the County shall protect designated Critical Water Supply Areas in the County, especially where an aquifer is used to supply drinking water to residential users, by carefully regulating land uses within these areas to protect water quality.** Regulations may include, but are not limited to, the limitation of structural coverage and impervious surfaces**, imposition of Best Management Practices requirements,** and prohibition of uses with the potential to discharge harmful pollutants, increase erosion, or create other impacts degrading water quality or affecting groundwater supply. The County shall also encourage the development of joint-use projects, where groundwater recharge areas serve a dual purpose as parks or recreation areas, especially in unincorporated communities and hamlets.

2. Impact 3.6-2: Groundwater Supply I14-72

The RDEIR wrongly concludes that adoption of the current draft Update to the General Plan will have a "significant but unavoidable" impact on groundwater supply.[29] The current draft Update to the General Plan envisions new development in the County, including substantial conversion from agricultural to urban land use, and the RDEIR acknowledges that this will have a significant, detrimental environmental impact on current groundwater supply in the County. The RDEIR is wrong in concluding that this impact is unavoidable, however. The current draft Update to the General Plan does not include sufficient policies to mitigate these impacts, but such policies *are* possible. The County can better mitigate the significant impacts of future development and land use conversion by amending existing plan policies and drafting additional new plan policies, as follows:

a. Reversing Overdraft I14-73

Groundwater overdraft is a serious problem in Tulare County that we cannot afford to ignore, so the County's policies on groundwater withdrawals (WR-1.1) and water conservation (WR-3.6) are extremely important. As currently drafted, however, these policies and their implementing measures are insufficient. The County needs to add an additional policy to the Plan Update specifically addressing conditions of overdraft, with corresponding implementation measures that will lead to meaningful regulation of all significant groundwater extraction in those areas of the County that are known to be experiencing overdraft.

At minimum, the County should develop an ordinance regulating all *new* development in overdraft areas, namely, imposing impact fees and requiring effective mitigation measures for groundwater extraction as a condition for permit approval. The County should especially impose such requirements where land is converted from I14-74

[29] RDEIR, § 3.6, pp.37, 40-47.

agricultural to urban use, as this conversion carries the risk of increasing groundwater overdraft. Section 16.54 of the City of Visalia's Municipal Code, namely, the City of Visalia Water Resource Management and Groundwater Overdraft Mitigation Fee Ordinance, can be used as a model for a similar ordinance by the County. I14-74

The County should also take the initiative to regulate *existing* groundwater users in overdraft areas, however, because even if groundwater overdraft were merely to continue at its current pace due to existing consumption patterns by existing users, the County is facing a severe water shortage crisis in the future and placing the future health and safety of County residents at risk. Specifically, the County should develop an ordinance requiring private well owners in overdraft areas to adopt water efficiency measures and/or pay a volumetric mitigation fee to fund water efficiency and recharge projects to help mitigate the impacts of groundwater overdraft in disadvantaged communities. Again, the City of Visalia's overdraft mitigation ordinance can serve as a useful starting point in drafting such an ordinance. I14-75

The County should thus adopt a new policy along the following lines: I14-76

> **WR-__: Groundwater Overdraft**
> The County shall regulate those areas of the County where groundwater extraction exceeds groundwater recharge, with the goal of reducing and ultimately reversing groundwater overdraft conditions in these areas.

The County should also adopt a corresponding new implementation measure for this new policy to Chapter 11, Water Resources: I14-77

> County staff shall develop an ordinance imposing impact fees and requiring effective groundwater extraction mitigation measures as a condition for project approval in areas of known overdraft. New land uses that result in increased groundwater extraction will be restricted unless there is a clear demonstration that these impacts can be mitigated. County staff shall also adopt an ordinance imposing a volumetric impact mitigation fee on existing private well owners in areas of known overdraft. Such fees could be reduced in exchange for the adoption of effective mitigation measures. Proceeds from impact fees for both ordinances shall be used to fund water efficiency and recharge projects in disadvantaged communities.

WR-3.6: Water Use Efficiency – With respect to those areas of the County that are not currently experiencing overdraft conditions, WR-3.6 and Implementation Measure 10 provide a solid framework for helping to prevent overdraft conditions from spreading through a combination of public education, regulation, and incentive-based programs to achieve water conservation. As currently drafted, however, IM 10's reference to incentives is confusing, if not meaningless, and it unnecessarily isolates incentive-based programs to new development, when existing groundwater users could clearly benefit from incentive-based programs as well. (Effective water conservation will require cooperation among all stakeholders, most of whom are existing water users.) Therefore, IM 10 should be amended to add the following language, which helps clarify that all categories of existing groundwater users are encouraged to engage in conservation measures: I14-78

> The County shall incorporate provisions~~, including evaluating incentives,~~ 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 County shall also develop incentive-based programs and provide assistance to existing agricultural, industrial, and residential water users to implement conservation measures and technologies, such as water meters.

I14-78 cont'd

WR-1.1: Groundwater Withdrawal – We note that WR-1.1 appears to have a typographical error – "migrate" should be replaced with "mitigate", as follows: I14-79

> The County shall cooperate with water agencies and management agencies during land development processes to help promote an adequate, safe, and economically viable groundwater supply for existing and future development within the County. These actions shall be intended to help the County ~~migrate~~ mitigate the potential impact on ground water resources identified during planning and approval processes.

WR-3.1: Develop Additional Water Sources – We appreciate the modifications the County has made to this policy, which now acknowledges the importance of recharge and infiltration as a component of County-wide water conservation initiatives. This policy should be paired with a win-win implementation measure that encourages the development of joint-use projects, where recharge areas can serve a dual purpose as parks or recreation areas, especially in unincorporated communities and hamlets that currently lack such communal spaces for neighborhood children and families. This language can be added easily to the end of Implementation Measure 24. Since we are recommending several amendments to IM 24 based on several different comments to several different plan policies, for clarity, our recommended additions to IM 24 that are relevant to *this* comment are highlighted below in bold, in order to distinguish from our recommended additions to IM 24 discussed in preceding comments: I14-80

> The County shall protect groundwater recharge areas in the County by carefully regulating the type of development within these areas, and the County shall protect designated Critical Water Supply Areas in the County, especially where an aquifer is used to supply drinking water to residential users, by carefully regulating land uses within these areas to protect water quality. Regulations may include, but are not limited to, the limitation of structural coverage and impervious surfaces, imposition of Best Management Practices requirements, and prohibition of uses with the potential to discharge harmful pollutants, increase erosion, or create other impacts degrading water quality or affecting groundwater supply. **The County shall also encourage the development of joint-use projects, where groundwater recharge areas serve a dual purpose as parks or recreation areas, especially in unincorporated communities and hamlets.**

WR-1.3: Water Export Outside County – This policy should be drafted as restrictively as possible, because Tulare County already suffers from water supply shortages. To this end, Implementation Measure 1, which implements WR-1.3, should remain obligatory for the County and should include a time limit on groundwater export contracts so that these contracts can be reviewed periodically: I14-81

> County staff shall develop an ordinance that will regulate the permanent extraction and exportation of groundwater from Tulare County. The ordinance will set up a permit process for groundwater export, which permits shall be valid for no more than ten years and subject to de novo review prior to renewal. Conditions considered for this permit will include . . . [conditions omitted here to save space].

I14-81 cont'd

WR-3.12: Joint Water Projects with Neighboring Counties – New water contracts and new canals and pipelines are certainly necessary to develop supply, but joint initiatives with neighboring counties should also prioritize conservation and groundwater recharge, which are important aspects of matching supply with demand, especially as the population in the San Joaquin Valley grows. WR-3.12 should be amended to acknowledge this:

I14-82

> Tulare County will work with neighboring counties to promote development of joint water projects, such as a cross-valley canal, and other efforts to expand water supply, including conservation measures.

WR-1.4: Conversion of Agricultural Water Resources (& WR-3.3 Adequate Water Availability) – In its latest revisions to the Update to the General Plan, the County has made changes to WR-1.4 that muddle its meaning. WR-1.4 should be amended for greater strength and clarity, as follows:

I14-83

> For new urban development, the County shall ~~discourage~~ restrict the transfer of water used for agricultural purposes (within the prior ten years) for domestic consumption unless certain conditions are met, including but not limited to the following:
> - The water remaining for the agricultural operation is sufficient to maintain the land as an economically viable agricultural use, and
> - The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin.

Changing "discourage" to "restrict" will make this important policy much more effective and meaningful in terms of mitigating groundwater overdraft in the County.

Both WR-1.4 and WR-3.3 will help ensure that adequate water supplies are maintained for existing communities and land uses, first and foremost, and that our County remains agricultural, but they need an effective implementation measure. To achieve this purpose, Implementation Measure 19, which currently implements only WR-3.3, should be expanded to incorporate WR-1.4's conditions (and implement WR-1.4), as follows:

I14-84

> The County shall adopt an ordinance to require new development proposals to provide a Will-Serve letter as part of the application process and suitable evidence of long-term water availability, namely, at least twenty years of supply, prior to approval of the tentative map or other entitlement. Water used for agricultural purposes within the prior ten years will not be considered available unless each of the following conditions are met: (1) the water remaining for the agricultural operation is sufficient to maintain the land as an economically viable agricultural use, and (2) the reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin. For subdivisions proposing to use well water, the new ordinance shall evaluate current waiver provisions and evaluate well pump test requirements to demonstrate water supply capabilities.

This change will strengthen and better implement *both* policies (WR-1.4 and WR-3.3). I14-84 cont'd

b. Public Education and Outreach I14-85

WR-3.8: Educational Programs – This is an important policy, but it should be clarified that these educational programs will be directed at agricultural and industrial water users in addition to residential water users, because all stakeholders in the county will need to engage in behavioral changes in order for efforts at water conservation and water quality restoration to be effective. Additionally, WR-3.8 conflicts with its implementation measure (#23), because the policy suggests the County will merely play a supportive role, encouraging other agencies to develop educational programs, while the implementing measure suggests the County itself will take the lead in developing such programs. The policy should be amended to resolve this inconsistency in favor of shared responsibility. Finally, although we appreciate the County's efforts to expand this policy to incorporate public education on water quality issues in its latest revisions to the Plan Update, as currently drafted the policy is somewhat confusing on this point. Therefore, WR-3.8 should be amended as follows:

> The County shall develop ~~encourage the development of~~ educational programs, in cooperation with ~~both by~~ water purveyors, other ~~and~~ public agencies, and community-based groups, in order to increase public awareness among residential, agricultural, and industrial water users regarding ~~of~~ water conservation and groundwater protection opportunities and the potential benefits of implementing conservation measures and ~~programs including~~ water quality protection measures.

Implementation Measure 23, which implements WR-3.8, is a great start but should be expanded slightly. There are feasible measures that can be taken to protect our water supplies in the County and ensure clean water into the future, and these should be articulated here. Furthermore, public education efforts are useless if the information is not conveyed in a language that the intended recipients can understand. Therefore, IM 23 should be amended as follows: I14-86

> The County shall develop an education program to inform residents of water conservation and contamination prevention techniques, such as wellhead protection, proper fertilizer application, and septic maintenance, and the importance of water quality and adequate water supplies. Programs may include informational flyers, community workshops, technology transfer fairs, and other various means of education and information dissemination. Outreach and communications shall be conveyed in both English and Spanish, and other languages where appropriate.

3. Impact 3.6-4: Storm Water Drainage I14-87

The RDEIR wrongly concludes that adoption of the current draft Update to the General Plan will have a "less than significant" impact on the capacity of storm water drainage systems in the County.[30] The RDEIR largely ignores the fact, acknowledged in the Background Report, that many unincorporated communities currently suffer from

[30] RDEIR, § 3.6, pp.37, 50-52.

inadequate storm water drainage infrastructure that leads to extensive flooding in streets, parking lots, schools, homes and businesses during the rainy season.[31] Given that existing runoff from existing development already exceeds the drainage capacity of these communities, new development pursuant to the Update to the General Plan cannot but further worsen this problem by contributing to runoff. Furthermore, the current draft Update to the General Plan does little to address the fact that existing communities throughout the County already suffer from storm water drainage problems, and it is substantially likely that ignoring this problem will only exacerbate it, even if no further development takes place within these drainage-troubled areas. Thus, a significant environmental impact of adopting the Update to the General Plan as drafted is the substantial likelihood that existing County residents will continue to suffer from flooding caused by insufficient storm water drainage infrastructure and that increasing numbers of County residents will be negatively affected by drainage problems as time progresses. I14-87 cont'd

The County can take steps to mitigate this negative environmental impact by amending existing plan policies and drafting additional new implementation measures that address existing drainage problems, as follows: I14-88

PFS-4.1: Stormwater Management Plans – This is an important policy, but as drafted it lacks any real meaning or strength, so it should be revised as follows:

> The County shall ~~consider the preparation and adoption of~~ prepare and adopt stormwater management plans for communities and hamlets to reduce flood risk, protect soils from erosion, control stormwater, and minimize impacts on existing drainage facilities, and develop funding mechanisms.

Furthermore, this policy lacks any implementation measures. The County should add the following new implementation measures to Chapter 14, Public Facilities and Services, to implement PFS-4.1: I14-89

> The County Resource Management Agency shall identify flooding problems in unincorporated communities and hamlets and seek funding from federal and state agencies.

[31] Background Report, Chapter 7, p.55 (noting that "[*m*]*any of the unincorporated small communities* have no underground drainage infrastructure, leaving only surface drainage which is more subject to flooding, and/or not properly functioning due to little or nonexistent facility maintenance"); p.62 (noting that "development that occurred prior to 1972 generally does not have storm drainage infrastructure installed, *as is the case for most unincorporated areas of the County*[,]" and that "[t]his has led to a need to improve such areas that lack drainage") (emphasis added); *see* RDEIR, § 3.6, p. 33 (noting that "[l]ocalized drainage issues occur throughout the County," that levees have been placed throughout the county to increase available land for agriculture and that these levees "rarely meet current standards for flood protection[,]" that there are "locations where homes or other urban development occurs behind agricultural levees," that "those areas are likely to experience drainage issues as flood waters are held behind the levee, unable to drain to the river[,]" but concluding that "prevention of development in affected areas has been found to be more effective *than fixing such problems* through larger levees" – i.e., concluding that it's more effective to prevent further development in those troubled areas than to solve the levee problem for existing communities in such areas); *see also* RDEIR, § 3.6, pp.28, 50-52.

I14-89 cont'd

> The County shall prioritize existing communities and hamlets suffering from flooding and storm water drainage problems for Community Development Block Grant (CDBG) project development and funding, which is overseen by the Community Development and Redevelopment Division of the County Resource Management Agency.
>
> The County shall cooperate with water and irrigation districts and unincorporated communities and hamlets that have storm water drainage problems to develop projects to address these issues.

I14-90

J. The RDEIR Fails to Analyze and Mitigate Public Services and Utilities Impacts Adequately

1. Impact 3.9-1: Water Services Infrastructural Capacity

The RDEIR concludes in Impact 3.9-1 that a "significant but unavoidable" impact of adopting the current draft Update to the General Plan will be the necessity of constructing new or expanded water services infrastructure to meet *future development* needs.[32] Specifically, the RDEIR states that:

> Implementation of the proposed project would result in additional County-wide residential and non-residential land use development. *Additional land use development consistent with the proposed project* would . . . in some cases result in insufficient water . . . facilities available to serve some of the unincorporated areas designated for urban development. In other cases, insufficient water treatment and conveyance facilities or water quality issues could result [in an] inability of domestic water service providers to meet water demands.[33]

The RDEIR focuses exclusively on new development, not on existing situations in existing communities.[34] Although the RDEIR incorporates a qualitative evaluation of the capacity of each unincorporated community's water system (taken from LAFCO MSRs or interviews with individual water providers), that assessment only considers a system's ability to service *projected growth* in the community.[35] The RDEIR does not consider or measure the adequacy of a domestic water system's existing infrastructural capacity to serve current customers effectively and affordably, now and into the future. The RDEIR's only acknowledgment that existing services are important is a throwaway statement that water providers "must not only maintain supplies and facilities to serve existing water users, but also must expand supplies and facilities needed to accommodate

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[32] RDEIR, § 3.9, pp. 35-38, 47-50.

[33] RDEIR, § 3.9, p.36 (emphasis added).

[34] The RDEIR makes it clear that the County sees its role with respect to water services to be solely as a coordinator and facilitator ensuring the adequate delivery of water services to *new development*. *See, e.g.*, RDEIR, § 3.9, p.48 ("Current procedures and policies and programs contained in the proposed project would strive to secure adequate water supplies for unincorporated areas within the County *that are designated for urban development* . . . .") (emphasis added); p.49 ("[T]he County will continue to implement a variety of policies and programs designed to coordinate with local water service providers to ensure the provision of an adequate water supply that meets clean, safe water standards *prior to development*.") (emphasis added); p.33 ("Adequate water supply and facilities are essential if the County is to sustain growth and serve projected increases in employment and population").

[35] RDEIR, § 3.9, pp.17-18, 34, 37.

planned population growth within each service area."[36] In other words, according to RDEIR, the standard for existing customers is to maintain the status quo. There is no acknowledgement that the status quo is inadequate, let alone that the Plan Update's single-minded emphasis on new development and silence with respect to current problems in existing communities might affirmatively contribute toward worsening water service infrastructural problems in existing communities. I14-90

The County is obligated by CEQA to evaluate *every* potentially significant negative environmental impact associated with adoption of the current draft Update to the General Plan, and one such impact is the increasing deterioration and increasingly inadequate capacity of existing water services infrastructure to serve existing customers in existing communities effectively and affordably. The current draft Update to the General Plan does not include sufficient policies to mitigate these impacts, but such policies are possible. The County can take steps to mitigate this negative environmental impact by amending existing plan policies and drafting additional new implementation measures, as follows: I14-91

a. Prioritizing Existing Communities I14-92

PFS-1.1: Existing Development & PFS-1.2: Maintain Existing Levels of Services – These policies are a good start, but the draft Update to the General Plan should prioritize existing communities over new development in *all* areas of the County, not just those limited areas where the County is the water service provider. Therefore, these policies should be amended as follows:

> The County shall ~~generally give priority~~ prioritize its resources for the maintenance and upgrading of ~~County-owned and operated~~ facilities and services to existing development in order to prevent the deterioration of existing levels-of-service. (PFS-1.1)
>
> The County shall ensure new growth and developments do not create significant adverse impacts on existing ~~County-owned and operated~~ facilities. (PFS-1.2)

b. Affordability and Cost-Sharing I14-93

PFS-1.5: Funding for Public Facilities, PFS-1.6: Funding Mechanisms, & PFS-3.7: Financing – None of these policies mention affordability. Many County residents in unincorporated areas are paying as much as 10% of household income for drinking water alone, which does not even include payment for other services such as solid and liquid waste disposal. The EPA's National Drinking Water Advisory Council suggests that water systems aim for 1% of median household income as an affordable rate.[37] This is not an easy target for smaller systems, but affordability should at least be included as an explicit goal, in all three of these policies, as follows:

[36] RDEIR, § 3.9, p.36.
[37] *See* U.S. Environmental Protection Agency, Information for States on Developing Affordability Criteria for Drinking Water, *at* http://www.epa.gov/safewater/smallsystems/afforddh.html.

> The County shall implement programs and/or procedures to ensure that funding mechanisms necessary to adequately cover the costs related to planning, capital improvements, maintenance, and efficient, affordable operations of necessary public facilities and services are in place, whether provided by the County or another entity. (PFS-1.5)
>
> The County shall use a wide range of funding mechanisms, such as the following, to adequately fund capital improvements, maintenance, and efficient, affordable on-going operations for publicly owned and/or operated facilities:
> - Establishing appropriate development impact fees,
> - Establishing assessment districts, and
> - Pursuing grant funding. (PFS-1.6)
>
> The County shall cooperate with special districts when applying for State and federal funding for major wastewater related expansions/upgrades when such plans promote the efficient, affordable solution to wastewater treatment needs for the area and County. (PFS-3.7)

I14-93 cont'd

Implementation Measure 2 is an excellent start for promoting affordable services as a County goal, but the County should also assist and strongly encourage *other* non-County-owned water purveyors within the County to conduct annual assessments to ensure that water services are affordable, adequate, and sustainable. Therefore, this measure should be amended as follows: I14-94

> The County shall annually review fees related to County-owned and operated facilities and County-provided services to ensure funding levels are both affordable and adequate to sustain these facilities/services long-term, and the County shall assist and encourage other water purveyors to do the same.

IM 2 should be linked to PFS-3.7, as well. (It currently only implements PFS-1.5 and PFS-1.6.)

There are many implementation measures the County could include in the Update to the General Plan to further a policy of affordability, including developing alternative models for cost-sharing for small systems. We suggest that the County add the following new implementation measure to Chapter 14, Public Facilities and Services, to implement PFS-1.5, 1.6, 1.8, 1.16, and 3.7: I14-95

> The County shall work with communities and hamlets to identify potential joint funding opportunities, joint management opportunities, and other means by which to join resources. The County shall support feasibility and other project design studies for infrastructure consolidation and take the lead in developing mechanisms to allow small systems to share costs in order to take advantage of economies of scale, thereby keeping rates affordable for basic services.

K. The RDEIR Fails to Analyze and Mitigate Project Impacts on Agricultural Resources Adequately

I14-96

The mitigating policies and implementation measures listed by the County under this element are insufficient to address the potential adverse impacts created by the

Project. We suggest the following additional considerations to the policies and implementation measures. I14-96 cont'd

AG-1.11: Agricultural Buffers - The County will examine the feasibility of buffers between agricultural and non-agricultural uses. In Implementation Measure #9, the County identifies interested stakeholders. There are other Tulare County groups interested in participating as well, such as Safe Air For Everyone (SAFE) who has collaborated with the Tulare County Agricultural Commissioner to impose buffer zones around schools for restricted pesticides, in fact over 1800 Tulare County residents have endorsed the concept of buffer zones to reduce pesticide drift. I14-97

ERM-1.13: Pesticides - The County commits to cooperating with state and federal agencies to evaluate side effects of pesticides. The County can also implement this policy by creating buffer zones between agricultural sources and non-agricultural sources to prevent exposure. The County has already taken positive steps in this direction by restricting the application of restricted pesticides near sensitive receptors. But, there might be additional ways to reduce exposure to pesticide drift. Groups such as Safe Air For Everyone are willing to engage with the County around these issues. I14-98

L. The RDEIR Fails to Analyze and Mitigate Project Impacts To Existing Underserved Communities I14-99

A number of community and hamlet residents have submitted a letter commenting on the General Plan and expressing some of their most pressing needs, and we incorporate by reference that letter here. Indeed, the RDEIR's failure to analyze and mitigate project impacts on existing, unincorporated communities implicates federal and state fair housing and civil rights laws because many of the unincorporated communities that suffer the most severe impact and infrastructure deficit are disproportionately latino, african-american and spanish speaking.

Below are some policies and implementation measures that investment should be targeted toward, along with suggested changes that could enhance quality of life for hamlets and existing communities: I14-100

PF 1.4: Available Infrastructure - Growth will be encouraged in communities and hamlets with available infrastructure. However, existing communities and hamlets do not have adequate infrastructure to meet current demands. How will the County assist communities and hamlets obtain necessary infrastructure to meet existing and future demands? The County should develop implementation measures that commit the County to assisting communities and hamlets evaluate means of creating management infrastructure and funding tools that allow for local accountability, but may share costs across a number of small communities. Such policies would allow small community service provides to keep costs affordable in low income areas by encouraging or incentivizing consolidation, joint management, revenue sharing, etc....

PF 2.5 & 3.5: Improvement Standards in Communities & Hamlets - These policies focus on new developments. The County should address the infrastructure needs of existing communities and hamlets. Implementation Measure 15 recognizes that curbs, gutters, sidewalks, parks, and sewer systems are important for residents' quality of life. The County should adopt policies for impact fees and revenue sharing with Cities which I14-101

could be used to improve existing conditions. The County could also prioritize underserved areas in establishing parks and in allocating funding for curb, gutter, sidewalks or sewer system improvements. Also the County should ensure that new developments within the UDB and HDB of existing communities and hamlets allow all residents to have access to parks and open space as well as any new commercial development. The County's transportation design policies should be linked to this policy as well. I14-101 cont'd

PF 3.6: Becoming a Community – This policy should take into account places that do not meet the definition of a community or a hamlet, but are established and not planned for under city spheres of influence. For example, Tooleville, which is located within the Sphere of Influence for Exeter. However, Exeter's plans for growth do not encompass Tooleville. Therefore, the County is responsible for planning within Tooleville, but will have to co-ordinate with Exeter on growth in the area rather than the residents of Tooleville. This is untenable given the fact that Exeter has been singularly opposed to including Tooleville in the City or providing any services to the areas, including basic services it currently lacks, such as potable water. While Tooleville kids go to school in Exeter and help bring tax dollars to the City through sales tax and school funding, the City has made it clear that it does not want this area to be part of the City within the next 100 years, nor is it interested in helping provide any of the needed services in the area. Instead the City wants to develop in all other directions, including islands to the South and large swaths directly north of Tooleville. Leaving the planning of Tooleville's future to Exeter is not in Tooleville's best interest. The County should classify Tooleville as a Hamlet or a Community allowing it to develop its own plan for future growth, since the City clearly wants no part in its future. I14-102

Planning Framework Implementation Measures 18 & 19 delay the creation of Hamlet Plan guidelines and preparation of Hamlet Plans until 2015-2020. Many of these areas have been neglected for years and should not be made to wait longer.

Planning Framework Implementation Measure 22 - The County pledges to continue to support community/hamlet efforts to secure state and federal funding for projects. However, in some instances the County has not supported local efforts to obtain necessary funding. For example, the County did not support local community efforts to address Deer Creek flooding in Earlimart and Allensworth. The County did not support Alpaugh's efforts to secure state and federal funding to dig a new well to improve the quality of its drinking water. The County should assist local groups to identify potential funding sources, write letters on behalf of the community, and leverage the County's resources and connections to ensure those funding sources are secured. I14-103

TC-1.2: County Improvement Standards - While the County Improvement Standards is mentioned as the guide to road maintenance and construction, there needs to be a clear explanation as to how residents can advocate for their road needs. I14-104

TC-1.19: Balanced Funding - A balanced approach to the allocation of transportation funds in the county transportation system is critical, however, there also needs to be careful consideration and equitable investment particularly to the unincorporated communities that are geographically remote. I14-105

TC-4.2: Determine Transit Needs - We appreciate the desire to work with TCAG, Cities and communities to evaluate and respond to public transportation needs. However, there should be a specific ongoing strategy to evaluate and respond to the I14-106

needs of the rural, unincorporated communities adequately. One recommendation is to engage more effectively with community service providers and non-profits. Also, this must be ongoing, since traditionally the one "set" time to engage in transit needs is the unmet needs hearings, which traditionally have not been accessible to all working families and residents of the county. I14-106 cont'd

TC-4.3: Support Tulare County Area Transit. - We applaud the explicit mentioning of providing intercommunity services between unincorporated communities and cities. However, there should be consideration given to implementing an outreach and education strategy to ensure these unincorporated communities have a way to voice their needs, and are adequately informed about county transit services. Similarly, there should be careful consideration to the inclusion of transit hubs that are accessible as transfer points in the rural areas of the county. I14-107

III. The RDEIR's Alternatives Analysis is Fundamentally Flawed I14-108

A. The RDEIR Fails To Consider a Reasonable Range of Alternatives

Under CEQA, an EIR must consider and analyze a wide-range of alternatives to the project. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Accordingly, "[a] major function of an EIR 'is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." *Save Round Valley Alliance v. County of Inyo*, 157 Cal.App.4th 1437, 1456 (2007) (citations omitted). Here, the RDEIR fails to present "a reasonable range of potentially feasible alternatives." Guidelines § 15126.6(a). In addition, the RDEIR improperly rejects environmentally superior alternatives.

The County's alternatives are hardly distinguishable. According to the RDEIR, 25 percent of growth will occur in unincorporated areas under the General Plan Update, 20 percent of growth will be placed in these areas under the city-centered alternative, 30 percent of growth will occur in these areas under both the rural communities and the transportation corridor alternative. (DEIR 7-3 to 7-4). The County must consider an alternative that will place almost all growth in incorporated cities and established communities and hamlets. This alternative should consider revenue sharing agreements with the cities in exchange for giving cities control over city-centered development. Additionally, the County must consider alternatives that incorporate strict energy and water conservation measures, require green building practices and mixed-use development and places development near alternative transportation nodes. Such alternatives would result in a significant reduction in greenhouse gas emissions resulting from VMTs and energy consumption. It would also result in fewer greenhouse gas emissions from construction and development, as the County would not have to build new infrastructure throughout the unincorporated areas. These alternatives would meet the County's basic goals and objectives of its General Plan Update and, therefore, must be considered by the County. I14-109

The County must also explain its analysis of the alternatives in more detail so that the public and decision-makers can better determine how they would achieve the goals and objectives of the General Plan Update, lessen the environmental impacts resulting from growth and development and why the County eventually chose this General Plan Update, rather than more environmentally-friendly alternatives. Like its treatment of the Project, the alternatives analysis contains no maps or other detail that informs the public and decisionmakers how land use designations would change under the alternative as compared to the proposed Project and existing conditions. I14-110

B. The RDEIR Improperly Rejects the Environmentally Superior Alternative I14-111

The RDEIR also improperly rejects environmentally superior alternatives. The RDEIR acknowledges that the City-Centered Alternative "would meet all objectives related to the protection of existing open space and agricultural land use" but rejects the alternative on the grounds that "lower levels of anticipated growth and development may make it more difficult to achieve the desired level of reinvestment within existing communities and hamlets." (RDEIR at 4-19.) However, reinvestment is a question of directing revenue, not simply allowing largely unregulated growth. City-centered growth would provide additional revenue for the County by sparing it the expense of uncontrolled sprawl growth and allowing to it direct needed revenue to hamlets and existing communities.

Hamlets and existing communities have long been ignored by the County and Cities alike. Although these hamlets and communities have been established for decades, many still lack basic infrastructure, such as potable water or adequate sewers. While these communities need some new developments, basic services and infrastructure, unregulated growth is not the solution. The County should consider a plan that places all growth in incorporated cities and established communities and hamlets, emphasizing investments in the most underserved areas. I14-112

IV. The RDEIR Must Be Redrafted and Recirculated I14-113

CEQA requires recirculation of a revised draft EIR "[w]hen significant new information is added to the environmental impact report" after public review and comment on the earlier draft DEIR. Pub. Res. Code § 21092.1. This includes the situation where, as here, "[t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." Guidelines § 15088.5(b)(4). The opportunity for meaningful public review of significant new information is essential "to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Sutter County Board of Supervisors*, 122 Cal.App.3d 813, 822 (1981); *City of San Jose v. Great Oaks Water Co.*, 192 Cal.App.3d 1005, 1017 (1987). An agency cannot simply release a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from

public review." *Mountain Lion Coalition v. California Fish and Game Comm'n*, 214 Cal.App.3d 1043, 1053 (1989). I14-113 cont'd

In order to cure the panoply of defects identified in this letter, the County will need to obtain substantial new information to assess the proposed Project's environmental impacts adequately, and identify effective mitigation capable of alleviating the Project's significant negative environmental impacts. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft EIR.[38]

CONCLUSION

Thank you for your consideration of these comments. We look forward to working with the County now and in the future to reach our shared goals of reducing greenhouse gas emissions and protecting biological diversity, public health, and our environment. I14-114

CBD, CRPE, CWC, and CRLAF wish to be placed on the mailing/notification list for all future environmental decisions regarding this Project. If you have any questions regarding these comments, please do not hesitate to contact Matthew Vespa at (415) 436-9682 x309 or mvespa@biologicaldiversity.org, Sofia Parino at (415) 346-4179 x301 or sparino@crpe-ej.org, or Rose Francis at (559) 733-0219 or info@communitywatercenter.org or Martha Guzman at mguzmanaceves@crlaf.org.

Sincerely,

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Sofia Parino
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[38] Additionally, the County's charge of $500 to get a copy of the Draft Update to the General Plan and the RDEIR seems unreasonably and prohibitively high. Low income residents without internet access were prohibited from obtaining a copy for review. While copies were available at various public libraries, the cost for obtaining a hard copy should have been more reasonable. The County should remedy this when recirculating the revised RDEIR. I14-115

Community Water Center

California Rural Legal Assistance Foundation

Enc: The following references are included for your review and inclusion in the administrative record.

ATTACHED REFERENCES

Ex. A BAAQMD, CEQA Guidelines Update, Proposed Thresholds of Significance, May 3, 2010.

Ex B BAAQMD, CEQA Air Quality Guidelines, May 2010 at 4-10.

Ex C BAAQMD, GHG Plan Level Quantification Guidance, May , 2010.

I14-116

Ex D CARB, Climate Change Proposed Scoping Plan (Dec. 2008)

Ex E California Attorney General, Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions (2009).

Ex F California Attorney General letter to SJVAPCD re: Final Draft Staff Report on Greenhouse Gas Emissions Under CEQA, Nov. 4, 2009.

Ex G Carruthers, J., Ulfarsson, G. "Does 'Smart Growth' Matter to Public Finances?" 2007

Ex H California Natural Resources Agency, Final Statement of Reasons for Regulatory Action (Dec. 2009).

Ex I CAPCOA, Model Policies for Greenhouse Gases in General Plans (June 2009).

Ex J Howard, Cody J., Kumar, Anuj, et. al., Environ. Sci. & Technol.: *Reactive Organic Gas Emissions from Livestock Feed Contribute Significantly to Ozone Production in Central California*, Vol. 44, No. 7 (2010) 2309-2314.

Ex K Institute for Local Government, CCAN Best Practices Framework (Feb. 2010).

Ex L Powers, William E., Expert Report (Dec. 2007).

Ex M Urban Land Institute, Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen. "Growing Cooler: The Evidence on Urban Development and Climate Change." 2008 (Executive Summary)

Ex N Yolo County, 2030 General Plan Update, Land Use Element

Letter I15

May 24, 2010

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5961 S. Mooney Blvd.
Visalia, CA 93277

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connielfry@sbcglobal.net

Letter I15

May 24, 2010

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Letter I15

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(28)

693 E. Kern Ave.
Tulare CA 93274
May 27, 2010
559-686-6836

David Bryant, Project Planner,
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia CA 93277

RE: Comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Tulare County General Plan 2030 Update

Dear Mr. Bryant:

The following are my observations, most of which don't seem to have been raised by other commentators on either of the drafts of the subject EIR. Thank you for your complicity in this artificial disaster that will visit calamity on your grandchildren who will be stranded in a hellish world without transportation and wondering why their elders would act so irresponsibly. I16-1

POPULATION PROJECTIONS I16-2

Estimates of the scale of a project must by made competently and transparently. RDEIR Chap. 7, p. 7-1, provides a source of historical population:

"Tulare County Association of Governments (TCAG). 2008. Table 2: Historical City/County Population Estimates, 1991-2007, with 1990 and 2000 Census Counts. Data provided by Mark Hays, TCAG Associate Regional Planner."

However, the documentation necessary to verify the numerical conclusions stated in the RDEIR are neither published in the RDEIR nor made available to the public as required by CEQA. My attempts were unsuccessful in obtaining the information as evidenced by the unanswered E-mail message below:

mahays@co.tulare.ca.us sent 3:09 pm 20100519

Population Projection source data for GPU EIR

Mr. Hays:

I called last week for the subject information. I left a message that was followed up by Marvin Demmers. He said he would get back to me after doing some checking. I have not yet heard from

him or received the requested information. It would be helpful if this information is made available as soon as possible so that I can determine whether or not RMA should be made aware of any possible discrepancies with respect to its use of its projected growth projection figure by the public comment deadline. I16-2 cont'd

--Don Manro
686-6836

RDEIR Chap. 1, p. 1-13, identifies 2 documents only that are incorporated by reference--a background report dated 2008 & the Goals & Policies Report. No document is identified for population projections. I16-3

RDEIR Chap. 2, p.2-24, identifies TCAG for population projections, but not a document for the source data. However, a page number and a date is given: I16-4

"The proposed project is based on a projected year 2030 population of 742, 970. This population estimate is based on projections provided by TCAG (TCAG, page 1, 2008) and the State Department of Finance (California Department of Finance, pages 18-19, 2007)."

The same page goes on describing what was done with the projections as well as providing references some early documents & processes presumably for mapping and modeling.

Lacking the source document that is referenced in the RDEIR but which is unavailable, and the failure to describe the method of projecting the future new growth estimated at 742,970 (page 2-24) for the year 2030, the decision-makers and public are being uninformed as to the comparative value of the annual incremental future growth with that of any past time period.

The table on the following page was constructed to obtain, by trial and error, an estimate of the average annual increase in population required to match the RDEIR's total new growth of 742,900 (page 5-2), starting with year 2007 and ending in the year 2030. The resulting rate is 2.31431%. This is roughly equivalent to but 5% larger than the 2.2% estimate in the RDEIR for the period 2000 to 2007. There is no information provided to indicate whether or not either of those rates are typical in the larger historical context, or what new trends might justify such a high rate except for the implied laissez-faire approach to new development that the GPU represents. Note that the table below extends the calculation beyond the 2030 population depicted in RDEIR Table 5-1 to illustrate that this rate would result in a county population of one million by 2043. The 2007 population would double early in 2036 (26 years from now). I16-5

DIRECT IMPACTS I16-6

The direct impacts that are considered significant and unavoidable will be worse due to the new policy promoting the creation of new cities. Therefore, the statement on RDEIR page 5-3 that fails to include the bureaucratic euphemism "Planned Community Area" (PCA) among the loca-

	A	B	C	D	E	F
1	County Growth Projection DEIR p. 5-2 is based on avg. annual increase of 2.31431%					
2						
3	year	initial population	rate/yr x initial	resulting population	annual increase	cum. increase
4						
5	2007	429000	9928.3899	438928.3899	9928.3899	9928.3899
6	2008			449086.55352	10158.16362	20086.55352
7	2009			459479.80854	10393.255017	30479.80854
8	2010			470113.59569	10633.787157	41113.59569
9	2011			480993.48165	10879.885957	51993.48165
10	2012			492125.1619	11131.680245	63125.16189
11	2013			503514.46373	11389.301834	74514.46373
12	2014			515167.34932	11652.885586	86167.34932
13	2015			527089.9188	11922.569482	98089.91879
14	2016			539288.4135	12198.4947	110288.4135
15	2017			551769.21918	12480.805682	122769.2192
16	2018			564538.8694	12769.650216	135538.8694
17	2019			577604.0489	13065.179508	148604.0489
18	2020			590971.59717	13367.548264	161971.5972
19	2021			604648.51194	13676.91477	175648.5119
20	2022			618641.95292	13993.440977	189641.9529
21	2023			632959.2455	14317.292581	203959.2455
22	2024			647607.88461	14648.639114	218607.8846
23	2025			662595.53864	14987.654034	233595.5386
24	2026			677930.05346	15334.51481	248930.0535
25	2027			693619.45648	15689.40302	264619.4565
26	2028			709671.96092	16052.504443	280671.9609
27	2029			726095.97008	16424.009159	297095.9701
28	2030			742900.08172	16804.111645	313900.0817
29	2031			760093.0926		
30	2032			777684.00306		
31	2033			795682.02171		
32	2034			814096.5703		
33	2035			832937.28864		
34	2036			852214.0396		
35	2037			871936.91434		
36	2038			892116.23755		
37	2039			912762.57284		
38	2040			933886.72834		
39	2041			955499.76229		
40	2042			977612.98883		
41	2043			1000237.984		
42						
43						
44						
45						

I16-5 cont'd

tions where new growth will be directed--also characterizing the GPU's intended attributes as benign--is wildly misleading. Perhaps the failure to designate any such locations on the LU Diagram is supposed to excuse such unjustified optimism. That oversight may also be intended to erroneously relegate some of the most egregious impacts of the "whole project" to the rubric of cumulative effects. I16-6 cont'd

INDIRECT IMPACTS I16-7

The explanation of the significant indirect effects on p. 5-3 contains further misleading statements concerning where growth will take place as if there was no new policy allowing the creation of new urban centers:

"specific policies. . . focus new residential growth within *existing areas* that currently provide a mixture of housing, shopping and employment opportunities . . . ." (Emphasis added.)

GROWTH INDUCING EFFECTS I16-8

The growth inducing impacts that are considered significant and unavoidable will also be more severe than stated due to the new cities policy. The statement on page 5-3, which claims the intent to ". . . provide a framework in which the growth can be managed in order to best suit the needs of the County and its various community plan areas . . . ." will actually compound the current sprawl producing practices by setting aside additional rural areas for urban development to be approved by the county. It is not the legislative intent of CEQA to be a vehicle in which local agencies catapult propaganda that conceals their intent to appease the growth-related industries and garner short-term revenues at the cost of eventual environmental collapse.

CUMULATIVE IMPACTS I16-9

Since it is doubtful that a single certified document containing regional or areawide conditions exists to utilize for evaluating the 2030 GPU's contribution to cumulative effects, the county employed a hodgepodge of specific project informational documents whose certifications cannot be verified by the public because of their unavailability. The method actually used is more like a list. However, the projected growth within and adjacent to the Tulare County cities it lists constitutes the larger part of the project-specific impacts attributable to the GPU, and therefore, their impacts cannot be divorced from the GPU, placed in a group of other projects causing related impacts, and used to distort the discussion of cumulative effects.

The cumulative list should be revised to delete all the projects lying within Tulare County which should be depicted on the LU Diagram because they are integral components of the project area subject to the GPU program and will directly produce the project's incremental effect on the environment.

"As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (Guidelines, sec. 15130 subd. (a)(1).) I16-10

The growth related impacts occurring within the project boundaries must be considered together as producing the project's incremental effect in order to avoid understating the severity of its incremental effect when making a determination as to whether it is cumulatively considerable. It would be illogical and confusing to do otherwise. So, the following questions must be asked:

Are the population projections contained in the listed documents counted both as project-specific growth *and* as growth attributed to other projects, or were they counted only once? If just once, then which choice--the project described by the GPU or those projects erroneously considered among those treated as "regional growth projections" in Table 5-2? Please provide the reasoning behind the choice when responding.

The peril of approving projects without adequate analyses of cumulative impacts takes the abuses of piecemeal review to a higher order of magnitude. (*Las Virgenes Homeowners Federation, Inc.* v. *County of Los Angeles* (1986) 177 Cal.App.3d 300, 306.) I16-11

The RDEIR's stated method of discussing cumulative effects is inadequate. CEQA requirements for what constitutes a valid planning document for utilizing a summary of projections is as follows:

"A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency." (Guidelines sec. 15130, subd. (b)(1)(B).)

Tulare County not only fails to utilize a single (one) planning document for this purpose, but contrary to the CEQA requirements, its reams of referenced document*(s)* that supposedly contain growth projection summaries have not been made available to the public at a specified location by the lead agency. Given that fact, neither the decision-making body nor the public can verify which planning documents have actually been adopted and/or certified as required, whether they are up to date, or whether they evaluate regional or areawide conditions. I16-12

The only such document listed in RDEIR Table 5-2, page 5-5 with which I am familiar--the GPU for the City of Tulare which, incidentally, was prepared by the same consultants that the county hired--was decertified subsequent to the granting of a writ of mandamus on April 30, 2009. (*Manro v. City of Tulare* [Tulare Co. Sup. Ct. Case No. 08-228094]; *Sierra Club v. City of Tulare* [Tulare Co. Sup. Ct. Case No. 08-228122].) The approvals were rescinded via Resolution No. 09-76, dated July 21, 2009. Since this invalidated document appears to have been utilized in the cumulative effects discussion in the RDEIR, the information utilized in the summary of projec- I16-13

tions is not authorized. The only authoritative information would have to be supplied by an outdated document--The City of Tulare 2005 General Plan Update--whose EIR was certified 17 1/2 years ago in December 1992. I16-13 cont'd

An EIR should provide a reasonable explanation supporting the geographic area used in the analysis in addition to defining it. (*Kings County Farm Bureau* v. *City of Hanford* (1990) 221 Cal.App.3d 692, 721: Guidelines, sec. 15130, subd. (b)(3).) I16-14

A list or summary of projections should include projects within the region affected for common resources like valley floor agricultural soils, projects depending on the same water sources, state and federal transportation systems, the region bounded by geographic barriers to ambient air circulation, the portion of the scenic highway system in view of the Sierra Nevada, etc. While RDEIR page 5-4 suggests an approach for defining geographic limits to the discussion of various impacts, the actual discussion of each impact is void of such definitions.

Since most of the impact areas discussed in the RDEIR fail to specify the geographic limits, it is impossible to verify whether the ones employed are reasonable. And due to the fact that the documents cited in the RDEIR for basing its projections of cumulative impacts are so limited geographically, their discussion could not and does not reflect their severity.

"The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence . . . ." (CEQA Guidelines, sec. 15130, subd. (b).)

For example, there is no indication of what geographic area is being covered in the aggregate of planning documents used to project how much farmland of various types or how much acreage under Williamson Act contracts will be affected in a reasonably defined agricultural region within which Tulare County growers and ranchers participate. In fact there *are* no projections.

There are 8 counties in the SJVAPCD, but the projections on air quality effects supposedly takes only the southern 4 into account (including Tulare County). No explanation provided.

While the record in *Kings County* contained no definitive answer to the question of whether the analysis understated the severity and significance of the cumulative air impacts, the court concluded that the omission of information rendered the EIR inadequate. The reason given is that by merely excluding such information, the burden of providing it would be unfairly placed on the public. (*Kings County, supra,* 221 Cal.App.3d at p. 724.)

The growth projections should be consistent throughout the RDEIR. Why is the distribution of population given as 85% cities and 15% unincorporated on page 5-4? I16-15

Yours truly, Don Manro

Letter I17

(32)

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 DraftEnvironmental 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. I17-1

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. I17-2

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. I17-3

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. I17-4

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. I17-5

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. I17-6

Sincerely,

Letter I17

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. I17-7

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. I17-8

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.** I17-9

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. I-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.** I17-10

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- I17-11

1

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.** I17-11 cont'd

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. I17-12 I17-13

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. I17-14 I17-15

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: I17-16

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). I17-16 cont'd

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. I17-17

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. I17-18

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. I17-19

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. I17-19 cont'd

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. I17-20

THE DRAFT GENERAL PLAN 2030 UPDATE DOCUMENTS MUST BE REVISED TO PROVIDE ADEQUATE POLICIES AND RELIABLE IMPLEMENTATION MEASURES: I17-21

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."

I17-21 cont'd

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**

I17-22

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. I17-22 cont'd

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? I17-23 I17-24 I17-25

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, I17-26

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. I17-27

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). I17-28

THE GPR MUST BE REVISED TO INDICATE POLICY CATEGORIES: I17-29

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.** I17-30

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: I17-31

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.** I17-31 cont'd

THE RDEIR MUST BE REVISED TO PROVIDE A REASONABLE RANGE OF ALTERNATIVES, INCLUDING A REASONABLY ENVIRONMENTALLY SUPERIOR ALTERNATIVE: I17-32

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. I17-33

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. I17-34

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. I17-35

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. I17-36

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. I17-37

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. I17-38

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. I17-39

THE GPU SHOULD ADOPT AND IMPLEMENT THE AHWAHNEE PRINCIPLES (OR BETTER): I17-40
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. I17-41

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. I17-42
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: I17-43
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.

I17-43 cont'd

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.**

I17-44

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**

I17-45

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.**

I17-46

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.**

I17-47

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?**

I17-48

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. I17-49

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. I17-50

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** I17-51

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." I17-51 cont'd

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." I17-52

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.** I17-53

Concept 3(p. A-2) has not been changed. I17-54

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 is 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. I17-55

GUIDING PRINCIPLES (p. A-2) I17-56

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. I17-57

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. I17-58

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.** I17-59

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.** I17-60

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. I17-61

PF-1.1 (p. 2-7): The county has added "or foothill region," signaling its intention to promote development in the fragile foothill environment. I17-62

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 <u>all</u> 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. I17-63

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.** I17-64

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.** I17-65

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." I17-66

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.** I17-67

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.** I17-68

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.** I17-69

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 . . . ."** I17-70

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 I17-71

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.**

I17-71 cont'd

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.**

I17-72

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.

I17-73

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?**

I17-74

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.**

I17-75

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. I17-75 cont'd

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.** I17-76

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. I17-77

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.** I17-78

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) I17-79

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? I17-79 cont'd

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).** I17-80

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.** I17-81

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. I17-82

This new Policy and its Implementation need to be much clearer about who will be involved in the collaboration and what measures will <u>prevent conflict of interest and undue influence</u> 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 plant content <u>will</u> 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. I17-83

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.** I17-84

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. I17-85

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.** I17-86

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. I17-87

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. I17-88

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.** I17-89

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 . . . ." I17-90

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- I17-91

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). I17-91 cont'd

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.** I17-92

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 . . . ." I17-93

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.** I17-94

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.** I17-95

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. I17-96

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.** I17-97

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?** I17-98

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. I17-99

PF-4 (p. 2-49) Goal: What are the "countywide economic development goals" that the following Policies are meant to carry out? I17-100

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?** I17-101

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? I17-102

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?** I17-103

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.** I17-104

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.** I17-105

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. I17-106

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?** I17-107

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?** I17-108

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.) I17-109 I17-110

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** I17-111

streamlining process that the public's opportunity for review and comment of such updates and amendments not be rushed or minimized. I17-111 cont'd

IM #26 (p. 2-77) – Why is this significant? Why should an assessment district need to be established as part of annexing unincoporated 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? I17-112

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?** I17-113

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.** I17-114

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?** I17-115

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."** I17-116

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. I17-117

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. I17-118

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?** I17-119

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. I17-120

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. I17-121

> **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."

I17-121 cont'd

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.

I17-122

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**

I17-123

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). I17-123 cont'd

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 <u>not</u> 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. I17-124

PF-5.2, item #3 (p. 2-67): The County should require that the proposed project be required to be have a fiscally neutral or positive impact on the County **through each and every phase** of its development and projected life. I17-125

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. I17-126

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.** I17-127

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** I17-128

the 2010 version and the ramifications of this. Who will sign these documents now? Will they still be subject to County Counsel approval? I17-128 cont'd

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.** I17-129

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. I17-130

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. I17-131

PF-5.2, #12 (p. 2-28) Please CHANGE from "Planned communities *should* not cause" to "*shall* not cause" conversion of Prime Farmland., in order to be consistent with the goal of preserving the County's irreplaceable Prime Farmland. **The County should require that Prime Farmland be permanently conserved within New Towns/planned communities** in order to provide sustainable/organic food for the adjacent/surrounding community, I17-132

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. I17-132 cont'd

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?** I17-133

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. I17-134

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. I17-135

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. I17-136

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.** I17-137

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?** I17-138

PF-7.3 (p. 2-70) Maintaining Planning Consistency: Same comments as for PF-7.2 above. I17-139

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. I17-140

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.** I17-141

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.** I17-142

B. Concept 4 Housing (p. B-1): In the first line, "counties" should be "county's." I17-143

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 20101 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.** I17-144

Land Use Principle 4 (p. B-2): Same comment as immediately above for Agriculture Principle 2. I17-145

Housing (p. B-2): "State *Legislator*" should be "State *Legislature.*" I17-146

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.** I17-147

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.** I17-148

Farmland of Local Importance (p. 3-1): "Statewide *Import*" should be changed to "Statewide *Importance*" in the second sentence. I17-149

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?** I17-150

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.** I17-151

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?** I17-152 I17-153

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** I17-154

air quality, water supply and quality, GHG emissions, soil, flora, fauna, public health (and, in some cases, scenic landscapes). I17-154 cont'd

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.** I17-155

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.** I17-156

AG-1.3 "Williamson Act" (p. 3-4): The County downgraded this policy **from "<u>shall</u>" 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? I17-157

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? I17-158

IM#2 (p. 3-9) has already been discussed. I17-159

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** I17-160

also consider whether the community is utilizing land for development efficiently, per smart growth and liveable communities principles. I17-160 cont'd

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.** I17-161

This Policy and its IMs will not serve as mitigating and implementation measures for the RDEIR for conserving agricultural resources. I17-162

AG-1.5 (p. 3-5): States the County may work to remove parcels from Williamson Act contracts I17-163

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. I17-164

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.** I17-165

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 I17-166

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." I17-166 cont'd

The title of AG-1.6 in the RDEIR needs to be corrected from *Conversion* Easements to *Conservation* Easements. I17-167

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? I17-168

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.** I17-169

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? I17-170

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. I17-171

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.** I17-172

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 I17-173

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?** I17-173 cont'd

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.** I17-174

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??** I17-175

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. I17-176

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 I17-177

"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?** I17-177 cont'd

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?** I17-178

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 RVLP 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 RVLP. Neither AG-1.12 nor LU-3.5 has an IM. **These Policies will not serve as mitigating and implementation measures for the RDEIR.** I17-179

I17-100

Please change Policy AG-1.12 to: "The County shall prohibit the creation of any new RuralResidential Designations (ranchette developments), in order to use its developable land efficiently." I17-180

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."** I17-181

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. I17-182

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. I17-183

Please provide a stronger Implementation Measure to show how the County will work to discourage new schools in areas designated for agriculture. I17-183 cont'd

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. I17-184

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?** I17-185

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. I17-186

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 <u>sustainable</u> agriculture, the only way to achieve its long-term viability benefit to the County.** I17-187

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.** I17-188

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. I17-188 cont'd

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?** I17-189

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.** I17-190

INADEQUATE BACKGROUND REPORT AND RDEIR EXISTING CONDITIONS AND BASELINE INFORMATION: I17-191

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.") I17-191 cont'd

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.** I17-192

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.** I17-193

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. I17-194 I17-195

The Background Report and the RDEIR should discuss the following, to provide a useful baseline: I17-196

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? I17-196 cont'd

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. I17-197

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). I17-198

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? I17-199

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.** I17-200

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?** I17-201

"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?** I17-202

"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?** I17-203

"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. I17-204

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). I17-205

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).**

I17-205 cont'd

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.**

I17-206

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-**

I17-207

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 dariy discharges; (6) collection of demographic data relating to drinking behaviors of Tulare County residents to quantify exposures to nitrates or other chemical pollutants.

I17-207 cont'd

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?**

I17-208

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.**

I17-209

The RDEIR must thoroughly describe these impacts, direct and indirect, current and cumulative, and provide adequate mitigation measures for them. It is **"vitally 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).

I17-210

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.) I17-211

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. I17-212

INADEQUACY OF BACKGROUND REPORT, SECTION 2.5 "DEMOGRAPHIC CHARACTERISTICS" (BR pp. 2-29 ff): I17-213

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? I17-214

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? I17-214 cont'd

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.** I17-215

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? I17-216

ED-1.2 "Staff Resources" (p. 5-2): "May" is not a Policy statement. I17-217

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? I17-218

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). I17-219

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. I17-220

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.). I17-221

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? I17-222

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?** I17-223

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. I17-224

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 I17-225

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.**

I17-225 cont'd

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** <u>food crop</u> **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.

I17-226

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

I17-227

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? I17-227 cont'd

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. I17-228

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. I17-229

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. I17-230

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. I17-231

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. I17-231 cont'd

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. I17-232

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? I17-233

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." I17-234

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). I17-235

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** I17-236

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. I17-236 cont'd

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.** I17-237

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). I17-238

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. I17-239

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). I17-240

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** I17-241

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? I17-241 cont'd

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?** I17-242

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.** I17-243

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?** I17-244

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?** I17-245

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 I17-246

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

I17-246 cont'd

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.**

I17-247

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.**

I17-248

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.**

I17-249

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.**

I17-250

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.

I17-251

Please change the last sentence of this Key Term definition to: "This designation is located within UDBs and HDBs." I17-252

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. I17-253

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. I17-254

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? I17-255

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." I17-256

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. I17-257

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. I17-258

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: I17-259

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 I17-260

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)." I17-261

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? I17-262

Why are Springville and Richgrove NA? If more land is needed than the vacant land indicated, then what? I17-263

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). I17-264

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.** I17-265

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. I17-266

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.** I17-267

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?** I17-268

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?** I17-269

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.** I17-270

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. I17-271

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. I17-272

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. I17-273

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.** I17-274

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? I17-275

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 I17-276

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?**

I17-276 cont'd

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?**

I17-277

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?"**

I17-278

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.

I17-279

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?

I17-280

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.**

I17-281

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). I17-282

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. I17-283

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? I17-284

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?** I17-285

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. I17-286

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 I17-287

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?

I17-287 cont'd

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?**

I17-288

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.**

I17-289

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. I17-290

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. I17-291

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? I17-292

IM#17 says the County shall "consider"(with and "ongoing" timeline) preparing an inventory. This does not constitute an implementation measure. I17-293

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. I17-294

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. I17-295

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 I17-296

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.. I17-296 cont'd

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? I17-297

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.** I17-298

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.** I17-299

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? I17-300

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. I17-301

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. I17-302

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.** I17-303

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? I17-304

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.** I17-305

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. I17-306

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. I17-307

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. I17-308

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. I17-309

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.)? I17-310

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. I17-311

Only **IM#15** is listed for this Policy; please apply IM#15 comment directly above. I17-312

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. I17-313

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? I17-314

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). I17-315

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.** I17-316

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. I17-317

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.** I17-318

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. I17-319

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. I17-320

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. I17-321

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? I17-322

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. I17-323

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. I17-324

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 I17-325

health. **This Policy needs clarification (what does "emphasize" mean?) and an IM to concretely and measurably make it happen.** I17-325 cont'd

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.** I17-326

LU-7.4 "Streetscape Continuity" (p. 4-31): There is no IM for this Policy. How will the County ensure its implementation? I17-327

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. I17-328

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. I17-329

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. I17-330

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. I17-331

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. I17-332

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? I17-333

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? I17-334

LU-7.13 "Preservation of Historical Buildings" (p. 4-32): Same comment as for LU-7.11 above. I17-335

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. I17-336

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 I17-337

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. I17-337 cont'd

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. I17-338

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? I17-339

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? I17-340

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.** I17-341

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?** I17-342

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." I17-343

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. I17-344

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.** I17-345

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.** I17-346

The **Objectives** include (HE p. 14): I17-347

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." I17-348

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. I17-349

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.*"

I17-350

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:

I17-351

"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

I17-352

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) . I17-352 cont'd

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. I17-353

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.**" I17-354

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). I17-355

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?] I17-356

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). I17-357

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). I17-358

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.] I17-359

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). I17-360
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.** I17-361

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. I17-362

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.*" I17-363
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. I17-363 cont'd

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.). I17-364

> "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). I17-365

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 Orosi, 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. I17-366

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?** I17-367

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?** I17-368

The HE says (p. 91) that: I17-369

> "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) I17-370

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? I17-371

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.]" I17-372

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?** I17-373

Concept 2: Environmental Resources Management (p. C-1): What would make it impossible to avoid development in naturally and culturally sensitive areas? I17-374

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. I17-375

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). I17-376

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? I17-377

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." I17-378

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)? I17-379

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) I17-380

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.** I17-381

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). I17-382

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. I17-383

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. I17-384

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 . . . ." I17-385

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. I17-386

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. I17-387

CHAPTER 7. SCENIC LANDSCAPES (GPR p. 7-1 ff) I17-388

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* I17-389

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." I17-389 cont'd

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." I17-390

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. I17-391

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. I17-392

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. I17-393

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.** I17-394

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. I17-395

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?** I17-396

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?** I17-397 I17-398

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.** I17-399

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. I17-400

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). I17-401

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):** I17-402

However, the County might be able to engage volunteer assistance in this inventory process. Various groups interested in beautification and tourism come to mind. I17-402 cont'd

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.** I17-403

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? I17-404

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? I17-405

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? I17-406

Unfortunately, **Policy SL-3.1 and its IMs are much too vague and weak to be relied on to accomplish anything.** I17-407

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. I17-408

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. I17-409

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. I17-409

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.** I17-410

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. I17-411

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.) I17-412

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"). I17-413

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). I17-414

8. ENVIRONMENTAL RESOURCES MANAGEMENT (GPR p. 8-1 ff) I17-415

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." I17-416

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. I17-417

Vernal Pools (p. 8-3): In the second sentence, "session" should be "season." I17-418

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 . . . ." I17-419

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 I17-420

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?** I17-421

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?** I17-422

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?** I17-423

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.** I17-424

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.** I17-425

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?** I17-426

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?** I17-427

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.** I17-428

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."** I17-429

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.** I17-430

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.** I17-431

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. I17-432

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? I17-432 cont'd

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 there force and effect? Do they have any Implementation Measures? I17-433

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. I17-434

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** I17-435

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. I17-435 cont'd

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.** I17-436

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. I17-437

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).** I17-438

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.** I17-439 I17-440

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** <u>become</u> **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? I17-441

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% I17-442

(0.18% in 2008) is already protected federal land . **Quite certainly, all of these areas have already been mapped and GISed.** I17-442 cont'd

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.** I17-443

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-vanishied resources. I17-444

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.** I17-445

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 <u>at least</u> 1:1 mitigation for any development allowed in sensitive habitat areas.** I17-446

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. I17-447

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.) I17-448

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. I17-449

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. I17-450

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. I17-451

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.** I17-452

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.** I17-453

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.** I17-454

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 aminimum 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. I17-455

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. I17-456

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. I17-457

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.** I17-458

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.** I17-459

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. I17-460

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. I17-461

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** I17-462

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..

I17-462 cont'd

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.

I17-463

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.

I17-463 cont'd

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.*"

I17-464

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.**

I17-465

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). I17-466

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? I17-467

RECOMMENDATION ON MITIGATION AND CONSERVATION PROGRAM: I17-468

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.** I17-469

REQUIRED ADDITIONAL MITIGATING POLICIES AND IMPLEMENTATION MEASURES (RDEIR) I17-470

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. I17-471

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. I17-472

Maintaining these linkages is especially important as plants and animals attempt to adapt to the effects of global climate change. I17-472 cont'd

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? I17-473

ERME 8.2 Mineral Resources – Surface Mining (GPR p. 8-11 ff) I17-474

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? I17-475

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?"** I17-476

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. I17-477

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;** I17-478

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. I17-479

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? I17-480

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?** I17-481

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.) I17-482

ERM -2.11 Conditions of Approval (p. 8-13): Where and when and how will these procedures be established? I17-483

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. I17-483 cont'd

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.** I17-484

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.) I17-485

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.** I17-486

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. I17-487

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 with their approved area and/or production limits," as the Policy states? I17-488

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. I17-489

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? I17-490

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.** I17-491

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.** I17-492

GPR 8.3 Mineral Resources – Other (p. 8-13 ff) I17-493

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." I17-494

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. I17-495

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. I17-495 cont'd

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?** I17-496

ERM-3.4 Oil and Gas Extraction (p. 8-13): Same comment as on ERM-3.3, directly above. I17-497

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 . . . ." I17-498

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.** I17-499

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. I17-500

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 I17-501

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. I17-501 cont'd

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. I17-502

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. I17-503

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 <u>should</u> provide public education on this critical subject. Will it? How and when? **Please strengthen and clarify the Policy and provide a concrete, measurable IM.** I17-504

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 I17-505

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. I17-505 cont'd

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.). I17-506

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.** I17-507

ERM Section 8.5 Recreation and Open Space Resources (GPR p. 8-14 ff) I17-508

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," I17-509

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). I17-509 cont'd

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?** I17-510

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?** I17-511

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?** I17-512

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?** I17-513

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. I17-514

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. I17-515

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?** I17-516

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).** I17-517

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** I17-518

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.** I17-518 cont'd

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). I17-519

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? I17-520

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.compliance. 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?"** I17-521

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. I17-522

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. I17-523

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 mimimum 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?** I17-524

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.** I17-525

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 . . . ." I17-526

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? I17-527

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. I17-527 cont'd

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? I17-528

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?** I17-529 I17-530

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** I17-531

County "promote?") and provide it with a concrete, measurable Implementation Measure. What is meant by "Changing Recreational Needs?" How are they changing? I17-531 cont'd

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.** I17-532

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?** I17-533

IM#41 (p. 8-30) talks about creating special districts to maintain parks and facilities. I17-534

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.** I17-535

ERM-5.14 Park Design (p. 8-17): Please clarify this Policy (what kind of efforts?). I17-536

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).** I17-537

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** I17-538

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. I17-538 cont'd

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 . . . " I17-539

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. I17-540

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.) I17-541

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.** I17-542

8.6 Cultural Resources (GPR p. 8-18 ff) I17-543

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 Requied 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. I17-544

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. I17-545

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 I17-546

Standards . . . ." However, this Policy still is far too vague, as it gives no idea of how the County "shall support" these preservation efforts. I17-546 cont'd

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." I17-547

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. I17-548

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. I17-549

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.** I17-550

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.** I17-551

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..** I17-552

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.** I17-553

8.7 Soil Resources (GPR p. 8-19 ff) I17-554

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. I17-555

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. I17-556

ERM-7.2 Soil Productivity (p. 8-19): Please see and incorporate for this section also the comments on ERM-7.1and IM #52directly above. The comments apply to both conservation and productivity of soil. I17-557

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 I17-558

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? I17-558 cont'd

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?"** I17-559

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. I17-560

KEY TERMS (GPR p. 9-1 ff): I17-561

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. I17-562

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. I17-563

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. I17-564

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.** I17-565

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.** I17-566

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. I17-567

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. I17-568

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. I17-569

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. I17-570

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.* I17-571

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. I17-572

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."**

I17-572 cont'd

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.)

I17-573

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."**

I17-574

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). I17-574 cont'd

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. I17-575

Greenhouse Gas (p. 9-2): Please add this or a comparable statement to aid the reader's understanding of the relevance of this definition: I17-576

"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] I17-577

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." I17-578

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 I17-579

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." I17-579 cont'd

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%." I17-580

Nitrogen Oxides (NOx) p. 9-2): Please add: "The primary manmade sources of NOx 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 NOx emissions, and our consumption of electricity also causes pollutant emissions from the operation of power plants fueled by fossil fuels). **NOx causes a wide variety of health and environmental impacts** because of various compounds and derivatives in the family of NOx, 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 NOx 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. NOx 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." I17-581

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 I17-582

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.

I17-582 cont'd

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]

I17-583

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."

I17-584

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

I17-585

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."

I17-585 cont'd

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

I17-586

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."

I17-587

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."

I17-588

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."

I17-589

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.

I17-590

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." I17-591

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." I17-592

Existing Conditions Overview (p. 9-4): I17-593

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. I17-594

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** I17-595

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. I17-595 cont'd

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. I17-596

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. I17-597

SB 700 states that: I17-598

"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.** I17-599

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. I17-600

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."** I17-601

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. I17-602

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.** I17-603

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** I17-604

public, but the County is not publicizing it, and the GPU itself is not well aimed at reducing trips and improving air quality awareness. I17-604 cont'd

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."** I17-605

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.** I17-606

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).** I17-607

The <u>BACKGROUND REPORT</u> 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. I17-608

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 I17-609

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

I17-609 cont'd

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.**

I17-610

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?

I17-611

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?"**

I17-612

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

I17-613

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."

I17-613 cont'd

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.

I17-614

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.**

I17-615

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.**

I17-616

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?**

I17-617

IM#4 (p. 9-11): The 2008 version of this IM (#5, p. 9-8 of the 2008 GPR) said that "The County . . . *shall develo*p 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**

I17-618

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. I17-618 cont'd

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. I17-619

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. I17-620

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 I17-621

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. I17-621 cont'd

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? I17-622

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. I17-623

- 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

I17-623 cont'd

> 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?"**

I17-624

> **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. I17-624 cont'd

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.** I17-625

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?** I17-626

9.2 Transportation Design (GPR p. 9-8 ff) I17-627

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." I17-627 cont'd

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.** I17-628

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?** I17-629

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.** I17-630

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. I17-631

9.3 Land Use/Design (GPR p. 9-9 ff) I17-632

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.** I17-633

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.** I17-634

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. I17-635

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. I17-636

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.** I17-637

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 I17-638

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.** I17-638 cont'd

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. I17-639

IM#4 (p. 9-11): The 2008 version of this IM (#5, p. 9-8 of the 2008 GPR) said that "The County . . . *shall develo*p 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. I17-640

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 I17-641

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). I17-641 cont'd

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? I17-642

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. I17-643

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 I17-644

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.** I17-644 cont'd

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?" I17-645

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? I17-646

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. I17-647

NOTE: the **2008 DEIR included as Required Mitigation Measures two new policies:** I17-648

- **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.** I17-648 cont'd

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.** I17-649

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. I17-650

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?) I17-651

AIR QUALITY – BACKGROUND REPORT (BR): I17-652

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."**

I17-652 cont'd

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.

I17-653

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.

I17-654

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. I17-655

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.** I17-656

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 aleady 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. I17-657

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. I17-658

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.

I17-658 cont'd

Recirculated Draft Environmental Impact Report (RDEIR) Section 3.3 Air Quality (p. 3.3-1 ff):

I17-659

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.

I17-660

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):

I17-661

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.** I17-662

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.** I17-663

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. I17-664

AQ Impacts and Mitigation Measures (RDEIR p. 3.3-18 ff) I17-665

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** I17-666

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. I17-666 cont'd

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. I17-667

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.** I17-668

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. I17-669

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** I17-670

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 *731tons/year at buildout.* **All the figures are different in this section of the table.**

I17-670 cont'd

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.**

I17-671

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 650,000chickens, 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.

I17-672

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."

I17-673

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.**

I17-674

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 implementatjon 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).** I17-675

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. I17-676

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.** I17-677

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.** I17-678

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). I17-679

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 I17-680

vanished wetlands and riparian areas to urban uses that future generations will probably be unable to reverse. I17-680 cont'd

The GPU/RDEIR never discusses how accumulating GHGs linger in the atmospherelong 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. I17-681

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.** I17-682

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 .** I17-683

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." I17-684

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."** I17-685

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. I17-686

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. I17-687

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. I17-688

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. I17-689

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 i ts referenced policies and regulations apply I17-690

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.** I17-690 cont'd

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? I17-691

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. I17-692

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.). I17-693

NOTE: The text above Table 3.3-5 discusses *offroad* vhicle 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. I17-694

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** I17-695

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.**) I17-695 cont'd

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 RD**EIR 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 feedot 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). I17-696

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 I17-697

10. HEALTH AND SAFETY (GPR p. 10-1 ff, etc.) I17-698

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. I17-699

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. I17-700

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** I17-701

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

I17-701 cont'd

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.

I17-702

I17-703

IM#11 (p. 10-19) mentions detailed information on the County-maintained fire hazard serverity 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.)**

I17-704

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.**

I17-705

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.**

I17-706

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**. I17-707

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. I17-708

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). I17-709

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. I17-710

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 2015and 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). I17-711

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. I17-712

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.** I17-713

HS-4.5 Increase Public Awareness (p. 10-8): Please clarify this very vague Policy ("work to educate") and give it an Implementation Measure. I17-714

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). I17-715

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. I17-716

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** I17-717

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. I17-717 cont'd

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.** I17-718

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.** I17-719

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": I17-720

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." I17-721

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. I17-722

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.** I17-723

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. I17-724

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.** I17-725

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. I17-726

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. I17-727

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). I17-728

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.** I17-729

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." I17-730

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. I17-731

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.** I17-732

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** I17-733

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. I17-733 cont'd

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. I17-734

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. I17-735

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. I17-736

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? I17-737

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? I17-738

HS-6.7 Water Supply System (p. 10-11): Thank you for including the fire flow requirement in this policy. I17-739

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. I17-740

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. I17-741

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. I17-742

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.** I17-743

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. I17-744

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. I17-745

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. I17-746

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: I17-747

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 I17-748

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. I17-748 cont'd

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?** I17-749

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. I17-750

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.). I17-751

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. I17-752

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. I17-753

10.9 Healthy Communities (GPR p. 10-15)

I17-754

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.

I17-755

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. I17-755 cont'd

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?** I17-756

What is meant by "encouraging patterns of development that are safe and influencecrime 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):** I17-757

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.** I17-758

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, I17-759

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. I17-759 cont'd

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. I17-760

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**. I17-761

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. I17-762

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.** I17-762 cont'd

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. I17-763

11. WATER RESOURCES (GPR p. 11-1 ff) I17-764

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) **?** I17-765

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 I17-766

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? I17-766 cont'd

WATER USE INFORMATION IS DEFICIENT AND INADEQUATE IN THE GPR, BR, AND RDEIR: I17-767

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.** I17-768

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 I17-769

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?**

I17-769 cont'd

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."

I17-770

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.)?**

I17-771

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.**

I17-772

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.**

I17-773

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**

I17-774

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.

I17-774 cont'd

Why is there no mention in this introductory section of the likely **impacts of gobal 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.

I17-775

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, Yettem, 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).

I17-776

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

I17-777

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. I17-777 cont'd

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). I17-778

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. I17-779

Agriculture currently uses hugely more water in the county than do the urban areas. How can the County affect this balance? I17-780

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.** I17-781

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.** I17-782

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 I17-783

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? I17-783 cont'd

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. I17-784

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.** I17-785

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 mayb e water exchanges serving a public purpose."** What if the water exchanges aren't serving a public purpose? Does the County know 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** I17-786

loss" is of the same or better quality than what we exported; please include this provision in this Policy. Please revise. I17-786 cont'd

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. I17-787

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. I17-788

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? I17-789

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?"** I17-790

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.** I17-791

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? I17-792

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. I17-793

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? I17-794

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 I17-795

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? I17-795 cont'd

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? I17-796

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. I17-797

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? I17-798

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." I17-799

11.2 Water Quality (GPR p. 11-8 ff) I17-800

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? I17-801

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?). I17-802

[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.] I17-803

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. I17-804

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. I17-805

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.** I17-806

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)? I17-807

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. I17-808

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.. I17-809

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. I17-809 cont'd

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. I17-810

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 <u>all</u> 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. I17-811

11.3 Water Supply (GPR p. 11-9 ff) I17-812

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)? I17-813

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." I17-814

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.** I17-815

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?** I17-816

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? I17-817

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 I17-818

"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?** I17-818 cont'd

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.** I17-819

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 <u>all</u> 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 <u>all</u> levels of development, along with overdraft mitigation requirements.) I17-820

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.** I17-821

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.** I17-822

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

I17-823

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)?

I17-824

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."**

I17-825

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?

I17-826

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?)..

I17-827

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.

I17-828

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. I17-828 cont'd

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.** I17-829

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 <u>agricultural uses account for by far the greatest percentage of the County's water use</u>** (doesn't agriculture use **85 -90% of the total?**). I17-830

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.** I17-831

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. I17-832

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 I17-833

properly informed without this information. **Where is this information factored into the calculations in Appendix G? Where does Appendix G evaluate groundwater contamination extent?** I17-833 cont'd

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.** I17-834

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).** I17-835

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. I17-836

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.** I17-837

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)? I17-838

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? I17-839

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: I17-840

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? I17-841

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? I17-842

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 beredundant. Please clarify**. I17-843

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 recharage areas on a map." The current version states that the County "shall identify a system of *critically inadequate water supply*, I17-844

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? I17-844 cont'd

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. I17-845

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** I17-846

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? I17-847

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.] I17-848

WATER RESOURCES, Section 10.2, BACKGROUND REPORT (BR p. 10-1 ff): I17-849

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. I17-849 cont'd

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?** I17-850

BR p. 10-6 states that over 30% of the state's runoff is not explicity 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.** I17-851

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? I17-852

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 I17-853

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?**

I17-853 cont'd

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).

I17-854

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.**

I17-855

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.**

I17-856

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.

I17-856 cont'd

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.

I17-857

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..

I17-858

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.

I17-859

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.** I17-860

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? I17-861

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? I17-862

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** I17-863

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?

I17-863 cont'd

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.

I17-864

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**

I17-865

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.

I17-865 cont'd

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.**

I17-866

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.

I17-867

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.

I17-868

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**

I17-869

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. I17-869 cont'd

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.** I17-870

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. I17-871

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. I17-872

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?** I17-873

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? I17-874

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? I17-875

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.** I17-876

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.** I17-877

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. I17-878

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 I17-879

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. I17-879 cont'd

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. I17-880

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.). I17-881

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. I17-882

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. I17-883

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.** I17-884

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 budge, will probably become less available), and **what the results have been in terms of improvements in local economies, environments, and quality of life.** I17-885

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.** I17-886

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.** I17-887

For example, RDEIR Secton 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. I17-888

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). I17-889

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.** I17-890

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.

I17-891

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.**

I17-892

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").

I17-893

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. I17-894

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.** I17-895

The "Proposed State Highway 65 Alignment" is depicted on this map (and in Figure 2-3Rural 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. I17-896

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). I17-897

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.** I17-898

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.** I17-899

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** I17-900

County and City systems, such as coordinated schedules and stops, stops that connect to bikeways, and the provision of bike racks on all buses. I17-900 cont'd

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 . . . ." I17-901

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***." I17-902

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). I17-903

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? I17-904

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** I17-905

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? I17-905 cont'd

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. I17-906

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.** I17-907

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.** I17-908

In short, **the Background Report and RDEIR too often fail to relate theirs 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). I17-909

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 I17-910

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)?** I17-910 cont'd

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.** I17-911

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. I17-912

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. I17-913

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. I17-914

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. I17-915

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. I17-916

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. I17-917

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. I17-918

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. I17-919

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. I17-920

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.** I17-921

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 I17-922

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.**

I17-922 cont'd

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/MSC 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 descry 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.**

I17-923

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.

I17-924

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.**

I17-925

<u>MAPS RECOMMENDATION</u>: **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

I17-926

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.

I17-926 cont'd

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.**

I17-927

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)**?**

I17-928

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.**

I17-929

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

I17-930

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.) I17-930 cont'd

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). I17-931

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 an y 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. I17-932

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? I17-933

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. I17-934

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 I17-935

(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."** I17-935 cont'd

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?** I17-936

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 . I17-937

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?** I17-938

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. I17-939

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 I17-940

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?"** I17-940 cont'd

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. I17-941

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. I17-942

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% 1du/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 accommodated within the existing UDBs of the incorporated cities and unincorporated communities. We clearly have no need whatsoever for any New Town or Growth Corridorss

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** I17-943

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: I17-943 cont'd

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.).; I17-944

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.** I17-945

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.** I17-946

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 I17-947

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.

I17-947 cont'd

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?**

I17-948

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.

I17-949

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.)**

I17-950

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 <u>all</u> 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?**

I17-951

In 2008, DEIR p. 4-106went 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? I17-952

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?** I17-953

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.** I17-954

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 I17-955

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? I17-955 cont'd

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?) I17-956

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? I17-957

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.) I17-958

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.** I17-959

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** I17-960

implementation. As currently written, they cannot serve as adequate Mitigating Policies and Implementation Measures for the RDEIR. I17-960 cont'd

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 effectiv?** I17-961

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.** I17-962

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.** I17-963

PFS-8.3 Location of School Sites (GPR p. 14-12): Thank you for revising this Policy to include bike routes. I17-964

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. I17-965

PART II AREA PLAN POLICIES I17-966

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.*"

I17-966 cont'd

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.**

I17-967

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.**

I17-968

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.

I17-968 cont'd

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)

I17-969

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.**

I17-970

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?

I17-971

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?** I17-972

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. I17-973

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. I17-974

C-1.5 "Agricultural Enterprises" (p. 2-1): Same comments as for C-1.4. I17-975

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. It 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.** I17-976

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. I17-977

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 I17-978

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. I17-978 cont'd

PART II CHAPTER 3. FOOTHILL GROWTH MANAGEMENT PLAN (GPR Part II, p. 3-1 ff) I17-979

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? I17-980

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. I17-981

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 I17-982

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. I17-982 cont'd

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. I17-983

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. I17-984

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. I17-985

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. I17-986

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. I17-987

Please clarify whether and when the FGMP has been amended. I17-988

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.** I17-989

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.** I17-990

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? I17-991

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. I17-992

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. I17-993

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?** I17-994

GOALS AND POLICIES REPORT: I17-995

"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. I17-996

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. I17-997

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. I17-998

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. I17-999

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." I17-1,000

3.1 Foothill Growth Management Plan Policies I17-1,001

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. I17-1,002

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." I17-1,003

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 I17-1,004

original IM (p. 35 of the original FGMP) stated ". . . in the development corridors *only*." Why was the final word "**only**" omitted, weakening this measure? I17-1,004 cont'd

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? I17-1,005

FGMP-1.6 "Establish Citizens Advisory Committee (p. 3-6), Implementation Measure #5, p. 3-13: Please correct "or" to "*of*" in this IM. I17-1,006

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? I17-1,007

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? I17-1,008

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 I17-1,009

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?) I17-1,009 cont'd

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. I17-1,010

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." I17-1,011

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). I17-1,012

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.")? I17-1,013

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 I17-1,014

specific data both to the Site Plan Review Committee and the Planning Commission for purposes of determining a decision on the conditional use permit.")?

I17-1,014 cont'd

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.

I17-1,015

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.")?

I17-1,016

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?

I17-1,017

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.

I17-1,018

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.

I17-1,019

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. I17-1,020

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. I17-1,021

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? I17-1,022

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. I17-1,023

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** I17-1,024

("The environmental impact report process is he 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.")?

I17-1,024 cont'd

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.

I17-1,025

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?

I17-1,026

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?

I17-1,027

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.**

I17-1,028

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

I17-1,029

contract cancellation on lands that are within a Development Corridor and under a Planned Development-Foothill Zone."

I17-1,029 cont'd

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.

I17-1,030

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.

I17-1,031

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."

I17-1,032

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**?

I17-1,033

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. I17-1,034

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? I17-1,035

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.** I17-1,036

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. I17-1,037

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? I17-1,038

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. I17-1,039

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. I17-1,040

IM#15 (p. 3-14) must be corrected; it applies to FGMP-7.3, NOT to FGMP 5.3. I17-1,041

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.** I17-1,042

APPENDIX A

I17-1,043

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.

I17-1,043 cont'd

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:

I17-1,044

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

I17-1,045

RDEIR p. 4-2, second paragraph, "significant environmental impacts . . . to eliminate or reduce":

I17-1,046

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.**

I17-1,047

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?**

I17-1,048

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.**

I17-1,049

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.)

I17-1,050

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.

I17-1,051

RDEIR p. 4-3 states that the alternative seclection 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.** I17-1,052

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**). I17-1,053

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.** I17-1,054

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?" I17-1,055

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? I17-1,056

It is duly noted that Table 4-2 states that *Alternatives 3 and 4 will not avoid rural residential sprawl.* I17-1,057

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 plusses 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). I17-1,058

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. I17-1,059

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. I17-1,060

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.** I17-1,060 cont'd

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. I17-1,061

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 I17-1,062

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. I17-1,062 cont'd

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." I17-1,063

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.** I17-1,064

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 implemntatijon 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)**. I17-1,065

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.** I17-1,066

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.** I17-1,067

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.** I17-1,068

For another example: Impact 3.8-3 (RDEIR p. 4-9) states "Development uner 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*?" I17-1,069

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?*" I17-1,070

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.** I17-1,071

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.** I17-1,072

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. I17-1,073

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.** I17-1,074

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. I17-1,075

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.** I17-1,076

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. I17-1,077

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? I17-1,078

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. I17-1,079

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 I17-1,080

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. I17-1,081

9. **None of the Alternatives are sufficiently environmentally superior to offer a valid choice** for accomplishing that goal. I17-1,082

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 I17-1,083

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.** I17-1,084

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? I17-1,085

13. All of the Alternatives should address the needs of all the existing unincorporated urbanizing areas. I17-1,086

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.** I17-1,087

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. I17-1,088

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 I17-1,089

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.** I17-1,089 cont'd

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). I17-1,090

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. I17-1,091

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). I17-1,092

Thank you for considering and responding to our comments. I17-1,093

Letter I18

Mr. James Seligman
46136 South Fork Drive
Three Rivers, California 93271

May 27, 2010 \

Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Blvd.
Visalia, California 93277

Attention: David Bryant, Project Planner

Re: General Plan 2030 Update and Environmental Impact Report

Dear Mr. Bryant,

Having thoroughly digested the Re-Circulated Draft Environmental Impact Report for the General Plan 2030 Update, I am not sure whether to laugh or cry. But rather than throwing up my hands in despair at what this "Plan" would do to the Tulare County that I love, I'm taking time to share my concerns and suggestions as one of the growing number of voices calling for healthy, not cancerous, growth. I18-1

To begin, the Final EIR must contain an alternative for consideration that will avoid or lessen all negative impacts that are identified under the current flawed plan as "significant unavoidable adverse impacts." While it is true that an "anything goes" plan that contains no strict development boundaries will have extremely negative impacts to our air quality, water supply, traffic, farmland, wildlife, noise, scenery, etc. it is patently not true that these impacts are "unavoidable." I18-2

The point and possibility of a General Plan is actually to plan in a way that does indeed avoid – or at least greatly lessen – significant adverse impacts. Different communities make different choices. Portland is not Las Vegas. The former was one of the few places in the country where real estate values held steady during the recent economic crisis because of healthy, smart growth policies. The latter chose an "anything goes", let-the-market-decide approach, which has caused a rather severe set of "significant adverse impacts" to homeowners and the local economy. The point is that planning choices had consequences in these cases, and will have consequences in Tulare County. The next DEIR or Final EIR must clarify that Tulare County is not forced to be victimized by unstoppable forces of sprawl and degradation – it is a choice, and as such those choices can be made in such a way that significant adverse impacts are indeed "avoided or substantially lessened." I18-3

The failure to include a true confined, healthy growth alternative with a strong land use framework that would actually make improvements from status quo conditions (some of the worst air quality in the country, overdrawn groundwater supplies, unacceptably high rates of asthma, worsening traffic, etc) is a failure of imagination, and a failure to consider the wishes of Tulare County residents and taxpayers. More to the point for this document, the failure to include a reasonable range of alternatives fails the most basic of CEQA requirements, and is itself grounds for invalidating the DEIR in its current form. I18-4

The DEIR should be re-circulated again until it provides a truly reasonable range of alternatives. I heartily support a revised version of Alternative 5, as proposed by the Tulare County Citizens for Responsible Growth (the "Healthy Growth Alternative") I18-5

As it currently stands, each alternative could easily be interpreted in a way that produces the exact same, "market-driven" results. The fact that each alternative produces 36 "significant unavoidable adverse impacts" is evidence enough that the DEIR is doing little more than putting different shades of lipstick on a pig. The next Draft or Final EIR must provide justification for why an alternative with far fewer "significant unavoidable adverse impacts" was not put forth for consideration. I18-5 cont'd

Section 5.4 states that CEQA Guideline 15093 (a) "allows the decision-making agency to determine if the benefits of a project outweigh the unavoidable adverse impacts of implementing the project. The County can approve a project with unavoidable adverse impacts if it prepares and adopts a "statement of overriding conditions" setting forth the specific reasons for making such a judgement." I18-6

In anticipation of the Tulare County Board of Supervisors preparing just such a "statement of overriding conditions" to justify adoption of a plan for sprawl, the next DEIR or final FEIR should identify for decision-makers and Tulare County residents examples of the type of alleged benefits that would outweigh the collective impact of 36 significant (avoidable) adverse impacts such as:

3.1.5 – Create a new source of substantial light or glare
3.2.1 – Result in a substantial increase in traffic
3.3.2 – Result in a considerable increase in air pollutants
3.3-4 – Expose sensitive receptors to substantial pollutant concentrations that could affect public health
3.6.2 – Result in impacts to groundwater supply
3.10.1 – Result in substantial conversion of important farmland to non-agricultural uses
3.11.1 – Have a substantial adverse impact on wildlife movement opportunities, migratory corridors, or naïve wildlife nursery sites

It will take more than money and a handful of very happy sprawl developers to compensate for such extreme, altogether avoidable, wreckage.

Thank you for consideration of my comments, and thank you in advance for deciding to take a proactive stand for the well-being of the residents and life-supporting resources of Tulare County.

Sincerely yours,

James Seligman
by email

Letter I19

Karen Bodner
Michael Olecki
42480 Kaweah Drive
(PO Box 445)
Three Rivers, CA 93271

May 27, 2010

Tulare County Resource Management Agency
ATTN: David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

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

Dear Mr. Bryant:

Enclosed are comments on the Recirculated Draft EIR ("the RDEIR") and the Recirculated General Plan 2030 Update ('the GPU"). Because of the extraordinary size of the documents comprising the RDEIR and the revised/recirculated GPU, our comments focus primarily on the Foothill Growth Management Plan as it influences and is affected by the proposed drafts. I19-1

We recognize the tremendous effort the County put into the process of creating the documents and appreciate the opportunity to comment on them. We also appreciate the County's decision to respond to the comments it received in response to the 2008 draft by revising and recirculating the revisions. I19-2

Unfortunately, while some previously missing sections have been added, and some provisions have been improved, it is extremely disheartening to have discovered that despite hundreds of pages of comments submitted in response to the 2008 EIR and Draft General Plan Update – including from the Office of the Attorney General -- very little of substance has changed in the recirculated documents. There is still no real *plan* – development is still open-ended as to location, size (other than minimums), and standards. Much of what has been changed has been changed in the wrong direction – weakening existing measures that are intended to protect the environment and which contribute to Tulare County's attractiveness as a tourist destination.

The failure of the County to respond to the input of the public indicating our strong desire that the General Plan provide clear guidelines that will unambiguously protect the rural and agricultural lifestyle we cherish, the current GPU still leaves too much up to chance and "market forces." The vagueness of the GPU, no doubt designed to give the County maximum flexibility in future planning decisions, also denies the County knowable, reliable guidelines. The RDEIR, in attempting to evaluate the potential impacts that could result from implementation of the GPU, has been stymied – it is impossible to evaluate the impact of an invisible moving target.

Karen Bodner
Michael Olecki
Comments on Recirculated DEIR & GPU
May 27, 2010

The RDEIR has also again provided an inadequate baseline from which it could reasonably forecast potential impacts of adopting and implementing the GPU, and against which progress could be measured. As a result, again the RDEIR doesn't adequately disclose or evaluate potential significant adverse environmental impacts and measures to avoid or mitigate them. And, once again, the RDEIR doesn't present a reasonable range of alternatives to the GPU, including one that is designed to achieve what the people want: focused growth in existing communities and their already-designated urban development zones. The Alternatives presented are virtually identical to the Alternatives presented in 2008. By continuing to incorporate all the proposed GPU's goals and policies into each "alternative" the RDEIR not only skewed the analyses but failed to comply with the requirements of the California Environmental Quality Act, which requires consideration of alternatives with their own set of policies, objectives and implementation measures.

I19-3

I19-4

An EIR is an informational document. Its purpose is to "consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." CEQA §15126.6(a). "The EIR shall include sufficient information about each alternative to allow *meaningful* evaluation, analysis and comparison with the proposed project." CEQA §15126.6(d) (emphasis added). This point is so important, the statute repeats it: "The range of feasible alternatives shall be selected *and discussed in a manner to foster meaningful public participation and informed decision making.* CEQA §15126.6(f). The discussion/analysis of the various "Alternatives" in the RDEIR is superficial, conclusory and speculative. It is also stunning in its repeated conclusions that the overall impacts of both the City Centered and "Confined" Growth alternatives would be "similar" to those of the proposed plan, even after acknowledging that the individual impacts would be less than the proposed plan's.[1]

1 It appears that instead of creating a real range of alternatives from which the County could choose an appropriate plan to guide development over the next twenty years, the County may instead have chosen a plan and then created slight variations on that plan solely to meet the statutory requirement of having considered a range of alternatives. On May 5, 2010, I requested access to and copies (to be identified after review) of the documents the County used in preparing the "City-Centered Growth" and "Confined Growth" Alternatives to the project; in evaluating and assessing the environmental impacts of the "City-Centered Growth" and "Confined Growth" Alternatives; to discuss and/or compare the environmental impacts of these Alternatives relative to each other or to those of the proposed project; and to recommend the adoption or non-adoption of any Alternative. While the Public Records Act require access to public documents to be prompt, on May 14, I received a letter from the County telling me that I would be contacted on May 21 regarding the County's "progress in gathering the information." On May 21, I received another letter, directing me only to the documents that had been posted on the County website (i.e., to copies of the very documents which had led to the request for background documents and publicity releases) and telling me that I would be contacted again on June 3, 2010 – a week after the close of the public comment period and almost a month after the County received the request -- for an update on the County's progress in gathering "any additional information." The County's delaying tactics suggest that there are no documents containing substantive evaluation or discussion of the various alternatives.

It will not be easy to fix the continuing weaknesses in the recirculated GPU documents. But perhaps the third time will be the charm. I19-5

Sincerely,

Karen Bodner
Michael Olecki
KBodner@att.net
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Attachments: Bodner/Olecki Comments re: General Plan 2030 Update and Draft Environmental Impact Report (SCH No. 2006041162)
Copy of 2008 Comment letter, California Attorney General
Copy of 2008 TCCRG Comment letter
Bodner/Olecki Supplemental Comment Letter

Letter I19

Karen Bodner
Michael Olecki
42480 Kaweah Drive
(P.O. Box 445)
Three Rivers, CA 93271

May 27, 2010

Tulare County Resource Management Agency
ATTN: David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

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

Dear Mr. Bryant:

The following comments expand on and supplement those in the accompanying cover letter, regarding the Recirculated Tulare County General Plan 2030 Update and Recirculated Draft Environmental Impact Report[1]. Because the documents comprising the General Plan Update and the Revised Draft EIR are inseparable, these comments address all the related documents. Please consider the comments in the cover letter and this document together, and in response to both the RDEIR and the Recirculated GPU. I19-6

INTRODUCTION

General Comments

An environmental impact report ("EIR") is an informational document, whose purpose is to provide public agencies and the public in general with detailed information on the effect which a proposed project is likely to have on the environment; to identify, and list, ways in which significant effects on the environment of such a project might be avoided or minimized; and to indicate alternatives to such a project. CEQA §§ 21061and 21002.1[2] Its analysis should help local legislators select the most appropriate general plan alternative to adopt. To facilitate use of the EIR by the public and the reviewing agency, it should be organized and written in a manner that will be meaningful and useful to both decision makers and to the public. CEQA §21003. Each EIR is also required to include a summary of the proposed action and its consequences. CEQA§15123. I19-7

1 The documents are referred to hereafter as "GPU" or "General Plan" and "RDEIR", respectively. In addition, references to the GPU refer to the Goals and Policy Report.

2 All citations to CEQA are to California Environmental Quality Act, Public Resources Code §§21000 - 21177; references or citations to the CEQA Guidelines are to California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

Most importantly, the EIR review process establishes an element of trust: as a result of a fair and accurate evaluation of the possible environmental impacts identified by the EIR, especially in the context of adoption of a foundational document such as a General Plan, the public may have confidence that they may rely on the goals and policies adopted actually being carried out. *See e.g., County of Inyo v. Yorty*, 32 Cal. App. 3d 795 (The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected.) Sadly, after an auspicious start, the manner in which the County subsequently carried out the Update process has severely undermined that trust. I19-8

The Recirculated General Plan and associated RDEIR have adopted language consistent with "smart growth and neo-urban" approaches to planning, but it has not actually adopted those approaches substantively. Far too many of the policies and implementation measures are discretionary, with the result that future decisions may well not comport with the presumed intent of the goals and policies. Importantly, the GPU still does not reflect the frequently expressed desires of Tulare County residents regarding how they want development to proceed over the next 20 years - i.e., growth centered in or restricted to existing communities (whether incorporated cities or communities). In particular, Tulare residents consistently rejected the need for any new towns, whether planned or not. (To the extent the County wants to promote the standards associated with the proposed Planned Community Area, an appropriate means of accomplishing this would be to incorporate them into the overall building standards for new development. The GPU recognizes the LEED and LEED-ND standards at Part I, page 4-2, but has not required compliance with the standards. LU-7.15 and LU-7.16 are "implemented" by an implementation measure that merely requires the County to review and implement an implementation measure. Page 4-36.) I19-9

The RDEIR – and the proposed draft General Plan Update – also contain a number of inconsistencies, omissions, inadequacies and misrepresentations. For instance, the Introduction "Updated Topics" section states that the County has developed "a land use/circulation diagram showing the location of all future growth areas proposed as part of the General Plan Update. Refer to Figure 2-2 in Chapter 2, Project Description.... This figure also identifies the Urban Development Boundaries within which future urban growth is expected to occur." However, while Figure 2-2 (actually labeled "Land Use Diagram") does generally depict areas designated as "development corridors," it does not provide enough detail to determine the precise boundaries of those corridors. As a result, the environmental impact of development within those corridors – and especially the impact of developing the corridors to complete build-out – cannot be evaluated. I19-10

Throughout the RDEIR and GPU, the terms "regional corridor," "urban corridor," "development corridor" and "Corridor" are used, in some cases apparently interchangeably. Please establish a clear and consistent usage so that the public will know exactly where the proposed corridor may be located. I19-11

The RDEIR and GPU also use the terms "important agriculture" or "important agricultural" in connection with various land use contexts. It is unclear whether the term I19-12

is being used in a general, English-language way, or whether the specific "Important Farmlands" is intended. Cattle ranching is an important component of the County's agricultural economy; to the extent that grazing lands may not be considered "important" as the result of the County's use of the undefined terms, this must be corrected to clarify that grazing lands are within the scope of "important agriculture" or "important agricultural" lands and uses. I19-12 cont'd

Population data included in the Existing Conditions section of the 2008 Background Report used data from a number of sources. Because "[p]rojected populations by both the DOF and the U.S. Census do not provide long term forecasts to 2025 … [the DEIR remedied this] by using a straight line projection and continuing the compound growth rates from the previous five years (i.e., 2010 through 2015)". 2008 Background Report at page 2-29. The Background Report circulated with the Recirculated RDEIR and GPU (which is not entitled as a revised report) says only that "Compound average growth rates for historic and projected growth rates were based on population data provided by DOF." At page 2-29. I19-13

Are these population projections based on the same data?

Executive Summary I19-14

CEQA requires each EIR to include a summary. "The summary shall identify (1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the Lead Agency including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects." CEQA§15123.

The RDEIR's Executive Summary fails to include a discussion of any of the alternatives that would reduce or avoid the environmental effects of the proposed project, either in the section identifying the effects or in the issues to be resolved. Nor does it identify areas of controversy, although the scope of comments submitted in response to the prior iteration of the RDEIR and Draft General Plan Update clearly indicate that there are several controversial aspects of the proposed project. Because the ultimate decision maker, in this case the Board of Supervisors, is likely to rely on the Executive Summary, the RDEIR's failure to include even a mention of the various alternatives or areas of controversy is more than disturbing: **it suggests that the outcome of the Update process has been predetermined, that the County is simply going through the motions, and that public input will not be considered.**

Table ES-4 sets out impacts and mitigation measures, beginning with Impact 3.1-1. Table 4-3 in Alternatives comparing Impacts begins with Impact 3.1-3. Why were Impacts 3/1-1 and 3.1-2 omitted from the Alternatives table? I19-15

Tables ES-4 and 3.4-4 identify Impact 3.4-2 as "The proposed project would not result in the wasteful, inefficient or unnecessary consumption of energy in the construction I19-16

and operation of new buildings." The text at page 3.4-29 in the RDEIR, which identifies the Impact itself, says "The proposed project could result in…." etc. Please correct this inconsistency. I19-16 cont'd

Project Description

On page 2-5, the RDEIR identifies one of the objectives of the General Plan Update as "Allow existing and outdated agricultural facilities in rural areas to be retrofitted and used for new agricultural related businesses (including value added processing facilities) subject to specified criteria." **Please identify where these criteria are set out.** I19-17

The General Plan identifies this same Guiding Principle as "Allow existing and outdated agricultural facilities in rural areas to be retrofitted and used for new agricultural related businesses (*including non-agricultural uses) if they provide employment*. (emphasis added) As contained in the GPU, this principle is both internally inconsistent – non-agricultural uses are not new agriculture-related businesses – and inconsistent with the objective set out on page 2-5 of the RDEIR. Troublingly, the language used in the GPU would permit the transformation of existing – but not necessarily outdated – ag facilities to be converted into commercial uses that are incompatible with agriculture – such as party barns. **Please make the GPU language consistent with the language used in the RDEIR.** I19-18

I19-13

The RDEIR identifies as a Key Policy Change (or possibly just as Project Information) the following:

> Provide clear criteria for when and how unincorporated communities and hamlets can grow. Communities would have to fulfill specific conditions for expansion as defined by the General Plan. The County would require that infrastructure exists before or be provided concurrent with the new development.

RDEIR at 2-14.

But of the policies in the Planning Framework that would carry out this key change, PF 1.3 merely requires the County to "encourage" land uses that benefit from urban services to locate within UDBs and HDBs – it does not require or limit the location of urban land uses. This policy is cross-referenced to PF 2.8. **Neither PF 1.3 nor PF 2.8 have an implementation measure. Neither one is therefore enforceable and thus they have no effect.** PF 1.3 also suggests that if the "encouragement" does not work, development outside the UDB/HDB will be permitted if infrastructure can be provided. The policy, as a result, is inconsistent with Policy PF 2.1 (County "shall limit" urban development to area within UDB) and does not ensure that growth only takes place in designated development areas. **To protect agricultural and open space lands, and to prevent urban sprawl, growth should be strictly limited to infill and development within strong development boundaries. Please provide clear, enforceable criteria to implement the policy.** I19-19

PF-1.4 again only "encourages" location within UDBs and HDBs – and it also **has no implementation measure.** PF 1.6, which instructs the County to designate land uses consistent with the Land Use element and the various local plans has **no implementation measure.** I19-20

PF-2.2 permits the County to modify a community UDB on request of a special district, the community, or apparently anyone else as part of a requested General Plan Amendment. This policy is inconsistent with and undermines PF-2.1. A UDB may also be expanded when 80% of the non-Williamson Act land within the UDB is developed. Stated another way, a community UDB may be expanded when 20% of the non-Williamson land is still available for development. The percentage should be increased to 90% or more. **See also comment above -- To protect agricultural and open space lands, to promote infill and to prevent sprawling urbanization, growth should be strictly limited to infill and development within strong development boundaries.** I19-21

PF-2.7 requires development within UDBs without exception to meet an urban standard for development, including curbs, gutters, sidewalks, and community water and sewer systems. With respect, we suggest that imposing mandatory urban standards is inappropriate for some communities, and should be a decision left up to the community plan. Especially as concerns development in the foothills, imposition of urban-style development styles in all cases would be in many cases inconsistent with the character of the community (which would violate FGMP policy) and unwanted. I19-22

PF-2.5 confuses the intent the GPU further by providing that if "one or more applicants" is willing to fund a community plan update, the County will work with the applicant to create a new plan. **Does this give a developer with deep pockets control over a community's plan? What about collaborative partnerships with community members willing to participate/take on tasks without the funding component?** This policy also says "Requirements for new town development shall be utilized to guide such private/public joint planning efforts." **What does this mean?** I19-23

PF-3.2 corresponds to PF-2.2, as applied to hamlets. However, it also permits expansion of the HDB as part of a subdivision or specific plan proposal. **This extra flexibility is likely to make the HDB so flexible as to have no real effect, and should be removed**. The comments to PF-2.2 also apply here. I19-24

Another Key Change identified at page 2-14 of the RDEIR is: Expand upon the existing new town policy. New criteria for evaluating proposals "would" include a fiscally neutral or positive impact on the County, an infrastructure Master Plan must be prepared, demonstrated access to water (**but not impact on supply?**) and the project "must strive" to have balanced mix of land uses. **What does this mean? Does this encompass requiring sufficient employment opportunities to prevent creation of bedroom communities?** I19-25

CEQA requires that the project definition include the whole of an action that has the I19-26

potential to harm the environment. The proposed location of an action is a key aspect of this definition, because it is frequently the site of the project which dictates the harm it may cause. *See* CEQA Guidelines §15378. The "Urban Development Boundaries" section of the Project Description "assumes that a majority of future growth will occur within the CACUDBs for the County's cities and communities." The assumption is unsupported by – and is in fact contradicted by -- the policies of the GPU, which establish large new UDBs for 11 hamlets, which will be exempt from the provisions of the Rural Valley Lands Plan and the Foothill Growth Management Plan and their related building standards; propose an entirely new "regional growth corridor" concept to direct development along highways 65 and 99; and which greatly expand upon the existing "new town" policy by adding an entirely new "Planned Community Area" component. I19-26 cont'd

The locations of the regional growth corridors have not been established, but are simply expected to be adopted through "future amendments to the General Plan Land Use Designation Map." RDEIR at 2-13. As a result, the impact of this entire planning framework is unknown and unknowable. Significantly, "lands within these corridors will also be exempt from the Rural Valley Lands Plan" to allow the County to "maximize the economic development potential of areas located along major transportation routes for uses such as industrial, regional retail, office parks, and highway commercial." Id. **How does this significant new provision further the objective of protecting important agricultural resources and scenic natural lands? Limit rural urban sprawl? What will be permitted, and what impact will this "maximization" have on the County's air quality, water needs and supply, etc?** The GPU also indicates that "interim policies would be established until regional growth corridor plans are adopted." Why haven't those interim policies been established in connection with the proposal to establish the corridors? Again, it is impossible to analyze even the preliminary impacts of the proposed corridors on the level of detail provided in this RDEIR.

Under the GPU, the County "may adopt corridor plans as: Urban Corridor Plans, located within urban boundaries such as Mooney Boulevard; Regional Growth Corridor Plans, located along major transportation routes outside urban boundaries; and Scenic Highway Corridor Plans, located along routes established or eligible as State Scenic Highways." GPU Part I, page 2-1. **Developed Urban Corridor Plans are likely to conflict or with or interfere with orderly growth of the adjacent city or community. How will these Plans be coordinated with City or community plans? Why would the County even contemplate adopting a growth corridor to maximize the development potential for industrial, regional retail, office parks, and highway commercial uses along a scenic highway??** This is untenable. If the intent of the County is not to permit such uses along scenic highways and routes, it should include an appropriate restriction in the GPU. Without specific standards, *any* development may ultimately be permitted as compatible with the General Plan. I19-27

The County has also "not yet" adopted any proposed boundaries for the large Planned Community Areas; there are no Planned Community Areas indicated at all either on the Land Use Map or in the text of the GPU and RDEIR. Where the new town policies, including the new planned community area policies, do not identify specific sites where I19-28

new towns can be built, or the projected size and scope of these new towns, but rather create guidelines that permit them to be built virtually anywhere in the county, those policies are insufficient to identify and analyze the impacts of adopting the draft General Plan. I19-28 cont'd

The RDIER asserts that I19-29

> Future development subsequent to the general Plan 2030 Update would primarily occur in or adjacent to existing developed urban areas, within the County Adopted City Urban Development Boundaries, County Adopted City Urban Area Boundaries, Hamlet Development Boundaries (HDBs), Planned Community Areas (PCAs), Mountain Service Centers (MSCs), and Development Corridors in the Foothill Growth Management Plan (FGMP). These land use patterns allow for the logical extension and utilization of exiting utilities, public services, and other amenities such as proximity to employment centers, commercial uses, and public transit. Such land use patterns reduce dependence on motor vehicles and allows [sic] for stronger public transportation systems and development of pedestrian and bicycle paths."

RDEIR at 3.4-26 and 3.4-27.

We agree that development in or adjacent to existing developed urban areas is the way to go, for all the cited reasons. **But the proposed regional development corridors and PCAs that will facilitate the creation of entire new towns anywhere in the County are entirely contrary to the concept; they should be completely eliminated as possibilities**. Tulare County's own consultants have calculated that there is absolutely no need for new towns, and the people of the County don't want them. Please listen.

Figure 2-2, Land Use Diagram, does not adequately disclose the County circulation system, as the only roadways shown are the state highways, none of which service the designated Development Corridors. I19-30

Figure 2-3, the RVLP portion of the LU Diagram, which is intended to show the Regional Planning Framework Land Use Designations & Boundaries, shows only gross outlines of UDBs, UABs & HDBs - not enough detail to discern where the boundaries actually lie. While parcel-level detail is not required, the map must present a well-defined geographic area to assist in planning. This map also shows no Regional Corridors, and no Planned Community Zones are shown, which makes analysis of the impact those developments are likely to cause impossible. **The GPU should specify the areas in which regional corridors, new towns and Planned Community Areas may be considered to facilitate analysis of their impacts**. Or, preferably, new towns and PCAs should simply be removed from the GPU as inconsistent with the wishes and values of Tulare County's citizens and other policies of the GPU. I19-31

Environmental Analysis
General comments

The text at page 3.1-5 indicates that designated candidate scenic highways and County scenic roads are shown on Figure 3.1-2, entitled Scenic Resources. Figure 3.1-2, however, does not identify any of the county-designated scenic roads or routes. (As scenic resources, the map shows only State Highways 190 and 198, and the Kern River (two branches). The majority of designated points on the map are historic markers – which is a good thing to have mapped, but they are not scenic resources.) **Please provide a map that fully documents the scenic resources of the County.** I19-32

The text at page 3.1-5 also apparently intended to list designated candidate scenic highways and County scenic roads. **This information is missing**.

The preservation of views of the night sky has been identified as valuable to the community. RDEIR at 3.1-16. Yet the provisions adopted by the GPU do very little to recognize or implement protection of the night skies throughout the County. ERM 5.18, entitled "Night Sky Protection" only requires the County to "determine the best means by which to protect the visibility of the night sky" upon "demonstrated interest by a community, mountain service center, or hamlet." And the sole Implementation Measure (ERM IM 40) for this policy says only "The County shall encourage and assist community service districts (CSD), or similar local entities to assume parkland acquisition, development, operations, and maintenance functions in established areas." Which does not really implement the policy of protecting the night sky. **Please see the International Dark-Sky website, www.darksky.org, for invaluable information on the effects of light pollution, ordinances adopted by other communities (of all sizes), lighting standards, and more. Tulare County should adopt and implement similar provisions to protect our night vistas.** (As more and more areas elsewhere become light-polluted, the clear, starry skies of Tulare County could become a tourist draw in their own right. Astronomers have conferences and conventions too….) I19-33

The impact analysis in Chapter 3 is confusing. On page 3.1-26 the RDEIR assumes that some new development will result in changes to views in all portions of the County, but that a majority of anticipated development-related changes will take place in the unincorporated communities in the Valley. This is **inconsistent** with the County's expectation that most new growth will take place within the incorporated cities. The Chapter goes on to observe that new development would alter the existing open space views from the unincorporated communities, and that even with the proposed GPU policies, the impact is considered potentially significant. On page 3.1-28, this same development is identified as significant. And then it concludes that after implantation of mitigation measures, the impact is now significant and unavoidable. **Please explain.**[3] I19-34

3 Note: the RDEIR does not set out the threshold standards adopted by the County by which to measure the impact of the development discussed. As a result, it appears that the analysis has considered *any* development to have "significant and unavoidable" environmental

On page 3.1-31 the RDEIR notes that buildout of the project would create substantial new sources of light or glare and references policies LU-7.18 and LU-7.19 as designed to mitigate the impact. The GPU does not, however, take the proactive step of requiring specific shielding of light sources or any other specific steps to prevent light pollution. **Please see, again, the resources available at www. Darksky.org.** (See also comment re: LU-7.18 above.) I19-35

Analysis Comments

The RDEIR applies only token analyses to identify the possible environmental effects that could result from adoption of the proposed GPU, looking only to those policies consistent with the County's proposed plan (unless forced to do so by State or Federal law), and doing very little to identify (or rejecting without real analysis) new or innovative ways to avoid or mitigate the identified possible effects. I19-36

For instance, the RDEIR concludes that the possibility that "proposed project could conflict with other applicable adopted land use plans" (Impact 3.1-2) is "less than significant," and maintains that no mitigation measures "beyond currently proposed general plan policies and implementation measures" are required. This is tantamount to saying that the County does not need to hold elections because it plans to adopt a plan that eliminates elections. The RDEIR can only conclude that the proposed plan does not conflict with long-standing policies of the Foothill Growth Management Plan and the Rural Valley Lands Plan because the proposed plan makes major changes to land uses, and how land use decisions may be made, under those plans. (Notably, the proposed plan seeks to exempt from each of those existing plans any developments within urban area boundaries).

The FGMP is cited in support of mitigation of environmental impacts throughout the RDEIR. In most cases, the cited provisions do not support the analysis. I19-37

For example:

- Impact 3.1-3 **The proposed project would substantially degrade the existing visual character or quality of scenic resources or vistas.**

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consequences. While some might agree with that assessment, it does not allow for realistic comparative evaluations of the various Alternatives required under CEQA: any development at all, in any location results in a finding of "significant and unavoidable." And as a further result, the RDEIR was able to justify not recommending or adopting either of the admittedly environmentally superior alternatives to the proposed project -- the City Centered and "Confined" Growth alternatives – because the impacts in a few areas were considered "similar" to those of the proposed GPU. This even though the same analysis acknowledged that the impacts in virtually all other areas were less than those of the GPU. I19-34 cont'd

The RDEIR concludes that adopting the proposed General Plan Update will result in Impact 3.1-3 having a **Substantial and Unavoidable** effect under CEQA. The RDEIR then cites **FGMP Policies 1.7, 6.1 – 6.4 and Implementation Measure 13** as measures that will reduce or mitigate the anticipated Significant and Unavoidable impacts. However, FGMP Policy 1.7 *encourages* commercial recreation uses (and thus additional development, traffic, air pollution, etc.) near natural features; Policy 6.1 purports to protect the visual qualities of State Highways 190 and 198 but doesn't apply to any other roads within the FGMP area, and Policy 6.2 requires the county to identify scenic roads but nothing more. Moreover Policy 6.2 **has no Implementation Measure** so the policy is not only unenforceable but will do nothing to mitigate the anticipated significant impact. I19-37 cont'd

Policy 6.3 does require the county to require compliance with FGMP development standards BUT if, as the County states elsewhere, development will be directed to PCAs within the foothills, that development will be exempt from the critical resource- based Level III and Level IV review, which assesses the suitability of the proposed development for that particular site. **This undermines the foundation of the FGMP.** I19-38

Policy 6.4 applies only to development corridors, while the goal to which it is linked applies throughout the foothills. Under this Policy and its defective IM-14, only vistas within development corridors would be protected; the rest of the FGMP area is left uncovered. I19-39

IM 13 deals only with development of new subdivisions (and then only requires that impairments be minimal), thus leaving open expansions or improvements to existing structures, and development other than subdivisions, which will also impact the scenic visual character of the foothills. IM 13 also simply requires subdivision plans to be “reviewed” by Site Plan Review – there are no guidelines, and no provision that directs the County to create and adopt measurable guidelines or any other means of evaluating visual impact of development (and experience is that the environment of development other than slope is not even asked about - most planners appear unfamiliar with the foothills). To make the IM even less reliable, the entire section in the current FGMP that establishes the FGMP Site Plan Review process has been eliminated from the revised FGMP. I19-40

The EIR discussion of Impact 3.1-3 also cites **FGMP Policy 8.18** as a mitigation measure that will “ensure that hilltop development is designed to preserve the existing skyline and scenic panorama of the foothills,” and Policy 8.19 as encouraging preservation of unique scenic resources in the foothills. However, Policy 8.18 is itself inherently inconsistent -- any “hilltop” development will by definition change the skyline; it therefore cannot be considered a measure that will “preserve” it. To be effective, the policy should prohibit hilltop development. I19-41

Cited Policy 8.19 is also weak as a mitigation measure – it “encourages” I19-42

maintenance and protection of unique open spaces, riparian woodlands, oak groves, rock formations and vistas but then relies on an even weaker IM that simply requires the general level of site plan review (again with no language that establishes or revises site plan review guidelines, methods or standards which could ensure identification and protection of the open spaces etc.). Moreover, the site plan review committee is not the final decision-maker – its recommendation simply gets "reported" to the unidentified "appropriate" decision maker.

I19-42 cont'd

Although not cited or discussed in the text of Impact 3.1-3, the chart of Mitigation Policies and Implementation Measures on page 3.1-27 also cites **FGMP Policy 1.5.** This Policy "encourages" the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that blend into the landscape rather than becoming a focal point, but again relies only on the unchanged site plan review process. More disturbingly, as newly revised in connection with the General Plan Update, the language of the existing FGMP policy (which is or was Goal 3 Policy 3), the mandatory language ("new development SHALL be designed ") has been replaced with the ineffective admonition to "encourage" new development to employ the cited design criteria. This does nothing to mitigate the impact of the proposed project and in fact makes the impact on scenic resources more likely than it would have been without the revision.
The RDEIR fatalistically then concludes that "No additional technologically or economically feasible mitigation measures are currently available to reduce this impact to less than a significant level."

I19-43

- These same (above) policies and implementation measure are cited in the RDEIR in mitigation of **Impact 3.1-4** (**The proposed project would substantially degrade the quality of scenic corridors or views from scenic roadways.) SU** and
- **Impact 3.1-5 (The proposed project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the County.) SU**

I19-44

As pointed out above, the policies and IM are ineffective or counterproductive. Impacts 3.1-4 and 3.1-5 also cite **FGMP IM 14** as a mitigating measure. IM 14 requires the County to promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect scenic corridors within the County, and to incorporate provisions for the use of these tools into the County's land development ordinances. The language of IM 14 would make a good policy, but it does not provide a measurable means of implementing the policies. In particular, insofar as Impact 3.1-5 is concerned none of the cited policies or Implementation Measures address light pollution or glare, nor do they address means of reducing light pollution or glare. The International Dark-Sky Association's website (www.darksky.org) contains a wealth of resources,

including ordinances adopted by other jurisdictions, that would aid the County in preparing, and implementing real measures to avoid these impacts. But since none of the policies cited in mitigation actually mitigate the identified impacts, the RDEIR could not conclude other than that the impact was significant and unavoidable. I19-44 cont'd

On the basis of limited and conclusory analysis, the RDEIR concludes that as to Impacts 3.1-3 and 3.1-4, "No additional technologically feasible mitigation measures are currently available to reduce this impact to a less than significant level." I19-45

This conclusion is patently false. What if the County adopted an alternative General Plan, under which development was directed only to existing communities (cities, communities, hamlets) without exceptions and loopholes, and further directed only to within existing development boundaries? ***The RDEIR identifies both the City-Centered Growth Alternative and the "Confined" Growth Alternative as superior to the proposed Plan, reducing the environmental impacts identified in Impacts 3.1-3, 4 and 5 – even with application of the same flawed policies and implementation measures used in the GPU.*** **Had either or both of these Alternatives been properly evaluated with alternative sets of principles, policies, standards and plans, and implementation measures as directed under the State Guidelines, an accurate assessment of the environmental impacts would have been attained – and would more than likely have shown the impacts reduced even further. If the County had considered a truly smart growth alternative, such as the one suggested by the Tulare County Citizens for Responsible Growth in its 2008 Comments, these Impacts would likely have been reduced even further -- perhaps even to Less Than Significant , which should be the goal of the Update process. Why did the County fail to consider a properly constituted range of alternatives?**

- **Impact 3.1-5 The proposed project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the County. SU** I19-46

  The RDEIR rightly concludes that adopting the proposed plan will create a significant new source o f substantial light pollution – there's no way that plopping entire new towns – with their accompanying houses, stores, traffic, street lights, electric signage, billboards ,etc. -- in currently undeveloped, agricultural lands can fail to introduce light and glare to what are now dark sky areas. The "mitigation" measures identified by the RDEIR, however, are inadequate to realistically do any real mitigation. As cited in the RDEIR, LU-7.18 requires the County to "improve and maintain lighting only *in park and recreation facilities* to prevent light spillage on adjoining residential areas. **THERE IS NO POLICY LU-**

7.18 IN THE GOALS & POLICY REPORT. I19-46 cont'd

Assuming that the County can correct this deficiency, **what percentage of new light pollution is anticipated to come from park and recreation facilities, and how will this have any real, measurable effect on the overall increase in light levels created by new development?** I19-47

The RDEIR also cites LU-7.19 as requiring the County to "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 unless required for public safety." While this policy is much better, once again **THERE IS NO POLICY LU-7.19 IN THE GOALS & POLICY REPORT.** I19-48

How can either of these nonexistent policies contribute to mitigation of a substantial environmental impact from lighting?

Impact 3.2-1 (**The proposed project would result in a substantial increase in vehicular traffic.)** is identified as also **Significant and Unavoidable.** The RDEIR once again concludes that **"No additional technologically feasible mitigation measures are currently available to reduce this impact to a less than significant level."** And once again – what if the County adopted one of the reasonable and more effective Alternatives? **Both the City Centered and "Confined Growth" Alternatives are identified by the RDEIR as being environmentally superior**, having lesser impacts. **A truly smart/healthy growth policy – one without the loopholes and inconsistent elements built in to the Confined Growth alternative – is one stunningly evident mitigation measure the County could have adopted.** I19-49

- **Impact 3.2-4 The proposed project could result in a substantial increase in public transit usage.** I19-50

  The RDEIR concedes that adoption of the proposed plan renders this effect **Less Than Significant. However, substantially increasing public transit usage is, in the context of this GPU, a *good* thing** – increased public transit usage will reduce VMT, decrease GHGs by reducing dependence on individual private vehicles, and improve our air quality. The fact that the proposed GPU will NOT have a significant impact on public transit usage is a result of the County's refusal to adopt a healthy-growth alternative to the proposed GPU (even though two such proposals were submitted in response to the 2008 draft, and even though the County maintains that it did consider both a city-centered growth and what it labeled a "confined" growth alternative. As discussed elsewhere, because the County inappropriately assumed that the policies and implementation measures from its preferred plan would also be incorporated into any Alternative, its analyses of the Alternatives was skewed – and predictably, every plan gave the same result.

Had the County followed the State Guidelines, which direct the development of alternative sets of principles, policies, standards and plans, and even alternative implementation measures for each Alternative (*see* Guidelines at 43), more accurate measures of environmental impact would have been obtained. How could a plan that directed growth to existing cities and communities, where infrastructure including public transit already exists, and which promoted infill development and reduced distances between homes and destinations instead of encouraging the development of entirely new towns in currently undeveloped areas and "transportation corridors" – i.e., along highways -- *not* significantly increase public transit use?? I19-51

Impact 3.2-4 cites **FGMP Policy 8.16** (which "encourages" the concentration of development along major travel routes to allow for future public transportation services and minimize travel distances to frequently used facilities) as a mitigating policy that contributes to the County's conclusion that the impact of the proposed GPU will be Less Than Significant. Because **Policy 8.16 has no Implementation Measure** it cannot be enforced. Its mitigation ability is therefore nil. Please also see comments on Policy 8.16, above. I19-52

Impact 3.3-1 (The proposed project could expose a variety of sensitive land uses to construction-related air quality emissions). I19-53

The RDEIR concludes that buildout of the GPU will have a **Less Than Significant** effect resulting from air quality emissions connected to construction. The RDEIR's analysis, however, is significantly flawed. Equally flawed is the RDEIR's conclusion that no mitigation measures "beyond currently proposed General Plan policies and Implementation Measures" are required.

Because buildout would occur in both incorporated cities and in unincorporated parts of the county, the RDEIR took the perplexing view that the incorporated cities are not part of the County; it considered *only* unincorporated County lands as the organizational boundary for the assessment. The RDEIR's assessment therefore *did not include* emissions "associated with incorporated cities within Tulare County, even though emissions generated by that part of growth that is ultimately directed to the cities will inevitably impact the rest of the county (and the region as well.) RDEIR at 3.3-16. The RDEIR analysis completes fails to take any emissions from that development into account. **How can an analysis that excludes 80% of anticipated development cannot have realistically considered cumulative or indirect impacts?** Moreover, because under the proposed GPU, development may be permitted to create additional new towns, Planned Community Areas, Development Corridors in entirely unspecified areas, **how did the RDEIR assess the impact of those developments? How did it determine whether the new development would be located near sensitive land uses or not?** The only limitation on this growth in the unincorporated areas of the County are the minimum 200-acre size for PCAs! I19-54

On an even more basic level, no real analysis of the anticipated impact of construction is possible because the GPU establishes no limits on construction, and does not delineate the locations where construction may occur. How do you know if sensitive land uses will be impacted when you don't know where the impacts will emanate from? I19-55

The RDEIR claims that it has taken development projects/ General Plan Amendments and Initiatives approved for unincorporated areas of the County into consideration in evaluating the cumulative environmental impacts. But the analysis then concludes that "Construction activity that would occur over the next several years in accordance with the proposed project would cause *temporary, short-term* emissions of various air pollutants within all of the County's individual planning areas." RDEIR at 3.3-18. However, construction under the GPU is not limited to "the next several years" – the planning period extends over twenty years. Construction of just one project, the proposed new Yokohl Valley town of 10,000 houses, several golf courses, a ranch resort lodge enclave, and commercial center – along with the associated roads and infrastructure is expected to be completed over the course of 20 – 30 years.[4] This is not short term, and the emissions caused by construction in this otherwise dry valley over the course of 30 years cannot be considered "temporary". I19-56

In apparent contradiction with the RDEIR's ultimate conclusion regarding this Impact, the analysis comments that "given the amount of development associated with implementation of the proposed project, **it is reasonable to assume that some large-scale construction activity would exceed SJVAPCD adopted thresholds over the next 21 years** and would potentially **increase health risks associated with criteria pollutant exposure, such as lung irritation from ozone and mortality and morbidity from respirable particulate matter, during the temporary duration of construction**." RDEIR at 3.3-18. [5] I19-57

How then, does the RDEIR reach the conclusion that the overall Impact is "less than significant"? How does a 21-year timespan amount to "temporary, short term" exposure?

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4 See February 7, 2006 Staff Report GPI 05-011 – Request by the J.G. Boswell Company and the Eastlake Company to Allow the Filing of a General Plan Amendment to the Tulare County General Plan, Including the Foothill Growth Management Plan, at 4. I19-56 cont'd

5 The RDEIR also confusingly discloses that "Impact statements provided in this section address the intent of the CEQA Guideline questions specific to the topic of air quality, yet are not taken verbatim from the Guidelines. Instead, impact statements have been tailored to fit the General Plan 2030 Update." **What does this mean?** I19-57 cont'd

- **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.** I19-58

  For all the reasons set out in comments on 3.3-1 above, the RDEIR appropriately concludes that the likely impact of the proposed GPU on air quality is **Significant and Unavoidable.** As shown in Table 3.3-5 and explained at page 3.3-20, "future growth in accordance with the proposed project would exceed the SJVAPCD thresholds for ROG and PM10. These operational emissions would increase the potential to expose people to pollutant concentrations that exceed the health-based standards . . . that have been determined to result in health impacts, such as lung irritation from ozone and mortality and morbidity from respirable particulate matter."

  The RDEIR's conclusion that "No additional technologically or economically feasible mitigation measures are currently available to reduce this impact to less than significant level" is questionable at best. The RDEIR indicates that the County recognizes that it must take some action to comply with Federal air quality regulations applicable to the entire San Joaquin Valley. But The RDEIR also recognizes that a significant source of air pollution in the County comes from dairy and feed lot operations. **Both of these activities may be regulated to significantly reduce the overall levels of pollutants.**

- **Impact 3.4-1 (The proposed project could result in the wasteful, inefficient, or unnecessary consumption of energy by residential, commercial, industrial, or public uses associated with increased demand due to anticipated population growth in the County),** is considered "**Less than Significant."** Accordingly, the RDEIR also concludes that no mitigation is needed "beyond currently proposed General Plan policies and implementation measures." I19-59

  One of the General Plan policies and implementation measures cited as leading to those conclusions is **FGMP Policy 8.16**. But because **Policy 8.16 has no Implementation Measure** it cannot be enforced and its mitigation ability is therefore nil. I19-60

  The RDEIR's conclusion that the environmental buildout impact of the proposed GPU is "less than significant" and that no mitigation measures "beyond currently proposed General Plan policies and implementation measures" is astounding. The proposed GPU encourages extraordinary growth along highways, in Development Corridors, and in new "Planned Community Areas" which are subject to no existing land use or zoning restrictions. The County "has not yet" designated where these new minimum 200-acre developments will be located – so they may be located anywhere. **Without knowing where these new urban centers will be built, how many housing units will be included, whether there will be jobs in the new centers sufficient to employ the majority of the** I19-61

new residents so that the new town doesn't become a bedroom community whose residents will have to commute to the employment centers that already exist, whether there is a sufficient water source at the location so that energy isn't required to transport water from elsewhere, whether the new town will be able to provide all the services (health, fire, police, schools, libraries, sanitation, etc.) necessary to support urban living – without that kind of information, it is impossible for the County to have realistically assessed any environmental impact sufficient to conclude that the impact is negligible, as it has done here. I19-61 cont'd

While the County has taken pains in this Revised GPU to disguise its preference to let "the market" direct development decisions, it has not abandoned it. [6] The County has already demonstrated its intentions to approve at least one huge, controversial, 36,000 acre PCA in the Foothill region that is (a) not within any designated development corridor, (b) will "overlap" the boundaries of both the Kaweah development corridor and the Round Valley development corridor, thus creating continuous development in one of the most scenic portions of the county, and (c) already inducing additional growth: RMA staff has already spoken with adjacent landowners to discuss development on those currently-agricultural properties.[7] There is no existing infrastructure in this area, nor is there public transportation that serves the area. Water will admittedly have to be brought in from elsewhere[8], and the proposed housing will be part of an "active adult village" aimed at the affluent second- or vacation-home buyer (who will travel from and to their primary residences elsewhere in the state, thus adding to GHG emissions.) The proposal was given the green light despite substantial public input opposing the creation of any new towns in Tulare County at numerous visioning workshops held across the County early in the GPU process[9], and despite the testimony of over 100 residents at a hearing on the proposal before the Board of Supervisors (including testimony asking the County to at least defer making a decision until after the General Plan Update had been completed). I19-62

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6 On page 3.3-16 of the RDEIR, the County acknowledges that "While buildout will ultimately be market driven, for modeling purposes this analysis is based on the assumption that most uses will be developed by the year 2030 . . . ."

7 See February 7, 2006 Staff Report GPI 05-011 – Request by the J.G. Boswell Company and the Eastlake Company to Allow the Filing of a General Plan Amendment to the Tulare County General Plan, Including the Foothill Growth Management Plan.

8 Water to support this massive development is expected to be taken from Lake Kaweah, the primary source of irrigation water used in the Valley. The RDEIR's conclusion that the volume of water needed urban uses will actually be less than that used for agriculture is incomprehensible. How has the County accounted for year-round lawns and landscaping for the proposed houses, resort and golf courses, in addition to domestic uses? Is it realistic to conclude these uses will consume less water than the currently –un-irrigated grazing land??

9 See Policy Alternatives Newsletter, August 2005 at 4,5 (restrict development outside of UABs; direct more population growth to urban centers); visioning workshops, comments to 2008 Draft GPU, etc.

Because the County's actions speak more loudly than its words, it is entirely likely that more such new growth outside established UDBs and HDBs will be approved, which will indeed "**result in the wasteful, inefficient, or unnecessary consumption of energy by residential, commercial, industrial, or public uses associated with increased demand due to anticipated population growth in the County."** It simply is not credible to conclude that the growth-inducing Corridor and PCA policies of the GPU will result in a "less than substantial" environmental impact.[10] I19-62

See also previous comments on Policy 8.16, above.

The RDEIR also cites **FGMP Policy 8.17** in support of its conclusion that the project's likely impact from Impact 3.4-1, wasteful, inefficient or unnecessary consumption of energy, is "less than significant." FGMP Policy 8.17 requires the County to "discourage" (**how**, exactly?) the scattering of development throughout the foothills to reduce vehicular emissions by decreasing home to destination distances. To implement this policy, the County is required to "concentrate rural and urban development in the development corridors delineated on a Master Development Plan." However, because Master Development Plans apply only in Planned Community Areas, and because the County has not delineated or identified the locations of any proposed Planned Community Areas, Planned Community Areas under this General Plan Update could be approved anywhere in the County. Under the proposed GPU, PCAs are not restricted to areas along public transit routes or even along major traffic thoroughfares (and in fact the one "planned community" that the County currently has pending is proposed for an area accessed via a minor, two-lane scenic road without regular public transportation routes). Further, because no Planned Community Areas have been designated, there are also no existing Master Development Plans and no designated development corridors. Neither this Policy nor the Implementation Measure can realistically be expected either to reduce vehicular emissions by decreasing home to destination distances or to mitigate wasteful energy usage. The conclusion that the anticipated impact of the GPU on inefficient or unnecessary consumption of energy is "less than significant" is unsupportable. I19-63

Finally, **Impact 3.4-1** cites also **FGMP 3.1** (which "encourages" innovative design to preserve foothill open space) as mitigating the potential for wasteful energy use as the result of vehicle miles traveled. Because the IM associated with this Policy (IM – 7) does not implement the policy, **the policy itself is ineffective to mitigate Impact 3.4-1.** Moreover, while encouraging (or better, mandating) higher-density development is a step in the right direction, merely condensing the footprint of development will not necessarily reduce VMT – to effectively reduce VMT, development must be located near existing infrastructure and destinations I19-64

10 Another action undermining public faith in the reliability of planning documents: to find this proposed new town "consistent" with the FGMP, the staff report misrepresented the stated objectives of the FGMP and presented incomplete and/or inaccurate representations of FGMP provisions to support the developer's request. I19-62 cont'd

– jobs, shopping, etc. – as well as increasing density.
Please also see comments on each of these FGMP policies, below. I19-64 cont'd

- The EIR identifies **Impact 3.4-3** (**The proposed project would potentially conflict with the State goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB32 California Global Warming Solutions Act of 2006.)** as **Significant and Unavoidable**. It maintains, however, that the draft GPU includes a number of policies, identified in Table 3.4-5) which would implement or support the measures recommended by the Attorney General ("AG") to address global warming. Among the FGMP policies cited in Table 3.4-5 are: I19-65

FGMP Policy 3.1 (cited in support of AG recommended measure "preserve existing conservation areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits") I19-66
Policy 3.1 is unlikely to have the mitigating effect claimed, as the associated Implementation Measure applies only to those projects that require "only Site Plan Review" and even then, the Site Plan Review Committee only has the authority to "review" the proposed project. The Committee is not empowered to approve or disapprove the development. See comments regarding Policy 3.1 in chart below. Moreover, the section establishing the Site Plan Review process for the FGMP area has been deleted from this revised FGMP.

FGMP 8.16 (cited in support of AG recommended measure "**Create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit ride sharing car sharing, bicycling and walking. Before funding transportation improvements that increase vehicle miles traveled, consider alternatives such as increasing public transit or improving bicycle or pedestrian travel routes**.") I19-67
Policy 8.16 is also cited in support of AG recommended measure "**provide adequate and affordable public transportation choices including expanded bus routes and service and other transit choices such as shuttles, light rail, and rail where feasible.**"

Policy 8.16 satisfies neither of these AG recommendations: it provides only that "The County shall encourage the concentration of development along major travel routes" – and then only "*to allow for future* public transportation services and minimize travel distances to frequently used facilities." (emphasis provided) It in no way creates an interconnected transportation system or promotes a shift from private passenger vehicles to any form of alternative transportation. In addition the policy 's weak direction to "encourage" development along major travel routes to "allow for future" transportation services does not provide adequate and affordable transportation choices – it merely hopes that such transit services and choices will somehow happen sometime in the future and in

the meantime makes the development attractive as a commuter community. (And as noted in chart below, **Policy 8.16 has no Implementation Measure** and thus cannot be enforced or expected to have any impact at all. A policy that truly addressed the concerns raised by the Attorney General would specifically provide for expanded public transportation options and routes.
The GPU's emphasis on development in the unincorporated areas of the County, especially in the foothills, is also inherently incompatible with the goal of shifting transportation from vehicles to bicycles – the foothills of the Sierras are…. *hills.* Residents of these new developments are not likely to commute the long distances from the remote new development to the cities where most non-agricultural employment is and will be located by bicycle. By comparison, under the City Centered or "Confined" Growth Alternatives, the preferred infill development would take place primarily on nice, flat ground, and within a reasonable bicycle ride of employment and shopping. I19-67 cont'd

FGMP Policy 8.16 and 8.17 (cited in support of AG recommended measure "**Concentrate mixed use, and medium to higher density residential development in areas near jobs, transit routes, schools shopping areas and recreation.**")
Policy 8.16 encourages concentration of development along major travel routes, but is silent as to requiring that development be located near jobs, transit routes (other than roadways), schools, shopping areas or recreation. And as noted in chart, above, since there is **no Implementation Measure for Policy 8.16**, there can be no expectation that the policy will be enforced or have any effect. I19-68

FGMP Policy 8.17 requires the County to "discourage" (**how, exactly?)** the scattering of development throughout the foothills to reduce vehicular emissions by decreasing home to destination distances. To implement this policy, the County is required to "concentrate rural and urban development in the development corridors delineated on a Master Development Plan." While Policy 8.17 expresses the hope that emissions will be reduced by decreasing home to destination distances, because it is limited in application to Master Development Plans (and thus to Planned Community Areas) and because Planned Community Areas may be located anywhere in the County under the Draft GPU, it is impossible to conclude that this policy will locate higher density development near jobs, transit routes, etc. (It is also impossible to conclude that every resident of a Planned Community Area will be employed within that same Area, so the fact that a Planned Community will include some designated commercial or retail space does not respond to the AG's recommendation. In light of the location of the first, all-but-officially-approved PCA in the Foothills, well away from any infrastructure at all, it is hard to imagine how Policy 8.17 supports the AG's recommendation.) Please also see comments re: Policy 8.16, above. I19-69

FGMP Policy 8.9 is cited in support of AG recommended measure "**Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits**." I19-70

FGMP Policy 8.9 restricts the removal of natural vegetation, except for wildland fire prevention purposes. However, **Policy 8.9 has no Implementation Measure** and thus is mere wishful thinking. It cannot be enforced and can have no expected mitigating impact. Please see further comments on Policy 8.9 in chart, below. Once again, the devil is in the details -- the analysis done to assess the environmental impact adoption of the proposed GPU will have is unreliable. I19-70 cont'd

FGMP 8.12 (cited in support of AG recommended measure "**Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance, e.g., requiring that trees larger than a specified diameter that area removed to accommodate development must be replaced at a set ratio.**") I19-71

FGMP 8.12 prohibits "unnecessary removal of native trees on development sites prior to approval of development" but depends only on the Site Plan Review Committee – which has no direction to even inquire about tree locations or removals and which does not have the authority to approve or deny a development proposal -- for implementation. The policy does not meet the standard recommended by the Attorney General, because (1) it is unnecessarily limited to removal of trees "prior to approval of development plans" and thus does not really protect native trees at all. Trees are routinely removed before permits are applied for even though this policy has been in effect since 1981. (2) Since there is also no requirement that development plans not be approved if they require removal of native trees, or to require mitigation if trees must be removed, the policy is ineffective to protect trees as part of Site Plan Review. (3) Who determines what is "unnecessary" and how? Moreover, the section establishing the Site Plan Review process for the FGMP area has been deleted from this revised FGMP – it simply doesn't exist.

The County has been urged to adopt an ordinance to protect native trees for several years, without success. Numerous examples of ordinances have been provided to the County and various organizations have volunteered to assist the County in drafting an appropriate ordinance. The Planning Commission directed RMA to re-open its files on a tree ordinance over a year and a half ago. **Why doesn't the Draft GPU include a real, viable, enforceable tree ordinance ??** Please also see comments on Policy 8.12 in chart, below.

FGMP 8.3 & 8.15 (cited in support of AG recommended measure "**Address expected effects of climate change that may impact public safety, including increased risk of wildfires, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs.**") I19-72

FGMP 8.3 requires the County to prohibit development of residences or permanent structures within the 100-year floodway; FGMP 8.15 restricts development in chaparral areas. However, **neither FGMP 8.3 nor 8.15 have any Implementation Measures** at all. These policies are inadequate under the State Guidelines, which require every policy to have at least one Implementation

Measure – and neither therefore effectively addresses the concerns raised by the Attorney General. I19-72 cont'd

- **Impact 3.6-1 (The proposed project could violate water quality standards or waste discharge requirements, or otherwise degrade water quality)** cites FGMP 8.6 in support of the EIR's conclusion that policies implemented under the draft GPU render the potential impact **less than significant**. The policy is described as identifying a water source that should be protected from water quality impacts. I19-73

  FGMP 8.6 and its implementation measure (see chart, below) require drainage plans for development in the Frazier Valley watershed to avoid aggravating downstream flooding – thus, this policy does nothing to protect water quality in the rest of the Foothill area.

  This Impact is supposedly also mitigated by the policies implementing new towns and PCAs, PF-.2. **There is no Implementation Measure for PF-5.2! Thus all the supposed "criteria" to be used in evaluating new town proposals are meaningless.** I19-74

- **Impact 3.6-2 (The proposed project would result in impacts to the groundwater supply, recharge and secondary impacts to groundwater resources)** is deemed **Significant and Unavoidable**; The RDEIR concludes that **no additional technologically or economically feasible mitigation measures are currently available to reduce this impact to a less than significant level.** I19-75

  The primary recharge area in the County is the foothill agricultural land, which the County consistently devalues as "of lesser value" than the intensely cultivated agricultural lands in the Valley, and into which the GPU directs extended development. Expanding the lands open to urban development in the foothill areas, as promoted by the proposed GPU[11], will inevitably impact the groundwater supply on which most of the County, including the Valley agriculture and cities, depend upon. **How can this level of conversion be less than significant? Why does the RDEIR not recognize that at least two of the Alternatives to the proposed plan are indeed technologically and economically feasible measures that will reduce the impact of urban development in unincorporated areas of the County, and that an even more effective alternative was proposed to the County in Comments submitted in 2008?**

  FGMP Implementation Measure 33 is cited in **Impact 3.6-4** as one of the supporting "policies designed to minimize water quality impacts associated with I19-76

11 Once again, the green-lighted proposal to develop in Yokohl Valley is the poster child for "market-driven" development that will have significant environmental impacts that could be avoided through the adoption of a responsible growth plan. I19-75 cont'd

stormwater, water and wastewater utility infrastructure needed to serve existing and planned urban areas". FGMP IM-33 reads "The Planning Commission and the Board of Supervisors shall consider the financing plan during their review and consideration of the specific plan, Master Development Plan, or Area Development Plan. **The financing plan** shall be used as a basis for establishing programs and standards within the specific plan, Master Development Plan, or Area Development Plan which mitigate or avoid the adverse **fiscal** impact of development upon local public service agencies and County agencies." (emphasis added)
FGMP IM-33 minimizes the economic effect of development on the County, but does not minimize water quality impacts. I19-76 cont'd

- **Impact 3.6-3** (**The proposed project could substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding.")** I19-77

  The RDEIR has assessed this likely impact as "**less than significant**" and concludes that **no additional mitigation measures are required beyond the policies in the proposed GPU**. Given the substantial amount of development in areas that are now completely undeveloped under the proposed GPU, and the County's demonstrated willingness to permit developments in which the courses of at least one stream is contemplated, the RDEIR's conclusion that the impact is "less than significant" is suspect. In addition, many of the policies and implementation measures cited as mitigating the potential impact are ineffective.

  Among the policies cited as supporting the RDEIR's conclusions are FGMP Policies 8.2; 8.7; 8.8; and 8.12. Policy 8.7 encourages cluster development, narrower road widths, minimized cut and fill projects to minimize soil disturbances, and new roads in the foothills that should, whenever possible, conform to the natural contours of the existing foothill landscape. The Implementation Measures associated with Policy 8.7 do not, however, implement the policy: IM-3 deals only with grading and stabilization of slopes greater than 15 percent; IM-14 requires the County to promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect scenic corridors; and IM-25 requires developers to phase road construction to correspond with the phases of the development proposal. None of these policies address alteration of drainage patterns. **They do not, therefore properly contribute to mitigation of the identified impact, or to a finding that the potential impact is less than significant and that no additional mitigation measures are required.** I19-78

  Policy 8.8 does require erosion mitigation in new development projects, but the Implementation Measure associated with the policy is limited to development on slopes greater than 15%. Policy 8.8 itself is therefore inadequate, and cannot I19-79

have contributed to a finding of "less than significant." I19-79 cont'd

Policy 8.12 prohibits the unnecessary removal of trees from a site prior to approval of development plans but does not prohibit removal of trees during site plan review or after plans have been approved, nor does it require mitigation. Even if preservation of trees (which could indeed minimize soil erosion thereby reducing surface runoff) were an enforceable policy under the FGMP (or any other County policy), merely prohibiting removal of trees prior to plan approval will not do so. Please see also the comments on the FGMP policies and IMs themselves in the chart, below. I19-80

- Impact 3.7-1 (**The proposed project could result in substantial soil erosion or the loss of topsoil)** is identified as "**less than significant**". Policies contributing to this finding include FGMP Policies 1.11; 4.1; 8.2; 8.7; 8.8, 8.10; 8.11; 8.12 and 9.4, which the EIR says were "developed to address a variety of environmental issues (including soil erosion). . . . With implementation of [these policies] and implementation measures, this impact is considered ***less than significant***." (emphasis in original). I19-81

  FGMP 1.11 deals with the visual impact to the skyline from hilltop development, policies 4.1 and 8.10 have no Implementation Measures; 8.7 , 8.8 and 8. 12 are discussed above; 8.11 prohibits development on slopes of 30% or greater *unless* the developer can mitigate the problems inherent in building on slopes. None of these measures would mitigate the impact on soil erosion or loss of topsoil resulting from implementation of the draft General Plan Update. Similarly, the Implementation Measures cited in the analysis of Impact 3.7-1 -- IMs 7, 14 and 33 – do not mitigate. IM 7 simply requires site plan review for projects "that only require site plan review"; IM 14 promotes cluster development and other design tools to preserve scenic quality, and IM 33 protects the County from fiscal consequences resulting from development projects that require additional infrastructure. They do not mitigate the potential for substantial soil erosion or the loss of topsoil should the draft GPU be implemented. **The RDEIR'S conclusion that no mitigation measures beyond those policies included in the proposed GPU are required is inaccurate and insufficient.**

- In discussing **Impact 3.8-6** (**The proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires.)**, the RDEIR states at page3.8-34 that FGMP Policies 10.2 and 10.3 "provide requirements regarding fire safety and building standards for new development." **Neither of these policies has an Implementation Measure.** Without Implementation Measures, these policies cannot be considered to have any effect. The RDEIR's conclusion that the impact would be **Less than Significant** or that **no mitigation** is required beyond that cited in the policies of the proposed GPU. I19-82

- Table ES-4 indicates that the likelihood of **Impact 3.9-1 (The proposed project would require new or expanded water supplies, facilities and entitlements)** is **Significant and Unavoidable,** and that "**no additional technologically or economically feasible mitigation measures are currently available to reduce this impact to less than significant level**." I19-83

  Inconsistently, the RDIER concludes its discussion of **Impact 3.9-1** by noting that "even with implementation of the below mentioned policies, this impact is considered potentially significant." At page 3.9-49. Among the "below mentioned policies" in the discussion section is FGMP Policy 9.2, which requires the County to "require evidence, prior to project approval, which (1) describes a safe and reliable method of wastewater treatment and disposal; and (2) substantiates an adequate water supply for domestic and fire protection purposes." Unfortunately, this policy **has no Implementation Measure**, meaning it cannot be implemented or enforced, and cannot have been reasonably relied on in determining either the overall impact of the proposed project or that there are no feasible mitigation measures.

  One obvious mitigation measure available to the County is the adoption of a reasonable, smart or healthy growth alternative to the proposed "market driven" plan that actually requires enforceable policies and implementation measures designed to reduce water consumption, promotes recycling and use of grey water for irrigation purposes, and incorporates at the least LEED-ND standards for new development or improvements, with specific, quantifiable and measurable implementation measures. And then to actually enforce the policies.

- The RDEIR cites FGMP Policies 11.2 and 11.3 in support of its conclusion that the likelihood that **The proposed project would increase the need or use of fire protection services in the County** (**Impact 3.9-5**) is "less than significant." These same two policies – 11.2 and 11.3 are also cited in connection with **Impact 3.9-6** (**The proposed project would increase the need or use of law enforcement services in the County.**), which is also considered "less than significant." **There is no Policy 11.2 or Policy 11.3 (or any Policy 11 at all) in the revised FGMP.** (FGMP Policies 10.2 and 10.3 do deal with fire protection and law enforcement, but **neither of these policies have an Implementation Measure** and as such they are of no effect. I19-84 I19-85

- **Impact 3.10-1 The proposed project would result in the substantial conversion of important farmlands to non-agricultural uses. Significant and Unavoidable.** I19-86

  The County maintains that preservation of agricultural resources is a key goal of

the draft General Plan 2030 Update, that the policies of the draft GPU call for the continued recognition of agriculture as the primary land use in the Valley and Foothill regions of the County, and cites among those policies FGMP1.10 and 5.1. But as revised, the protections for agricultural uses in the current Foothill Growth Management Plan have been decimated. Important existing policies have been completely eliminated, without either explanation or disclosure. (See comments to revised Goal 5 in chart below.) I19-86 cont'd

FGMP Policy 1.10 limits residential densities only within the development corridor areas of Success Valley, and then, only in order to avoid conflicts with intensive agricultural uses in the *Valley – it does nothing to protect agriculture in the Foothill region.* I19-87

FGMP 5.1 merely duplicates the language of Goal 5, and then weakens its impact by the discretionary "wherever possible". More tellingly, the supposed Implementation Measures for Policy 5.1 have also been weakened: IM-17 and IM-18 are loosely based on current policy 5-1 and 5-2, which protect extensive and intensive agricultural areas in the foothills from encroachment by non-agricultural uses through the use of large lot exclusive agricultural zoning. Under the current FGMP, these policies are specifically implemented via the Level I and Level III analyses required as part of the plan. (The implementation measure for current policy 5-1 further notes that agricultural lands within a development corridor may be *required* to remain as extensive agriculture if site plan review determines the water supply to be inadequate to support urban use or if the soil is inappropriate for adequate waste water disposal.) As reformatted, the Implementation Measures no longer provide clear statements directing that ag lands in the foothills be protected. See more detailed comments in chart below. I19-88

Given the weakening of these FGMP policies, it is no wonder the EIR considers the impact to important farmland within the FGMP area to be "**significant and unavoidable**"! I19-89

The cited policies of the Agriculture Element of the Goals & Policies Report are also weak: AG-1.6 and AG-1.18 are discretionary ("The County *may* develop an Agricultural Conservation Easement Program…." and "in-lieu fees collected by the County *may* be transferred to the Central Valley Farmland Trust…"). Anything that "may" be done, also "may not" be done; this policy is altogether too equivocal. More to the point, the Central Valley Farmland Trust covers lands only in the northern counties of San Joaquin, Stanislaus, Sacramento and Merced – not Tulare County. **Does the County intend to mitigate loss of County ag land through easements obtained on lands outside the County??** I19-90

- **Impact 3.10-2 The proposed project could conflict with the provisions of the Williamson Act contracts through early termination of active Williamson Act Contracts.** I19-91

  The RDEIR rates this potential Impact as "**less than significant**" and as requiring no **mitigation measures beyond what is proposed in the policies of the proposed GPU**. However, FGMP Policy 10.1, Implementation Measure 16, specifically instructs the County to "explore the options for voluntary **Williamson Contract cancellation** on lands that are within a development corridor and under a Planned Development-Foothill Zone." **This evaluation is completely inconsistent with the County's mantra of protecting agricultural lands in the County in general, with its Right to Farm policy, and with Goal 5 of the FGMP, which specifically directs the County to protect ag lands in the Foothills.**

  Among the mitigation policies cited in the RDEIR for this Impact is AG In addition, the proposed GPU's creation of new "Planned Community Areas" which may be permitted anywhere in the County as long as the property has a minimum of 200 acres actively **encourages conversion** of lands likely to be in the Williamson Act. (See, e.g., comment above noting discussions between RMA and owners of agricultural land adjacent to the proposed Yokohl Ranch development.)

In assessing whether implementation of the draft GPU I19-92

- **would have a substantial adverse effect, either directly or through habitat modification, on a variety of special status species** (**Impact 3.11-1**), or
- **on riparian habitats or other sensitive natural communities,** (**Impact 3.11-2**), and
- **on "federally protected" wetlands and other waters** (**Impact 3.11-3**)

the RDEIR notes that the FGMP contains a number of policies developed to address sensitive habitats and species specific to the unique Foothill area. While the policies cited – FGMP Policies 5.1, 8.1, 8.5, 8.12, 8.13, 8.14 and 8.19 – are steps in the right direction, they are inadequate to accomplish their intended purposes as mitigation measures as the result of limitations on scope or strength inherent in the language of the individual policies, and of ineffective or entirely absent Implementation Measures.

For example, the policy expressed in 8.1 is merely to "discourage" rather than to prohibit development in close proximity to watercourses and riparian areas; 8.12 prohibits "unnecessary" removal of trees *only* prior to approval of development plans; 8.13 requires developers to use landscape materials that are "compatible" with native vegetation, but not native vegetation that would sustain wildlife adapted to and dependent on the native vegetation itself; 8.14 applies only where special status species "have been identified" – and it has no Implementation Measure to ensure that the policy is actually carried out. (The California Endangered Species

Act also protects threatened and candidate-species to the same extent as those named as rare or endangered.) And Policy 8.19 again only "encourages" protection of unique open spaces. Policy 5.1 is discussed above – while it purports to protect agricultural uses, it says nothing about protecting special status species or habitats. While protected species may benefit indirectly from protection of agricultural lands, they are also stripped of the protection otherwise provided under the Federal Endangered Species Act as a result of the exclusion for accidental "takings" of protected species that may occur in connection with normal agricultural practices. Policy 5.1 cannot therefore really be considered a policy developed to address protection of sensitive habitats, species, and natural communities. I19-92 cont'd I19-93

In addition, Policies 5.1, 8.1, 8.12 and 8.19 all depend on Implementation Measure 7, which does no more than require site plan review " for projects that only require Site Plan Review". There is no explanation of which types of projects "only require Site Plan Review" and which may require more… or what more. Policy 8.1 is apparently also supposed to be implemented by having environmentally sensitive areas (if they are within development corridors) identified on a map – but there is no further requirement that development be prohibited in such identified areas, and no protection is afforded sensitive areas outside development corridors. Policy 8.13 depends for implementation on a measure that simply repeats that site plan review should assess the compatibility of selected landscape materials with "surrounding" native vegetation. And 8.14 has no Implementation Measure at all. I19-94

These policies **can't mitigate** the potential for substantial adverse impact on habitat or species, but the impact could be less than substantial with properly drawn, strong, and implementable and enforceable policies. I19-95

The two ERM policies cited in Table ES-4 also do little to avoid substantial adverse direct or indirect effects on wildlife though habitation modification. ERM-1.15 has the County ensuring that street lighting in new development doesn't illuminate adjacent natural areas more than 1 footcandle above ambient levels; ERM-1.9 has the County working with other agencies to preserve biological resources while retaining the ability to utilize the same resources. Neither of the cited policies deals with the real and substantial impacts caused by disturbance or elimination of habitat, territory necessary to support wildlife species, etc. For example, several varieties of eagles and the endangered California Condor hunt and nest in the Yokohl Valley. Figure 3.11-1 in the RDEIR shows the entire Yokohl Valley area as designated critical habitat for the Condor. At page 3.11-14, the RDEIR acknowledges the findings of the US Fish and Wildlife Service: *The California condor requires substantial areas of open range, with adequate food, and limited development and disturbance to survive. Critical habitat for this species in Tulare County is generally located between Highway 65, Highway 198, and the western boundary of the Sequoia National Forest* (emphasis added). The designated critical habitat is precisely where the County is proceeding with plans to develop a massive Planned Community Area, and has proposed additional development on adjoining properties. I19-96

Conversion of this currently – agricultural area to urban uses will significantly affect the ability of these species to survive. (Not to mention the problems caused when one of these predatory birds carries off Fluffy ….) ERM 1.16 and ERM 1.17 both require only that the County cooperate or coordinate with other agencies which may be taking actual, proactive and positive steps to protect and preserve habitat and species. I19-96 cont'd

The charts of Mitigating Policies on RDEIR pages 3.11-34 and 3.11-37 identify FGMP Policies 4.1 and 8.9 in connection with **Impact 3.11-1** in addition to the policies identified in the text of the section. FGMP Policy 4.1, requires the County to identify environmentally sensitive areas, but only within development corridors. Since the County may permit Planned Community Areas anywhere within the Foothill area, this Policy does not adequately protect sensitive habitat or species at risk of development but currently not designated as a development corridor. More importantly, Policy 4.1 **has no Implementation Measure** and thus cannot be enforced. Policy 8.9 restricts the removal of native vegetation. However, it also **has no Implementation Measure** and is without effect. I19-97

[NOTE – the RDEIR cites IMs 15, 23 and 26 in connection with these policies, but they do not so appear in the FGMP as included in the Goals and Policies Report. In any event, IM 23 applies only to designate areas within development corridors on reference maps. Implementation Measure 26 focuses on site plan review of landscape plans to ensure compatibility with surrounding vegetation.]

- Identified **Impacts 3.11-4** (**The proposed project would have a substantial adverse effect on wildlife movement opportunities, migratory corridors, or native wildlife nursery sites**);
- **3.11-5** (**The proposed project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**) and
- **3.11-6** (**The proposed project could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local regional or state habitat conservation plan.**)

I19-98

all also cite either the ERM policies directed to lighting and coordination with other agencies, or assert that no additional mitigation measures are needed (Impact 3.11-5). The impact of 3.11-4 is considered **Significant and Unavoidable ;** the impacts of 3.11-5 and -6 are deemed "**Less than Significant".**

FGMP Policies 4.1, 8.1, 8.5, 8.12, 8.14, 8.19 and Implementation Measure 23 are identified as policies mitigating the expected impact of adopting the proposed GPU. For all the reasons set out above, these policies do not mitigate the "significant and unavoidable" adverse effects of implementing the GPU 2030 as drafted on wildlife, and cannot contribute to the EIR's conclusion that there will be a "less than significant" impact on or conflict with local policies protecting biological resources. Stronger and I19-99

more focused policies and Implementation Measures could reduce the anticipated impacts. More to the point, a General Plan that adopted a truly city and existing-community-focused, smart growth alternative which prohibited the creation of entirely new towns and expanded development corridors, and which permitted Planned Community Areas only within UABs if at all, would go a long way to realizing a "less than significant" impact on wildlife and other biological resources. I19-99 cont'd

- In connection with **Impact 3.12-1** (**The proposed project could cause a substantial adverse change to a historical resource**), the EIR cites FGMP Policies 7.1 and 7.3 as having been designed to address the important cultural resource issues of the FGMP area. Policy 7.1 ("The County may require the developer to provide information at time of application submittal regarding any historical site and/or building that occupies the project area that is worthy of historical preservation.") is purely discretionary by virtue of the permissive word "may". The Implementation Measure (IM-22) for this policy also inappropriately places the determination of whether a historical site or building is "worthy of historical preservation" on the developer, whose interests will by definition be in conflict with a finding of historical worthiness. The policy, as written, will not advance the goal of protecting historical or archeological sites. While IM -22 is good start for protection of archeological sites, insofar as it defers evaluation of the site to a professional organization with appropriate expertise, FGMP-7.1 deals with all historic sites, not just archaeological sites. IM 22 therefore doesn't further the policy for other historic sites. In addition, IM.22 only applies to areas "located in proximity to hilltops, buttes, watercourses, etc." To be truly effective in protecting historic and archeological sites this limitation should be eliminated so that a proper evaluation is made no matter where the site is located. I19-100

  FGMP 7.3 ("The County shall protect significant historical or archeological sites, such as the one located on Rocky Hill, from development through maintenance of the site in open space. This policy shall not preclude development on adjacent property even though such property may be under the same ownership as the site to be protected.") does require protection of significant historical or archeological sites, but it too is ineffective because it **has no Implementation Measure.** I19-101

  The EIR also cites FGMP Policies 7.2 and 7.3 in connection with Impact 3.12-2 (**The proposed project could cause a substantial adverse change to archaeological resources, paleontological resources, and/or disturb human remains**) as "calling for protection" of important sites. But again, 7.3 has no Implementation Measure so it can't protect any identified important sites. Policy 7.2 ("The County may require the developer to provide information at time of application submittal regarding possible archeological sites if a project is located in proximity to archeological sensitive areas such as hilltops, buttes, I19-102

watercourses, etc.") is also purely discretionary – and ill advised. **What expertise does the average developer have that would permit it to accurately identify possible archeological sites? And why should such sites be limited to hilltops, buttes, etc.? Does the RDEIR factor in the likelihood of damage to or elimination of important archaeological or other historic sites resulting from this ill-advised delegation of this function to developers in its assessment of environmental impact significance?** I19-102 cont'd I19-103

Finally, the Impact Analysis for **Impact 3.12-2** states that "Policies within the FGMP … establish protocols to address archeological resources" and "include a number of policies . . . designed to address the important cultural resource issues of the FGMP area including development of a historical sites inventory, information on archeologically sensitive areas and the protection of significant cultural resource sites (i.e., Rocky Hill). . . . The only policies cited – 7.2 and 7.3 do not establish any protocols, do not require development of an inventory, and as noted, do not truly protect historical sites. (Query: is Rocky Hill the only site deemed worthy of protection? Only Rocky Hill appears as an example of a historical site. In the FGMP area, the 100-year old Kaweah Post Office – surely a historical site, since it is listed and marked with a State Historical Marker – is absent from the list of Known Historical Properties on page 3.12-17….) I19-104

Hydrology, Water Quality and Drainage I19-105

WR-1.1 and WR-1.3 are addressed on page 3.6-45 of the RDEIR. Policy WR-1.1 is found on Part I, page 11.6 of the GPU – that policy says "These actions shall be intended to help the County migrate the potential impact on ground water resources identified during planning and approval processes." We believe the word "migrate" should be "mitigate." Please correct.

WR-1.3, page 11.7 of the GPU, requires the County to "regulate the permanent export of groundwater and surface water resources allocated to users within the County to cities and service providers outside the County to the extent necessary to protect the public health, safety and welfare. The County shall strive for a "no net loss" where there may be water exchanges serving a public purpose." I19-106

Given the vital role water plays in sustaining the extensive agricultural economy of the County, the dependence of most non-city dwellers on ground water and wells, and the documented drastic overdraft situation of water supplies in Tulare County, permanent export of water to users outside of Tulare County should be prohibited outright. Water is not really a renewable resource – while the supply can be recharged over time if we continue to experience the levels of rain and snowpack considered "normal" in non-drought years, given the facts that California has recently experienced many years of drought conditions and water shortages, and given the climate change and global warming predictions, it is short-sighted to permit any permanent claim on a resource the County and its residents may well need in the future.

Since the RDEIR also has concluded that "Due to the uncertainty of future groundwater management efforts … insufficient future groundwater supplies may be experienced in portions of the County" and that the environmental impact that adoption of the GPU will have on water supplies is Significant and Unavoidable, this policy should be revised to prohibit the permanent transfer of water rights outside the County. I19-106 cont'd

WR-1.4, provides that: I19-107

> "For new urban development, the County shall discourage the transfer of water used for agricultural purposes (within the prior ten years) for domestic consumption including but not limited to the following:
>
> - The water remaining for the agricultural operation is sufficient to maintain the land as an economically viable agricultural use,
> - The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin *[New Policy].*

There appears to have been a transcription error in setting out this policy, as the bullet points don't relate to the preceding paragraph. Please correct so the policy can be appropriately evaluated.

Biological Resources I19-108

Pages 3.11-11 through 3.11-15 list Sensitive Natural Communities. The Kaweah Brodiaea, *brodiaea insignis* has been listed as "endangered" by the State of California since 1979, and as a Species of Concern by the U.S. Fish and Wildlife Service. It is native to the Sierra foothills- **Why is the endangered Kaweah Brodiaea not listed?**

Cultural Resources I19-109

Figure 3.12-1 (RDEIR page 3.12-7) contains a photograph of the historic Kaweah Post Office, which was built in 1886, and has been serving the Kaweah and Three Rivers communities for 100 years. The Post Office has been identified as a structure of statewide historic significance and received California State Historical Marker # 389, yet this building is not listed in any of the lists of historic properties in the RDEIR. Please add the Post Office to the list of buildings to be protected and preserved as historic.

Alternatives I19-110

The RDEIR lists ***28*** significant and unavoidable impacts that will result from adopting and implementing the revised GPU. Such extensive negative impacts clearly should be considered unacceptable in a plan that cites as its first value statement, "The beauty of the County and the health and safety of its residents will be protected and enhanced."

How the County should respond to those 28 significant and unavoidable impacts is

clearly set out in the CEQA statute: "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." CEQA §21002. Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so. CEQA §21002.1 (b). I19-110

Here, the County has identified four alternatives (in addition to the "No Project alternative) the RDEIR describes as a reasonable range of alternatives having been selected based on their potential ability to meet project objectives while also avoiding or lessening the significant environmental impacts identified as likely to result from adoption of the proposed GPU. Unfortunately, we must disagree with the RDEIR's conclusion that it has presented a reasonable range of feasible alternatives. The County improperly incorporated all of the proposed GPU's policies and implementation measures into each alternative[12] rather than preparing sets of policies and implementation measures specific to each alternative.[13] As a result, the environmental impacts of each alternative have been predetermined, and the analysis skewed. You can't get to Boston using a map to Miami; you can't get to compact, smart growth using policies and implementation measures that take you to Regional Growth Corridors and new towns. I19-111

When examined, the RDEIR itself discloses that the range of alternatives is actually very narrow. Table 4-1, for example, which outlines how the assumed population growth would be allocated under each of the alternatives shows only a difference of about 6% between them: growth in the incorporated cities ranges from 68% (Rural Communities & Transportation Corridors) to 74% (No Project and Confined Growth). The range for population growth allocated to the unincorporated County ranges from 26% (No Project and Confined Growth) to 32%. (Rural Communities and Transportation Corridors). RDEIR at 4-4 -- 4-5. I19-112

Analysis and comparison of the various alternatives is also problematic and confusing. For instance: I19-113

- Table 4-1 is identified as a "Summary of Key Components for Each Alternative." Yet the only data included in the table is a population distribution projection based on a 2007 baseline year. Because the table does not include any other "key components" of the various alternatives, it does not facilitate comparison of the alternatives. To be useful, the table should mirror the discussion points addressed in the text of each alternative.

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12 The "No Project" alternative is also the only alternative in which the RDEIR does not assume that all the policies and implementation measures of the proposed GPU are also adopted by the alternative. It is therefore impossible to accurately assess the No Project alternative relative to the others.

13 As noted elsewhere in these comments, CEQA requires the range of alternatives to have their own sets of policies and implementation measures. Incorporating the proposed project's policies and implementation measures into each alternative not only skews the results, but predetermines the outcome of the analysis. I19-111 cont'd

- On page 4-4 the RDEIR states that that the "No Project" alternative assumes that development will continue under current patterns, but then also assumes that population patterns would be similar to those under the proposed GPU. **How does the proposed GPU differ, then, from the No Project alternative in its environmental impacts? Will it have no influence or effect? If so, how do each of them differ from the Existing Trends alternative that was rejected?** I19-114

- The RDEIR's reasoning in the "Ability to Meet Project Objectives" text on page 4-13 is completely circular: failure to adopt a plan (the result in the No Project alternative) fails to meet the project objectives because it fails to adopt a plan – one of the project's objectives. I19-115

- Table 4-2 compares the ability of each alternative to meet the project's proposed objectives. The "No Project" alternative is identified as achieving none of them. **Does this mean that the current General Plan provides no opportunities for small unincorporated communities to grow and improve their quality of life and economic viability? Does not promote reinvestment in existing communities? Or protect the County's agricultural and scenic assets by limiting rural residential development?** It seems that despite the acknowledgment to the contrary on page 4-13, the RDEIR has assumed that the "No Project" alternative leaves a complete vacuum as to planning guidance rather than resulting in continuation of the current General Plan. I19-116

- In discussing the alternatives eliminated from consideration, the RDEIR lists a Proportional Growth alternative, which is described as directing growth at a rate proportional to current conditions, and an Existing Trends alternative which would allow future growth to grow at the rate that occurred from 1990 to 2000. **How do these two alternatives differ?** The RDEIR explains that the Proportional Growth option was rejected because the growth trend (30% of future growth in the unincorporated County) was considered infeasible. Yet the Transportation Corridors alternative (which seems to be the same as the Corridor Plan concept incorporated into the draft GPU) also allocates 30% of future growth to the unincorporated County. **How does the Corridor Plan concept in the GPU differ in projected growth trend, and in general, from the Transportation Corridors alternative?** I19-117

- On page 4-1, the RDEIR cites to CEQA Guidelines §15901 – this section does not exist. We believe the RDEIR intended to reference §15091; please correct if this is what was intended. If the RDERI intended to reference another section, please so indicate so the authority may be identified and assessed. I19-118

- Table 4-3 provides a Summary of Alternatives (Comparison of Impacts With General Plan 2030 Update Level of Significance), but although it provides the County's conclusions as to the significance of the various effects it does not provide sufficient detail in the discussion of the various alternatives to assess I19-119

how those conclusions were reached[14]. For instance, the RDEIR concludes – without substantiation -- that both the City Centered and the Confined Growth alternatives would have greater adverse impacts than the proposed GPU on cultural resources (historic & archaeological). RDEIR at page 4-8. The basis for these conclusions is that new growth, centered within existing City areas, "could result in similar or greater impacts to historic resources located within existing urbanized areas. The intensification of land uses within the existing City limits may result in greater impacts to the design qualities of individual City neighborhoods and historic districts to those anticipated under the proposed project" (RDEIR at 4-20 - 4-22 and 4- 43). There is no evidence or even discussion in the RDEIR to establish that urban infill or growth within city limits is any more likely to impact historic or archaeological resources than development in the unincorporated areas of the County.

I19-119 cont'd

Although not truly "smart growth" plans, two of the four proposed alternatives do lessen the anticipated environmental impacts of attaining the GPU's identified objectives and therefore are superior to the proposed GPU.

I19-120

The City Centered alternative is one of the alternatives that would yield an environmentally superior result, as it lessens 14 of the environmental impacts identified as Significant and Unavoidable ("SU") in connection with the proposed project. But the RDEIR concludes that it fails to meet the project's objectives of providing opportunities for small communities and to promote reinvestment in Table 4-3. However, in setting out the alternative itself, on page 4-17, the RDEIR says "This approach *would not ignore the needs of unincorporated communities* [emphasis provided], and would look at policy solutions to address housing services and infrastructure needs to meet future growth." On page 4-18, the RDEIR notes that this alternative would achieve the objectives by integrating additional policies into the General Plan, including a policy that the "County continues to improve quality of life and services in unincorporated communities but does not make growth inducing infrastructure improvements." It *is* possible to improve quality of life and improve infrastructure without also inducing growth.

How then does the RDEIR conclude that City Centered alternative does not meet the identified objectives – unless the County ensures its failure by taking no actions to improve services that do not also induce growth? (The RDEIR

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14 While CEQA does permit use of a matrix to summarize the results of a comparison between alternatives and the proposed project, the EIR must first include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. CEQA §15126.6(d). Similarly, the EIR must examine in detail those alternatives the lead agency has determined could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. Id.§6(f). Meaningful participation cannot take place where only the agency's conclusions are shared.

I19-119 cont'd

apparently bases its conclusion on its speculation at page 4-19 that "Lower levels of anticipated growth and development *may* make it more difficult to achieve the desired level of reinvestment within existing communities and hamlets. Consequently, Alternative 2 would not meet this objective and *may* not fully meet project objectives that encourage additional opportunities for small unincorporated communities to grow, address public health and safety concerns, and improve quality of life." (emphasis added). Inherent in any prediction that X *may* result in Y is the possibility that X will *not* cause Y. Since without more, the probability of each is equal to that of the other, the RDEIR's conclusion that this alternative is *not* able to meet the reinvestment and quality of life objectives is unsupported.) I19-120 cont'd

With respect to Air Quality impacts, the RDEIR concludes that environmental impact of both the City Centered and Confined Growth alternatives is equal to that of the proposed GPU (SU), *see* Table 4-3, page 4-7, because even though the overall number of miles driven may be reduced, "city focused dwelling units and other types of development would still result in similar overall emission levels of both mobile and stationary sources." **What percentage of GHGs and other emissions in the County result from vehicles and what percentage from stationary sources? On what basis has the County concluded that emissions from stationary sources outweigh vehicle emissions?** I19-121

In virtually every aspect, the RDEIR finds the Confined Growth alternative the only alternative other than the No Project alternative "that would reduce the severity of most environmental impacts associated with the proposed project." RDEIR at 4-36. It is also identified as the Environmentally Superior alternative. Nevertheless, the RDEIR concludes that the Confined Growth alternative "would still result in significant and unavoidable impacts to biological, agricultural, air quality, greenhouse gas emissions, and traffic resources." Id. I19-122

How does it get to this conclusion?

Agriculture – after recognizing that fewer acres would be converted to urban uses, the RDEIR simply says "similar to the proposed project, Alternative 5 would also result in a significant and unavoidable impact, since there would be some conversion of important farmland to urbanized uses under this alternative." **How many acres? Where? Within already-designated urban boundaries? What threshold of significance is applied?** I19-123

Air Quality – see above. I19-124

GHGs – after recognizing that confined growth "may reduce the overall number of vehicle miles driven" the RDEIR concludes that "City focused dwelling units and other types of development would result in similar energy consumption and greenhouse gas emission levels for buildings and mobile and stationary sources." **No documentation, no discussion. Inadequate!** I19-125

Traffic – Without discussion, the RDEIR just concludes "Overall total daily vehicle trips generated under this alternative would be similar to those anticipated with the proposed project." And then also notes that service levels on roads within urban levels could be reduced. **Where is the calculation of trips not taken – and emissions not emitted -- by individual vehicles because of the availability of convenient public transportation ? The calculation of fewer emissions as a result of fewer vehicle miles traveled, as compared to simply the number of daily trips?** I19-126

The RDEIR comes to similar unsubstantiated and disconnected conclusions in other areas of "discussion" as well: light and glare impacts would be lessened but the resultant impact would be similar to that of the proposed project (page 4-33); fewer acres of open space lands would be converted but the impacts to biological resources would be similar to those under the proposed project (page 4-34); fewer impervious surfaces would be developed… but overall, hydrologic and water quality impacts are considered to be similar to those of the proposed project (page 4-35).

NOTE: While presented as a "confined" growth alternative, as framed in the RDEIR, the exceptions make those borders very porous. Thus, growth boundaries could be expanded for a number of reasons which appear to reflect the ongoing effort to avoid restricting the County's ability to follow the market. I19-127

"Criteria for expansion might be:

- Mandatory agriculture impact fees for important farmlands added to Urban Development Boundaries [**This is not a criteria - what does it mean? That if someone pays a fee, important farmland will be permitted to be converted?]**
- Significant job generation projects or projects of regional importance (such as a four year college)
- Regional growth corridors which involve high density mixed use as well as commercial or industrial opportunities.
- Boundary adjustments where Master Planning efforts demonstrate exemplary land use efficiency standards above and beyond base standards.
- Boundary expansion in consistent with the San Joaquin Valley Regional Blueprint.

… No new towns would be allowed on important farmland unless equivalent capacity is transferred from CACUDBs or HDBs through mechanisms such as purchase and transfer of development rights to offset the loss of important farmland." RDEIR at 4-32.

The re-insertion of these "criteria" – especially the provision that would reinstate the regional growth corridors, Planned Community Areas ("Master Planning efforts") – is entirely inconsistent with the overall concept of "confined" growth. **Only with these exceptions in mind could the RDEIR conclude that the impacts of this alternative on biological, agricultural, air quality, greenhouse gas emissions, and traffic resources are significant and unavoidable.**

The bottom line is that we agree with the California Attorney General's criticism of the 2008 DEIR, which also applies here: "The alternatives ignore a range of "smart growth" alternatives that would concentrate development in already existing urban areas near mass transit and preserve more agricultural land and open space," and noted that "a more intense 'smart growth' alternative would appear to be feasible given the evidence that existing cities can currently accommodate all of the growth anticipated by the County. . . to be consistent with CEQA, the DEIR must consider a broader range of alternatives that would focus more of the development in existing urban areas, or explain and provide evidence supporting a conclusion as to why such alternatives would be infeasible." (Letter from Office of the Attorney General, dated April 14, 2008, copy attached.) **The County should consider and adopt a true smart and healthy growth alternative such as the one suggested by the Tulare County Citizens for Responsible Growth in 2008.** I19-128

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While CEQA stresses the importance of seriously evaluating a range of alternatives, the County appears to have signaled its intention to disregard potentially superior alternatives to its preferred project, by stressing the importance of the "escape clause" it sees, before even having presented the proposed alternatives: I19-129

> It is important to understand, however, that the mere inclusion of an alternative in an EIR does not constitute definitive evidence that the alternative is in fact "feasible." The ultimate decision regarding the feasibility of alternatives lies with the ultimate decision-maker for a project, which in this case is the County of Tulare Board of Supervisors. Such determinations are to be made in statutorily mandated findings addressing potentially feasible means of reducing the severity of significant environmental effects. One finding that is permissible, if supported by substantial evidence, is that "specific economic, legal, social, technological, or other considerations . . . make infeasible the . . . alternatives identified" in the EIR (Pub. Resources Code, § 21081, subd. [a]; see also CEQA Guidelines, § 15901, subd. [a]). CEQA Guidelines section 15364 defines feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." In deciding whether an alternative is feasible or infeasible, a decision-making body may consider the stated project objectives in an EIR, and may balance any relevant economic, environmental, social, and technological factors.

RDEIR at page 4-1.

But the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263). **In making its recommendation on a final EIR, we urge the County to heed CEQA's requirement that it focus on alternatives which are**

capable of avoiding or substantially lessening any significant effects for the project, even if these alternatives would impeded to some degree the attainment of the project objectives, or would be more costly. *See* CEQA §15126.6(c). I19-129 cont'd

The Revised Foothill Growth Management Plan

I. Undisclosed Revisions, Deletions, Other Changes I19-130

As noted earlier in these comments, and as examined in more detail below, although the County has told the public many times that the Foothill Growth Management Plan was not being changed in connection with the GPU process, it has been changed significantly in a number of ways. For instance, on page 1-1, the "Background" section states that "...the Community and other Plans... will not be changed as part of this update, except for Dinuba... and Pixley." RDEIR 1-1. But on page 2-13, the RDEIR discloses that both the RVLP and FGMP "will be adopted in revised form." Although the RDEIR describes the changes in this introductory statement as merely deleting obsolete or outdated information and policies, providing "clarification" to policies and consistency with the new Land Use Element, as well as identifying responsible agencies, implementation timeframes, and restoring FGMP development standards, RDEIR at 2-13, examination of the FGMP, for instance, reveals significant substantive changes.

In addition to not calling the public's attention to the fact that the FGMP has been changed[15], the RDEIR does not compare the provisions of the two plans to make clear what has been changed and in what ways, doesn't provide any – let alone a sufficient – rationale for the changes, doesn't establish or analyze baseline conditions upon which it could evaluate the potential impact of the proposed changes, and doesn't assess the potential direct or indirect negative impacts of the changes, either on an individual or cumulative basis. All of the policies and IM s are shown in the implementation timeline as "ongoing" with no anticipated completion date. But virtually all have been in the FGMP since 1981 – what progress has been made? Where is the supporting data? Baselines against which to measure future progress?

- The Introduction to the Policies section of the 1981 Plan establishes that I19-131

> [t]he overall objective of the study is to accommodate development within the foothills while recognizing limitations imposed by factors such as excessive slope, present development patterns, increased wildfire

[15] In fact, the County has many times represented that the FGMP has not been changed, but is being incorporated into the GPU. I19-130 cont'd

> potential, service availability, water availability, soil limitations for septic tanks, site accessibility, etc.... Further, the policies reflect the fact that even though land may be physically capable of being developed, other overriding factors such as the preservation and protection of foothill-grazing lands may limit such activity.

1981 Plan at 11.

I19-131 cont'd

These statements, which set out the fundamental underpinnings of the Foothill Growth Management Plan, and explicitly recognize the limitations that must inform all development decisions in the Foothills, have been deleted from the Revised FGMP.

> Please explain why the Revised FGMP has completely eliminated this crucial statement of fundamental principals underlying the Foothill Growth Management Plan, and assess 1) what the direct, indirect, and cumulative impacts of deleting this statement of principals will be; 2) how those impacts have been or will be measured; and 3) how the County will mitigate the impacts resulting from the elimination.

Answers to these questions are critical in light of the County's demonstrated willingness (and in some instances, apparently eagerness) to green-light development within the FGMP that disregards (and even requests exemption from) the policies and standards of the FGMP.

I19-132

Moreover, the RDEIR does not disclose that the Revised FGMP fails to include, even by reference, the substantial additional data resulting from the federally-funded, in-depth study of the Foothill area, which are contained in the Appendices to the 1981 Plan:

- a description of the Foothill region; socioeconomic, housing and land use data; a detailed baseline description of environmental factors, including climate, air quality, watershed data, geological and soils information (including an in-depth soil matrix), and biological factors (including vegetation and wildlife data.)
- a study of Foothill Circulation Systems, including specific data on traffic volume by road and area, and expected impacts of anticipated growth
- an examination of existing public service systems and utilities in the Foothills fire protection (including identification of County and State fire stations and the service areas they cover); law enforcement (identifying the exiting Sheriff's office locations and service areas); school districts; health care providers; solid waste disposal services; public utilities; water and liquid waste systems; and public libraries serving the area
- legal authority for Specific Plans
- an explanation of the Site Plan review process applicable to the Foothills, including Foothill Extension and Development Corridors
- a detailed Environmental Impact Report (including comments)
- implementing Resolutions of the Tulare County Planning Commission and Board of Supervisors, including findings of fact and preliminary amendments to the 1981 Plan

- definitions of terms used in the 1981 Plan, and
- detailed maps, including maps of
  - the Foothill Growth Management Plan area that identify identifying lands designated as "valley agriculture extension", "foothill extension", "extensive agriculture" and scenic highways and roads);
  - Foothill Development Corridors, including designations of current and future land use and circulation patterns;
  - land capacity (identified by use-suitability);
  - slopes and flood-prone areas; and
  - vegetation (including identification of critical deer winter habitat)

I19-132 cont'd

Nor does the Revised FGMP update this information by providing equivalent current data. While some limited amount of this data may have changed over time, most – especially all the data regarding the physical characteristics of the area, circulation systems, etc. – has not. The data and maps are therefore still pertinent and should be restored.[16]

I19-133

The Revised FGMP also has completely eliminated, without having disclosed these provisions as having been deleted, the following provisions in the 1981 Plan:

- The Site Plan Review process as it applies to the FGMP
- All three of the agriculture policies that now require the County to protect foothill agriculture from encroachment of development, require zoning to protect viability of foothill agriculture, and limit residential development densities in Success Valley
- Environmental Protection Goal 8, Flora & Fauna, Policy 2, which provides "Prevent encroachment of development onto riparian woodland habitats."
- New Development policies 1 (Development proposals shall conform to all development standards) and 5 (To the greatest extent possible, new residential development should be compatible with existing residential development patterns).
- The environmental impact report process that is now required in connection with evaluating the appropriateness of proposed developments
- Various Implementation Measures associated with policies that still exist

The RDEIR does not disclose the elimination of these provisions in the Revised FGMP, and has not, therefore, sufficiently or at all addressed any of the potential impacts elimination of these provisions may have.

I19-134

Perhaps more disturbing is that, since the County was in fact changing the FGMP, it did not take the opportunity to revise and strengthen the policies, to update them by integrating smart growth, conservation, and dark skies policies that would preserve and provide strong protections for the environmental factors that make the Foothills unique.

I19-135

16 The 1981 FGMP has been amended since it was first adopted, yet those amendments have not been identified, so the public has no way of knowing what the actual status of the FGMP – which must function as the baseline since there is no other specified – is.

I19-133 cont'd

II. Ineffectual Policies; Vanished Implementation Measures I19-136

Every policy must have at least one Implementation Measure. An implementation measure is an action, procedure, program, or technique that carries out general plan policy. State Guidelines, at 16.

- A full thirty three percent (33%) of the Revised FGMP policies have no Implementation Measures at all. Each of those policies is therefore deficient under both the State Guidelines and CEQA – it was impossible for the County to have evaluated the possibly direct, indirect or cumulative environmental impacts of a policy that has no force. Similarly, those policies in other sections of the GPU or the RDEIR which rely on the cited FGMP policies, or which cite them in mitigation of another assessed impact, are defective and must be fixed.

- In many other policies, the cited Implementation Measure does not in fact advance or implement the policy, or the language of the Implementation Measure is so limited in scope that it will do little to carry out the policy. Without enforceable implementation measures, the goals and policies of the Revised FGMP are merely wishful thinking, and cannot be relied on in any meaningful evaluation of potential direct, indirect, or cumulative impacts resulting from adoption or implementation of the GPU.

- Given the failure of the DEIR to base its analysis on specific policies and implementation measures that actually provide what the DEIR says they provide, the DEIR does not provide meaningful guidelines on which the public and decision-makers may rely. (And, although these comments focus on the FGMP section of the DEIR and GPU, it is reasonable to assume that the problems plaguing the FGMP portion of the DEIR are also present in other areas.) Accordingly, the DEIR does not meet the standards required by CEQA. I19-137

As a result of these failures, and the deficiencies set out below, the RDEIR as relates both to the FGMP and the GPU in general is inadequate under CEQA and California state laws, and must be completely revised to provide the reliable analysis of the potential impacts that may be expected if the GPU is adopted and implemented. (Another cutting/pasting/rearranging will not do.) Even if County staff wanted to implement the faulty policies, they would be subject to challenge, as the County will have no legal foundation upon which to require adherence to what are in effect mere hopeful statements. I19-138

In light of the significance of the changes made, and the inevitable impact eliminating currently-existing protections will have, such an analysis requires establishment and/or analysis of current baseline conditions, upon which it could reasonably evaluate the impact of the potential direct or indirect changes that could result from adoption and implementation of the GPU, on both an individual basis and as a whole. I19-139

Continued on next page

The following chart sets out the revised policies of the FGMP, the Implementation Measures intended to actualize the policies, suggested modifications or revisions to the language of policies or Implementation Measures, and overall comments. Included in the Comments sections are issues raised under CEQA as well as questions regarding the FGMP itself, as revised, and requests for further revisions.

I19-140

I19-141

	POLICY	PROPOSED IMPLEMENTATION MEASURE	SUGGESTED MODIFICATION OR REVISION
GOAL 1	**To maintain the natural beauty of the foothills while allowing focused growth in identified growth areas. [New]**		
FGMP-1.1	The County shall assure the existing values and identity of unincorporated areas in the foothills are properly addressed as development proceeds. [Current: Community Identity Goal 2: Assure that existing community values and identity are properly addressed as development proceeds in established areas.]	IM-1. The County shall concentrate rural and urban development in the development corridors delineated on a Master Development Plan.	SEE PROPOSED MODIFICATION OF IM-5, BELOW AT 1.5, WHICH ALSO APPLIES HERE.
	COMMENTS: Policy 1.1 – currently a goal under the 1981 FGMP -- only indirectly furthers the goal of maintaining the natural beauty of the foothills. **Please explain why this goal has been reduced to a policy under a goal that it does not directly relate to, and why the implementation measures that actually further this goal in the current plan have been eliminated or associated with some other goal.** The goal/policy has been weakened by deletion of the important phrase "as development proceeds *in established areas."* **Please explain why the focus of this Policy has been changed from development in established areas to new development in planned communities (which won't have existing values and identity). Please also explain what "properly addressed" means.**		

3-1395

Letter I19

	The sole implementation measure for this policy, IM-1, is a re-working of the IM on page 35 of the current FGMP. The current IM "concentrates rural and urban development in the development corridors ***only.***" **IM-1 does not implement the policy** because it fails to provide specific direction to consult with unincorporated communities to determine their values or "identity" as development decisions are made. Moreover, because IM-1 is linked to a Master Development Plan, which is referenced only in connection with Planned Communities, IM-1 applies only to new developments and specifically, to new planned communities. As revised, FGMP 1.1 and IM-1 deny existing communities the opportunity to accommodate some of the rural and urban development themselves. Public workshops and testimony strongly indicated that many existing communities need and want strengthening, some of which could come via limited development. Instead, IM-1 sets forth only the County's determination to focus growth in development corridors within new, planned communities. **Why has IM-1 been reduced in scope and weakened?**		I19-141 cont'd
FGMP-1.2	The County shall ensure that new development is designed in a manner that minimizes grading, vegetation disturbance, and intrusion onto natural watercourses, canyons and prominent landmarks, or rare and endangered species sites. [New Development: Goal 2 - same language]	IM-2. The County shall amend the Tulare County's Improvement Standards to reflect changes in foothill, street and grading standards**.** IM-3. The County shall require a grading and slope stabilization plan for that portion of the development exceeding slopes of greater than 15 percent. IM-4. The County shall require information in the site plan review process to delineate slopes 30 percent or greater on the development site. Review of the proposal by the Committee will prescribe a project design that will maintain 30 percent slopes generally free of improvements, unless the problems associated with steep slopes are sufficiently mitigated.	PROPOSED MODIFICATION: IM-2. The County shall amend the Tulare County Improvement Standards to reflect changes in foothill, street and grading standards **that will regulate and minimize grading, and prohibits disturbance of native vegetation, intrusion onto natural watercourses, canyons and prominent landmarks, or sites important to rare, endangered, threatened, or candidate species.** Additional Implementation Measure(s) that specify how the policy will be realized are required to fully implement the policy. (Revision of IM-2 and specific Improvement Standards may be sufficient to meet this requirement.)
	COMMENTS: Under the California Endangered Species Act, threatened and candidate-species must be protected as well as those named as rare or endangered. Please revise FGMP 1-2 as shown above.. All the IMs which are supposed to implement this policy address construction issues as regards safety issues, not protection of natural resources, which is the focus of the policy. They do not, therefore advance the policy.		

I19-142

3-1396

	IM-2: good start, but the IM doesn't't specifically require the County to change the standards in a way that will actually implement the policy. Please modify IM-2 as indicated above in bold. New standards should be specific and set out details to provide guidance to residents and to planners. (Please also fix the typo - delete "the" before "Tulare County's" or leave "the" and delete "'s") As written, IM-2 is also vague - what are the Tulare County Improvement Standards? What changes have been or are being made in foothill street and grading standards? Or is this intended to apply to ensure that any future changes are incorporated into the TCIS by amendment? Please clarify. IM-3 deals only with slopes - how does this implement the policy elements related to vegetation disturbance, protection of watercourses, canyons, landmarks, and rare and endangered species? IM-4: again, good start, but addresses none of the policy elements other than to regulate improvements on slopes in excess of 30 percent. More disturbing: the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP has been deleted; without this section, all the IMs that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless.		
FGMP-1.3	When circumstances warrant, Community Plans, Master Development Plans, Specific Plans, Area Development Plans, and Hamlet Plans, shall be undertaken for identifiable community areas. [When circumstances warrant, specific plans, pursuant to the California Government Code, shall be undertaken for identifiable community areas.]	IM-5. The County shall appoint a committee of interested community residents when the Board of Supervisors determines a Community Plan, Master Development Plan, Specific Plan, Area Development Plan, or Hamlet Plan is necessary for an identifiable community area where the project boundary is coterminous with an existing HDB, UDB or PCA.	
	COMMENTS: IM-5 does not implement either the prior Goal from which this Policy was formed or the new Policy, as the IM appears to apply only when new development is taking place outside an existing Development Boundary or Planned Community Area, and when it will be "coterminous" – that is, when it will take place right on the community's boundary. The intent of the prior Goal (and of the current proposed policy) was and is to create specific plans for identifiable community areas in the foothills. Inherent in the Goal was the understanding that it applied to existing communities. What are the "circumstances [that] warrant" development of a Plan? To provide guidance to the public and to future members of the Board of Supervisors and Planning Commission, these circumstances should be identified. What is the "project" referred to in IM-5 as the trigger for involving community members in creating a Plan?		

I19-142 cont'd

I19-143

3-1397

	Under what circumstances could a Planned Community exist and have "community residents" before a Master Development Plan had already been adopted?		
FGMP-1.4	A citizen's advisory committee representative of residents of the affected area shall be utilized in any Community Plans, Master Development Plans, and Hamlet Plans undertaken which impacts an established community where the project boundary is coterminous with an existing HDB, UDB, or PCA.	IM-5. The County shall appoint a committee of interested community residents when the Board of Supervisors determines a Community Plan, Master Development Plan, Specific Plan, Area Development Plan, or Hamlet Plan is necessary for an identifiable community area where the project boundary is coterminous with an existing HDB, UDB or PCA.	PROPOSED MODIFICATION, POLICY 1.4: An advisory committee consisting of interested community residents shall be utilized in connection with the drafting, revising, or updating of any Community Plans Master Development Plans and Hamlet Plan. PROPOSED MODIFICATION, IM-5: To ensure that existing community values and identity are preserved consistent with Policy 1.1, the County shall work with a committee of interested community residents whenever the Board of Supervisors determines a Community Plan, Master Development Plan, Specific Plan, Area Development Plan, or Hamlet Plan is necessary for an identifiable community area.
	COMMENTS: The policy to involve community members in planning decisions that will affect the area in which they live is commendable, however, both the proposed new Policy 1.4 and IM-5 appear to apply only in very limited circumstances, i.e., when new development outside an existing Development Boundary will be coterminous with that Boundary. **Why has the policy been framed only to apply when a proposed project is coterminous with a Development Boundary?**		
FGMP-1.5	The County shall encourage new development be designed in a manner that preserves the visual quality of the foothill setting by encouraging the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that blend into the landscape rather than becoming a focal point.	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body. ORIGINAL LANGUAGE: [The Site Plan Review Committee shall determine the consistency of the project with the location, type and design criteria of	Better: The County shall require new development to be designed in a manner that preserves the visual quality of the foothill setting through the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that blend into the landscape rather than becoming a focal point. Better: IM-7. The Site Plan Review Committee shall ensure that the proposed project complies with

I19-143 cont'd I19-144 I19-145

Letter I19

	[New development shall be designed in a manner that preserves the visual quality of the foothill setting by encouraging the use of curvilinear streets, vegetation reestablishment on cuts and fills, cluster development, and housing site locations that blend into the landscape rather than becoming a focal point.]	the policy. Should the project not meet the intent of the above policy, findings to that effect shall be forwarded to the appropriate decision-making body. THE IM THAT APPLIED TO NEW DEVELOPMENT GENERALLY SAYS "The Site Plan Review Committee shall insure that the design of the proposal meets the policies and development standards of the FGMP."]	the policies of this General Plan Update, the Foothill Growth Management Plan, and with the County's Development Standards for the proposed project location. No project that does not meet the County's policies and standards shall be approved or recommended for approval.
FGMP 1.5	**COMMENTS:** While what's left of the policy language carried forward from the existing FGMP is still good, proposed Policy 1.5 has stripped the current Policy, Goal 3 Policy 3, of its force by replacing the mandatory language ("New development SHALL be designed ") with the ineffective admonition to "encourage" new development to employ the cited design criteria. **Why has the policy been weakened? The County promised it had not changed the FGMP.** Please explain 1) why this provision was revised to weaken it; 2) what the potential direct, indirect, and cumulative impacts of changing this provision will be; 3) how the potential direct, indirect, and cumulative impacts of new development that chooses not to respond to the County's "encouragement" on the visual resources of the foothills have been or will be measured; 4) what new baseline data has been compiled on the potential direct, indirect, and cumulative impacts of such development; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the weakening of this provision. Please also provide the analysis and rationale underlying the decision to change the provision from a mandatory one. Finally, **Please restore the original intent and language.** The proposed revision indicates that IM-7 is the same as the Implementation Measure for this policy in the current FGMP. In fact, the IM cited ("page 25") does not refer at all to the visual quality of the foothills or the design elements set out in new Policy 1-5: it implements a policy dealing specifically with neighborhood commercial centers and the criteria for such centers. Moreover, even in that context, the IM had more "teeth" – as it exists now, the Site Plan Review Committee *shall* ***determine*** the consistency of the project, not simply "review" it. The IM that *does* correspond to original policy dealing with new development in general, is found on page 24 of the 1981 FGMP and provides "The Site Plan Review Committee **shall insure** the design of the proposal meets the policies and development standards of the FGMP." (FGMP Page 24) **Please restore the appropriate IM to this policy, it its original form.** Additionally, this proposed revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. (Note: as revised, the language of IM-7 is also confusing. What does "type of design criteria of the County's policies" mean? It appears that some language from this IM was omitted.)		

I19-145 cont'd

3-1399

Letter I19

	Where are the design criteria which encourage the curvilinear streets etc. set out? Which projects only require site plan review and which require more? What more? What governs that other body's review? Who is the appropriate decision-making body and what obligation does it have to adopt the findings of the SPLC? What authority does it have to ignore them? Overall, IM-7 does not provide the necessary guidance to implement the policy. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5. which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-1.6	The County shall allow neighborhood commercial centers in designated areas of a development corridor and shall only include uses that provide neighborhood-related services (for example, grocery store, laundromat, real estate office, etc.). Criteria for location and design of this type of commercial use are as follows: • The architectural and landscaping design of the neighborhood center shall be compatible with surrounding residential uses, • The major tenant of the complex shall be a grocery store • The maximum size of the commercial center shall be 10 acres • The commercial center may be included as a part of the planned residential development • The center shall meet the policies and development standards of the FGMP • The center shall not have direct access from State Highway 190 and 198	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body.	

I19-145 cont'd

I19-146

	[Current FGMP: 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 (i.e., grocery store, laundromat, real estate office, etc.). Criteria for location and design of this type of commercial use are as follows: • The architectural and landscaping design of the neighborhood center shall be compatible with surrounding residential uses, • The major tenant of the complex shall be a grocery store • The maximum size of the commercial center shall be 5 acres • The commercial center may be considered as a part of the planned residential development • The center shall meet the policies and development standards of the FGMP • The center shall not have direct access from State Highway 190 and 198] • **The general areas where neighborhood commercial centers should be located because of distance from existing shopping areas and future supporting populations are the Globe Drive/Pleasant Valley, Upper Balch park Road, and Frazier Valley areas, and** • **Uses proposed for a neighborhood commercial center shall be consistent with uses outlined in the Planned**		
	COMMENTS: Policy 6 of the 1981 Plan's New Developments section limited **neighborhood commercial centers** to those of "a type and size to service a		

I19-146 cont'd

3-1401

Letter I19

	neighborhood". The Revised FGMP has removed this limitation, and will permit any developments "that provide neighborhood services" – which may be interpreted to mean any commercial enterprise as long as customers are drawn from the undefined " neighborhood." **The language "neighborhood-related services" is vague and broad. What does this mean? The current language, "of a size and type to service a neighborhood", gives more guidance. This provision is especially relevant since the proposed new language doubles the permitted size of a neighborhood commercial center from 5 acres to 10 acres, thus making the center much larger than one designed to provide only neighborhood-related services. The current language signals the rural character of permitted commercial activities - it should be restored.** **What is the average size in acres of existing neighborhood commercial centers in the Foothills? Why is 5 acres no longer adequate?** **IM-7 doesn't't implement the very specific elements set out in the policy. The criteria set out in FGMP-1.6 should be set out in an IM** **See also comment and proposed revision to IM-7 at FGMP 1.5, above.** **Why must the major tenant of every neighborhood commercial center be a grocery store? This requirement will result in an overabundance of grocery stores (unlikely, as grocery stores are expensive businesses to establish and maintain) or fewer neighborhood services – such as local restaurants, laundromats, offices, etc. – made available.** **What are the uses outlined in the PD-F zone?**		
FGMP-1.7	The County shall encourage commercial recreation uses near unique natural features, thus enabling the visiting public to enjoy the recreational and visual amenities the area has to offer. Criteria for the location and approval of commercial recreation are as follows: • The use shall have access from a State Highway • The use shall meet the policies and development standards of the FGMP • The use shall not detract from the visual amenities of the foothills. Landscaping, sufficient setback distances, and well designed buildings and signs are tools that shall be used to protect the visual environment, and	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body.	Better: The County shall support commercial recreation uses located near unique natural features that enable the visiting public to enjoy the recreational and visual amenities the area has to offer. To ensure that the natural beauty of the foothills is preserved consistent with this Goal, Commercial recreation uses shall: • have access from a State Highway • meet the policies and development standards of the FGMP • not detract from the visual amenities of the foothills • employ landscaping, sufficient setback distances, and well designed buildings and signs that protect the visual environment,

I19-146 cont'd

I19-147

3-1402

Letter I19

	• Proposed commercial recreation shall be consistent with uses outlined in the Planned Development-Foothill Zone		and • be consistent with uses provided for in the Planned Development-Foothill Zone when located in such Zone Better: IM-7. The Site Plan Review Committee shall ensure that the proposed project complies with the policies of this General Plan Update, the Foothill Growth Management Plan, and with the County's Development Standards for the proposed project location. No project that does not meet the County's policies and standards shall be approved or recommended for approval. (NOTE - for this proposed revision to have any effect, the section setting out the Site Plan Review Process must be restored to the FGMP.)
	COMMENTS: New policy 1-7 has materially changed Goal 3 Policy 7 of the 1981 FGMP by deleting the current requirement that commercial recreation uses "**shall be located** in close proximity to unique natural features" to a policy that promotes such uses ("County **shall encourage** commercial recreation uses near unique natural features.") The change in language alters the purpose of the policy from establishing a limitation on commercial locations (i.e., requiring commercial recreation uses to be located close to the natural feature they plan to exploit) to a policy urging the County to encourage new commercial ventures near such features. Please explain 1) why this provision was changed to alter its focus; 2) what the potential direct, indirect, and cumulative impacts of changing this provision will be on traffic patterns, air quality, wildlife and human populations and habitat, and on the natural features located in the foothills; 3) how the potential direct, indirect, and cumulative impacts of this change have been or will be measured; 4) what baseline data has been compiled on the potential direct, indirect, and cumulative impacts of such a change; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts on fragile natural features and the foothill population (human and wildlife) resulting from implementation of this provision. Please also provide the analysis and rationale underlying the decision to change the provision. Implementation measures should provide specific measurable criteria on which compliance can be evaluated -- .How do you implement "encouragement"? As revised IM-7 divests the Site Plan Review Committee of its authority to **determine** the consistency of a project with the standards set out in the policy (now 1.7) by changing the language to "shall **review**". IM-7 has also been re-written to replace the current "the intent of the above policy" with "the County's policies" - which suggests that the FGMP is no longer the controlling policy. Finally, IM -7 doesn't't provide any real guidance as to the type of landscaping to be		

I19-147 cont'd

3-1403

Letter I19

	employed, the minimum setback distance, etc. See also comment and proposed revision to IM-7 at FGMP 1.5, above. This revision of the FGMP has also deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-1.8	The County shall encourage mobile home projects to locate and be designed in a manner that is compatible with existing development patterns and does not detract from the visual amenities of the foothill environment.	NO IMPLEMENTATION MEASURE	
	COMMENTS: New Policy 1.8 weakens the existing FGMP policy, which uses the mandatory "shall" to REQUIRE mobile home projects **to be located and designed in a manner compatible with existing development patterns and that does not detract from the visual amenities of the foothill environment,** to a policy which simply requires the County to "encourage" compliance with the policy. How do you implement "encouragement"? Please explain 1) why this provision was revised to weaken it; 2) what the potential direct, indirect, and cumulative impacts of changing this provision will be; 3) how the potential direct, indirect, and cumulative impacts of the new, more lenient policy have been or will be measured; 4) what data has been compiled on the potential direct, indirect, and cumulative impacts of the revision; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the weakening of this provision. Please also provide the analysis and rationale underlying the decision to change the provision from a mandatory one. Please reinstate the language of the existing FGMP, which more accurately furthers the stated goal of maintaining the natural beauty of the foothills while still allowing focused growth. FGMP 1.8 has no Implementation Measure. **The State of California General Plan Guidelines[17] require at least one implementation measure for each policy**. FGMP 1.8 fails to meet the minimum standard under the Guidelines.		

I19-147 cont'd

I19-148

3-1404

[17] The State of California General Plan Guidelines 2003, Governor's Office of Planning and Research, at page 16. Referred to hereinafter as "the Guidelines" or "Guidelines". Implementation Measures are actions, procedures, programs or techniques that carry out a policy, and should provide specific measurable criteria on which compliance and progress can be evaluated.

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	The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable. Why has the Implementation Measure associated with this policy in the 1982 FGMP ("The Site Plan Review Committee shall review mobilehome parks and subdivisions to encourage designs that "fit" into existing development patterns") been deleted?		
FGMP-1.9	The County shall allow light industrial uses in a development corridor subject to a special use permit, planned development, or other equivalent plan. A decision on these uses shall be based on, but not limited to, criteria such as land use conflicts, water requirements, design/location and liquid waste disposal.	NO IMPLEMENTATION MEASURE	Proposed Modification of original Policy: The County shall determine whether to grant a conditional use permit for proposed light industrial uses within a development corridor on the basis of specific data obtained through the environmental impact report process.
	COMMENTS: New Policy 1.9 has materially changed New Development Policy 10 in the current 1981 FGMP by weakening the County's ability to evaluate proposed light industrial uses on their own merits, in the proposed locational context, by changing the current discretionary policy ("The County MAY ALLOW") to a policy that makes allowance of light industrial uses mandatory[18] ("The County SHALL ALLOW"). The revision has also exchanged the previously required conditional use permit for a special use permit. Please explain why this provision was revised to remove the County's discretion in approving light industrial uses in foothill development corridors and made such approval mandatory. Please also explain 1) what the potential direct, indirect, and cumulative impacts of changing this provision will be; 2) how the potential direct, indirect, and cumulative impacts of this mandatory approval measure have been or will be measured; 4) what baseline data has been compiled on the potential direct, indirect, and cumulative impacts of such potential development; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the weakening of this provision. Please also provide the analysis and rationale underlying the decision to change the provision from a discretionary to a mandatory one. The language of Policy 1.9 is also internally inconsistent, as the mandatory "SHALL ALLOW" in the first sentence makes the decision criteria set out in the second sentence on which discretionary decisions could be made irrelevant. **Please restore the original language.**		

[18] See Tulare County Ordinance Code §145(a), Definitions. (""Shall" is mandatory and "may" is permissive.")

I19-148 cont'd I19-149

3-1405

Letter I19

	New Policy 1.9 is further deficient: How do you implement any policy without an implementation measure? The Guidelines require at least one implementation measure for each policy. FGMP 1.9 fails to meet the minimum standard under the Guidelines. The 1981 FGMP IM for this policy provided strong guidance: "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." **Please reinstate the 1981 Implementation Measure (as modified above.)** The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable**		I19-149 cont'd
FGMP-1.10	The County shall limit residential densities within the development corridor areas of Success Valley in order to avoid conflicts with intensive agricultural uses in the Valley.	IM-21. The County shall maintain the two areas within Success Valley of the Tule River development corridor on the Land Use/Circulation Plan to a classification (zone), which prohibits any residential densities greater than one unit per five acres.	.Better: IM -21. The County shall limit residential density in the two Success Valley areas within the Tule River Development Corridor (on the Land Use/Circulation Plan) to one unit per five acres.
	COMMENTS: This policy and IM have been in effect since 1981; the implementation timeline shows the anticipated attainment date as "ongoing." Please indicate whether the required zoning has been implemented		
FGMP-1.11	The County shall require that hillside development be designed so as to preserve the skyline and maintain an unobstructed scenic panorama of the foothills.	IM-13. The County shall ensure that the design of subdivision is reviewed by the Site Plan Review Committee to assure the visual impact to the foothills is minimal.	Better: IM-13. The County shall not approve any development or other improvement that will be situated on a hillside in such a way that the finished construction will be visible from areas accessible to the public. Hilltop construction shall not be approved.
	COMMENTS: IM-13 deals only with the design of subdivisions, and even then permits hillside development that will disturb the skyline so long as the disturbance is considered "minimal." Please explain how IM-13 implements Policy 1.11, when it is limited in scope to subdivisions, and when it provides no guidance in determining whether a visual impact may be considered "minimal." This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless.		

I19-150

I19-151

3-1406

Letter I19

	"Minimizing" is not "preserving" An appropriate IM for this policy would not be limited to subdivisions, and would direct the County to develop zoning standards that specifically prevent hilltop or hillside development that will interrupt the natural skyline of the foothills. Please revise		
FGMP-1.12	The County shall designate existing, legally conforming commercial uses not located in the communities of Springville and Three Rivers with an appropriate land use designation, providing the use is consistent with other policies in this FGMP.	IM-8. Substantial improvement or expansion to commercial uses not located in Three Rivers, Springville, and Lemon Cove shall conform to the development standards contained in the FGMP.	PROPOSED REVISION: The County shall identify all existing foothill commercial uses not located in the communities of Springville and Three Rivers and evaluate each such existing uses for compliance with the policies of this FGMP and GPU. Appropriate land use designations shall be assigned to all such uses that are found to be legal conforming commercial uses. Uses which do not conform to the policies of this FGMP and GPU shall be given the opportunity to come into compliance (where possible) or shall be directed to cease operation within a reasonable time.
	COMMENTS: This policy has been changed from a ***permissive*** "legally conforming commercial uses .... ***may*** be recognized with an appropriate use designation providing the recognized use is consistent with other policies in the FGMP" to a mandatory "County ***shall designate***." **Why has the County's discretion to determine appropriate land use designations been removed and replaced with a mandate?** Please explain the analysis and rationale behind this change divesting the County of discretion in this land-use determination. What is its anticipated direct, indirect, and cumulative impact, and on what data is this expectation based? The 1981 Policy is implemented by two Implementation Measures (page 22): "Under Level III of the FGMP, existing commercial uses may be shown as commercial on the land use map," and "Substantial improvements to ***existing*** zoned commercial uses . . . shall conform to the development standards contained in the FGMP." Although IM-8 retains half of the measures that previously controlled how the policy was enforced, it has deleted the important word "existing." More importantly, however, it does not really implement Policy 1.12: the policy directs the County to give appropriate designations to existing, legally conforming uses in the FGMP area, and does not deal with improvements (substantial or otherwise) or expansion of those uses. IM-8 on the other hand, deals only with improvements or expansion of commercial uses, requiring them to conform to FGMP standards. Please revise IM-8 to appropriately implement Policy 1.12.		

	The substance of IM-8 is good and should be made a policy in its own right, with an appropriate IM of its own.		
FGMP-1.13	Planned development within the foothills may be located within development corridors on lands designated Foothill Mixed use (FMU) and zoned Planned Development-Foothill Combining-Special Mobile Home Zone (PD-F-M), or within development corridors delineated on a Master Development Plan, established in compliance with the FGMP first and second level planning criteria, where an area has been designated as a Planned Community Area (PCA) in the FGMP and zoned Planned Community (PC) pursuant to requirements of the Tulare County Planned Community (PC) Zoning Ordinance. PCA land uses shall included [sic] equivalent General Plan land use designations allowed within UDBs.	NO IMPLEMENTATION MEASURE	
	COMMENTS: Policy 1.13 is so confusing that it fails to provide comprehensible guidance to the public. It is also inconsistent with other FGMP policies. As revised, policy 1.13 permits development on lands designated FMU and lands zoned Planned Development -Foothill Combining-Special Mobile Home Zone OR within development corridors delineated on a Master Development Plan. It is thus inconsistent with FGMP Policy 1.1, which specifically restricts new development to development corridors delineated within a Master Development Plan. Since Master Development Plans are referenced only in connection with Planned Communities to be formed on plots in excess of 200 acres. Moreover, in limiting PCA compliance with the FGMP to Levels I and II, it completely removes PCA developments from the FGMP resource-based analysis of site and project suitability required under Levels III and IV. As noted even in this revised FGMP, this process is a "critical component to the implementation of the FGMP." At Part II, page 3-4. **This revised policy is inconsistent with the intent, and other policies, of the FGMP. Please revise to bring it into compliance.** In addition, by providing that Planned Community Area land uses shall include "equivalent General Plan land use designations allowed within UDBs," it is unclear whether the foothill-specific development standards will apply. (This also creates an inconsistency with Policy 1.14, which does reference the FGMP standards.) Finally, there is no Implementation Measure for Policy 1.13, which makes the policy meaningless and unenforceable. The Guidelines require at least one implementation measure for each policy. Accordingly, FGMP 1.13 fails to meet the minimum standard under the Guidelines		

	The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable**.		
FGMP-1.14	For Panned Community Areas within the foothills, the Planned Community (PC) Zone shall be used. Development corridors shall be delineated through the Master Development Plan (MDP) process. The MDP shall clearly demonstrate how "First and Second Level" FGMP planning criteria are or can be met. Lands that fail to meet these criteria for development will be protected for open space uses.	NO IMPLEMENTATION MEASURE	
	COMMENTS: To ensure compliance with the FGMP, please change the word "will" to "shall". "Will" signifies only a prediction that lands will be protected for open space uses, while "shall" requires the County to comply, Because there is no Implementation Measure for Policy 1.14, this provision fails to meet the minimum standards required under the Guidelines. At least one implementation measure is required for each policy. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-1.15	For Planned Community Areas and Development Corridors within the foothills, road linkages may be used to provide for continuity of otherwise discontinues [sic] development corridors, provided that new road construction is consistent with all other requirements of the General Plan.	NO IMPLEMENTATION MEASURE	
	COMMENTS: Policy 1.15 appears to be an attempt to overcome the objection that development of new communities ("planned" or otherwise) that are discontinuous with, and not natural outgrowths or expansions of, existing communities create urban sprawl. However, simply building new roads to connect otherwise scattered developments ("provide continuity") does not ameliorate the problems associated with leapfrog development, and in fact exacerbates the problem by creating more traffic-inducing roadways. The cumulative impact of such roads, connecting an unspecified number of discontinuous new developments, has not – but must be – assessed to adequately determine the environmental impact of the construction. A more appropriate policy would require that Development Corridors be designated only where there are already existing road linkages. Please revise.		

I19-153 cont'd I19-154 I19-155

3-1409

Letter I19

	Happily, there is no Implementation Measure for this Policy, so it is unenforceable as well as inadequate under the Guidelines. Please create an appropriate IM to implement the revised policy. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-1.16	Unless it can be demonstrated that an alternative standard will result in attainment of a superior environment, when preparing Specific Plans, Master Development Plans, or Area Development Plans and standards therein for areas within the foothills, at a minimum, the development standards within the FGMP Appendix shall apply.	IM-8. Substantial improvement or expansion to commercial uses not located in Three Rivers, Springville, and Lemon Cove shall conform to the development standards contained in the FGMP.	.
	COMMENTS: NOTE: FGMP Development Standards are set out in Section 3.12, not an Appendix. Policy: How is "superior environment" to be measured? Criteria? IM-8 doesn't't implement Policy 1.16 as it applies only to substantial improvement to or expansion of commercial uses, whereas Policy 1.16 applies to all development in the designated areas. Both FGMP- 1.16 and its implementation measure must be revised to provide measurable guidelines		
Goal 2	**To strengthen and ensure the existing community values and identity in Springville Three Rivers Lemon Cove and the Badger Development Corridor, as development proceeds.**		
FGMP-2.1	The County shall encourage new commercial development to first consider the communities of Springville, Three Rivers, and Lemon Cove, which are suitable for commercial development. For Planned Community Areas within the foothills, commercial areas will be designated within the development corridors through the Master Development Plan process.	IM-9. 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 unless determined to be appropriate and acceptable as included in a Master Development Plan.	

I19-155 cont'd I19-156 I19-157

3-1410

	COMMENTS: Policy: In changing the language of the provision to require the County only to "encourage" consideration of these communities, the Revised FGMP has shifted the decision-making power from the County – which formerly could determine where a proposed enterprise would be appropriate based on all relevant factors – to the commercial enterprise, which most likely is not in possession of all the information available to the County. Please explain the analysis and rationale for shifting the decision-making power (which in effect is a basic land-use determination) away from the County. Please also explain 1) what the potential direct, indirect, and cumulative impacts of changing this provision will be; 2) how the potential direct, indirect, and cumulative impacts have been or will be measured; 3) what baseline data has been compiled on commercial location decision-making; and 4) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the deletion of this provision. How does encouraging new commercial development strengthen and ensure existing community values and identity? If it is assumed that it does further the goal by strengthening a community's local economy, the new policy language regarding Planned Community Areas is inherently inconsistent with the goal, as it neither follows from nor relates to encouraging development first in Three Rivers, Springville, Lemon Cove or the Badger Development Corridor, and in fact undermines the policy by permitting commercial development in new planned community developments (which would be the subject of any Master Development Plan). Construction of commercial structures will almost always be easier when done in connection with completely new development rather than as infill construction. The likely result of permitting development of new towns, including commercial development within those towns, in the foothills will be that it will be increasingly difficult to encourage commerce to locate in the existing towns. Accordingly, FGMP-2.1 doesn't promote the goal of strengthening and ensuring the values and identities of Springville, Three Rivers, Lemon Cove or Badger. The language re: PCAs should not be part of this policy statement. IM -9 - rather than encouraging commercial development to locate in the existing towns, IM-9 simply enables "appropriate and acceptable" commercial development to be included in a Master Development Plan. Development Corridor without providing any specific means of determining what is "appropriate" or "acceptable." A new Implementation Measure should be drafted that sets out specific measures the County will take to achieve the policy.	
FGMP-2.2	The County shall maintain appropriate zoning within the Badger Development Corridor in order to promote residential densities compatible with established land use patterns.	IM-11. The County may initiate changes in the FGMP specifically for the Badger Development Corridor to accommodate uses of property and densities not presently reflected in the 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.	
	COMMENTS: What are the "established land use patterns" within the Badger Development Corridor? No such patterns or zones are shown on either the Badger/Elderwood Development Corridor Map (Figure 3-2) or the GPU Land Use Map; without documentation of existing land use patterns it will be impossible to assess either the progress toward achieving the goal, or the environmental impact of implementing the Plan.		

I19-157 cont'd

I19-158

3-1411

	Rather than implementing Policy 2.2, IM-11 implements changes by authorizing the County to initiate changes to accommodate uses and densities not contemplated in the FGMP. The provision that "specific plans for development and densities" must have been prepared and made available for review provides no guidance as to what must have been provided as part of those plans, and no assurance that the proposed development will be consistent with either the intent or the specific policies of the FGMP. **Please explain why this policy and IM depart so radically from the overall policies of the FGMP. What opportunities will be afforded for public review and input into proposed changes? What are the "uses" and densities that may be proposed and/or permitted? What demonstrated need supports what is in essence a nullification of the FGMP in the Badger/Elderwood corridor? What are the direct and reasonably foreseeable indirect effects of the proposed changes?** **This policy and IM have been in effect since 1981, and the implementation timeline shows this policy and IM as "ongoing." Please disclose what changes have been made since the adoption of the 1981 FGMP. FGMP 2.2 cites "Amendment 83-03. New Development, Modification to Adopted Element" – why is this Amendment to the FGMP not included as part of the FGMP, and why are any changes not disclosed on the land use map and/or FGMP map so that the public and planners are aware of the FGMP as currently constituted?** **How does IM-11 relate to Policy FGMP-2.3 and IM-10?** This IM does not meet the minimum requirements of Guidelines.		
FGMP-2.3	The County shall limit the maximum residential density of areas within the Badger Development Corridor to one (1) dwelling unit per five (5) acres.	IM-10. The County shall maintain appropriate zoning within the Badger Development Corridor which requires a 5-acre minimum parcel size.	
	COMMENTS: At last! One that actually seems appropriate! BUT! Why do this policy and IM depart from the overall FGMP approach of basing development on environmental factors such as water availability, slope, vegetation, landmarks, watercourses, etc.? If background data exist to support these densities and parcel sizes, please include them in the revised FGMP. If such background data don't exist, how will the County assess progress toward achieving the goal, or the environmental impact of implementing the Plan?		
Goal 3	**To ensure that new development be designed in a manner which minimizes impact to foothill areas including grading, vegetation disturbance, tree removal, and intrusion onto natural**		

I19-158 cont'd

I19-159

I19-160

3-1412

Letter I19

	watercourses, canyons, and prominent landmarks, or rare and endangered species sites, and protects the County's dark skies.[19]		
FGMP-3.1	The County shall encourage innovatively-designed residential development in the foothills, such as planned unit or cluster development that conserves and preserves surrounding open space from unnecessary disturbances.	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body.	PROPOSED REVISION: The County shall require development in the foothills, whether residential or commercial, to employ innovative design, such as planned unit or cluster development, and to meet LEED-ND or LEED-NC standards to conserve and preserve surrounding open space from unnecessary disturbance. PROPOSED REVISION: The County shall adopt the LEED-NC and LEED-ND design standards and guidelines for development in the foothills which will require development to follow smart growth principles such as, but not limited to, planned unit or cluster development, and to conserve and preserve surrounding open space from unnecessary disturbance. minimize grading, vegetation disturbance, and intrusion onto natural watercourses, canyons, or areas which host rare or endangered species of prominent landmarks.
	COMMENTS: Policy: while this policy is basically a good one, it would be more effective if revised to require new developments to comply with LEED-ND standards. It should also be clarified to establish that the term "residential development" is not limited to developments of whole neighborhoods, but also applies to individual construction, which should be required to meet LEED-NC standards in order to minimize the identified impacts. IM-7 does not implement this policy – although the direction to "encourage" is inherently weak itself, the passive review of proposals already submitted for Site Plan Review does not even "encourage" innovative design. Strong, specific design standards that make clear the County's intention to require innovative design would allow developers to present appropriately designed projects in the first instance, thus saving both the County and the developer time and money.		

[19] Language in red is a proposed strengthening revision consistent with the intent of the expressed goal.

I19-160 cont'd

3-1413

Letter I19

	Please also specify which types of projects only require Site Plan Review so the public can tell to what this policy and IM apply. This revision of the FGMP has also deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. Please see also prior comments re IM-7 (in response to Policies 1.5, 1.6 and 1.7) **SEE ALSO discussion of Impact 3.4-1, which cites this policy and IM in support of the RDEIR's conclusion that the identified environmental impact is "Less Than Significant," and Impact 3.4-3, which cites this policy and IM in mitigation of the identified Significant and Unavoidable impact, below.**		
FGMP-3.2	The County shall allow rock, sand, and gravel excavation operations in the foothills upon approval of a Surface Mining Permit. A decision on said use shall be based on, but not limited to, criteria such as irreversible environmental impacts, reclamation measures and procedures that mitigate the environmental impacts as identified in the ERM Section 8.2: Mineral Resources - Surface Mining and Section 8.3: Mineral Resources - Other.	NO IMPLEMENTATION MEASURE	

I19-160 cont'd

I19-161

3-1414

Letter I19

FGMP 3.2 cont'd	**COMMENTS:** This policy is a mess. INITIAL INCONSISTENCY: Policy 3.2 relies on mitigation measures "as identified in the ERM Section 8.2: Mineral Resources - Surface Mining and 8.3: Mineral Resources - Other." **Section 8.2 contains 13 policies and 21 Implementation Measures, all but two of which seek to facilitate exploitation of mineral deposits; Section 8.3 contains 5 policies and 2 Implementation Measures, only one of which mentions environmental impacts, and none of which sets out criteria that could be used to mitigate such impacts. (The one that does simply requires an analysis under CEQA, which would be required anyway.) NOTE: only one of the five policies in ERM Section 8.3 has an Implementation Measure.** **Why has new FGMP-3.2 weakened** the County's ability to evaluate the appropriateness of proposed excavation operations by changing the current discretionary policy ("The County MAY ALLOW") to a policy that makes allowance of rock, sand and gravel excavation operations mandatory ("The County SHALL ALLOW")? The language of Policy 3.2 is also internally inconsistent, as the new mandatory "SHALL ALLOW" in the first sentence makes the decision criteria set out in the second sentence (on which discretionary decisions should be made) both meaningless and irrelevant. Mining and excavation activities have both temporary, short term as well as long-term, permanent environmental impacts. The County should not be REQUIRED to grant permission for such excavations. The 1981 policy required a conditional use permit; the revised policy requires a mining permit. **Why was this requirement changed, and what are the implications and impacts of the change?** The current, 1981 plan also specifies that it the policy will be implemented through the "environmental impact report process" (p. 27 of 1981 FGMP). This IM properly addresses the concerns shared both by Foothill residents and CEQA. **Why has it been deleted?** New FGMP 3.2 is also weaker than the policy from which it is drawn because as revised, it no longer requires the County to consider short-term environmental, social and economic impacts when considering a request for a Surface Mining Permit. These elements are highly relevant to CEQA analysis and should be restored. New Policy 3.2 is even further deficient: it cannot be enforced without an implementation measure. The Guidelines require at least one implementation measure for each policy. FGMP 3.2 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**

I19-161 cont'd

3-1415

Letter I19

	Please explain what effect the change from a conditional use permit to a mining permit will have. Why was consideration of social and economic impacts of such excavation operations removed from the factors that must be considered before approving the permit? Please also explain 1)what will the potential direct, indirect, and cumulative impacts of changing this provision overall be; 2) how the potential direct, indirect, and cumulative impacts have been or will be measured; 4) what data has been compiled on the potential direct, indirect, and cumulative impacts of such mandatorily-approved activities; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts of such activities, especially as concerns social and economic concerns in the area of the excavations. Please also provide the analysis and rationale underlying the decision to change the provision from a mandatory one.		I19-161 cont'd
FGMP-3.3	The County shall ensure that development proposals conform to all standards related to the Foothill Mix [sic] Use designation and the FGMP Development Standards.	IM -20. The County shall ensure the Zoning Ordinance maintains the Planned Development-Foothill (PD-F-M) Zone which will be applied to properties in a development corridor that are suited for development.	I19-162
	COMMENTS: How does IM-20, which relates only to maintenance of the PD-F-M Zone, implement the policy, which requires that development proposals conform to FGMP Development Standards and the Foothill Mixed Use standards? Does "development" as used in Policy FGMP-3.3 refer only to large-scale developments? How will IM-20 ensure that the FGMP Development Standards are met for single buildings or small scale (i.e. non Planned Development) projects?		
Goal 4	**To provide recreational and open space opportunities both for local residents and for the visiting public.**		I19-163
FGMP-4.1	The County shall identify and protect those environmentally sensitive areas in the foothill development corridors which should be maintained as open space, such as areas characterized by floodplains, steep slopes (30 percent or greater), unstable geology, unique archaeological/historical sites, habitat of special status species, and scenic vistas.	NO IMPLEMENTATION MEASURE	
	COMMENTS: Policy 4.1, while essentially a good one, does not further the goal of providing recreational and open space opportunities. It is also limited insofar		

	as it applies only to areas in development corridors. Since Planned Community Areas are not at this time limited to areas within development corridors, and may be permitted anywhere in the foothill region, it is crucial that environmentally sensitive areas throughout the region be identified and protected. **Please revise the policy to encompass the entire foothill region instead of just areas within development corridors.** As restated in the GPU, Policy 4.1 has also changed the previous reference to "special wildlife species" to "special status species." The previous designation permitted the County to determine that a species was "special" whether or not it qualifies for formal protection as a "special status" species. As revised, the County no longer has the ability – or the obligation – to do this. The language of the 1981 FGMP is environmentally superior. Policy 4.1 is more appropriately a policy under Goal 8 (Environment Protection). Please move the policy accordingly and **provide Guidelines-compliant implementation measures for it that directly address identifying and protecting environmentally sensitive areas.** Finally, the Guidelines require at least one implementation measure for each policy. FGMP 4.1 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-4.2	The County shall encourage private recreational uses in the foothills to help meet future demand for recreational activities, provided they meet the development standards of this FGMP and other County policies.	NO IMPLEMENTATION MEASURE	
	COMMENTS: The revised version of FGMP-4.2 fails to meet the minimum standard under the Guidelines, as the Guidelines require at least one implementation measure for each policy. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.** In providing an appropriate IM for this policy, please specify how the County will "encourage" and regulate proposed recreational uses to ensure that they are also consistent with the goal of protecting the fragile environment and the beauty of the foothills.		
FGMP-4.3	The County shall not require common open space areas in the foothills to maintain access for the general public except as provided by the developer or owners of the property or where otherwise	IM-15. Unauthorized encroachment in environmentally or archeologically sensitive areas on a project site which are to remain in common open space shall be prohibited.	

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	required by the General Plan.		
	COMMENTS: Policy: Please clarify: the term "common open space" implies that, by definition, the open space is dedicated to the public. Under what circumstances will the County not require public access to common open space? If the intent of this policy is to protect a private landowner's ability to exclude the public from land designated as open space, please revise the policy by deleting the word "common." IM-15 (without the limitation as to "a project site which [is] to remain in common open space" is more appropriate as a policy, as it establishes a good step in the direction of protecting sensitive areas but is unrelated to, and does not implement, policy FGMP-4.3. Please revise.		
Goal 5	**To maintain and preserve extensive and intensive agricultural uses in the foothill area.**		
	Despite the GPU's key objective of protecting County agriculture, the Agricultural Lands element of the 1981 FGMP has been decimated in this revision. What was Goal 5 in the 1981 FGMP now appears as both the Goal and the sole FGMP Ag. policy – Policy 5.1 does no more than repeat the language of the goal. Moreover, the revised FGMP fails to disclose that not one of the three current policies has been brought forward to the GPU and misleadingly indicates that FGMP 5.1 is the same as 1981 "Goal 5; Policy 5-1, p. 15." That the prior language has also been weakened by the addition of the words "whenever possible" is also not disclosed. **The deleted policies are:** **1. Protect extensive and intensive agricultural areas as identified by the FGMP from encroachment on non-agricultural uses through the use of large lot exclusive agricultural zoning.** **2. Assure that the Tulare County Zoning Ordinance contains agricultural zones that will protect and enhance the viability of foothill agriculture through the provision of adequate minimum parcel**		

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	size. **3. Limit residential development densities within the "Planned Development-Foothill" areas of Success Valley in order to avoid conflicts with intensive agricultural uses in the Valley.** **Deletion of these policies is inherently inconsistent with the overall policies of the Revised General Plan 2030 Update. Please explain why these important policies have been deleted, what the potential direct, indirect, and cumulative impacts of deleting these provisions will be on continued agricultural uses in the foothills; 3) how the potential direct, indirect, and cumulative impacts on foothill agriculture have been or will be measured; 4) what new baseline data has been compiled on foothill agricultural uses; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the deletion of these provisions. Please also provide the analysis and rationale underlying the decision to delete the provisions and why this major change was not disclosed.**		
FGMP-5.1	The County shall maintain and preserve extensive and intensive agricultural uses in the foothills, wherever possible.	IM-12. The County shall assure that the Tulare County Zoning Ordinance maintains agricultural zones that will protect and enhance the viability of foothill agriculture through the provisions of adequate minimum parcel sizes. IM-17. The County shall ensure the Tulare County Zoning Ordinance maintains a zone that protects extensive agriculture. This zone shall ensure that the minimum parcel size is adequate to protect foothill grazing. The zone shall also be flexible enough to allow for intensive agricultural uses to be divided from larger extensive agricultural uses.	

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		IM-18. The County shall identify and maintain extensive and intensive agricultural areas, as identified by the FGMP through the use of large lot exclusive agricultural zoning to reduce encroachment of non-agricultural uses. IM-19. The County may require agricultural lands that are in a development corridor and the Planned Development-Foothill Zone to remain in agricultural use, if, under the site plan review process, an inadequate amount of water or improper soils for waste water disposal exists.	
	COMMENTS: Policy 5-1 substantially changes Agricultural Lands policy 1 in the 1981 Plan. Where FGMP-5.1 now provides only that "The County shall maintain and preserve extensive and intensive agricultural uses in the foothills", the provision on which it is based provided much more: "Protect extensive and intensive agricultural **areas as identified by the FGMP from encroachment of non-agricultural uses through the use of large lot exclusive agriculture zoning."** By omitting the statement of means by which these agricultural lands shall be maintained, the FGMP removes one level of protection from these properties. The policy also merely duplicates Goal 5 in a weakened form because of the added words "whenever possible." Given the County's emphasis on preserving agricultural lands, please provide the analysis and rationale behind the modification of this provision. Please also explain 1) what the potential direct, indirect, and cumulative impacts of changing this section will be; 2) how the potential direct, indirect, and cumulative impacts have been or will be measured; 3) what baseline measures of currently existing foothill agricultural land have been compiled; and 4)how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the weakening of this section. IM-12 is the former Policy 5-2. Because Implementation Measures must be specific, quantifiable measures, the language of the former policy is inadequate to ensure that the policy is carried out. IM-17 and IM-18 are loosely based on current policy 5-1 which provides "Protect extensive and intensive agricultural areas as identified by the FGMP from encroachment on non-agricultural uses through the use of large lot exclusive agricultural zoning." As reformatted, the IMs no longer provide the protection from encroachment of non-agricultural uses provided in the current 1981 policy: today the policy clearly requires the large-lot zoning to apply to areas identified in the FGMP, while IM-17 is vague and does not directly link the zoning requirement to lands within the FGMP. IM-18 further weakens the protection by substituting "identify and maintain" for the current "protect." IM-17 is also unclear - what does "flexible enough to allow for intensive agricultural uses to be divided from larger extensive agricultural uses" mean and why		

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	should intensive agriculture need to be "divided from" extensive agriculture? IM-18 has also weakened the current policy by replacing the direction to "protect ... agricultural uses... from encroachment" with the weaker "reduce encroachment" of non-agricultural uses, which implies that some unspecified level of encroachment is acceptable. **Please restore 1981 Policies 5.1 - 5.3 as policies with appropriate IMs.**		
Goal 6	**To provide local protection of scenic highways and routes within the foothills.**		
FGMP-6.1	The County shall ensure that the visual qualities of State Highways 190 and 198 and County scenic routes are maintained and protected against obtrusive development improvements.	IM-6. The County shall use the Site Plan Review Committee to ensure that the new development adjacent to scenic highways and roads meets the requirements set forth in the development standards.	PROPOSED REVISION: The County shall develop specific standards to govern development or improvements proposed for locations adjacent to scenic highways and roads. The Site Plan Review Committee shall not approve any proposed development or improvement that fails to meet the requirements set forth in the scenic roadways development standards.
	COMMENTS: IM-6 is vague and therefore provides little guidance to either planners or the public - to which development standards does it refer**? Please specify *both* the FGMP *and* the General Plan Scenic Corridors/Scenic Roads standards.** As written, the Implementation Measure is also ineffective because it **relates only to new development**, while the policy covers improvements of any kind – including changes to existing ones. Please revise. The current FGMP implements this policy by requiring the Site Plan Review Committee to review development along scenic highways and roads "to insure that the visual qualities of the thoroughfare are not blighted." However, **this revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP**; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. **Please restore.** Please provide the analysis and rationale for deleting the Site Plan Review process from the FGMP, and also explain 1) what the potential direct, indirect, and cumulative impacts of the change will be; 2) how the potential direct, indirect, and cumulative impacts have been or will be measured; 3) what data has been compiled to justify the change; 4) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the modification of this and other provisions that rely on the Site Plan Review process for implementation. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		

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FGMP-6.2	The County shall continue to seek and identify County routes, which due to their scenic and rural characteristics, should receive a County "scenic routes" designation.	NO IMPLEMENTATION MEASURE	
	COMMENTS: The language of this policy has been changed, substituting the word "route" for the word "roads." **What is the significance of this change?** Policy 6.2 is a good beginning but it doesn't't go far enough. The County should not only seek and identify scenic routes, it should designate the roads as such so that they become subject to standards designed to protect scenic routes. Simply identifying a route does not provide protection for its unique nature. Please revise. Because there is no Implementation Measure for this policy, it is unenforceable. The Guidelines require at least one Implementation Measure for each policy. Without an Implementation Measure, FGMP 6.2 fails to meet the minimum standard under the Guidelines. Please provide an appropriate Implementation Measure. The current FGMP implements this policy (page 30) by stating "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 roads." **These roads – 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 – were included in maps in the 1981 Plan which have now been deleted, but they do not show up in any of the revised land use maps showing development corridors in the FGMP area, nor are they identified in the body of the revised FGMP. Why have they been de-listed? Which, if any, of the designated scenic roads have received official status as County Scenic Roads?** **Please explain** 1) why these listings were deleted; 2) what the potential direct, indirect, and cumulative impacts of deleting these listings will be on the levels of protection afforded the affected roads; 3) how the potential direct, indirect, and cumulative impacts on scenic roads have been or will be measured; 4) what new baseline data has been compiled on State and County scenic roads; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the deletion of these maps and listings. Please also provide the analysis and rationale underlying the decision to delete the provisions. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are without foundation and unreliable. SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-6.3	The County shall require that development along all scenic highways and routes meet the development standards of the FGMP.	IM-6. The County shall use the Site Plan Review Committee to ensure that the new development adjacent to scenic highways and roads meets the	PROPOSED REVISION: The County shall require that development along all scenic highways and

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	.	requirements set forth in the development standards. IM-14. The County shall promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect scenic corridors within the County. Provisions for the use of these tools shall be incorporated into the County's land development ordinances.	routes meet the development standards of the General Plan Update 2010 and of the FGMP; development shall not detract from the visual amenities of the area
	COMMENTS: The Revised DGPU appears to have incorporated additional standards that are intended to protect scenic highways, routes and corridors. **Please revise this policy to require development along scenic roads in the FGMP area to meet *all* the relevant standards.** IM-6 is ineffective because it relates only to new development, while the policy covers development of any kind – including changes to existing structures. **Please revise**. (See proposed revision at 6.1 above). Since the Revised DGPU appears to have incorporated additional standards that are intended to protect scenic highways, routes and corridors, please also revise to require development along scenic roads in the FGMP area to meet *all* the relevant standards. This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. IM-14 should be revised to specify (1) provisions and protocols against which progress on achieving the policy and goal will be achieved – how will the County "promote" the cited design conditions?, (2) that landscaping installed along scenic routes must use trees and vegetation native to the foothills (to preserve the integrity of the environment and to ensure that the water needs of any plants installed is appropriate for the climate) and (3) to expand the scope of the Measure to cover scenic roads that may not also be located within a designated scenic corridor. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-6.4	The County shall require that projects located within a scenic corridor be designed in a manner, which does not detract from the visual amenities of that thoroughfare. The County shall support through the use [o]f its authority and police powers the design of infrastructure that minimizes visual	IM-14. The County shall promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect scenic corridors within the County. Provisions for the use of these tools shall be incorporated into the County's land development ordinances.	PROPOSED MODIFICATION: The County shall require that development located along or in proximity to a scenic road or highway, or within a scenic corridor, be designed in a manner which does not detract from the visual amenities of the area or that thoroughfare. The County shall require the

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	impacts to surrounding areas by locating roadways in areas that minimize the visual impact on rural and natural places whenever feasible.		design of infrastructure in scenic areas to minimize visual impacts to surrounding areas. For example, new roadways or improvement to or expansion of existing roadways shall be located in areas that minimize the visual impact on rural and natural places.
	COMMENTS: Because Goal 6 is intended to apply throughout the foothills, the Policy should not be limited in its application to designated scenic corridors, and the requirement should not be weakened by the open-ended phrase "whenever feasible." The Policy should also not be limited in application to "roadways" – it should apply to all improvements or developments, as the goal is to protect the view as seen from the road as well as protecting the view from the road's presence. If the County intends to grant exemptions or exceptions to the policy it should specify the conditions under which such exceptions or exemptions will be considered and how requests will be evaluated. IM-14 is limited in its application to designated scenic corridors. It will not, therefore, further the goal of protecting all scenic roads and highways in the foothills. The IM also does not set out specific, quantifiable measures that will provide guidance as to how the County will "support" the Infrastructure design. What exactly does the "use of [the County's] authority and police powers" mean in this context? How does this language provide guidance to the public or to planners? Finally, IM-14 does not include any measures that implement the policy of locating roadways to minimize visual impact. It thus does not meet the requirements of the Guidelines. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this policy and IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-6.5	The County shall encourage projects proposed on lands within a scenic corridor with a non-agricultural or non-open space land use designation, to use a cluster development concept. Appropriate land uses for the open space areas shall include, but will not be limited to, public or private open space, wildlife habitat or agriculture.	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body. IM-14. The County shall promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect	

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		scenic corridors within the County. Provisions for the use of these tools shall be incorporated into the County's land development ordinances.	
	COMMENTS: Policy 6.5, while generally good, needs significant tightening. **How will the County "encourage" the use of cluster development? "Encourage" should be changed to "require."** As written it is unclear whether the use of the term "open space" in the second sentence is being used generically (i.e., does it refer to open space within a development?) or whether it refers to the specific land use designation. If the latter, is this a zoning determination? If so, the IM should direct the change to the zoning ordinance. Finally, and again, while the policy is generally a good one it does not really relate to protecting scenic roads and highways, and might be more appropriately a policy under Goal 8. IM-7 See also comment to IM-7 at FGMP 1.5, above, which also applies here. This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. IM-14 - appears duplicative of the policy itself. How shall the County "promote" the use of these elements? What provision will be incorporated? The Guidelines require IMs to provide measurable steps; this IM is inadequate. **SEE ALSO discussion of Impact 3.1-5, which cites this IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
Goal 7	**To protect historical/archeological sites located in the Foothill Area**		
	The policies under this Goal misleadingly suggest that they have "modified" the existing FGMP policies when they have actually replaced them. 1981 Policy 7-1 and 7-2 required inventory and mapping of historical sites by experts in Tulare County history "for purposes of environmental impact review of foothill projects." The proposed revision inappropriately abdicates this responsibility to developers. **By contrast, the required additional mitigating policies ERM-6.2, 6.3 and 6.6 provide specific instructions that the County shall protect cultural and archaeological resources, and permit development only after a site specific investigation has been conducted. The same level of**		

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	protection should apply to Foothill sites. If ERM-6.2, 6.3 and 6.6 (as revised and with further revision to create effective Implementation Measures) are intended to apply to the FGMP, they should be cross-referenced to ensure application to development within the FGMP area.		
FGMP-7.1	The County may require the developer to provide information at time of application submittal regarding any historical site and/or building that occupies the project area that is worthy of historical preservation.	IM- 22. The developer shall provide the appropriate fees for review of a project area by the California Archeological Inventory Information Center if the project site and affected areas are located in proximity to hilltops, buttes, watercourses, etc. which might have archeological value. A more thorough on-site investigation by a qualified archeologist should be undertaken if deemed necessary by the District Archeologist.	Not a policy - improperly transfers responsibility for protecting historical sites to developer who has no basis for knowledge of historical sites or evaluating whether "worthy" of preservation and more critically, no interest in finding a historical site that may or will interfere with the developer's plans (and $$$)
	COMMENTS: This Policy has been significantly revised from the current 1981 policy, which requires the County to obtain an inventory of historical sites and buildings worthy of protection from the Tulare County Historical Society. **Has such an inventory been compiled and kept up to date? If, 30 years later, the inventory has not been made, please explain why not.** How can the public rely on Implementation Measures propounded on paper by the County if they are not carried out? The RDEIR points out at page 3.12-10 that only qualified professionals can access the records maintained by the Information Center at California State University Bakersfield records associated with reported cultural resources surveys, including the records pertinent to sensitive sites. **How then is a developer going to be able to provide the information requested in this Policy and IM?** The discretionary language of FGMP-7.1 ("County may") makes the provision of the specified information an option, not a requirement at all. The policy also inappropriately places the determination of whether a historical site or building exists or is "worthy of historical preservation" on the developer, whose interests will by definition be in conflict with either disclosing the existence of a possibly historic site or with a finding of historical worthiness. **The policy, as written, will not advance the goal of protecting historical or archeological sites.** IM -22 is good start for protection of archeological sites, insofar as it defers evaluation of the site to a professional organization with appropriate expertise. However, FGMP-7.1 deals with all historic sites and buildings, not just archaeological sites. IM 22 therefore doesn't further the policy for other historic sites or buildings. In addition, IM.22 only applies to areas "located in proximity to hilltops, buttes, watercourses, etc." To be truly effective in protecting historic and archeological sites this limitation should be eliminated so that a proper evaluation is made no matter where the site is located. **Please revise.**		

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	Please confirm the identity of the California Archeological Inventory Information Center, as no organization of this name appears to exist.		
FGMP-7.2	The County may require the developer to provide information at time of application submittal regarding possible archeological sites if a project is located in proximity to archeological sensitive areas such as hilltops, buttes, watercourses, etc.	IM-22. The developer shall provide the appropriate fees for review of a project area by the California Archeological Inventory Information Center if the project site and affected areas are located in proximity to hilltops, buttes, watercourses, etc. which might have archeological value. A more thorough on-site investigation by a qualified archeologist should be undertaken if deemed necessary by the District Archeologist.	
	COMMENTS: The policy inappropriately places the responsibility for identifying possible archeological sites on the developer, who is not qualified to make such determinations, and whose interests will by definition be in conflict with disclosing the existence of a possibly historic site. **The policy, as written, will not advance the goal of protecting historical or archeological sites.** The current 1981 FGMP more appropriately places responsibility for identifying *and mapping* historic and archeologically important sites on the County with the assistance of the Tulare County Historical Society. **Please revise to return responsibility to an entity or entities which do not have an inherent conflict of interest, and to make the policy mandatory.** The current Implementation Measure for this policy also asserts that "An archeological sensitivity map has been prepared for Tulare County by the Anthropology Department, California State University Fresno. This map is for general use to determine areas of the foothills that have the potential of encompassing archaeological sites. If a project is within a sensitive area, a more thorough on-site investigation by a qualified archaeologist should be undertaken." **Where is this map? Has it been updated since 1981? Why has it not been included in either the revised FGMP or the General Plan documents?** The discretionary language of FGMP-7.2 ("County may") also makes the provision of the specified information an option, not a requirement. Again, the policy, as written, will not advance the goal of protecting historical or archeological sites.		
FGMP-7.3	The County shall protect significant historical or archeological sites, such as the one located on Rocky Hill, from development through maintenance of the site in open space. This policy shall not preclude development on adjacent property even though such property may be under	NO IMPLEMENTATION MEASURE	

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	the same ownership as the site to be protected.		
	COMMENTS: In requiring protection of historical or archeological sites, Policy 7.3 is good. However, the new, added language permitting development on adjacent property, without an appropriate buffer zone, is likely to lead to the degradation or even loss of the site to be protected through any number of unavoidable environmental impacts. **The County should create and adopt a policy that requires a site that has been identified as worthy of protection to be evaluated by a qualified expert to determine what additional measures, including possible development restrictions on adjacent properties, may be required to fully protect the site. The tacked-on language permitting development on adjacent property should be deleted. What were you thinking??** Because there is no Implementation Measure for this policy, the policy is unenforceable and mere wishful thinking. The Guidelines require at least one implementation measure for each policy. FGMP 7.3 fails to meet the minimum standard under the Guidelines. The current FGMP implements the original policy as follows: "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." The lack of an Implementation Measure makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
Goal 8	**To protect the natural features of the foothills by directing development to selected areas.**		
FGMP-8.1	The County shall discourage the location of development and improvements that are in close proximity to watercourse areas and riparian habitat, and prevent actual encroachment into those habitats.	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body. IM- 23. The County shall ensure environmentally sensitive and riparian areas within development corridors are designated as open space on the FGMP reference maps.	
	COMMENTS: Watercourse and riparian areas are critical to the County's ability to recharge its water supply. Development, improvements and encroachments should be prohibited, not just discouraged. (Exceptions for minimal uses such as diversions for watering livestock may be specified.)		

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	IM-7 see prior comments on IM-7 above. Note also that any Implementation Measure for this policy should specify the distance to be maintained from a riparian area – "close proximity" is a subjective measure. IM-23 applies only to environmentally sensitive areas "within development corridors", thus leaving sensitive areas outside development corridors – to which Policy 8.1 apparently also applies – open to encroachment and destruction. IM-23 also does not ensure that development in identified and mapped areas will be prohibited, as it requires only that the area be designated on reference maps.		
FGMP-8.2	The County shall assure that drainage patterns of foothill developments are designed to prevent contamination and sedimentation due to soil erosion.	IM-29. The County shall require submission of a drainage plan with development projects in conjunction with the site plan review.	
FGMP-8.3	The County shall prohibit development of residences or permanent structures within the 100-year floodway.	NO IMPLEMENTATION MEASURE	
	COMMENTS: Until an appropriate Implementation Measure is provided for this policy, it is unenforceable. The Guidelines require at least one implementation measure for each policy. FGMP 8.3 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.** **SEE ALSO discussion of Impact 3.4-3, which cites this policy and IM in support of the RDEIR's conclusion that policies in the GPU support the Attorney General's recommendations as set out in Table 3.4-5.**		
FGMP-8.4	The County shall ensure that new wastewater systems meet the standards of the Regional Water Quality Control Board and Tulare County Health & Human Services.	IM-31. The County shall ensure that unconventional disposal methods will be reviewed by the Tulare County Health and Human Services Agency to ensure that the standards of the Water Quality Control Board are met.	
	What is an "unconventional disposal method"? Would it be the same as an "innovative" method?		
FGMP-8.5	The County shall protect Lake Kaweah and Lake Success from contamination due to runoff from development, underground seepage of waste effluent, or intrusion of incompatible land uses by	IM-30. The County shall require a properly designed wastewater disposal system to prevent surface or groundwater contamination and a drainage plan which minimizes sedimentation	

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	utilizing appropriate design and engineering concepts and adequately separating the project from the lake environment.	and/or contamination of the lake environment are engineering measures capable of meeting the intent of this policy. Should there be some question regarding the reliability of the engineered systems, the Site Plan Review Committee shall condition the project to provide an adequate separation between the body of water and the development site.		I19-181 cont'd
	COMMENTS: IM-30 appears to be missing some language ("and a drainage plan which minimizes sedimentation and/or contamination of the lake environment are engineering measures capable of meeting ...") Please correct so that the effectiveness of this IM can be properly evaluated. If there is some question about the reliability of the engineered system, the appropriate response is to require that it be re-engineered to ensure reliability; permitting the project to proceed anyway, with the quick fix of a separation between the lake and the development site merely moves the pollution to another location! This policy is cited as a mitigating factor as to Impact 3.6-1, Impacts 3.11-1, 3.11-2, 3.11-3, 3.11-4, and 3.11-5 in the RDEIR - as written this policy cannot mitigate the environmental impacts of development. This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless.			
FGMP-8.6	The County shall ensure that projects proposed in the Frazier Valley watershed portion of the Tule River Development Corridor do not aggravate the downstream flooding problem by generating additional runoff from the project site.	IM-24. Drainage plan shall be required for all projects within the "Foothill Mixed Use" areas of Frazier Valley. The Site Plan Review Committee shall not approve any project within Frazier Valley until the Resource Management Agency has reviewed said drainage plan and certified that the proposed drainage facilities will prohibit any additional storm water discharge from the project that would aggravate downstream flooding problems.		I19-182
FGMP-8.7	The County shall encourage cluster-type development, narrower road widths, and minimized cut and fill projects to minimize soil disturbances. New roads in the foothills should,	IM-3. The County shall require a grading and slope stabilization plan for that portion of the development exceeding slopes of greater than 15 percent.		I19-183

	whenever possible, conform to the natural contours of the existing foothill landscape.	IM-14. The County shall promote the use of cluster development, greater setback distances, landscaping, and innovative lot design to protect scenic corridors within the County. Provisions for the use of these tools shall be incorporated into the County's land development ordinances. IM-25. The developer will be required to phase road construction to correspond with the phases of the development proposal.	
	COMMENTS: This is a good policy, but it could be inconsistent with PF-2.7, which requires development within community UDBs to impose urban development standards, including minimum road widths. Please ensure that Foothill standards will supersede PF-2.7. The Implementation Measures for this policy are insufficient to implement the policy: IM-3 regulates only development on slopes greater than 15%, and then only requires a stabilization plan - which may mitigate but does not minimize cut and fill. IM-14 does not address road widths, minimized cut and fill or contour- conforming roads. See also comments regarding IM-14 above at FGMP 6.3, 6.4, 6.5. Please also explain in clear and explicit terms, how IM 14 will "promote" the use of cluster developments. Please also explain why IM 14, which is part of the Foothill Growth Management Plan, applies only to protecting designated scenic corridors, rather than the Foothill region generally. What analysis was done to determine that such limited scope was warranted? Please explain what the potential direct, indirect, and cumulative impacts of limiting the application of this IM to scenic corridors will be; 3) how the potential direct, indirect, and cumulative impacts have been or will be measured; 4) what baseline measures have been taken against which to measure the potential direct, indirect, and cumulative impacts of so limiting this provision; 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the limited scope of this IM. **SEE ALSO discussion of Impact 3.1-5, which cites this IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.** IM-25 addresses the timing of road construction, but doesn't't address any of the issues raised in the policy. Please provide appropriate IM s.		
FGMP-8.8	The County shall require erosion mitigation measures in new developments to prevent soil loss.	IM-3. The County shall require a grading and slope stabilization plan for that portion of the development exceeding slopes of greater than 15	

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		percent.	
	COMMENTS: IM-3 regulates only development on slopes greater than 15%. How will the County prevent soil loss from grading etc. on slopes 15% or less?		
FGMP-8.9	The County shall restrict the removal of natural vegetation, except for wildland fire prevention purposes.	NO IMPLEMENTATION MEASURE	
	COMMENTS: Policy 8.9 has a great deal of support, as Foothill residents highly value the natural vegetation – the oak woodlands and wildflowers are considerable tourist attractions. The policy should be expanded to expressly include native trees and brush. The County has been urged, and has said it intends to adopt an Oak Woodlands Ordinance that would protect native woodlands. It should have been included in this General Plan. Without an implementation measure, however, the policy is just wishful thinking. Please give this policy some teeth by providing a strong set of Implementation Measures. NOTE - THE RDEIR CITES IMS 15, 23 AND 25 IN CONNECTION WITH THIS POLICY. BECAUSE THESE IM s ARE NOT ASSOCIATED WITH THE POLICY IN THE REVISED FGMP, **THE DOCUMENTS ARE NOT CONSISTENT**. IN ADDITION, ONLY IM 23 IS EVEN REMOTELY RELEVANT TO THE POLICY. The Guidelines require at least one implementation measure for each policy. FGMP 8.9 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.** **SEE ALSO discussion of Impact 3.4-3, which cites this policy and IM in support of the RDEIR's conclusion that policies in the GPU support the Attorney General's recommendations as set out in Table 3.4-5.**		
	NOTE: FGMP Development Standards 20 and 21 provide that "Removal or grading around native trees (with a trunk of 6" or larger in diameter or [sic] 3' above ground surface) which may disturb the root system shall not be allowed during the construction process unless the Site Plan Review Committee deems it necessary because of road alignments or infrastructure improvements. Any trees to be removed shall be indicated on the submitted site plan." and "Removal of native trees in areas restricted to open space shall not e allowed unless the health, safety or welfare of residents associated with the development is endangered. Any trees proposed for removal must be indicated on the submitted site plan with accompanying information stating why the tree must be removed.		

	The policy and the Development Standards are inconsistent insofar as the policy creates an absolute prohibition with one wildfire exception, while the Development Standards imply that removal of native vegetation *is* permitted to accommodate roads and "infrastructure improvements" – a term so broad and vague it could encompass almost any development. **Please revise the standards to be consistent with the policy.**		
FGMP-8.10	The County shall prohibit development that is considered to be geologically hazardous (slides, earthquake faults, etc.)	NO IMPLEMENTATION MEASURE	
	COMMENTS: This policy has nothing to do with the goal of protecting natural features. It should be associated with Goal 10. It appears that this Policy inadvertently omitted the words "in areas that are" following the word "development" and before the words "considered to be"; development itself cannot be geologically hazardous. Please correct. How will this policy be implemented without an implementation measure? The Guidelines require at least one implementation measure for each policy. FGMP 8.10 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-8.11	The County shall not allow development on slopes 30 percent or greater, unless the applicant can sufficiently mitigate the inherent problems associated with developing on steep slopes.	IM-4. The County shall require information in the site plan review process to delineate slopes 30 percent or greater on the development site. Review of the proposal by the Committee will prescribe a project design that will maintain 30 percent slopes generally free of improvements, unless the problems associated with steep slopes are sufficiently mitigated.	
	COMMENTS: This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless.		
FGMP-8.12	The County shall prohibit unnecessary removal of native trees on development sites prior to approval	IM-7. The Site Plan Review Committee shall review the consistency of the project with the	

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	of development plans to control erosion, preserve wildlife habitat, and maintain the natural character of developing areas.	location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body.	
	COMMENTS: The policy is unnecessarily limited to removal of trees "prior to approval of development plans" and thus does not really protect native trees at all. Trees are routinely removed before permits are applied for even though this policy has been in effect since 1981. Since there is also no requirement that development plans not be approved if they require removal of native trees, or to require mitigation if trees must be removed, the policy is ineffective to protect trees as part of Site Plan Review. Current protocols do not require developers to indicate the location or size of existing trees on a site when plans are submitted, and there is no requirement that trees not be unnecessarily removed in connection with the development. (Or, if there are, they are not currently being followed.) See comment and proposed revision to IM-7 at FGMP 1.5, above. Because IM-7 does not implement any strategy to limit removal of native trees as part of site plan review, plans will simply continue to be approved with no consideration for preserving the trees. The County has said it supports and intends to adopt an ordinance to protect oak woodlands – this Policy should reference such an ordinance and be linked to it. In addition to being inappropriately limited in time, the policy is also flawed because it fails to specify how the "necessity" of removal will be determined. How will it be determined whether a removal is "unnecessary"? **SEE ALSO comments regarding Impact 3.4-3 and Table 3.4-5, citing this Policy in support of the RDEIR's conclusion that polices of the GPU support the Attorney General's recommendations.**		
	NOTE: FGMP Development Standards 20 and 21 provide that "Removal or grading around native trees (with a trunk of 6" or larger in diameter or [sic] 3' above ground surface) which may disturb the root system shall not be allowed during the construction process unless the Site Plan Review Committee deems it necessary because of road alignments or infrastructure improvements. Any trees to be removed shall be indicated on the submitted site plan." and "Removal of native trees in areas restricted to open space shall not e allowed unless the health, safety or welfare of residents associated with the development is endangered. Any trees proposed for removal must be indicated on the submitted site plan with accompanying information stating why the tree must be removed.		
	This revision of the FGMP has entirely deleted current FGMP Policy 8/Flora & Fauna - 2, which provides "Prevent encroachment of development onto riparian woodland habitats." 1981 FGMP at p. 18. The Implementation Measure that		

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	currently carries out this policy by designating major riparian areas of each development corridor as open space (FGMP, p. 34) has also been lost. This policy is neither obsolete nor outdated. **Please explain 1) why these provisions have been deleted; 2) what the potential direct, indirect, and cumulative impacts of deleting these provisions will be on riparian woodland habitats; 3) how the potential direct, indirect, and cumulative impacts on the woodlands, waterways, and area wildlife have been or will be measured; 4) what new baseline data has been compiled on riparian woodland habitats; 5) how the County will mitigate the potential direct, indirect, and cumulative impacts on the woodlands, waterways, and area wildlife resulting from the deletion of these provisions. Please also provide the analysis and rationale underlying the decision to delete the provisions.** Please reinstate the 1981 policy with appropriate Implementation Measures. The current IM for the policy states that "Level III designates the *major riparian areas* of each development corridor *as open space*." Please also see comments at FGMP 8.14, which also apply here.		
FGMP-8.13	The County shall encourage developers to use landscaping plant materials that are compatible with the surrounding native foothill vegetation.	IM-26. The County shall review landscaping plans through the site plan review process to ensure that areas to be landscaped are compatible with surrounding native vegetation.	
	COMMENTS: How will the County "encourage" the use of compatible plants in landscaping? To truly achieve the goal, the County should either require or create incentives for compliance with policies. This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless.		
FGMP-8.14	Where special status species have been identified, the County shall protect their habitat against encroachment by development.	NO IMPLEMENTATION MEASURE	To strengthen this policy – after reinstating the superior 1981 version – the County is encouraged to avoid use of terms with particular defined meanings (such as "special status species") and use more generalized terms which will permit the County to make its own determination that a species is worthy of protection by the County whether or not it has been designated as sensitive, candidate or special

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			under CEQA or federal law.

COMMENTS: In what is beginning to look like an intentional policy of weakening protection for wildlife, its habitat, and the environment in general, the new, unimproved version of current Goal 8 Flora & Fauna Policy 4, Revised Policy 8.14 has been entirely re-focused and eviscerated.

The current policy clearly directs the County *to identify and protect rare and endangered species against encroachment by development.* As re-written, the County must protect only the habitat of "special status species" that have already been identified by some other, unnamed entity.

The current IM for this policy (page 34) states that "Level II of the FGMP *identifies wildlife habitats* in each development corridor. Level III ... *designates sensitive wildlife areas as open space* in each development corridor." **Where has this information been incorporated into the RDGPU? Why is it not shown on any of the maps depicting development corridors in the FGMP area, or on a separate map of its own?**

> Please explain 1) why this provision was deleted; 2) what the potential direct, indirect, and cumulative impacts of deleting this provision will be; 3) how the potential direct, indirect, and cumulative impacts have been or will be measured; 4) what baseline measures have been taken against which to measure the potential direct, indirect, and cumulative impacts of deleting this provision; 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the deletion of this provision. Please also provide the analysis and rationale underlying the decision to delete this provision.

By comparison with the Revised FGMP, which provides no Implementation Measure at all for this weakened policy, the current 1981 FGMP implements the policy via the FGMP tri-level analysis : Level II of the 1981 Plan identifies wildlife habitats in each development corridor, and Level III designates sensitive wildlife areas as open space in each development corridor.

> Please identify where in the Revised FGMP these habitats and designated open space wildlife areas are identified. If the Revised FGMP does not identify these habitats and open space wildlife areas, please explain 1) why this data and implementation measure were deleted; 2) what is the status of previously-designated open space under the revised FGMP; 3)what the potential direct, indirect, and cumulative impacts of deleting this data and implementation measures will be on the habitats and designated wildlife open spaces; 3) how the potential direct, indirect, and cumulative impacts have been or will be measured; 4) what baseline measures have been taken against which to measure the potential direct, indirect, and cumulative impacts of deleting these provisions; and 5) how the County will mitigate the potential direct, indirect, and cumulative impacts resulting from the deletion of this data and implementation measure.

CEQA now affords equal protection to species and habitats that are considered sensitive, candidate or special status species. Accordingly, this policy should be expanded to reference all categories of protected species.

Even this weak policy cannot be enforced without an Implementation Measure; the Guidelines require at least one implementation measure for each policy. FGMP 8.14 fails to meet the minimum standard under the Guidelines.

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	The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-8.15	The County shall restrict development in chaparral since these areas present extreme wildland fire potential.	NO IMPLEMENTATION MEASURE	
	COMMENTS: The Guidelines require at least one implementation measure for each policy. FGMP 8.15 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.** **SEE ALSO discussion of Impact 3.4-3, which cites this policy and IM in support of the RDEIR's conclusion that policies in the GPU support the Attorney General's recommendations as set out in Table 3.4-5.**		
FGMP-8.16	The County shall encourage the concentration of development along major travel routes to allow for future public transportation services and minimize travel distances to frequently used facilities.	NO IMPLEMENTATION MEASURE	.
	COMMENTS: Simply concentrating development along major travel routes without requiring new developments to also provide for demonstrably sufficient employment opportunities, service providers, and shopping venues within that development will not minimize travel distances, and may in fact encourage the creation of "bedroom communities" which will increase overall vehicle miles traveled. This policy has been in effect since 1981, yet extensive public transportation services that would minimize reliance on individual vehicles has yet to materialize. The RDEIR at 3.2-36 notes that transit service "is largely market driven" and will "expand as needed and will be self mitigating." The reasoning is backwards –the GPU is saying we will build in remote areas along highways so that sometime in the future, buses can reach the population that's already there, rather than developing where the transit already exists or can easily be expanded to cover the newly developed area. The Guidelines require at least one implementation measure for each policy. FGMP 8.16 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA.		

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	As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable**. **SEE ALSO discussion of Impact 3.4-1, which cites this policy and IM in support of the RDEIR's conclusion that the environmental impact is "Less Than Significant," and Impact 3.4-3, which cites this policy and IM in mitigation of the identified Significant and Unavoidable impact, below.**		
FGMP-8.17	The County shall discourage the scattering of development throughout the foothills to reduce vehicular emissions by decreasing home to destination distances.	IM-1. The County shall concentrate rural and urban development in the development corridors delineated on a Master Development Plan.	
	COMMENTS: A good policy, but weak – how will the County "discourage" scattered development throughout the foothills? IM-1 relies on concentrating development in the development corridors "delineated on a Master Development Plan", but since Master Development Plans are required only for Planned Community Areas, which may be approved anywhere in the County – including outside designated development corridors – the IM makes the Policy meaningless. How will scattered development be prevented in areas that are within Foothill development corridors but that are not PCAs? The proposed policy to allow creation of PCAs in the foothills (and elsewhere) is inherently inconsistent with this long-standing policy of the FGMP. The policy and the IM also do not address the impact that the proposed PCAs – at least one of which has already been proposed for an area in the foothills outside any development corridor – will have on vehicle miles traveled. **SEE ALSO discussion of Impact 3.4-1, which cites this policy and IM in support of the RDEIR's conclusion that the environmental impact is "Less Than Significant," and Impact 3.4-3, which cites this policy and IM in mitigation of the identified Significant and Unavoidable impact, below.**		
FGMP-8.18	The County shall ensure that hilltop development is designed to preserve the skyline and maintain an unobstructed scenic panorama of the foothills for residents and visitors to enjoy.	IM-13. The County shall ensure that the design of subdivision is reviewed by the Site Plan Review Committee to assure the visual impact to the foothills is minimal.	PROPOSED REVISION: IM-13. The County shall prohibit hilltop development and hillside development that will interrupt the skyline. The Site Plan Review Committee shall develop and employ design standards and review procedures to assure there is no visual impact to the foothills by development. NOTE: Revised FGMP 8.18 is essentially the same as Revised FGMP 1.11; both cite as their source 1981 FGMP Goal 8, Policy 8-19, page

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			19. If the County intends to create duplicative policies, one for hillside development and another for hilltop development, they and their Implementation Measures should be as closely aligned as possible
	COMMENTS: To achieve the policy of preserving the skyline the policy should not be limited to hilltop development. No development that will interrupt the skyline should be permitted. IM-13 doesn't't implement the policy because it will permit development that obstructs the skyline by permitting construction that the Site Plan Review Committee subjectively determines – without benefit of any guidelines – to be "minimal." The policy should also not be limited to subdivisions: a single McMansion or collection of individually-built structures on a hilltop or situated on a hillside so that the skyline is broken will be just as detrimental. The IM doesn't't provide a measurable means of attaining the policy. Please see proposed revision above. This revision of the FGMP has deleted the entire section in the 1981 FGMP that set out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. **SEE ALSO discussion of Impacts 3.1-3, 3.1-4 and 3.1-5, which cite this IM in mitigation of the GPU's Significant Unavoidable environmental impact, below.**		
FGMP-8.19	The County shall encourage maintenance and protection of unique open space areas such as riparian woodlands, oak groves, interesting rock formations, and scenic vistas.	IM-7. The Site Plan Review Committee shall review the consistency of the project with the location, type of design criteria of the County's policies for projects that only require Site Plan Review. Should the project not meet the County's policies, findings to that effect shall be forwarded to the appropriate decision-making body.	The County shall maintain and protect unique open space areas such as riparian woodlands, oak groves, interesting rock formations, and scenic vistas.
	COMMENTS: This policy, which was previously Policy 2 under the 1981 FGMP Goal 8-9, p. 15, is basically a good one, despite the weak "encourage" language, but IM-7 does not explain how the policy will be realized.. See also comment and proposed revision to IM-7 at FGMP 1.5, above. Also, this revision of the FGMP has deleted the entire section in the 1981 FGMP that set		

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	out the Site Plan Review process as it applies to the FGMP; without this section, the Implementation Measures that rely on actions of the Site Plan Review process or the Site Plan Committee are meaningless. Please revise as shown above right and provide at least one appropriate Implementation Measure.		
Goal 9	**Te ensure that water and sewer facilities are constructed in a manner that protects the public health and safety and that the disposal of wastewater is done in a manner that does not degrade ground and/or surface waters.**		
FGMP-9.1	In reference to water needs (domestic and firefighting) and wastewater generation, the County shall not allow new development to exceed the maximum physical holding capacity (based on water availability and soils) of the parcel in question.	IM-27. The Tulare County Health and Human Services Agency and the Fire Department shall determine the minimum water requirement for projects to ensure that the magnitude of the project does not exceed the amount of water available to the subject site.	
	COMMENTS: A more environmentally sound policy would also take into consideration the impact the new development may have on other users (including wildlife) and limit new development to a level below the maximum holding capacity of the land.		
FGMP-9.2	The County shall require evidence, prior to project approval, which (1) describes a safe and reliable method of wastewater treatment and disposal; and (2) substantiates an adequate water supply for domestic and fire protection purposes.	NO IMPLEMENTATION MEASURE	
	COMMENTS: The Guidelines require at least one implementation measure for each policy. FGMP 9.2 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-9.3	The County shall delegate the maintenance and operation of water and/or wastewater	NO IMPLEMENTATION MEASURE	

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	treatment facilities to a responsible entity, which shall be established prior to approval of the final subdivision map.		
	COMMENTS: The policy is ambiguous, gives absolutely no guidance and is unenforceable – there is no standard set for the qualifications that must be met by an entity to which responsibility for water services will be delegated, or for what "a responsible entity" must be able to provide. The policy also applies only to new proposed subdivisions. The Guidelines require at least one implementation measure for each policy. FGMP 9.3 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-9.4	Based on existing soil conditions, types of land uses, effluent yield per land use, and the density of the proposed project, the County shall work with the Regional Water Quality Control Board and the Tulare County Health and Human Services Agency to review the adequacy of wastewater disposal areas.	IM-28. The County shall appoint a registered civil engineer or sanitarian along with a representative of the Tulare County Health Department to ensure that the magnitude of proposed projects do not exceed the physical holding capacity of the on-site soils to accept the estimated waste effluent.	
	COMMENTS: A more environmentally sound policy and IM would also take into consideration the impact the new development may have on other users (including wildlife) and cap development at a level below maximum actual holding capacity rather than simply assessing the holding capacity of the project site.		
FGMP-9.5	The County may allow unconventional methods of disposing of sewage effluent, provided the system meets the performance standards of the Water Quality Control Board and the Tulare County Health and Human Services Agency. Such systems may include, but are not limited to common leach field, soil absorption mounds, aerobic septic tanks, or evapotranspiration systems.	IM-31. The County shall ensure that unconventional disposal methods will be reviewed by the Tulare County Health and Human Services Agency to ensure that the standards of the Water Quality Control Board are met.	
	COMMENTS: At last.		

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Goal 10	**To accommodate development in the foothills that is serviceable by the various public agencies in a manner that does not become an economic burden on the County.**		
FGMP-10.1	To provide for the integration of efficient road systems, existing community values, infrastructural improvements, and open space patterns, the County shall encourage development projects within a definable geographic area of a development corridor to comply with a common development or specific plan designed for that area.	IM-16. The County shall explore the options for voluntary Williamson Contract cancellation on lands that are within a development corridor and under a Planned Development-Foothill Zone. IM-32. The County shall work with landowner and developers to promote coordinated master plans for multiple purposes.	
	COMMENTS: IM-16 does not implement the policy It is also **inconsistent with the Right to Farm policy fundamental to the County as well as with the oft-stated policy of protecting agriculture throughout the County and with the specific Goal of protecting agricultural uses in the Foothills (FGMP Goal 5)**. Productive agricultural uses on lands within a development corridor should be permitted to continue; it should be rezoned consistent with the common development or specific plan for that area when and if the land ceases to be in agricultural use. IM-32 is vague and ambiguous - what does this mean? what "multiple purposes" are intended? IM-32 provides no guidance to the public or to planners. The 1981 Implementation Measure on which IM-16 is based also called on the County to explore the legality of voluntary cancellations. **Has this been done? What result?** The implementation timeline for this IM shows "ongoing". Surely by now the County has explored this option!?		
FGMP-10.2	The County shall ensure that development is located in areas of the foothills that can be adequately served by existing Tulare County fire stations and the Sheriff's Department unless new facilities are proposed or required for the development.	NO IMPLEMENTATION MEASURE	
	COMMENTS: This policy has been revised (without disclosure) from the 1981 policy on which it is based: the current policy prohibits development in areas that cannot be serviced by existing County fire stations and Sheriff's Department facilities within a 15-minute "attack time." (See also "The Corridor Areas The First Level (2) at page 3-2, above). The modification to permit development if new facilities "are proposed or required" without also requiring those proposed or required facilities to be provided and financed by the developer puts the public at risk (because adequate services		

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	may not be available or provided) and puts a financial burden on the County. The current FGMP requires property that falls outside the 15-minute "attack time" to be designated as **open space or agricultural land.** Please revise to return the current limitations on development in these areas. The Guidelines require at least one implementation measure for each policy. FGMP 10.2 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-10.3	The County shall require that fire and crime protection plan considerations, including financing, be incorporated into all proposed developments to ensure adequate emergency services are available and able to serve new development.	NO IMPLEMENTATION MEASURE	
	COMMENTS: FGMP 10.3 is vague - what does "fire and crime protection plan considerations" mean? What does it mean to say that such considerations must be incorporated into proposed developments? If the intent of this policy is to require developers to provide for, and establish the ability to finance ongoing operations of, fire and crime protection services, the policy should clearly state that as a requirement. The policy cannot be enforced without an implementation measure. The Guidelines require at least one implementation measure for each policy. FGMP 10.3 fails to meet the minimum standard under the Guidelines. The lack of an Implementation Measure also makes it impossible to evaluate the environmental impact the policy will have, good or bad, as required under CEQA. As a result, **any and all citations to this policy and/or IM in the RDEIR in mitigation of an environmental impact are baseless and unreliable.**		
FGMP-10.4	Where a specific plan is to be prepared for a sub-area of a development corridor, the County shall require a financing plan for the installation, operation, and ongoing maintenance of infrastructure resources to support growth in the specific plan area.	IM-33. The Planning Commission and the Board of Supervisors shall consider the financing plan during their review and consideration of the specific plan, Master Development Plan, or Area Development Plan. The financing plan shall be used as a basis for establishing programs and standards within the specific plan, Master Development Plan, or Area Development Plan which mitigate or avoid the adverse fiscal impact of development upon local public service agencies and County agencies.	The Planning Commission and the Board of Supervisors shall use the financing plan supplied by the proponent of any specific plan, Master Development Plan, or Area Development Plan as the basis for programs and standards to apply within the specific plan. The financing plan demonstrate substantial mitigation or avoidance of any adverse fiscal impact of development upon local public service agencies and County agencies.

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	COMMENTS: This modified policy is not implemented by IM-33. See proposed revision above.

FGMP DEVELOPMENT STANDARDS

The RDEIR states that it has "restored" a "comprehensive list of FGMP development standards." RDEIR at 2-13. But while many of the 1981 standards have been included in the Revised FGMP, a number have been modified, without disclosing that changes have been made. The standards have also now been prefaced with a disclaimer. Adherence to the FGMP standards is now no longer mandatory because a developer may "demonstrate" that "an alternative standard will result in attainment of a superior environment." The standard against which the proposed superior environment will be measured is unspecified, and apparently left to the subjective judgment of the County. This is unacceptable. The public is entitled to know what standards must be met by new development that will affect current residents as well as new ones. If adherence to published standards is discretionary, the public is left un-advised and neither the public nor planners have been given any guidance. A developer is free to exceed the established standards, but must adhere to the FGMP Development Standards at a minimum. I19-205

And while most of the 1981 standards have in fact been incorporated into the Revised FGMP, the County has missed an opportunity to update and strengthen the standards to support and enhance today's environmental concerns. For instance, Standard 25 permits waiver of minimum lot width and setback requirements for properties along a scenic highway "if it is deemed appropriate because of existing development patterns." Under this language, an entire scenic corridor could be lost to incremental development creep – one or two encroaching structures may be cited to justify another. Then there are three, five, ten.... I19-206

Another example: Development Standard 27 exempts "newly created parcels that are 10 acres or larger" from the requirement that each residential or planned unit development in a development corridor join or form an association or community organization or mutual water company to monitor and maintain the water system. Why should development on parcels larger than 10 acres be exempt from this requirement, when large-scale developments are likely to use more water, and thus should be even more aware of their water usage? I19-207

More importantly, the County could – and should – have taken this opportunity to specifically incorporate provisions to I19-208

ensure that new development within the FGMP area incorporate energy-efficient "smart growth" standards (i.e., LEED-ND), and "dark sky" provisions to protect the County's outstanding nightscape from light pollution. I19-208 cont'd

An Implementation Measure in the 1981 FGMP required the County to "Adopt by Ordinance the Foothill Development Standards which are now included as a subsection of the Foothill Growth Management Plan." **Please indicate when this Ordinance was adopted and provide a citation for it. Why isn't it referenced in the GPU?** I19-209

Other changes: I19-210

Development Standard 5 appears to have deleted the word "open" before the word "space" in the last line, which changes the meaning of the standard: there is no designation of "common space." Please correct by reinstating the word "open".

3-1445

Development Standard 8 (graded slopes shall be planted with native plant materials wherever possible) appears to conflict with Standard 17 (Exposed slopes shall be planted with native plant materials or similar climactically adapted vegetation. . . .). I19-211

Development Standard 32 has added a requirement that residential subdivision or planned unit developments provide a financing and maintenance mechanism acceptable to the County for street maintenance and replacement, but no guidelines or specific standards are provided. I19-212

The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263)

I19-213

Letter I19

Karen Bodner
Michael Olecki
42480 Kaweah Drive
(PO Box 445)
Three Rivers, CA 93271

May 27, 2010

Tulare County Resource Management Agency
ATTN: David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

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

Dear Mr. Bryant:

This letter supplements our separately-submitted comments on the Recirculated Draft EIR ("the RDEIR") and the Recirculated General Plan 2030 Update ('the GPU"). I19-214

In our review of the GPU and the RDEIR we identified a number of policies that cannot be implemented because they lack any Implementation Measures. In addition to those identified in the body of our more detailed comment letter, please be advised that there are no Implementation Measures for the following policies: I19-215

LU 3.1	LU 3.7	LU 7.1 – 7.4
LU 3.3	LU 4.2 – 4.6	LU 7.6 – LU 7.11
LU 3.4	LU 5.3	LU 7.14
LU 3.5	LU 5.5 – 5.7	LU 7.17
LU 3.6	LU 6.1 & LU 6.2	

Sincerely,

Karen Bodner
Michael Olecki

KBodner@att.net
MJOlecki@att.net

Attachments: Bodner/Olecki Comments re: General Plan 2030 Update and Draft Environmental Impact Report (SCH No. 2006041162)

Letter I19

Karen Bodner
Michael Olecki
Comments on Recirculated DEIR & GPU
May 27, 2010

Copy of 2008 Comment letter, California Attorney General
Copy of 2008 TCCRG Comment letter
Bodner/Olecki Supplemental Comment Letter

Letter I20

May 26 2010

Tulare County Resource Management Agency
Attn: David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

To Whom it May Concern:

Re: Tulare County General Plan Update 2030 and Recirculated DEIR

The alternatives explored in the RDEIR, while giving a nod to many smart growth principles, all ignore fundamental policies and strategies that must be adopted in order for Tulare County to grow in a smart, sustainable manner. I20-1

None of the alternatives adequately address the concerns voiced by the people in the General Plan workshops. These concerns included air quality, water quality and availability, the preservation of agricultural lands, and the expansion of the economic base for the Central Valley.

While both the City Centered Alternative and the Confined Growth Alternative are marginally preferable to the proposed project, *all* of the proposed alternatives are subject to the ambiguous policies and weak implementation measures contained within the GPU, rendering the idea of alternatives moot. None of the alternatives will ensure efficient, sustainable growth and none adequately incorporate the suggestions of the healthy growth alternative suggested by TCCRG and supported by a number of other organizations and individuals.

The RDEIR states that, "the purpose of the alternatives analysis in an EIR is to describe a range of reasonable alternatives to the project…" While the RDEIR Alternatives Section includes, on its face, many good ideas and strategies, it fails in its stated purpose of providing a "range of reasonable alternatives." While several of the *"additional strategies that **could** be integrated into the policies and implementation measures of the Goals and Policies Report…*" - particularly those listed in the City Centered and Confined Growth alternatives - are wise and inclusive of smart-growth principles, the use of the word "could" renders these additional policies impotent. Furthermore, should the Board select an Alternative, the on-the-ground effect would be virtually meaningless as this alternative would be subject to the irresolute should, could, will-form-a-committee-to-discuss language of the both the previous and current versions of the GPU. I20-2

Like the DEIR Alternatives, the RDEIR Alternatives differ only slightly in their proposed population distributions. For example, regardless of which alternative is selected, 26-32% of the growth in the next 20 years will occur in Tulare County's unincorporated areas. Consequently, these alternatives propose nearly identical outcomes in terms of our future population distribution. No alternative is provided that would, for example, direct 90% or more of future growth to already urbanized areas, **require** resource-efficient development and **strictly** limit the circumstances under which development boundaries could be modified. I20-3

The County's reasons for selecting the proposed project are also lacking. It is suggested that the “environmentally superior” Confined Growth Alternative is dismissed because of its failure to "provide opportunities for small unincorporated communities to grow and improve quality of life and their economic viability." However, the difference in population distribution between the Confined Growth alternative and that of the proposed project is approximately 30,000 people. Given the fact that Tulare County has 20 communities and 11 hamlets, this diffusion of individuals to the rural and agricultural portions of our County is less likely to boost the economic prospects of our smaller communities and more likely to exacerbate the air pollution, water scarcity, and rapid loss of productive agricultural lands. Most of Tulare County's hamlets and many of her communities lack safe drinking water, proper wastewater treatment, and adequate infrastructure. Rather than directing our growing population to areas that have the resources, the capacity and the willingness to accept it, the GPU will simply contribute to the unplanned, inefficient sprawl that has made this County one of the most polluted areas in the nation. I20-4

The RDEIR must once-again be meaningfully revised to present a truly reasonable range of alternatives, including at least once alternative that **clearly** and **firmly** directs growth into those urbanized areas that have the desire and the capacity to accommodate that growth. I20-5

I urge the County to revise Alternative 5 (Confined Growth) to truly direct growth into our existing urbanized areas, protect agriculture and open space through efficient development, allows no leapfrog development of new towns and growth corridors, and provide only very limited circumstances under which urban development boundaries may be expanded. This loophole-free "Healthy Growth Alternative" should include clear, firm policies that support the following:

- Base the location, density, and amount of growth within urbanized areas on their desire and capacity to accommodate growth.
- Locate development (except that which is directly related to agriculture) within existing Development Boundaries, without loopholes or exceptions that allow for leapfrog new town or growth corridor development.
- Require (or incentivize) efficient development within or contiguous to existing urbanized areas.
- Make community and hamlet development boundaries meaningful, long-term planning boundaries by firmly limiting the circumstances under which they can be expanded.
- Discourage the premature conversion of agricultural lands to urban uses, and offset unavoidable impacts to agricultural lands and natural resource areas with mandatory mitigation measures such as conservation and agricultural easements.

Provide strong, clear policies with concrete, enforceable implementation measures that include definite timeframes, funding sources, and departments in charge of monitoring and enforcement.

Finally, I understand the dire financial situation that Tulare County is in, and I understand that these are tough economic times at every level from the individual tax I20-6

payer to the highest levels of government. Given these circumstances, however, I find it baffling and unconscionable that the County has wasted years and millions of dollars developing TWO General Plans that are essentially worthless in the face of clear direction by Tulare County residents, hundreds of pages of comments by concerned citizens and organizations, and clear directives from the Attorney General. I20-6 cont'd

I ask that the GPU and RDEIR be further revised to provide clear, meaningful policies and implementation measures and truly "reasonable range" of Alternatives, including one inclusive of the smart growth principles suggested by TCCRG and their proposed Healthy Growth Alternative. I20-7

Thank you for the opportunity to comment.

Sincerely,

Sarah Campe
46101 South Fork Dr.
Three Rivers
93271

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Letter I21

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
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www.smwlaw.com

May 26, 2010

David Bryant
Project Planner
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

Re: Tulare County Revised Draft General Plan 2030 Update and Recirculated Draft Environmental Impact Report For Tulare County General Plan

Dear Mr. Bryant:

On behalf of the Tulare County Council of Cities,[1] the law firm of Shute, Mihaly & Weinberger LLP submits the following comments on the Tulare County Revised Draft General Plan 2030 Update ("General Plan" or "Project") and the Recirculated Draft Environmental Impact Report prepared for the General Plan ("RDEIR"). Based on our review of these documents, we conclude that, in their current form, both the General Plan and RDEIR violate state laws critical to sound land use planning. I21-1

Despite the passage of two years and multiple meetings between representatives of Tulare County and the Cities, the proposed General Plan and accompanying RDEIR show little—if any—improvement over the versions circulated by the County in 2008. While this most recent version of the General Plan, like its predecessor, claims to promote city-centered growth, it does not. If one attempts to piece together the land uses allowed in the General Plan, including those from the more than 80 I21-2

[1] The Council of Cities consists of the cities of Dinuba, Exeter, Farmersville, Porterville, Tulare, Visalia, and Woodlake (collectively referred to herein as "the Cities").

individual plans that are incorporated into the General Plan, the image that emerges of the County's vision for growth is far from "city-centered." To the contrary, the General Plan allows urban development throughout much of the County, in "hamlets" and "planned communities," as well as in unspecified "corridor plans" and "new towns." I21-2 cont'd

The widespread urbanization contemplated by the General Plan threatens to consume tens if not hundreds of thousands of acres of agricultural lands, the very lands that are necessary for the County's most important industry: farming. The haphazard development resulting from the proposed Plan will also have admittedly significant impacts on the County's air and water quality, water supply, transportation and circulation, among other resources. Rather than propose measures or policies to reduce these growth-related impacts, however, the County appears resigned to their inevitability, deeming twenty-three of the General Plan's impacts significant and unavoidable. In doing so, the County is missing a critical opportunity for responsible planning and growth that achieves the goals of AB 32 and SB 375 and avoids long-term environmental damage. I21-3

But perhaps most disappointing to the Council of Cities is the Plan's complete failure to meet one of its key objectives – to "[e]nhance planning coordination and cooperation with the agencies and organizations with land management responsibilities in and adjacent to Tulare County." General Plan at A-2 (Principle 6: Planning Coordination and Cooperation). Representatives of the Cities met repeatedly with County representatives over the past two years to discuss policy changes that could further this goal. Yet, the proposed General Plan does not reflect the Cities' suggested changes. Instead, it simply states that the County "may" work with the Cities when approving development within the Cities' planning boundaries. I21-4

Given the County's incoherent land use plans for the Cities' planning boundaries and the County's poor track record permitting urban development, this policy provides the Cities little comfort. True city-centered growth means growth within city limits that is coordinated with annexation. The County's General Plan merely gives lip service to city-centered growth: it fails to include the policies and framework necessary to ensure such growth occurs when the Cities are ready to annex so development is consistent with Cities' land use plans and standards for development. I21-5

Adoption of the General Plan and certification of the RDEIR, however, would not just constitute bad planning, it would violate state law. Our review of the General Plan and RDEIR reveals serious violations of the California Planning and Zoning Law (Government Code section 65000 *et seq.*), California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 *et seq.*) and CEQA Guidelines I21-6

(California Code of Regulations, title 14 section 15000 *et seq.*), and the Regional Welfare Doctrine. For example, contrary to the requirements of the Planning and Zoning Law, the General Plan's Land Use Element is missing key information about what development can go where and at what densities. The policies and land use designations it does contain frequently conflict. In fact, the Land Use Element is so convoluted and difficult to navigate that it cannot serve as an effective guide to future growth in the County. I21-6 cont'd

The RDEIR proves equally inadequate. Reflecting the incomprehensible nature of the Land Use Element, the Project Description fails to describe the types and intensity of uses that could be developed within each of the proposed planning areas in the County. Instead, each discussion of the Project's environmental impacts relies on a different Project description; none, however, analyzes the impacts of the growth allowed under the General Plan. I21-7

While the RDEIR's impacts analyses identify numerous significant impacts associated with the General Plan's projected growth, the RDEIR fails to identify effective mitigation measures or alternatives that could reduce these impacts, even though changes to the General Plan's policies could feasibly accomplish this goal. In addition, the RDEIR's discussion of the Project's agricultural, land use, transportation, air quality, climate change, water supply, public services, biological resources, and cumulative impacts all fail to provide the type and detail of analysis that CEQA requires. I21-8

Finally, approval of the proposed General Plan would be an unlawful exercise of the County's police power, as it does not adequately take into consideration the welfare of the region. The County must revise and recirculate the General Plan and RDEIR once again. I21-9

I. The General Plan Violates California Planning and Zoning Law.

A general plan is an essential aspect of the governance of any county, a "constitution for all future development." *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. A general plan shows County residents, landowners, and decisionmakers what type of development is appropriate where, and what areas must be preserved for open space, agricultural, and other non-urban uses. It also contains policies that guide growth by facilitating or encouraging development in some areas and restricting it in others. Moreover, a general plan provides a format for thinking globally about the impacts and needs of development (such as infrastructure and water supply), and for planning ahead to meet those needs. I21-10

The County's proposed General Plan, however, serves none of these purposes. Rather than putting forth a comprehensive, effective general plan, the proposed General Plan simply assumes that unfettered urbanization is inevitable. Instead of providing clear guidance to the public and decisionmakers about what can be developed where, the proposed General Plan requires its readers to wade through nearly a hundred separate plans to piece together a picture of the County's vision for development over the next twenty years. Moreover, its purported goal of achieving city-centered growth is fundamentally inconsistent with its policies, which allow urban uses throughout the County. In short, the proposed General Plan is entirely inadequate. I21-10 cont'd

A. The General Plan Does Not Contain a Valid Land Use Element. I21-11

At the heart of any general plan is the land use element—the most fundamental of the mandatory elements of a general plan. *See* Gov. Code § 65302(a); Governor's Office of Planning and Research ("OPR"), "General Plan Guidelines" (2003) at 49 (land use element "plays a central role in correlating all land use issues into a set of coherent development policies"). The land use element must "designate[] the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, . . .agriculture, . . . and other categories of public and private uses of land." Gov. Code § 65302(a). A plan's depiction of its policies "should be detailed enough to identify possible uses at any particular time." 67 Ops. Cal. Atty. Gen. 75 (Mar. 7, 1984). State law, moreover, requires that a general plan contain "a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals." Gov. Code § 65302.

The proposed General Plan fails to comply with these requirements for at least two reasons. First, the Land Use Element is so convoluted and confusing that it simply cannot serve as the blueprint for growth that it is intended to be. Second, even if one could piece together the myriad individual plans comprising the "Land Use Element," the General Plan is missing critical land use designations, population densities and building intensities for various areas of the County.

1. The Land Use Element Is Incomprehensible. I21-12

Pursuant to state law, an adequate general plan must be "reasonably consistent and integrated on its face." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692,744. Its organization must be logical, and its standards and policies for future development must be stated with reasonable clarity. *Id.* Put simply, a general plan cannot serve as the "constitution for all future developments" if no-one can tell what development it allows where. *See Concerned Citizens of Calaveras County v.*

Board of Supervisor (1985) 166 Cal. App. 3d 90, 97 (general plan must "state with reasonable clarity what its plan is"); *Kings County*, 221 Cal. App. 3d at 744 ("A general plan which does not set forth the required elements in an understandable manner cannot be deemed to be in substantial compliance" with the Planning and Zoning Law).

I21-12 cont'd

Unfortunately, the proposed General Plan Land Use Element is so convoluted that it cannot serve as an adequate guide for development within the County. While this iteration of the Land Use Element, unlike its 2008 predecessor, contains a "Land Use Diagram," (General Plan, Figure 2-2), that diagram does not contain land use designations for every area of the County. Instead, it contains designations for a handful of areas and then refers the reader to more than eighty—eighty!—additional plans to figure out the designations for the rest of the County. These additional plans include:

- 3 "Area Plans"
  - Rural Valley Lands Plan
  - Foothill Growth Management Plan
  - Mountain Framework Plan
- 10 "Sub-Area Plans"
  - Great Western Divide North Half Plan
  - Juvenile Detention Facility—Sequoia Field Land Use and Public Buildings Elements
  - Kennedy Meadows Plan
  - King Rivers Plan
  - Sequoia Field Land Use and Public Buildings Elements
  - Great Western Divide South Half Plan
  - Posey Plan
  - Redwood Mountain Plan
  - South Sierra Plan
  - Upper Balch Park Plan
- 10 "County Adopted City General Plans" ("CACGPs")
  - Dinuba
  - Exeter
  - Farmersville
  - Lindsay
  - Porterville
  - Tulare
  - Visalia
  - Woodlake
  - Delano

- Kingsburg

- 20 "Community Plans"
  - Cutler/Orosi Community Plan
  - Earlimart Community Plan
  - Goshen Community Plan
  - Ivanhoe Community Plan
  - Pixley Community Plan
  - Poplar/Cotton Center Community Plan
  - Richgrove Community Plan
  - Springville Community Plan
  - Strathmore Community Plan
  - Terra Bella/Ducor Community Plan
  - Three Rivers Community Plan
  - Traver Community Plan
  - Alpaugh
  - East Orosi
  - Lemon Cove
  - London
  - Plainview
  - Sultana
  - Tipton
  - Woodville
- 16 "Mountain Service Center Plans"
  - Balance Rock
  - Balch Park
  - Blue Ridge
  - California Hot Springs/Pine Flat
  - Fairview
  - Hartland
  - Johnsondale
  - McClenney Tract
  - Panorama Heights
  - Posey/Idlewild
  - Poso Park
  - Silver City
  - Sugarloaf Mountain Park
  - Sugarloaf Park
  - Sugarloaf Village
  - Wilsonia

I21-12
cont'd

- 11 "Hamlet Plans"
  - Allensworth
  - Delft Colony
  - East Tulare Villa
  - Lindcove
  - Monson
  - Seville
  - Teviston
  - Tonyville
  - Waukena
  - West Goshen
  - Yettern
- Undetermined number of "Corridor Plans"

See General Plan at I-1-2 through I-1-7.

I21-12 cont'd

Making matters worse, many of these "plans" consist of multiple documents reflecting various changes to the County's land use policies over the years. For example, the CACGP for Visalia is made up of 17 separate documents, each of which contains a piecemeal amendment to some prior version of the County's land use plan for the area within Visalia's UDB. It is impossible to tell from this hodge-podge of documents whether there are land use designations for all of the parcels within this planning area, much less what is permitted on any given parcel. It is not even clear whether the "original" land use plan—to which all these amendments ostensibly apply—is part of the Visalia CACGP.

I21-13

In addition, a significant percentage of the plans referenced in the Land Use Diagram have yet to be developed or adopted. Specifically, the County must still prepare five of the "Sub-Area Plans," two of the "CACGPs," eight of the "Community Plans," and all eleven of the "Hamlet Plans." *See* General Plan Goals and Policies Report at I-1-5 through I-1-7. In the meantime, the County has simply designated these areas for "mixed use"—less of a planning designation than a plan-free designation. The Corridor Plans are even more problematic: not only have they not been developed, their boundaries have not even been established. Thus, the areas covered by the Corridor Plans are like a development wildcard, allowing the County to approve commercial, industrial and mixed use development along transportation routes throughout the County. *See* General Plan at II-2-1; General Plan, Policy C-1.6 (Regional Growth Corridor Opportunity Areas – Interim Policy at Area Policies II-2-2). And because the General

I21-14

Plan places no time limit on when Corridor Plans must be adopted, the development allowed under the interim policy could occur indefinitely. I21-14 cont'd

In *Camp v. Board of Supervisors of Mendocino County*, the court criticized a general plan that consisted of "a sheaf of uncoordinated documents stuffed into an unlabelled carton." 123 Cal. App. 3d at 349, fn. 8. As the *Camp* court noted, a general plan that is thrown together in this way "make[s] resort to it for planning information an awkward exercise" and "generate[s] doubt concerning the integrity of the plan." *Id.* The County's proposed General Plan is little more than a virtual box of documents, scanned and posted on the County's website.[2] As such, it is inadequate under state Planning and Zoning Law. I21-15

2. The Land Use Element Lacks Land Use Designations and Building Intensities for Various Areas Throughout the County. I21-16

Even if these 80 individual plans could be cobbled together to form a coherent whole, the Land Use Element would still be inadequate because it fails to provide land use designations and building intensities for all areas of the County. As discussed above, the Land Use Element must "designate[] the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, . . .agriculture, . . . and other categories of public and private uses of land." Gov. Code § 65302(a). Moreover, the Land use element must contain information regarding the standards for population density and building intensity for the various districts and other territory covered by the plan. *Id.*; *see also Twain Harte Homeowners Association v. Tuolumne County* (1982) 138 Cal. App. 3d 664, 699. These standards establish the holding capacity of the area and serve as a blueprint for all future development in the plan area. *See Koster v. County of San Joaquin* (0996) 47 Cal. App. 4th 29, 41-42.

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[2] While the County did make these documents available online, the website itself was extremely cumbersome to navigate. Many of the documents (large PDFs of old documents) took several minutes each just to open. Attempts to expand one folder (for example, the folder containing the CACGP for Visalia) often resulted in the collapse of its parent folder ("Part II County Adopted City Plans 4 of 5"). As a result, the County made the already onerous process of piecing together these multitudinous plans even more difficult and frustrating. I21-17

Given the fractured nature of the adopted CACGPs, it is not clear that the County has adopted land use designations for all of the areas within these planning boundaries. Even where the Land Use Element identifies designated land uses, many planning areas still lack the required building intensity standards. For example, the Pixley Community Plan does not identify land use intensity standards for the following land use designations: Residential Reserve; Commercial; Commercial Reserve; Industrial; Industrial Reserve; Planned Industrial; and Public/Quasi-Public. *See* Pixley Community Plan (GPA 92-06), December 9, 1997 at 4-22, 4-23. Similarly, the Foothill Growth Management Plan ("FGMP"), which covers the County's foothills generally above the 600 foot elevation contour, contains a "Foothill Mixed Use" land use designation. *See* General Plan II-3-1. The General Plan provides no intensity standards for this land use designation; instead it directs the reader to the FGMP itself. *See* General Plan Table 4.1, footnote 7. Yet the FGMP does not actually identify building intensity standards for non-residential uses (i.e., commercial, industrial, public uses). I21-16 cont'd

In other areas of the County, the proposed Land Use Element simply abdicates the responsibility for planning altogether, slapping a generic "mixed use" designation on entire communities. For example, in the eight unincorporated communities that have no adopted Community Plans, the County provides virtually no guidance or direction for growth. Until such time as a community plan is adopted for those communities without existing plans, the County's proposed General Plan establishes a "Mixed Use" land use designation, pursuant to policy PF 2.6: Land Use Consistency. General Plan Goals and Policies Report at I-2-4 and RDEIR at 2-26. Inasmuch as the "Mixed Use" designation would allow a wide range of residential densities (1-30 units per acre), as well as commercial uses and public facilities, the County is essentially establishing a free-for-all for land owners in the communities of Alpaugh, East Orosi, Lemon Cove, London, Plainview, Tipton and Woodville. *Id.* "Mixed use" is also the land use designation for large swaths of land within the Foothill Growth Management Plan. *See* General Plan, Figure 2-2. I21-18

The Land Use Element fares no better in its approach to Corridor Plans. "Corridors" occur adjacent to the transportation routes in the County. *See* General Plan at II-2-1. The County proposes to allow commercial, industrial and mixed use development along transportation routes *prior to* the adoption of the Corridor Plans. *See* General Plan, Policy C-1.6 (Regional Growth Corridor Opportunity Areas – Interim Policy at Area Policies II-2-2). Thus again, the General Plan fails to provide the necessary guidance as to the location, type and intensity of mixed use development that would be allowed along these corridors. Specifically, while the General Plan shows the locations of the roadways themselves (Part II, Figure 2-1), the document does not identify I21-19

where along the roadways development would occur. In addition, because the General Plan contains no building intensity standards for these Corridor Plan locations, it would appear that any type of project at any particular intensity could be developed along every major roadway (including scenic roadways) throughout the County. I21-19 cont'd

In sum, the County's piecemeal approach to updating its Land Use Element is a dismal failure. Rather than setting forth a well integrated, compatible set of plans that would provide land use direction for unincorporated County lands, the profusion of plans comprising the County's proposed Land Use Element fails to provide the legally required land use designations and direction needed for decisionmakers, public entities, property owners and County residents to know what type and intensity of development can go where. I21-20

B. The Circulation Element Is Legally Inadequate, and the Land Use and Circulation Elements Are Not Correlated With One Another. I21-21

Government Code § 65302(b)(1) requires that a circulation element consist of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan. The draft General Plan's Circulation Element does not comply with State Planning and Zoning Law for two reasons: (1) it does not set forth the location of proposed major thoroughfares and (2) it is not correlated with the Land Use Element.

The proposed General Plan's Circulation Element contains one map that merely shows the County's existing road system. *See* Figure 13-1: Tulare County Road System. The Element does not describe either graphically or in text any proposed major thoroughfares or any planned roadway improvements. While the RDEIR does identify various roadway projects that may be implemented by 2030, as discussed below in section II.B.3, it is entirely unclear which, if any, of the proposed roadway improvements are part of the Circulation Element. The General Plan Update thus does not meet the requirements of the Planning and Zoning Law. I21-22

As discussed above, state law requires that a general plan's circulation element be "correlated"— that is, "closely, systematically, and reciprocally related"— to the land use element of the plan. Gov. Code § 65302 (b); *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal. App. 3d 90, 99-100. In practical terms, the correlation requirement "is designed to insure that the circulation element will describe, discuss and set forth 'standards' and 'proposals' respecting any I21-23

change in demands on the various roadways or transportation facilities of a county as a result of changes in uses of land contemplated by the plan." *Id.* at 100.

I21-23 cont'd

As the RDEIR recognizes, "transportation and circulation needs are closely tied to the location and distribution of land uses." RDEIR at 3.2-21. Here, the County has not completed the required planning work to properly correlate the Land Use Element with the Circulation Element. If the County does not know where specifically growth will occur or the intensity of this growth, how could it possibly know how many roads and intersections it will need to accommodate this development? The RDEIR already acknowledges that the proposed General Plan will result in unacceptable levels of service along several roadways. It is thus abundantly clear that the Circulation Element does not accommodate the level of growth contemplated in the Land Use Element. Finally, inasmuch as the Circulation Element makes no mention of planned roadway improvements, the document lacks any evidentiary basis that it has taken the County's growth projections into account.

C. The General Plan Is Internally Inconsistent.

I21-24

A fundamental tenet of state Planning and Zoning Law is that a general plan must be internally or "horizontally" consistent: that is, its elements must "comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." Gov. Code § 65300.5; *Sierra Club v. Kern County Board of Supervisors* (1981) 126 Cal. App. 3d 698, 704. General plan consistency is "the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." *deBottari v. Norco City Council* (1985) 171 Cal. App. 3d 1204, 1213. Because the County's proposed General Plan is internally inconsistent, it violates state Planning and Zoning Law.

I21-25

The most fundamental internal inconsistency in the General Plan arises from the conflict between its "city-centered growth" policies and the policies that encourage sprawl. The General Plan calls for supporting "smart growth" and "healthy communities" by discouraging sprawl and incorporating other policies for sustainability. *See, e.g.*, General Plan Policy LU1.1 at I-4-22; General Plan Goals and Policies Report at A-2. Principle 4 also states that rural residential sprawl should be avoided. *Id.* Yet, the Plan encourages decentralized development throughout the County's unincorporated lands and will allow sprawl into rural and agricultural areas. *See e.g.*, General Plan Policy P.F-1.2 (Goals and Policies Report I-2-7). In fact, the General Plan's Guiding Principles specifically call for growth in unincorporated communities. See General Plan at A-2 (Principle 1: Opportunities).

The Rural Valley Lands Plan ("RVLP") is another source of internal inconsistency. The RVLP is touted throughout the General Plan and RDEIR as a means of protecting agricultural resources within the County consistent with the County's stated goal of preserving "productive and potentially-productive agricultural lands." General Plan at I-3-4 (Goal AG-1); *see also id.* at I-3-5 (Policy AG-1.8). In reality, however, the RVLP is designed to facilitate the conversion of agricultural lands to non-agricultural uses. According to the "Policy Analysis" provided in the General Plan, the RVLP "does away with the need to amend the General Plan each time a proposed zone change comes before the Planning Commission and Board of Supervisors." General Plan at II-1-2. Thus, pursuant to the RVLP, the County can re-zone agricultural land within the RVLP area for "urban/suburban types of uses" if the County determines that such uses are more suitable. *Id.* A plan that facilitates the rezoning of agricultural land to allow for urban/suburban uses does nothing to further the goal of preserving agricultural land. I21-26

To be sure, under the RVLP, the County cannot conclude that land is more suitable for non-agricultural uses if it scores 17 or more points under the RVLP Development Criteria or if it is part of an agricultural preserve. However, the point of the Plan is to take lands out of agricultural use, not to put them in or preserve them. Had the County been true to its goal of preservation, it could have simply applied a land use designation throughout the RVLP area that prohibited (or strictly limited) non-agricultural uses, instead of providing a tool for leapfrog development and sprawl.[3] I21-27

More specific examples of inconsistent policies abound in the proposed General Plan, including the following: I21-28

- Contrary to the General Plan's Guiding Principles that call for maintaining rural separation between cities, communities, and hamlets, the General Plan land use map (Figure 4-1) shows the cities of Visalia, Tulare, and

[3] Moreover, the RVLP creates a kind of planning conundrum. By allowing changes in a parcel's zoning from agricultural to urban/suburban use without a contemporaneous change in the general plan land use designation, the RVLP appears to authorize a vertical inconsistency between the County's general plan and zoning ordinance. Under state law, such inconsistency is prohibited. Gov. Code § 65860(a). If, on the other hand, no change in the general plan is required to accommodate a change in zoning because the current land use designation throughout the RVLP area allows both agricultural and urban/suburban uses anywhere, then the RVLP isn't really a plan at all—it is an area in which anything goes. I21-29

Farmersville becoming one large urban area with no rural separator. *See* Figure 2.4-1, inconsistent with Guiding Principles Agriculture Principle 2 (Maintain Separators) and Land Use Principle 4 (Rural Separators), p. B-1 to B-2. I21-28 cont'd

- Policy RVLP-1.1 "limits" urban development within the RVLP area to "UDBs, *UABs*, HDBs, and other adopted land use plans which may include urban corridors, planned communities, and the Kings River Plans" (emphasis added). PF-1.2. on the other hand, states that the County shall ensure urban development takes place only in certain areas, excluding UABs. I21-30

- Policy AG-1.12 provides that the County "shall discourage the creation of ranchettes in areas designated Valley Agriculture and Foothill Agriculture." General Plan at I-3-6. However, the Land Use Element allows one dwelling unit per ten acres, with minimum lot sizes of 10-80 acres, on land designated "Valley Agricultural." General Plan at Table 4.1. A ten-acre parcel with a residence is the epitome of a ranchette. I21-31

- The RVLP Criteria and Evaluation Matrix (General Plan at II-1-8) states that an agricultural parcel that is five acres (gross) or larger in size receives four points toward its total score under the RVLP scoring system. The reason for this score is "to prevent further division of large agricultural parcels into smaller parcels, thus limiting their value for agricultural purposes." *Id.* However, AG-1.5 and Agriculture Implementation Measure 4 require the County to serve "Non-renewal" notices for Williamson Act contracts on parcels smaller than 10 acres (if Prime Farmland) or 40 acres (if Non-Prime Farmland). General Plan at I-3-5, I-3-9-10. I21-32

Because these and other policies relating to growth, infrastructure, and the provision of services within the County are inconsistent, the General Plan is legally inadequate. I21-33

Finally, as will be discussed in more detail below, the policies allowing and even encouraging unfettered growth outside of the UDBs will have significant environmental impacts. The RDEIR recognizes this fact, finding nearly two dozen significant and unavoidable environmental impacts caused by this Plan. *See* RDEIR at ES-12 through ES-26. For example: I21-34

- Buildout of the General Plan will also be inconsistent with its Air and Water Quality goals. Section AQ-1 directs the County to improve air I21-35

quality and requires development to be located, designed, and constructed in a manner that will minimize cumulative air quality impacts, and new projects should aim to reduce air emissions. *See* AQ-1.3. Additionally, Section AQ-2 directs the County to mitigate air quality impacts associated with the Project. *See* AQ 2.2. Yet, the RDEIR predicts that the Project will result in a cumulatively considerable net increase of criteria air pollutants that result in a violation of air quality standards and could conflict with or obstruct the implementation of an applicable air quality plan. *See* RDEIR at ES-13. I21-35 cont'd

- Additionally, Section TC-1 directs the County to promote an efficient roadway and highway system for the movement of people and goods, which enhances the physical, economic, and social environment while being safe, environmentally friendly, and cost-effective. Section TC-1.1 requires the County to establish and maintain a public road network to accommodate projected growth in traffic volume. However, the Project is expected to result in a substantial increase in vehicular traffic and the impact from this increase is categorized as "significant and unavoidable." *See* RDEIR at ES-12. Yet again, the environmental impacts of the Project are at odds with the Plan's internal goals. I21-36

For this reason, as well, the General Plan is internally inconsistent.

II. The RDEIR Is Legally Inadequate. I21-37

An EIR is "the heart of CEQA." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 392 ("*Laurel Heights I*"). "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." CEQA § 21061. The EIR "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Laurel Heights I*, 47 Cal. 3d at 392 (citations omitted).

Unfortunately, the RDEIR for the proposed General Plan fails entirely to live up to this mandate. Like its predecessor, the RDEIR lacks a comprehensible description of the Project and fails altogether to describe the wide variety of types and intensity of uses that could be developed within each of the County's planning areas. In the absence of a comprehensive and detailed description of land uses, the RDEIR is incapable of providing a meaningful analysis of the General Plan's environmental impacts. Thus, rather than seriously grapple with the issue of how unfettered growth would affect the County's lands, the RDEIR routinely defers impact analysis and looks to vague and unenforceable General Plan policies as a panacea for each and every environmental impact. The County once again has chosen to play a game of "hide the ball," leaving the public and decisionmakers with a profoundly distorted view of the General Plan Project and its consequences. I21-37 cont'd

A. The RDEIR's Description of the Project Violates CEQA. I21-38

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 729-30.

Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the RDEIR for the proposed General Plan does not come close to meeting these clearly established legal standards.

The RDEIR does little to improve upon the inadequate Project Description of the original DEIR. It provides a description of the General Plan that is effectively no description at all. Because the proposed General Plan fails to provide the necessary guidance for land use development, the RDEIR's Project Description lacks the required information regarding the specific location, type and intensity of development that will exist in the County in 2030. The RDEIR includes demographic predictions about the County's future population but fails to provide a comprehensive and a comprehensible description of what would actually be developed on *all* of the County's land.

1. The Project Description Lacks Sufficient Information to Determine How It Would Achieve Plan Objectives. I21-39

The Project Description provides no information about how growth would occur under the General Plan. The RDEIR asserts that under the General Plan, 75% of new population growth is expected to occur within the UDBs of incorporated cities, while the remaining 25% is expected to occur in the unincorporated areas outside of these UDBs. RDEIR at 2-9, 2-24. However, there is no description anywhere in the RDEIR of how the proposed policies will achieve this ratio, nor any mathematical calculation of the potential for growth in these two areas based on their land use designations. The Policy Alternatives Newsletter cited in the RDEIR does not provide an explanation, either. *See id.* In fact, that document states that the three land use alternatives presented "are still conceptual in nature." Policy Alternatives Newsletter at 11. In other words, the Newsletter describes three possible patterns of development for decisionmakers to use in determining the ideal end result of development in the County. Yet, it does not propose specific land use designations or policies that could create that end result.

Even assuming the General Plan does somehow distribute land uses to ensure 75% of future growth does occur within Cities' UDBs, the RDEIR Project Description fails to allocate projected population growth among and within the Cities' UDBs. It also does not apportion growth that would ultimately be located within the sub-areas, community plan areas, hamlets and corridors. This failure is ultimately attributable to the General Plan itself—the Project Description cannot explain the Plan's land use program, because the Plan lacks these critical details. I21-40

In addition, the RDEIR states that the General Plan was designed specifically to achieve and promote consistency with the planning documents of other key land use agencies, most importantly the Cities. RDEIR at 3.1-22. The RDEIR, however, never explains how the General Plan would achieve, or even promote such consistency. It does not identify the relevant planning policies, nor does it lay out any design principles that would promote consistency. In fact, several General Plan policies would have the opposite effect, as discussed further below. Thus, because the RDEIR (and the proposed General Plan) lack fundamental details, it is not possible to evaluate whether the General Plan would achieve its vision and accomplish its goals for the County. I21-41

2. The RDEIR Fails to Adequately Describe Those Components of the General Plan That Do Exist. I21-42

A fundamental failure in the proposed General Plan – and consequently the RDEIR's Projection Description – is that the County has not actually undertaken the planning for large portions of the County's lands. Specifically, plans do not exist for the following planning areas: Allensworth Hamlet Plan ("HP"); Alpaugh Community Plan ("CP"); Balance Rock Mountain Service Center ("MSC"); Balch Park MSC; Blue Ridge MSC; California Hot Springs/Pine Flat MSC; Camp Nelson MSC; Coffee Camp MSC; Delft Colony HP; East Orosi CP; East Tulare Villa HP; Johnsondale MSC; Fairview MSC; Hart MSC; Lemon Cove CP; Lindcove HP; London CP; McClenney Tract MSC; Mineral King MSC; Monson HP; Panorama Park MSC.; Pine Flat MSC; Plainview CP; Ponderosa MSC; Posey/Idlewild MSC; Poso Park MSC; Seville HP; Silver City MSC; Sugerloaf Mountain Park MSC; Sugarloaf Park MSC; Sugarloaf Village MSC; Teviston HP; Tipton CP; Tonyville HP; Waukena HP; West Goshen HP; Wishon MSC; Wilsonia MSC; Woodville CP; Yettem HP. *See* General Plan I-1-4 through I-1-7.

Until plans are adopted in these locations, the County proposes to designate most of these lands as "mixed use." *See* General Plan at I-4-12. A mixed use designation allows just about anything: retail, office, single and multi-family residential, hotel, recreation, limited industrial, public facilities, and "other compatible uses." *See* General Plan at I-4-20. In addition, the mixed use designation allows a wide variety of land use intensities and densities. For example, between one and thirty houses could be developed on any one acre of land. *See* General Plan Table 4.1. To complicate matters further, the General Plan lacks any information about the size (i.e., the acreage) of these planning areas. Thus, although the General Plan would allow rampant retail, office, single and multi-family residential, hotel, recreation, limited industrial, public facilities, and "other compatible uses" throughout the County, the RDEIR Project Description fails to actually identify the amount of this development that would occur within each of these planning areas.

The RDEIR's Project Description fares no better with regard to those areas of the County that have adopted plans. Even here, the document fails to describe what level of development these myriad plans would allow over the next twenty years so that the RDEIR can then analyze the environmental effects from this growth. The RDEIR's failure to provide a legally adequate Project Description is not surprising given the legal inadequacies of the General Plan itself. As discussed above, there are so many plans and they are in such varying states of disarray that the General Plan is simply incomprehensible and does not come close to serving as a blueprint for growth. I21-43

Any reasonably complete description of the Project would identify and describe the wide variety of types and intensity of uses that could be developed within each of these planning areas, assuming the maximum acreage and the full buildout that would be allowed under the mixed use designations. That is, the document must identify the *full* level of residential, commercial, and industrial uses approved by the General Plan. Defining and analyzing the whole of the project being approved is a long-standing requirement under CEQA. The courts have consistently held that an EIR must examine a project's *potential* to impact the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Com.* (1975) 13 Cal. 3d 263, 279, 282. Because general plans, such as the proposed County General Plan, serve as the crucial "first step" toward approval of any particular development project, the RDEIR must evaluate the amount of development actually allowed by the Plan. *City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County* (1986) 183 Cal. App. 3d 229, 244; *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409. I21-44

In order to accomplish this task, the RDEIR should have included a tabular presentation of the following data for each of the County's planning areas (those with and without adopted plans): (a) existing and projected population and employment figures; and (b) existing and projected acreage, dwelling units and floor area of residential, commercial, industrial, and public land uses. This description must show or describe *where* the new uses will occur and *where* the proposed new uses would represent changes from existing uses. This rudimentary information forms the basis of sound land use planning. From a CEQA perspective, this information is crucial to a thorough understanding of the Project itself and for conducting an evaluation of the General Plan's environmental impacts. I21-45

It is certainly possible for the RDEIR's Project Description to provide the necessary land use detail. Attached to this letter are the Project Description sections from EIRs for the Butte County 2030 General Plan, the 2007 Monterey County General Plan Update and the Yolo County 2030 Countywide General Plan. The Butte County EIR Project Description makes clear, for example, that it is not sufficient to simply identify how much development could occur in the County; it must also identify where this development could potentially be located. *See* Butte County General Plan EIR at 3-41, 3-43 (Allocation of Development Quantity to Specific Areas) and Table 3-5: Projected 2030 Projected Buildout and Assumptions by Geographic Area, attached as Exhibit 1. The Monterey County General Plan EIR also provides a comprehensive description of existing and proposed land use by planning area and community area for each land use (e.g., residential, commercial and industrial) throughout the County. *See* Monterey County General Plan EIR at 3-14 through 3-22, attached as Exhibit 2. I21-46

The Yolo County General Plan does a particularly effective job of presenting its land use maps. While the Yolo County General Plan EIR contains several different land use maps for the County's planning areas– as does the Tulare County General Plan – the noticeable difference with regard to the Yolo County EIR's presentation is that each map clearly delineates land use designations within each of the County's planning areas. *See* Yolo County EIR Figures III-2a to III-2g, attached as Exhibit 3. Finally, the Butte County, Monterey County, and Yolo County General Plan EIRs all identify and describe the full level of development that would accompany buildout of the respective General Plans. *See* Butte County EIR at 3-39 (Exhibit 1), Monterey County EIR at 3-10 (Exhibit 2), and Yolo County EIR at 81(Exhibit 3). I21-46 cont'd

The legal failings of the RDEIR's Project Description, and the resulting analysis, stem directly from the legal inadequacy of the General Plan itself. The General Plan and RDEIR must provide this fundamental land use information so that the RDEIR can accurately evaluate the environmental ramifications of the General Plan. The RDEIR preparers should carefully examine and follow the protocols established within the Project Descriptions of the Butte, Monterey and Yolo County EIRs in order to prepare a legally adequate Project Description for the Tulare County General Plan EIR. I21-47

3. The RDEIR Relies on a Shifting Project Description and Uses Different Project Descriptions for Different Impact Analyses. I21-48

The failure of the RDEIR to provide a stable Project Description becomes crystal clear in the document's ill-fated attempt to analyze the Plan's environmental effects. Indeed, within each impact analysis, the RDEIR authors appear to be analyzing different projects. CEQA prohibits such shifting of the project description in a way that minimizes a project's actual impacts on the environment. *See City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438, 1450 . Moreover, such inconsistent and conflicting signals about the nature and scope of the Plan render the Project Description "fundamentally inadequate and misleading." *Communities for a Better Envt. v. City of Richmon*d, 2010 WL 1645906 at *8.

The RDEIR, here, uses different project descriptions for different impact analyses. For example, with respect to the transportation, air quality and climate change analyses, the RDEIR provides vague and seemingly generic land use information, stating that the proposed Project *would result in additional Countywide residential and non-residential land use developments*, with many [sic] of the resulting population growth contributing additional vehicle uses on local and regional streets and highways within all of the County's individual planning areas." RDEIR at 3.2-26 (emphasis added). Rather than rely on detailed land use information from the proposed General Plan itself, the

RDEIR's impact analyses rely on a Tulare County Association of Governments regional travel model that "contains many socioeconomic data attributes including information related to number of households and number of employees per traffic analysis zone." *Id.* at 3.2-21. I21-48 cont'd

Had these analyses relied on specific data from the General Plan itself, we would expect to find, for example, the amount of projected vehicle miles traveled that would occur with implementation of the General Plan, as well as a distribution of the vehicle trips based on the location and type of future proposed land uses. Yet, the RDEIR does not appear to contain this information and thus there is no indication that the transportation, air quality or climate change analyses actually analyze the impacts of the General Plan or of some other scenario.

The RDEIR approaches the Project Description in an entirely different manner with respect to the General Plan's impact on public services. Here, the document assumes an estimated growth rate of 2% across the board for all of the unincorporated areas not identified as "communities" in analyzing public service impacts, such as wastewater impacts. RDEIR at 3.9-50. An "assumed growth rate" for unincorporated communities would indicate that the wastewater demand was not based on the General Plan at all. Thus, the RDEIR does not consider the location and type of proposed land uses proposed by the General Plan, but instead relies on population figures to analyze public service impacts. I21-49

For its consideration of the General Plan's impacts on biological resources, the RDEIR takes yet a different approach in defining the project for purposes of analyzing its biological impacts. The document never actually evaluates how growth expected under the proposed Plan would impact sensitive plant and wildlife communities. Instead, it assesses whether the proposed General Plan, or current State and federal regulations, includes adequate provisions to ensure continued protection of the County's biological resources. RDEIR at 3.11-30. The RDEIR preparers confirm that they have not actually conducted a detailed evaluation of the Project when the document states that "[g]iven the nature of the impacts, it is anticipated that implementation of the project would result in similar impacts within all geographic planning areas of the County. However, impacts to individual habitats and species could vary depending on the specific geographic planning area affected." *Id.* at 3.11-31. Once again, it is not surprising that in the absence of an actual description of the Project, the EIR preparers were not able to conduct the necessary impact analyses with a consistent legally adequate project description. I21-50

A fourth approach is taken in the RDEIR's analysis of the Project's impacts on agricultural resources and water supply. There, the RDEIR purports to rely on the number of acres that will be converted from agricultural to urban uses under the Plan. *See* RDEIR at 3.9-7 through -12; *id.* at 3.10-11 through -13. Even in these sections, however, the RDEIR stumbles for want of a clear statement of what development will be allowed where under the General Plan: as discussed elsewhere in this letter, the RDEIR significantly underestimates the amount of agricultural land that could be converted under the Plan. I21-51

Until such time as the RDEIR includes a legally adequate stable Project Description it will be incapable of analyzing the General Plan's environmental impacts. The RDEIR must be revised to provide a complete and stable Project Description. I21-52

B. The RDEIR's Analyses of the General Plan's Environmental Impacts Are Inadequate. I21-53

The RDEIR's impact sections for the most part simply name potential impacts of the project and, in most cases, identify them significant and unavoidable. The RDEIR rarely quantifies the impacts, nor even describes their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic county anywhere in California, rather than analyses of how *this* General Plan will effect *this* County. The RDEIR's impact analyses are universally flawed in this manner, because none of them considers the project actually put forth by the proposed General Plan.

The "programmatic" nature of this RDEIR is no excuse for its lack of detailed analysis. Indeed, the RDEIR grossly misconstrues both the meaning and requirements of a "program" EIR by referring to it as a document that "assesses and documents the broad environmental impacts of the program with the understanding that a more detailed site-specific analysis may be required to assess future projects implemented under the program." RDEIR at 1-6. This approach is flawed, at the outset, because CEQA requires that a program EIR provide the in-depth analysis of a large project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Because it looks at the big picture, a program EIR must provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted by a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).

Further, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR "[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . . ."). A "program" or "first tier" EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses. I21-53 cont'd

Thus, it is particularly important that the RDEIR for the General Plan analyze now, rather than when individual specific projects are proposed at a later time, the overall impacts for the complete level of development it is authorizing. A General Plan, as the "constitution for all future development," dictates the location and type of future development in the County. An EIR for a general plan must take into account all of "the future development permitted by the [general plan]." *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409 (citation omitted); *see also City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal. App. 3d 229, 245. Although legally flawed, Tulare County's Plan provides sufficient information for analysis of the environmental impacts associated with the buildout allowed under its Land Use Element.

The RDEIR's analysis must necessarily begin with an identification of the acreage within each and every plan area, including the amount of developed land and land intended for development by the proposed General Plan. The analysis must then assess the location and intensity of the land uses allowed under the General Plan itself as well as under each of the other plans that the County says comprise the General Plan. The analysis must then estimate the amount of development that could be built on those County lands that do not have adopted plans (e.g., community plans and sub-area plans). These plan areas allow an undefined level of mixed use development until such time as the County adopts future plans. I21-54

In addition, the analysis of the General Plan's environmental impacts must assume that the maximum allowable residential densities and non-residential building intensities will apply in all unincorporated land and that the allowable density will be fully built out. Where land use designations allow a range of uses and intensities, the environmental impact analysis must assume the highest intensity. Thus, for example, inasmuch as the Valley Agricultural land use designation allows a 10-80 minimum parcel size, given the lack of specific information or direction, the RDEIR must assume that lands with this designation would be built out with a 10- acre minimum parcel size. Likewise, the RDEIR must assume that lands with a "mixed use" land use designation I21-55

(e.g., in all community plan locations without an adopted community plan, hamlets, etc.) would be built out with 30 dwelling units per acre. *See* Table 4.1. I21-55 cont'd

In addition to considering maximum buildout, another indispensible component of a complete assessment of project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are "crucial function[s] of the EIR." *Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal. App. 4th 99, 122 ("*SOPC*"). "[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 953. Decisionmakers must be able to weigh the project's effects against "real conditions on the ground." *City of Carmel-by-the-Sea*, 183 Cal. App. 3d at 246. "Because the chief purpose of the EIR is to provide detailed information regarding the significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined." *SOPC*, 87 Cal. App. 4th at 120 (internal quotation marks omitted). Therefore, the RDEIR must present the existing acreage and dwelling units or floor area of existing uses and uses proposed on the County's unincorporated lands. The document must also show or describe *where* the new uses proposed would represent changes from existing uses. I21-56

The RDEIR, here, fails to provide the legally required analysis of the unfettered growth that the General Plan allows and promotes. Thus, in addition to preparing a legally valid General Plan that comprehensively plans for all unincorporated County land, the County must revise the RDEIR to accurately disclose the impacts of the maximum density allowed by the General Plan it does propose to adopt. Below, this letter details the specific legal inadequacies of the RDEIR's various impact sections. I21-57

1. The RDEIR's Analysis of and Mitigation for the General Plan's Agricultural Impacts Is Inadequate. I21-58

(a) The RDEIR Fails to Describe the Current Distribution and Designation of Agricultural Land.

The RDEIR's description of the current state of agricultural land in the County is lacking crucial information. Every analysis of a project's environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal. App. 4th 99, 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located. To that end, the RDEIR contains two important

maps (Figures 3.10-1 and 3.10-2) showing the location of Important Farmlands and "Williamson Act Classifications" throughout the County. However, this information is virtually useless without a description or depiction of how these lands relate to the land use designations proposed by the General Plan. In other words, what the RDEIR is missing is a discussion of which agricultural lands could be developed under the General Plan. Thus, what is needed is a map showing where important farmlands are located in relation to the proposed urban boundaries of incorporated cities, unincorporated communities, and hamlets, along with some description of the types of development allowed there. I21-58 cont'd

In lieu of this information, the RDEIR assumes that all land within the "Rural Valley Lands Plan unincorporated community areas" would be built out. RDEIR at 3.10-13. Table 3-10.9 defines these areas as the areas within the Cities' urban area boundaries, the hamlet development boundaries, and the urban development boundaries of 22 unincorporated communities. All told, development of these areas would result in the conversion of nearly 60,000 acres of important farmland. However, these figures do not include the vast potential for development outside these boundaries created by the General Plan. Most of the RVLP area appears to be designated "Valley Agricultural," which allows 1 dwelling unit per 10 acres. General Plan at Table 4.1. Thus, ranchette development outside the urban development boundaries of cities and communities is another source of potentially significant impacts on agricultural land. Moreover, "Planned Community Areas" are also allowed under the RVLP. General Plan at Table 4.1. Because the General Plan does not specify where these planned communities could or could not be developed, the RDEIR must assume they could be developed anywhere within the RVLP area. I21-59

Figures 3.10-1 and 3.10-2 are also inadequate because they show only actual uses, not the existing land use designations. That is, the RDEIR does not show how land uses could potentially change under the current General Plan, without the proposed update; such analysis is required under CEQA Guidelines section 15125(e). It is impossible to evaluate how the Project will change the current General Plan without a clear picture of the Plan as it stands today. I21-60

In sum, the RDEIR must be revised to provide a clear, complete picture of current and proposed uses for agricultural lands within the County, or it will remain inadequate. I21-61

(b) The RDEIR Underestimates the Amount of Agricultural Land Threatened with Development Under the General Plan.

I21-62

The RDEIR acknowledges that "future growth resulting from implementation of the proposed project would result in both the direct and indirect conversion" of more than 59,000 acres of important farmland. RDEIR at 3.10-11. While this impact is rightly designated "significant," it is a vast understatement of the important farmland jeopardized by this proposed General Plan.

The RDEIR's calculation of important farmland likely to be converted by the Project assumes only "full build-out of the Rural Valley Lands Plan unincorporated community areas" and "growth within the unincorporated community areas of the Foothill Growth Management Plan Area." RDEIR at 3.10-13. More specifically, this calculation includes only land within the UDBs incorporated cities and unincorporated communities, the UABs of incorporated cities, and Hamlet Development Boundaries. *Id.* at 3.10-13.

However, the General Plan allows far more farmland to be converted than exists within the UDBs, UABs, and HDBs. According to the Land Use Element, "Planned Communities" appear to be allowed *anywhere* in the RVLP area. General Plan at 4-8 (Table 4.1). These Planned Communities are essentially new communities developed according to one Master Plan in places where no community currently exists. General Plan at I-4-20 to 21. They may include residential, commercial, administrative, and industrial uses, with a maximum density of 30 dwelling units per acre. *Id.* Moreover, pursuant to the Corridors Framework Plan, mixed-use development is allowed along many of the County's transportation corridors, which crisscross agricultural lands. General Plan at II-2-1.

According to the RDEIR, a majority of the County's important farmlands are located in the RVLP area, outside of the urban and hamlet development boundaries. RDEIR at 3.10-11. Although there is no quantification of the number of acres of important farmland within the RVLP area, the County contains over 700,000 acres of important farmland and, according to Figure 3.10.1, nearly all of it appears to be within the RVLP area. Because Planned Communities could be developed anywhere within the RVLP area, full buildout under the General Plan could convert hundreds of thousands—not tens of thousands—of acres of important farmland to urban uses. The RDEIR thus significantly understated the Project's potential impacts on agricultural resources.

(c) The Proposed General Plan Will Result in Early Termination of Active Williamson Act Contracts. I21-63

The RDEIR concludes that the proposed General Plan will not have a significant impact on agricultural resources because it will not result in early termination of active Williamson Act contracts. RDEIR at 3.10-17. However, this conclusion is directly contradicted by policies and implementation measures in the General Plan by which the County expressly states its intent to pursue and encourage the early termination of Williamson Act contracts. For example, AG-1.4 states that the County "shall support non-renewal or cancellation" of contracts within UDBs and HDBs. General Plan at I-3-4. Contrary to the representation in the RDEIR, this policy does not serve to limit the County's support of contract non-renewal or cancellation, but rather states an affirmative policy of support for non-renewal and cancellation within UDBs and HDBs. *See* RDEIR at 3.10-17 (representing that AG-1.4 "only supports Williamson Act non-renewal or cancellation . . . for lands within CACUDB and HDB areas").

Implementation Measure 3 goes even further, requiring the County to maintain a database of contracted agricultural preserves within UDBs of unincorporated communities and to review this database at regular intervals to determine "whether any unincorporated community in the County is unduly constrained or confined by land contracted under Williamson Act." General Plan at I-3-9. If development of an unincorporated community is so constrained, Implementation Measure 3 *requires* the County "encourage the land owner to file a notice of non-renewal so that the contract on the property could be terminated nine years from that date." *Id.*

Policy AG-1.4 and Implementation Measure 3 set a clear course for the County with respect to Williamson Act contracts: eliminate them if they will impede the sprawling growth planned around cities, unincorporated communities, and hamlets.[4] According to the RDEIR, there are over 60,000 acres of contracted lands within the County's "unincorporated community areas." RDEIR at 3.10-16.[5] Moreover, a

[4] AG-1.8 further defines this course, stating that "the County shall not approve applications for Williamson Act contracts on lands within a UDB or HDB unless it can be shown that the restriction of land to agricultural use will not "detrimentally affect the growth of the community." General Plan at I-3-5.

[5] It is not clear whether this figure includes contracted lands within the UDBs of the eight incorporated cities. If not, even more contracted land is at risk from these policies. I21-64

comparison of the "Land Use Diagram" (Figure 2-2- of the General Plan) and the map of "Williamson Act Land" (Figure 3.10-2 of the General Plan) suggests that some of the proposed development boundaries surrounding unincorporated areas may overlap with Farm Security Zones. I21-63 cont'd

By encouraging non-renewal of the contracts covering these lands, the General Plan will not only result in their early termination, but will also result in the conversion of agricultural land to urban uses, as the reason for non-renewal or cancellation is generally to make way for urban development. In addition, the conversion of some contracted lands to urban uses will increase development pressure on neighboring parcels, increasing the likelihood that even more agricultural lands will be converted. *See* Exhibit 4. These impacts are significant and must be analyzed as such in a revised and recirculated EIR.

The General Plan also sets forth policies and implementation measures requiring the County to seek the early termination of Williamson Act contracts for parcels smaller than 10 acres (if the land is Prime Farmland) or 40 acres (if the land is Non-prime Farmland). Specifically, AG-1.5 provides that "[t]he County may work to remove parcels that are less than 10 acres in Prime Farmland and less than 40 Acres in Non-Prime Farmland from Williamson Act Contracts." *Id.* at I-3-5. Implementation Measure 4 then *requires* the County to serve notices of non-renewal on contracts for parcels that are smaller than 10 acres of Prime Farmland or 40 acres of Non-prime Farmland. General Plan at I-3-10.[6]

These policies will result in the early termination of Williamson Act contracts on smaller parcels throughout the county; indeed, that is their very purpose. None of the planning documents provided to the public indicates how many acres of farmland will be converted on account of these policies. Moreover, these parcels need not be located within the UDBs of any city or unincorporated area. Thus, their cancellation could result in the conversion of agricultural lands to urban uses anywhere in the County. The RDEIR must be revised and recirculated to indicate how many acres of

[6] The General Plan incorrectly states that such parcels "do not meet the minimum parcel sizes set forth under § 51222 of the California Government Code." *Id.* The Government Code contains no such "minimum parcels size" required to qualify for a Williamson Act Contract. Rather, the cited statute provides that parcels bigger than 10/40 acres of Prime/Non-prime Farmland are presumed to be big enough to support commercial agriculture. Gov. Code § 51222. I21-65

Williamson Act contracted lands will be affected by these policies, and to analyze the potentially significant impacts of converting this additional acreage from farmland to urban use. I21-63 cont'd

(d) The RDEIR Fails to Provide Sufficient Mitigation for the General Plan's Agricultural Impacts. I21-66

The RDEIR concludes that the Project's significant impacts on agricultural resources are unavoidable, leaving unmitigated the conversion of tens of thousands of acres of important farmland contemplated by the General Plan. In doing so, the RDEIR overlooks numerous feasible mitigation measures.

The simplest measure of all, of course, is to revise the proposed policies and implementation measures that will cause this massive conversion. One obvious candidate for revision is RVLP-1.1. As proposed, that policy "limits" non-agricultural development to "UDBs, UABs, HDBs, and other adopted land use plans which may include urban corridors, planned communities, and the Kings River Plans." However, as discussed above, planned communities are permitted anywhere in the RVLP area. Urban corridors, likewise, could be designated along many transportation corridors in the County. General Plan at II-2-1 (Corridors Framework Plan). Moreover, by the County's own definition, UABs should not be developed until communities have expanded to the edge of their UDBs. General Plan at I-2-49. Thus, at the very least, the County could remove "urban corridors," "planned communities," and "UABs" from the list of areas where non-agricultural development may occur as a means of reducing conversion of agricultural land. I21-67

Another candidate for revision is PF-1.2. That policy directs urban development to the UDBs of incorporated cities, unincorporated communities, planned community areas, HDBs, and "other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan." General Plan at I-2-7. Like RVLP-1.1, PF-1.2 could be revised to significantly limit where urban development can take place within the County, and thereby reduce the General Plan's potentially significant agricultural impact. I21-68

In addition, the County could include an Agricultural Conservation Easement Program as part of the General Plan, rather than adopting policies that simply require the County to consider one at some unspecified time in the future. RDEIR at 3.10-15; General Plan at I-3-5. The Department of Conservation has suggested this approach in commenting on Solano County's General Plan. *See* Exhibit 4 (Letter from Dept. of Conservation to Solano County). Such a program would require applicants I21-69

seeking to convert agricultural land to urban uses to "purchase conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land." *Id.* at 3. The policies included in the current draft of the General Plan, on the other hand, are not mandatory and thus are unenforceable. I21-69 cont'd

The policies and implementation measures supporting or requiring early termination of Williamson Act contracts could also be eliminated. *See* AG-1.4, AG-1.5, AG-1.8; Implementation Measures 3, 4. I21-70

Revisions to AG-1.13 could also reduce the General Plan's impacts on agricultural resources. Policy AG-1.13 provides that the County "shall allow agriculturally-related uses" such as processing facilities in areas designated Valley or Foothill Agriculture. However, as the RDEIR points out, one significant cause of lost farmland in the County is the expansion of precisely these types of facilities. RDEIR at 3.10-13 (noting that the expansion of new dairy/livestock operations has contributed and will continue to contribute to the conversion of important farmland). Thus, the County could prevent further conversions of important farmland by changing AG-1.13 to limit these facilities to other types of land (e.g., grazing land). I21-71

2. The RDEIR Inadequately Analyzes and Mitigates the General Plan's Land Use Impacts. I21-72

(a) The RDEIR Fails to Adequately Analyze the General Plan's Potential Conflicts with the Cities' Plans.

The RDEIR boldly asserts that "[t]he proposed project was designed specifically to achieve and promote consistency with the planning documents of other key neighboring land use agencies or other agencies that may have jurisdiction over future projects anticipated under buildout of the General Plan Update." RDEIR at 3.1-22. The document then concludes that the Project's potential to conflict with adopted local land use plans would be a less than significant impact. *Id.* The RDEIR, however, provides *no analysis* to support this conclusion. Had the RDEIR actually conducted the analysis of the Project's consistency with other plans, and particularly the Cities' general plans, it would have determined that (1) the Project was certainly not designed to promote consistency with these plans; and (2) the Project's incompatibility and inconsistency with the Cities' general plans constitute a significant impact.

As discussed above, the proposed General Plan includes eight "County Adopted City General Plans" ("CACGP"), which are intended to govern development in

the areas surrounding the County's eight incorporated cities. General Plan at I-1-4. Contrary to what their name implies, these plans are not the Cities' own general plans, which typically include land use designations for the areas within the Cities' UDBs and UABs. Instead, the CACGPs are plans developed by the County. *See* Tulare County General Plan, Part III. Moreover, many of the CACGPs date back decades, while many of the Cities' general plans have been updated recently to reflect current conditions. Thus, contrary to the RDEIR's assertion, the proposed General Plan could not have been designed to promote consistency with the Cities' general plans. I21-72 cont'd

Nor are the CACGPs consistent with the Cities' general plans. A preliminary review of the Cities' general plans reveals critical discrepancies between the Cities' and the County's planning efforts. At the most fundamental level, the CACGP and the Cities' general plans contain different planning boundaries. The UDBs and UABs established in the CACGPs do not reflect the Cities' UDB and UABs. Specifically, the CACGP's boundaries for the Cities of Dinuba, Exeter, Porterville, Tulare, and Visalia vary from these Cities' planning boundaries. *See* City General Plan Documents, attached as Exhibit 5. Because the future growth within the County will occur within these unincorporated areas near cities (*see* General Plan Policy P.F-1.2 at I-2-7 and RDEIR at 2-9), it is vitally important that there be no debate as to the exact physical delineation of these planning areas. Moreover, because the Cities' UDB boundaries reflect the planning area in which the Cities are able to effectively and efficiently plan for the provision of infrastructure and services, it is critical that the County's planning boundaries match the Cities' designated boundaries (both UDB and UAB). I21-73

In addition to the discrepancies in planning boundaries, the CACGPs and the Cities' general plans often have different land use designations for the same property. For example, land use designations adopted by the cities within the planning boundaries of Visalia, Farmersville and Dinuba appear to differ significantly from those proposed by the County General Plan: I21-74

(i) **Visalia**

The County relies on an outdated 1992 County adopted General Plan Land Use Map for Visalia's CACGP rather than Visalia's current Land Use and Circulation Element Map, which was most recently updated in 2010. *See* Exhibit 6. Not surprisingly, the land use designations on the two maps are inconsistent. *Id.* For example, the land just east of Road 100 and north of Avenue 272 was designated "Agriculture" in the 1992 map but is designated "Urban Reserve" in the 2010 Map, indicating that the land will be developed in urban uses when the City's population I21-75

reaches 165,000. Similarly, land just north of Avenue 272 and south of Avenue 276 was designated "Agriculture" in the 1992 map but is currently designated "Urban Reserve" in the 2010 Map. *Id.* I21-75 cont'd

(ii) **Farmersville**

The County relies on a 1976 land use map for its Farmersville CACGP. *See* Exhibit 6. The land use designations in this 1976 map are inconsistent with the land use designations identified in the City's 2002 General Plan. For example, the area just south of Avenue 288 and west of Farmersville Boulevard (to the West of North Ventura Avenue according to Google Map) is designated "Agriculture" in the 1976 Land Use Plan but designated "Medium Density Residential" in the current 2002 Land Use Plan. Land north of Walnut and west of 168 was designated "Agriculture" in 1976 but is now designated "Medium Density Residential." I21-76

(iii) **Dinuba**

The County relies on a 1964 land use map for its Dinuba CACGP rather than the City's 2008 current land use map. *See* Exhibit 6. Again, it comes as no surprise that the land uses shown in these two documents do not match. The area to the south of El Monte Way and west of Alta Avenue is shown as the limit of designated residential uses on the 1964 map, and all lands to the west are designated "Agriculture" except for a narrow strip along Alta Avenue. *Id.* The City's 2008 map shows the same area in the middle of the city with land use designations of "Professional Office," "Residential," "Neighborhood Commercial," "Public-Semi Public" and "Urban Reserve" extending westward to Road 56. *Id.* The same situation exists for the area south of El Monte Way and east of Crawford Avenue, which was largely designated as agricultural land in 1964 and is now designated as "Residential," "Neighborhood Commercial," "Public-Semi Public," and "Urban Reserve" eastward to Road 96. *Id.* I21-77

The inconsistencies between the Cities' and County adopted General Plans extend beyond the variations in planning boundaries and land use designations. The proposed General Plan is also blatantly inconsistent with the provisions in the Cities' General Plans that require annexation prior to development. *See e.g.*, City of Visalia Policy 6.2.5 (Annexation to the City is the appropriate method for urbanization within the Visalia Urban Area Boundary) and Policy 6.2.6 (Annexation of land outside of the current Urban Development Boundary may be permitted only if: (a) the proposal is required for orderly and efficient land use planning with Visalia's planning area, and (b) the land is designated consistent with the City's Land Use Element Map), attached as Exhibit 5-F; *see also* City of Porterville Implementation Policy LU 1-3 (calling for the I21-78

UDB to be amended in order to guide growth through annexation and development, and the efficient extension of public services to new areas), attached as Exhibit 5-D. Yet, because the proposed County General Plan actually encourages County approved development within the Cities' planning boundaries and does not ensure this development occurs only upon annexation to the Cities, the General Plan would result in extensive environmental impacts. These impacts are discussed below. I21-78 cont'd

Thus, even if the County were to adopt land use designations that were consistent with the Cities' General Plans' land use designations, this would not begin to resolve the significant land use impacts created by the proposed General Plan. The only approach capable of sufficiently mitigating the proposed General Plan's land use impacts is to include the policies and framework necessary to ensure that development occurs only when the Cities are ready to annex so that development is consistent with Cities' land use plans and standards for development.

(b) The RDEIR Fails to Analyze the Land Use Implications Associated with the General Plan's Weakening of the "Annexation Referral Policy" and Lack of Cooperation with Cities. I21-79

Currently, the Tulare County General Plan establishes a policy requiring referral of proposals for development projects within city UDBs to affected cities for potential annexation and development. The purpose of this policy is to attempt to ensure that growth adjacent to city boundaries is orderly, and is timed and designed so that there are adequate City services available for these new developments. While the prior referral policy did not always achieve its intended results, the answer is not to abandon the policy, but rather to strengthen the policy to improve coordination and cooperation between the County and Cities.

The County's new approach – as reflected in policies PF-1.2, PF-4.13 and PF-4.24 of the proposed General Plan – essentially abandons the existing referral policy. While the County "*may* work with a city" when considering development proposals within the city's UDB, such coordination is not mandatory. *See* PF-4.18 through 4.27. In fact, pursuant to PF-4.13, the County could approve a project within a city's UDB even when the city does not consent to annexation of the project site. A city's refusal to annex a project site most likely indicates the city's judgment that the proposed use does not fit with its land use blueprint and will not promote contiguous compact growth that is consistent with city development standards and compatible with future planned infrastructure. In other instances, it is simply not possible for a city to annex the project site. For example, if unincorporated land lies between the development site and a city's

municipal boundary, and the owner of the intervening property is unwilling to annex, the city would be unable to annex the property. I21-79 cont'd

Policy PF-4.13, however, allows the County to approve the proposed development anyway. As discussed below, this second-guessing is clearly a formula for land use impacts. With no effective annexation referral policy, the County will be free to approve any project it finds appealing within the Cities' UDBs. However, county planning programs typically focus on agricultural land uses and do not have experience with the issues and design techniques associated with urban development. As a result, urban developments permitted by counties are often poorly designed with inadequate improvements and infrastructure. *See* Michelle Anderson, Cities Inside Out: *Race, Poverty, and Exclusion at the Urban Fringe*, 55 UCLA L. Rev. 1095, 1106–08, 1144–52 (2008), attached as Exhibit 7.

Tulare County is no different. In the past, County forays into this type of development have been disastrous. For example, the County recently approved the development of a church on land just outside Visalia's municipal boundary. After extensive negotiations between the County and the developer, the County approved the Calgary Worship Center without requiring strict adherence to the Visalia's development standards. Conversation with Mike Olmos, Visalia City Community Development Director/Assistant City Manager, May 12, 2010 (Olmos, 2010). The County allowed the development to proceed without requiring sufficient street improvements, sidewalks, streetlights, and landscaping. Critically, the County did not even require connection to a municipal wastewater system, and consequently the church must service its wastewater needs with a septic tank. *Id.* Had the developer been held to City standards, the church property would have been developed with each of the aforementioned improvements. In addition, the church would not have been approved with a septic system; instead it would have been required to connect to municipal or another public wastewater system provider. The problems caused by these mismatched standards will inevitably become the City's, once its boundaries expand, as planned, toward the UDB. I21-80

As the attached photograph of the Calgary Worship Center shows, County-approved development is the antithesis of sound land use planning principles. Indeed, it offers a textbook example of the type of conflict that can arise when the County allows premature urban conversion of agricultural lands. *See* Exhibit 8. This development is not city-centered or even immediately contiguous to urban development in the City. Instead, it leaps over agricultural land and thus sits as a small island in a sea of farmland. Thus, not only did the County allow the development of valuable fields, but by encroaching into active farming operations, the church itself, or church patrons, will likely complain about pesticide sprays, dust, odors, noise and other normal aspects of farm operation.

The County's decision to allow an urban use in the midst of active farmland results in a classic farm-urban edge conflict. While Visalia's General Plan ultimately contemplates urban development in this location, the development would have occurred as part of an orderly, well-timed and well-designed expansion of municipal boundaries. I21-80 cont'd

The Matheny Tract is another example. In the late 1940s, the County approved the Matheny Tract, located just south of the City of Tulare city limits. Over the years, this community has grown to a 900-resident enclave. Unfortunately, according to Tulare Vice Mayor Phil Vandegrift "little to no building standards were followed, leading to serious lack of infrastructure." *See* Matheny Tract articles, attached as Exhibit 9. Consequently, the Matheny Tract has been struggling with substandard infrastructure and the community is forced to live with a contaminated water supply. According to Vandegrift, "[w]ater, sewer, street, curb and gutter improvements, with an estimated $8 million price tag, must be completed to bring up the enclave's infrastructure to city standards." *Id.* For the last three years, City staff has been working with this community to help secure a state grant to upgrade the community's water system and possibly tie into the City of Tulare's water system. I21-81

Ignoring the fundamental planning principal that incompatible land uses should be separated from one another, the County also recently approved the expansion of an existing "recycling center" directly adjacent to the City of Tulare. Two residential subdivisions are located within 120 feet of the recycling center and the City proposes to develop a school very close by. *See* City of Tulare SA Recycling Appeal at 7, attached as Exhibit 10. The expanded recycling center would include, as part of its operations, the wrecking and crushing of car bodies, even though such uses are not generally allowed under the County's own zoning standards. *See id.* at 1, 3. Approval of an expanded automobile wrecking and crushing operation adjacent to a residential neighborhood and a school will likely result in significant impacts to nearby residents including excessive noise, increased traffic, visual blight, and potential health risk due to exposure to hazardous substances. I21-82

It is noteworthy that the County clearly recognizes the harm that can accompany County-approved development within cities' planning boundaries inasmuch as it calls for limiting development within a CACUDB if a city enters into a "revenue sharing agreement" with the County. *See* General Plan Implementation Measure 27 at I-2-77. As this measure demonstrates, the County intends to base its land use decisions not on sound urban planning principles or environmental protection, but instead on financial compensation. Moreover, such a policy causes all sorts of uncertainty. Indeed, it is impossible to determine the amount of development that would occur within the Cities' UDBs, if the County intends to alter its development plans based on city-by-city "revenue I21-83

agreements." This further implicates the RDEIR's faulty Project Description and the ability of the EIR preparers to evaluate the General Plan's environmental impacts. I21-83 cont'd

(i) **Premature leapfrog development.** I21-84

The examples of County-approved developments within Cities' UDBs and UABs discussed above also provide real-world examples of the potential environmental impacts such uncoordinated planning can have. The first set of impacts are those related to leapfrog development. Leapfrog development is development separated from continuous urban development by vacant, low density, or rural land. This type of development is even worse than sprawl in that it skips over land available and suitable for development and instead consumes large tracts of land. Development leaps to outlying and isolated areas because the cheapest land tends to be the furthest from urbanized city centers.

The reactionary and haphazard nature typical of County-approved development on lands within the Cities' UDBs results in precisely this type of leapfrog development. A landowner or a developer applies for an entitlement such as a subdivision on these comparatively distant lands because the land is less expensive and therefore more fiscally beneficial for development. In addition, the County's development standards are considerably less stringent than those required by the Cities, and development impact fees, if any exist at all, are nominal in comparison to the Cities' fees. The fiscal benefits of development on unincorporated lands, coupled with the proximity to the Cities' comparatively ample public services and amenities, make development on the County's lands very attractive. More often than not, the County grants the approval, which typically results in comparatively low density development without adequate public services. (Olmos, 2010).

Indeed, development proposals occurring in counties tend not to achieve the densities or land use patterns contemplated by cities' general plans. This is largely because adequate infrastructure such as sewer and water is often unavailable to meet the needs of more urban (i.e., higher) densities. City-centered development within city limits, on the other hand, occurs in accordance with a municipality's general plan, which tends to promote a contiguous, compact, higher density development to ensure an orderly and efficient transition from rural to urban land uses. The County's Cities have specific General Plan's policies and goals calling for growth to occur in a concentric pattern, contiguous to existing developed areas. For example:

- City of Porterville Policy 4.1 LU-G-2: Maintain a well-defined, compact urban form with Downtown as the "heart of the City;" Policy LU-I-5:

Require contiguous development within the UDB unless it can be demonstrated that development of property which is contiguous to urban development is unavailable (*see* Exhibit 5-D); I21-84 cont'd

- City of Exeter Annexation Policy 90-01 and 10-year annexation line. This policy and annexation line place restrictive controls on residential growth in Exeter. The objective of these two growth control measures is to promote residential infill development and a development pattern that is generally contiguous to existing development and concentric to Exeter's downtown (*see* Exhibit 5-B);

- City of Dinuba Planning Principle stating that new development should take place in a concentric pattern, contiguous to existing developed areas; Objective A: Provide for an orderly and efficient transition from rural to urban land uses; and, Objective B: Minimize urban sprawl and leap-frog development (*see* Exhibit 5-A).

Cities seek to avoid leap frog development because it is an extremely inefficient method for providing infrastructure, because it paves over productive farmland, and because it adversely affects a city's cohesiveness, character and ambiance.

Perhaps most disturbing, the County's proposed General Plan would allow regional commercial development, industrial development, office parks and highway commercial development along "corridors" located inside city UDBs and UABs. Again, because the General Plan allows approval of these types of uses prior to the preparation and adoption of Corridor Plans, the County will face pressure to approve development before a coherent plan for development is in place. As a result, developments will occur haphazardly throughout the County's lands. The RDEIR fails to recognize that development under the General Plan could result in these sprawling, leap frog development patterns and therefore fails to analyze the environmental effects from this type and amount of development.

(ii) **Interference with the Cities' ability to provide adequate infrastructure and public services and associated environmental impacts.** I21-85

As the examples above demonstrate, when the County permits urban development within the Cities' UDBs and UABs, the resulting development typically lacks adequate infrastructure and services. The reason for these inadequacies is that the County's development improvement standards and facility financing and maintenance

mechanisms are less stringent than the Cities' standards and mechanisms. (Olmos, 2010). The County might not mandate right-of-way improvements, such as roadways and catch basins scaled to future development levels, where the city would impose such requirements. Or the County might allow the use of individual septic systems in an area where the city is concerned about groundwater quality and planned to extend sanitary sewer lines. I21-85 cont'd

Without adequate infrastructure, improvements, and services (e.g., storm drains, streetlights, sidewalks, or drinking water), developments permitted by the County can result in serious environmental, health and safety impacts. One recent study documents the type of impacts that can occur when basic infrastructure and services are lacking:

> [t]hese disparities can be dangerous, such as the illnesses caused from unsafe drinking water, the heightened likelihood of mosquitoes carrying West Nile virus as a result of standing water arising from inadequate storm drains, and the higher rates of traffic accidents on poorly maintained roads. Or, they can chip away more slowly at the prospects for building a strong community, when there is illegal dumping, poor sanitation service, few or no recreation facilities for youth, and dilapidated schools.

See Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty, Inequity, and a System of Unresponsive Governance, attached as Exhibit 11.

Providing a safe and adequate public drinking water supply is already a major problem in Tulare County. Shallow domestic wells are contaminated with nitrates, a byproduct of fertilizer, dairy farms, and leaky septic tanks. *See* Nitrates in Our Drinking Water, Part 1 – The Present Threat, The California Report (May 14, 2010), attached as Exhibit 12. In addition, communities that are not served by public water providers must rely on wells for their drinking water. These same communities that suffer from poor water quality also tend to lie beyond the boundaries of public sewer systems, and thus rely on individual septic systems. However, these septic systems only compound the water quality problems in the area, as they can result in elevated nitrate levels in ground and surface water bodies. I21-86

County-initiated development within cities' planning boundaries can adversely impact cities over the long term. Because County-approved development does not meet the Cities' strict development standards, it makes it difficult to assimilate these communities into the Cities, as the Cities' boundaries expand. The financial burden of extending infrastructure in and around these poorly designed unincorporated I21-87

neighborhoods can be overwhelming, and is placed squarely on the shoulders of the neighboring cities, not the County. At the same time, some of the communities with the greatest environmental, health and safety problems – and that would benefit the most from the utilities and services provided by cities – are the most resistant to annexation efforts. Annexing *established* communities, as opposed to proposed developments, is often fraught with complications as residents often oppose annexation efforts. While residents may be frustrated with the County's level of service, they nonetheless have become accustomed to living in the County. In some instances, residents simply feel an allegiance to the County rather than the City, or they may prefer the County's more lenient approaches toward code enforcement, or the County's lower tax rates. I21-87 cont'd

The RDEIR analyzes none of these potentially significant impacts associated with uncoordinated growth along municipal boundaries. As a result, the RDEIR violates CEQA.

(iii) **Land use conflicts.** I21-88

In the absence of coordination with the Cities and policies that ensure development occurs together with annexation, County-approved development within the Cities' UDBs will inevitably result in land use conflicts. The General Plan's policies for development within UDBs frequently conflict with the Cities' own policies for development there and within the Cities' UABs. As the examples identified above show, if the County proceeds in approving development under its CACGPs alone, these conflicting policies will likely lead to conflicting land uses down the road along with conflicts with Cities' development and improvement standards and public facility plans. In the absence of General Plan policies that ensure development is city-centered and coordinated with annexation, the General Plan will result in land-use conflicts and the associated environmental impacts (e.g., exposure to offensive odors, dust and other air pollutants, excessive noise levels and traffic congestion). The RDEIR must be revised to analyze these potentially significant impacts.

(iv) **Increased use of the Cities' services and facilities** I21-89

The General Plan provisions allowing the County to permit development adjacent to city boundaries will also likely result in increased demand on the adjacent city's public services, such as parks and libraries. Appendix G to the CEQA Guidelines provides that a project will have a potentially significant environmental impact if it would "increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated." Counties typically provide far fewer acres of parkland per resident than

cities. Thus, residents from County developments within the UDBs will likely turn to City parks, increasing their use. I21-89 cont'd

While the County operates parks within or adjacent to some Tulare County cities, the County does not provide parks in or around the cities of Dinuba, Woodlake, Exeter, Farmersville or Porterville. *See* Map of Tulare County Parks and Recreation, attached as Exhibit 13. County residents, however, do not pay the municipal taxes or impact fees to support these services and amenities. This comes at a time when cities' budgets are already substantially reduced given the bleak fiscal climate. Consequently, cities that are struggling to even maintain their current level of operation for city residents find that they cannot accommodate the increase in demand caused by County residents.

County-approved development within the Cities' UDBs and UABs will also increase the demand on Cities' police and fire protection services, possibly necessitating the construction of new facilities to maintain acceptable response times. This impact is considered a potentially significant impact under CEQA Guidelines, Appendix G. Although Tulare County and the Cities may have automatic and mutual aid agreements, which require the provision of police, sheriff and fire service between the Cities and the County, in practice, the Cities' police and fire service bear the brunt of these agreements inasmuch as city staff responds to calls from County residents. (Olmos, 2010). Rarely, if ever does the County provide sheriff and fire service to the Cities' residents. *Id.* Authorizing County development adjacent to cities will only increase this burden on the Cities, and may require the Cities to develop new police and fire facilities to ensure the public safety. The RDEIR must consider this potential significant impact. I21-90

(c) The RDEIR Fails to Consider Effective Mitigation for the General Plan's Land Use Conflicts. I21-91

The RDEIR is clearly incorrect when it concludes that the General Plan would not conflict with adopted land use plans. Significant environmental impacts will result not only from the conflicts with the Cities' general plan designations, but also because the County general plan will result in uncoordinated growth that is inconsistent with city standards. The only way to avoid such conflicts is to revise the General Plan policies to ensure that the County's growth is city-centered and occurs along with annexation of the property. Without this alteration, the General Plan will remain in conflict with city land use plans and result in significant environmental impacts, impacts the RDEIR must acknowledge, analyze and mitigate.

3. The RDEIR's Analysis of and Mitigation for the General Plan's Transportation Impacts Is Inadequate.

(a) The RDEIR Contains No Evidence that Its Transportation Model Actually Reflects Buildout Conditions Under the General Plan.

I21-92

The General Plan's failure to specifically describe the location, type and intensity of development that would occur on all of the County's lands in 2030 results in significant flaws in the RDEIR's purported evaluation of transportation impacts. Rather than use a land use-based approach to transportation impact analysis, the RDEIR relies on a regional travel demand forecast model created by the Tulare County Association of Governments ("TCAG") that uses population and employment projections to generate traffic data. RDEIR at 3.2-21.

Unfortunately, the RDEIR contains no detail about the modeling assumptions other than vague statements such as the following: the TCAG model "contains many socioeconomic data attributes including information related to number of households and number of employees per traffic analysis zone" (*Id.*) and "[i]mplementation of the proposed project *would result in additional Countywide residential and non-residential land use developments*, with many [sic] of the resulting population growth contributing additional vehicle uses on local and regional streets and highways within all of the County's individual planning areas" (at 3.2-26 (emphasis added)).

Given these vague and generic statements and the lack of any descriptive land use information or trip generation estimates, it is not possible to determine if the traffic model uses the same population and employment assumptions as the draft General Plan itself or if and how it considers the General Plan's land use designations. In other words, there is no evidence that the transportation model is actually analyzing the impacts of the General Plan rather than some other scenario.

Moreover, even if the model's population and employment assumptions are consistent with the General Plan's, such statistics alone do not provide sufficient information to determine how the County's roadway network would operate under the proposed General Plan. Specificity regarding the Plan's land use component (i.e., the location and distribution of land uses) is critical to evaluating transportation impacts. As the RDEIR states, "transportation and circulation needs are closely tied to the location and distribution of land uses." RDEIR at 3.2-21.

The County's failure to actually analyze the transportation impacts from the General Plan was a critical flaw in the original 2008 DEIR and remains a flaw in the RDEIR. This is essentially a matter of common sense—to understand transportation

impacts, one must know where people live and work and how they will travel between the two. Thus, the RDEIR should have used the General Plan's land use designations as the basis for evaluating its transportation impacts. But because the General Plan does not include a comprehensible land use plan, the RDEIR could not do so. I21-92 cont'd

In general, transportation impact analyses for development projects—including general plans—follow a fairly routine formula: First, land use locations, densities and intensities must be assigned. This is the key missing step in the present General Plan and RDEIR. As described above, in many instances, the proposed General Plan is essentially a free-for-all since the County assigns a mixed use land use designation to all of the County planning areas that do not have adopted plans. Yet the County has not even disclosed the acreages of the planning areas. Without this fundamental information, it is not possible to even guess at the holding capacity of the County's myriad planning areas. As discussed above, the RDEIR must provide this information and also assume full buildout at the maximum density available in each part of the County. This will provide the needed data about the location of population and employment. Then, trip generation and trip distribution data should be attributed to each land use; these data will then be combined with background transportation data (e.g., existing roadway and intersection traffic volumes, level of service and public transit service statistics); and, based on these components, the RDEIR can estimate the General Plan's impact on the transportation system.

To make matters worse, the RDEIR concludes that deterioration in the County's traffic level of service standards is largely unavoidable "mostly due to city growth not directly controlled by this plan." RDEIR at 3.2-21. Yet, because the RDEIR provides no detail about the County's growth projections—let alone any documentation relating to growth within each of the County's cities—it is simply not reasonable to cast blame on the Cities for any role they may play in traffic congestion on roadways within the County. I21-93

In sum, the failure of the original DEIR to analyze the transportation impacts of the General Plan was an egregious flaw that warranted supplemental analysis and recirculation of the environmental document. We are perplexed that after two years, the revised traffic analysis suffers from the exact same defect. The County must again revise its traffic analysis and recirculate the environmental document for public review. I21-94

(b) The RDEIR Relies on an Inappropriate Baseline for Evaluating the Project's Transportation Effects. I21-95

The RDEIR fails to evaluate the General Plan's transportation impacts against an accurate baseline. CEQA case law holds that existing conditions at the time an agency prepares environmental review, rather than some hypothetical future scenario, establish the "baseline" for determining the significance of impacts. *See* CEQA Guidelines § 15125(a); *see also Communities for a Better Envt. v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 310; *Save Our Peninsula Cmte. v. Monterey County Board of Supervisors* (2001) 87 Cal. App. 4th 99, 125; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal. App. 3d 350, 354.

Here, the RDEIR attempts to predict 2030 traffic conditions by using a future roadway system, but it is unclear whether the assumed 2030 roadway improvements are part of the Project or mitigation for the Project. As the RDEIR states, "[a] series of model runs were conducted to evaluate the effectiveness of the circulation plan. As a result of this analysis, it was determined that the following roadways (with several outside the immediate jurisdiction of the County) would require future improvements (mitigation in the form of widening, additional lanes, etc.)." RDEIR at 3.2-24. This language is so vague that there is no way for a reader to determine which roadway improvements were actually a part of the traffic modeling and whether they are in the General Plan's Circulation Element as part of the Project or considered as mitigation for the Project.

What exactly is the General Plan's circulation plan and which specific roadway projects are included in this plan? Inasmuch as the RDEIR suggests that the list of roadway improvements is mitigation for the General Plan's impacts, are these improvements a part of the circulation plan or not? Moreover, an improvement that is assumed in the initial analysis of traffic conditions cannot then be counted as a mitigation measure to reduce traffic congestion. In addition, it is entirely unclear whether these roadway projects would be operational by 2030 given the federal, state and local budget crises. *See* General Plan Background Report 5-26 through 5-36, which painstakingly describes the "bleak" transportation funding picture facing Tulare County. To complicate matters further, the RDEIR states: I21-96

> [M]ost of the roadway infrastructure improvements identified are on facilities under the jurisdiction of entities outside the County (such as Caltrans or the City of Visalia, etc.). Therefore, implementation of the proposed improvements would be subject to approval by other agencies, as well as to funding programs that are not fully developed at this time. Timely

> construction of the proposed improvements would require substantial coordination and cooperation between the county and other agencies.

I21-96 cont'd

RDEIR at 3.2-31. Again, are these roadway infrastructure improvements part of the General Plan's Circulation Element? And given the fact that certain of the improvements are outside the County's jurisdiction (the RDEIR never actually tells us which improvements are within and which are outside the County's jurisdiction), the County has even less certainty and assurance that the roadway improvements would be undertaken by 2030. All of these outstanding questions also implicate the failure of the RDEIR to adequately describe the proposed Project.

I21-97

If the RDEIR's traffic analysis does, in fact, assume the existence of roadway projects that may not be built within the General Plan's 2030 horizon, then the General Plan is likely to result in transportation impacts far more severe than the RDEIR discloses. In order to understand exactly how the County's roadways and freeways would operate upon implementation of the General Plan, the revised RDEIR must conduct two separate analyses. First, the RDEIR should evaluate the traffic that would be generated by General Plan buildout against existing conditions (i.e., the 2010 roadway network). Second, the RDEIR should evaluate the traffic that would be generated by General Plan buildout against a 2030 roadway system. Yet, as regards this latter analysis, only those transportation improvement projects that are programmed and that have a high likelihood of funding, and consequently a high likelihood for full implementation by 2030, should be included in the transportation model in order to provide a realistic evaluation of future traffic impacts.

I21-98

Finally, this revised traffic analysis must distinguish the traffic that would be generated by the County's growth from that which would be generated by other jurisdictions. As discussed above, the RDEIR suggests that the deterioration in the County's traffic level of service standards is largely unavoidable mostly due to city growth not directly controlled by this Plan. RDEIR at 3.2-21. This statement all but confirms that the County has not yet performed the necessary analyses to determine the amount of trips that would be generated by the proposed General Plan and the effect these trips would have on the operation of roadways in the County. Again, the purpose of an EIR is to analyze the impacts of the project at hand.

I21-99

(c) The RDEIR Fails to Analyze the Project's Impact on Freeway Interchanges.

The RDEIR fails to include *any* analysis of the General Plan's impact on freeway interchanges claiming that such an analysis is "too specific for a general plan."

RDEIR at 3.2-25. This omission is particularly troublesome especially because—as the County itself recognizes—"no single design feature has a greater impact on the urban corridor than the interchange." *See* General Plan Background Report at 5-16. Certain interchanges such as those along State Route 99 "are antiquated, have capacity problems. and subsequently safety hazards associated with them." *Id.* at 5-17. While the General Plan identifies several interchange improvement projects and lists target dates for when these projects may be constructed (Background Report at 5-18 and Table 5-4), this information is not sufficient for purposes of CEQA review. I21-99 cont'd

Contrary to the RDEIR's bold assertion that it is not required to conduct an analysis of freeway interchange impacts, it is precisely the purpose of this RDEIR to analyze the environmental consequences of General Plan buildout. If traffic from the General Plan would affect interchanges—and of course it will—then the RDEIR must analyze these impacts. As discussed above, the RDEIR must clearly document and justify transportation planning assumptions. Only those interchange improvement projects that are programmed and that have a high likelihood of funding, and consequently a high likelihood for full implementation by 2030, should be included in the analysis.

(d) The RDEIR Underestimates Traffic Impacts by Failing to Analyze Traffic Impacts During Peak Periods and by Ignoring Traffic Impacts on Intersections. I21-100

The RDEIR understates the General Plan's traffic impacts because it uses an inappropriate methodology to evaluate traffic conditions. Specifically, the RDEIR's level of service ("LOS") analysis was conducted only for average daily traffic ("ADT"), rather than peak hour or peak period traffic. LOS is typically measured during the weekday a.m. or p.m. peak period or peak hour; that is, the heaviest travel time of any given day. This is the most accurate measure of traffic conditions because congestion generally occurs during morning and evening commute periods, not during the middle of the day. *See* General Plan at I-13-1. Averaging traffic volumes over an entire day could smooth out very high peak volumes. This would then give the impression that the roadway suffered no traffic problems, when in fact there was significant congestion and vehicular delay during commute times.

The RDEIR's approach of calculating LOS based on ADT understates the true effects of development under the General Plan. CEQA requires that the analysis of periodic impacts, like traffic or noise, account for the peak periods of impact, rather than submerging them in an average. *See Berkeley Keep Jets Over the Bay Committee v.*

Board of Port Comrs. (2001) 91 Cal. App. 4th 1344, 1355 (requiring the analysis of single-event noise levels) ("*Berkeley Jets*"). I21-100 cont'd

The flaws in the traffic analysis methodology extend beyond its failure to evaluate peak hour or peak period traffic congestion. The RDEIR's LOS analysis was conducted for roadway segments rather than intersections. While it may be helpful to understand how roadway segments operate, the critical measure of a roadway's capacity is the capacity of its intersections. Intersections, and not roadway segments, are the choke points in a roadway network. While a roadway segment may operate at LOS D, intersections along that same roadway may operate at LOS E or F. I21-101

As the General Plan itself recognizes, "[o]perational analyses typically focus on intersections rather than road segments since the capacity of the intersections is usually more critical than the capacity of the roadway." General Plan at I-13-1. Inasmuch as the Plan prescribes LOS standards for both roadway segments and intersections in Policy TC-1.16, it is therefore difficult to fathom why the RDEIR ignores this crucial category of impact. "An EIR must identify and evaluate *all* significant environmental effects of a project." *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal. App. 3d 421, 428 (emphasis added) (citation omitted). The RDEIR, by failing to consider intersection impacts, has failed to live up to this charge. Had the RDEIR analyzed peak period intersection LOS, the Project's traffic impacts would certainly be more severe than the RDEIR discloses. *See* RDEIR at 3.2-24, 25 and Table 3.2-7.

(e) The RDEIR Fails to Analyze and Mitigate the Project's Impact on Transit Service. I21-102

The proposed General Plan encourages development on the outskirts of the County's cities. Although this increase in development would result in an increase in transit demand within the Cities, the RDEIR fails to analyze or mitigate these impacts. Instead, the document casually asserts that "as new population growth occurs and transit demand increases, additional transit services will be developed to ensure that adequate supply exists. Largely market driven, transit service will expand as needed and will be self mitigating." RDEIR at 3.2-26. Because the RDEIR fails to provide even the most rudimentary analysis of the Project's impact on increased transit demand within the Cities, it fails to meet CEQA's clear requirements.

The RDEIR also fails to recognize the General Plan's sprawling low density land use patterns would severely hamper the region's efforts to sustain and expand transit service within the County. One of the challenges of justifying I21-103

development of urban transit systems (bus, rapid bus, and light rail) both from a practical and financial standpoint, is that there must be urban densities to support the systems. Those densities should occur within City UDBs within the Cities. In other words, properties must develop at sufficiently high densities within the City UDBs to ensure the feasibility of transit. TCAG has completed a light rail study for a transit system between the Cities of Tulare and Visalia confirming that in the absence of such high density land uses, there is simply no potential for a viable transit system. (Olmos, 2010). The revised EIR must analyze these transit-related impacts and identify feasible mitigation measures. I21-103

(f) The RDEIR Fails Altogether to Analyze the General Plan's Impact on Pavement Conditions. I21-104

Road condition is an important factor in the overall capacity and operational characteristics of the County's roadway system. *See* RDEIR at 3.2-7 and General Plan Background Report at 5-21 and 5-39 through 5-43. The General Plan explains that due to a significant reduction of available funding for road maintenance over the past two decades, the County has not been able to adequately maintain its roadway system. *Id.* at 5-39. The County's roads are deteriorating at an accelerated rate and many roads have large potholes, alligator cracking and deteriorating asphalt. *Id.* Much of this deterioration is attributed to the steady increase of truck and commodity growth in the County. *Id.* While 30 years ago there were 150,000 trucks with 4,000,000 in tonnage; now there are 550,000 trucks with 14,000,000 in tonnage. *Id* at 5-41. The issue of roadway deterioration is critical for the agricultural industry that uses these roads for farm-to-market trips and also significantly contributes to road deterioration. *Id.* at 5-39.

With as much detail as the General Plan presents with regard to this critical transportation issue, one would expect the RDEIR to have provided a thorough analysis of the General Plan's effect on pavement deterioration. Yet, this is not the case. Although the RDEIR's environmental setting section acknowledges the importance of road conditions, and particularly deteriorating roads that are narrow or do not have adequate shoulders (at 3.2-7), the document fails to provide *any* evaluation as to how this condition affects roadway capacity. More importantly, the RDEIR fails to evaluate the effect that the increase in automobile and truck travel that would result from implementation of the General Plan would have on roadway conditions within the County. The RDEIR must be revised to analyze and mitigate this significant impact.

(g) The RDEIR Fails to Include Feasible Mitigation Measures for the General Plan's Transportation Impacts. I21-105

The RDEIR comes to the conclusion that no mitigation measures, other than the proposed General Plan's policies, are available to reduce the transportation impacts that would result from implementation of the General Plan. RDEIR at 3.2-31. The RDEIR's approach to mitigation fails in three substantive ways: (1) the General Plan policies would not effectively reduce Project impacts; (2) other feasible mitigation exists that would further reduce Project impacts; and (3) the RDEIR fails to actually analyze the effect the policies would have on roadways. Thus the public and decisionmakers are left in the dark as to which roadways will operate under unacceptable conditions in 2030.

(i) The General Plan Policies Would Not Effectively Reduce Project Impacts. I21-106

The RDEIR determines that the General Plan would result in significant traffic impacts. RDEIR at 3.2-26. CEQA therefore, requires the identification of mitigation measures to avoid or minimize those impacts. *See* CEQA Guidelines 15126.4(a). The RDEIR relies on certain General Plan policies and implementation measures as mitigation to minimize the impacts but concludes that these measures could not, in fact, reduce them to a less than significant level. RDEIR at 3.2-32. Yet, these measures fail to reduce traffic impacts because, among other reasons, they are too vague and are otherwise unenforceable.

CEQA requires that "mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments." CEQA § 21081.6(b); CEQA Guidelines § 15126.4(a)(3). Uncertain, vague, and speculative mitigation measures have been held inadequate because they lack a commitment to enforcement. *See, e.g., Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1188-89 (holding traffic mitigation fee measure inadequate under CEQA due to vagueness in program for implementing required improvements). The policies identified as traffic mitigation do not meet these standards.

For example, the measures call for the County to maintain a public road network (TC-1.1), continue to work with other agencies to assess transportation needs (TC-1.3), work to enhance funding (TC-1.4), and give priority to roadway maintenance to maintain integrity of roadways (TC-1.5). The first two of these policies are utterly vague and do nothing to actually reduce the traffic congestion impacts identified in the RDEIR. The second two might improve congestion problems, if the County actually takes the proposed action, but the policies are in no way binding or enforceable, and thus may not

be relied upon as effective mitigation. The purpose of mitigation is to reduce the severity of an environmental impact; the cited General Plan policies do little more than state the County's interest in reducing traffic impacts. Setting goals is important, but it is no substitute for actually imposing effective mitigation measures. I21-106 cont'd

The County cannot use the RDEIR's failure to incorporate adequate, enforceable, feasible mitigation measures into General Plan policies to justify the RDEIR's conclusions that the Project's impacts are unavoidable; to the contrary, if the RDEIR had proposed and analyzed adequate mitigation measures—as required under CEQA—some of those impacts might have been avoided. In order to do this job, the General Plan policies must be revised to make them mandatory and legally binding.

Moreover, to the extent the RDEIR claims that the General Plan policies and implementation measures would minimize the Project's significant effects on the 13 roadway segments that would operate at deficient service levels in 2030 (RDEIR at 3.2-31), the document must provide some evidentiary support for this conclusion. The RDEIR lacks any quantitative traffic operations analysis with respect to implementation of the proposed policies, implementation measures or the other roadway projects that may be implemented to reduce impacts. Thus the public and decisionmakers have no idea what effect, if any, this "mitigation" will have on service levels. In essence, then, the RDEIR fails to provide a single meaningful action to mitigate the significant impacts associated with the proposed General Plan. Instead, each of the 13 significantly impacted segments (which are disingenuously grouped together as a single impact) are left "significant and unavoidable." This approach ignores the fact that measures could certainly be implemented, or the General Plan itself could be redesigned, to resolve some of the impacts. The bottom line, however, is that the public and decisionmakers are left in the dark as to exactly what effect the General Plan would have on the area's roads. I21-107

This deficiency is particularly egregious in terms of the Project's extensive impacts on the Cities' transportation systems. Because the proposed General Plan encourages substantial growth throughout the County and within the Cities' planning boundaries, the increased traffic from this development would place vast demands on the Cities' transportation networks. Yet, the RDEIR's superficial approach to impact analysis fails entirely to present mitigation that would ensure the Cities are sufficiently protected from this onslaught of traffic. I21-108

(ii) **Feasible Mitigation Exists and Should Be Adopted.** I21-109

CEQA requires that an EIR identify, and the decisionmaker adopt, all feasible mitigation measures that would reduce or avoid a project's significant impacts.

CEQA § 21002; CEQA Guidelines § 15091(a)(3). The agency must comply with this requirement even if the mitigation would not reduce the impact to a less than significant level, as long as the measure would have some mitigating effect. The best way to mitigate the General Plan's traffic impacts would be to reduce both the total number of vehicle trips and the average trip length. The most efficient way to reduce vehicle trips and trip length is to control sprawling growth patterns. I21-109 cont'd

Decentralized development, such as that proposed in the General Plan, separates homes from other land uses, requiring automotive transportation for most or all trips. In addition, low density, scattered development lacks the economies of scale necessary to make public transit effective and economical. Residents of cities, on the other hand, often have substantially reduced vehicle dependency. Municipal development often has higher density, mixed use communities. People tend to be closer to jobs and shopping, sometimes within walking or bicycling distance. Transit service also tends to be higher frequency and more reliable in cities in comparison to lower density unincorporated communities. If people choose to use a car in cities, trips are short. The U.S. Environmental Protection Agency ("EPA") modeled the transportation and environmental impacts of locating the same development on two sites—one infill, and one suburban edge/greenfield—and compared the results. The modeling predicted that the infill site would outperform the greenfield site in six important dimensions:

- Average trip distance: generally shorter with the infill site.
- Per capita vehicle miles traveled: generally fewer with the infill site.
- Travel time: generally shorter with the infill site.
- Public infrastructure and household travel costs: lower with the infill site.
- Environmental impacts, including emissions: smaller with the infill site.
- Multi-modal orientation and access to community amenities and transportation choices: greater at the infill site.

See "The Transportation and Environmental Impacts of Infill Versus Greenfield Development: A Comparative Case Study Analysis," Hagler Bailley Services (prepared for U.S.EPA), October 1999, excerpts attached as Exhibit 14. The EPA study concluded that city-based development can produce non-trivial transportation, environmental, and public infrastructure cost benefits. *Id.*

Consequently, in addition to revisions to the General Plan's policies that would control sprawling growth patterns, the County should evaluate measures to ensure that it is taking all available means to ensure that County inhabitants travel less. To this end, the revised RDEIR should include a list of alternative transportation strategies. I21-110

Specifically, the RDEIR must evaluate project and community design standards and techniques that achieve the following objectives: I21-110 cont'd

- Reducing commute distances and commute times;
- Reducing automobile use, especially single-occupant vehicle automobile trips; and
- Encouraging and supporting the use of transit.

Moreover, as explained above, traffic impacts are intimately tied to land use patterns. Once the traffic analysis in the RDEIR has been revised to analyze the land use types and locations called for in the General Plan, that analysis can be used to re-examine the General Plan's land use policies. For example, if, as seems likely, it turns out that the RDEIR projects that significant amounts of traffic will come from commutes between residences in unincorporated areas to jobs in cities, then the General Plan could be revised to mitigate this traffic by shifting residential growth inside municipal boundaries and closer to jobs. I21-111

4. The RDEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Qualities Impacts. I21-112

(a) The RDEIR's Analysis of the General Plan's Impacts From Stationary and Area Sources Is Deficient.

The southern San Joaquin Valley, including Tulare County, suffers from some of the nation's worst air quality. By its own admission, implementation of the General Plan would cause a substantial increase in air pollution. RDEIR at 3.3-18. The RDEIR, however, fails to actually analyze the health effects that would occur as a result of exposure to these pollutants.

While the RDEIR's air quality analysis contains extensive flaws, we summarize just a few of the most egregious deficiencies below. We suggest that the County follow closely the San Joaquin Valley Air Pollution Control District's ("SJVAPCD") Guide for Assessing and Mitigation Air Quality Impacts ("GAMAQI"). This Guide, produced by the agency with the most extensive expertise in Valley air issues, sets the standard for effective, useful analysis of the emissions produced by projects and plans in this region.

The RDEIR's analysis of air quality impacts is crippled by the same flaws that afflict the rest of this document: because the General Plan does not provide a comprehensible description of the distribution of proposed land uses throughout the County, the RDEIR does not analyze the environmental consequences of such land uses. I21-113

The air quality analysis, like the traffic analysis discussed above, relies on the TCAG traffic model. Because of the RDEIR's failure to explain the model's assumptions, it is impossible to determine whether the model accurately reflects the General Plan. The RDEIR includes vague and uninformative statements that all but confirm that the air quality analysis is not based on the actual land use assumptions of the proposed General Plan. (*See* e.g., RDEIR at 3.3-24: "[t]his analysis assumes that growth in population, vehicle use and other source categories will occur at historically robust rates."). An analysis of the General Plan's environmental impacts should necessarily be based on the emissions generated by stationary and mobile sources from projected development levels, not historical growth rates. Moreover, from the limited information included in the RDEIR, it is evident that the estimate of air emissions omits or underestimates several sources of pollutants. I21-113 cont'd

While the initial 2008 DEIR stated that development under the General Plan would introduce a variety of new stationary and area sources of emissions to the County, including facilities that use natural gas, landscape maintenance equipment, and woodburning stoves, as well as a variety of industrial and commercial processes (DEIR at 4-50), the RDEIR does not include woodburning stoves or landscape maintenance equipment in its emission inventory. *See* RDEIR at 3.4-20, 21. The failure to include these sources consequently results in an underestimation of the Project's air quality impacts. *See Id.*, Table 3.3-5. Unless and until the RDEIR is revised to account for the whole of the General Plan's increase in emissions, it will remain inadequate. I21-114

The RDEIR's conclusions regarding projected vehicular emissions levels are undermined by its reliance on the TCAG model and on an assumed reduction in per-car tailpipe emissions, sufficient to overcome the increased driving due to population growth. RDEIR at Table 3.3-5, footnote b. Although vehicles are getting cleaner, the RDEIR's conclusion that overall vehicular emissions will decrease between 2007 and 2030 is wholly insupportable in the absence of evidence regarding land use patterns. Studies show that growth in driving is likely to cancel out improved vehicle fuel economy: I21-115

> If sprawling development continues to fuel growth in driving, the projected 48 percent increase in the total miles driven between 2005 and 2030 will overwhelm expected gains from vehicle efficiency and low-carbon fuels. Even if the most stringent fuel-efficiency proposals under consideration are enacted, [ ] "vehicle emissions still would be 34 percent above 1990 levels in 2030 – entirely off-track from reductions of 60-80 percent below 1990 levels by 2050 required for climate protection."

See "Growing Cooler: Evidence on Urban Development Change," Executive Summary, attached as Exhibit 15. I21-115 cont'd

If future growth occurs in a pattern that encourages more driving than the TCAG model assumes, then the RDEIR's conclusions are entirely wrong. Without information about the correlation between the transportation model and the development patterns under the General Plan, one cannot assess whether the reduction in vehicular emissions will indeed compensate for the increased in vehicle miles travelled. Thus the RDEIR is not supported by the substantial evidence that CEQA requires.

The RDEIR's analysis of those emissions sources that it does identify is also flawed. First, it lacks support for its quantification of the increase in emissions from dairy and feedstock facilities. The RDEIR explains that dairy and feedstock emissions were estimated in the Tulare County Draft Phase I Animal Confinement Facilities Plan Supplemental EIR ("ACF EIR"), which assumed buildout by the year 2020. RDEIR at 3.3-17 and Table 3.3-5. The planning horizon for the Tulare County General Plan, however, extends to 2030. The RDEIR does not disclose its methodology for determining the dairy-related emission estimates for the ten years between 2020 and 2030, and thus lacks substantial evidence in support of its determinations. I21-116

In addition, the ACF EIR cannot support the RDEIR's conclusion, even for the time up to 2020. First, it is inappropriate to rely upon this type of incorporation by reference as substitute for an important analysis of a key environmental impact. "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that . . . do not contribute directly to the analysis of the problem at hand." CEQA Guidelines § 15150(f). Clearly the analysis of emissions from dairy and other livestock facilities "contributes directly" to the analysis of the General Plan's air quality impacts, and therefore should have been included directly in the text of the RDEIR, not merely incorporated by reference. Moreover, even if the RDEIR could legitimately rely upon an outside document for its analysis and conclusions, it would need to include a thorough description of the ACF EIR's scope and methodology. *See Emmington v. Solano County* (1987) 195 Cal. App. 3d 491, 502-03 (outside reports do not support environmental document where they are not adequately summarized and analyzed). I21-117

CEQA also requires that an agency relying on an EIR prepared for a different project or program must comply with specific procedures, including notifying the public about where a copy of the previous EIR can be obtained. CEQA § 21094(e); CEQA Guidelines §§ 15152 & 15153. The RDEIR contains no such information about I21-118

the ACF EIR. As a result, the County cannot rely on that EIR in analyzing the Project's impacts. I21-118 cont'd

In order to provide the public and decisionmakers with the information required by CEQA, the RDEIR must identify 2030 ROG, NO_x and CO emissions with and without the General Plan. In other words, the RDEIR must provide the absolute increase in all stationary and mobile source emissions from 2010 to 2030.[7] Decisionmakers must understand the full range of transportation and air quality assumptions if they are truly to understand the General Plan's impact on the region's air quality. I21-119

(b) The RDEIR Fails to Adequately Analyze Impacts Relating to the Project's Effect on the Regional Air Quality Plan. I21-120

Rather than analyze how the General Plan's increase in air emissions would affect the SJVAPCD air quality plan, the RDEIR generally asserts that the General Plan was designed specifically to achieve and promote consistency with the planning documents of neighboring jurisdictions and other agencies that have jurisdiction over the project. RDEIR at 3.3-23. The RDEIR then relies upon a series of General Plan policies to conclude that impacts relating to the General Plan's consistency with the regional air quality plan would be less than significant. *Id.* at 3.3-23, 24. CEQA requires more than this cavalier approach to impact analysis.

To give just one example, ROG emissions from dairy and feedlot operations alone would be 2,570 tons per year, while the SJVAPCD standard is 10 tons. RDEIR at Table 3.3-5. Under the General Plan, emissions from just this one category of source would exceed the applicable standard by more than 250 times. Rather than seriously grapple with the effect the Project would have on the region's air quality plan, the RDEIR simply asserts that "the amount of growth predicted . . . could make it more difficult to attain [ ] the standards" and "the potential that a significant impact could

[7] Moreover, because the RDEIR identifies only year 2030 emissions, it does not accurately assess impacts in the middle of the General Plan's buildout period (i.e., 2015 or 2020). The SJVAPCD recommends an interim year analysis: "[i]f a project has over a five year projected build-out, analyses should be done for the final build-out year (using the nearest default year in URBEMIS) and one intermediate year (using the URBEMIS default year nearest to the midpoint of projected build-out of the project)." SJVAPCD GAMAQI at 40. Consequently, the RDEIR should be revised to provide an interim year analysis. I21-121

occur remains a possibility." *Id.* at 3.3-24, 25. These obvious, generic statements do not come close to meeting CEQA's requirements for a detailed impact analysis. A legally adequate EIR "must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serous criticism from being swept under the rug." *Kings County Farm Bureau,* 221 Cal. App. 3d at 733; CEQA Guidelines § 15151. I21-120 cont'd

The RDEIR must thoroughly disclose the implications on the region's air quality plan. Would implementation of the General Plan push compliance with the air quality standards back by one year, five years, or ten years? What would be the health implications for the region's residents? Simply concluding that the General Plan may conflict with the air quality plan does not allow decisionmakers to evaluate whether implementation of the proposed Project is worth a potentially extensive delay in achieving attainment of health-based air quality standards. The revised EIR must explain the actual and specific implications associated with the region's failure to attain the state and federal standards for each of the pollutants for which the region is in non-attainment of the standards. I21-122

(c) The RDEIR Fails to Analyze Impacts Relating to $PM_{2.5}$ Emissions. I21-123

The federal Clean Air Act requires all states to attain the 1997 standards for the particulate pollutant known as $PM_{2.5}$ as expeditiously as practicable beginning in 2010, but no later than April 5, 2015. *See* SJVAPCD Proposed $PM_{2.5}$ Plan. Buildout of the County's General Plan would result in 759 tons per year of $PM_{2.5}$.[8] The RDEIR, however, fails to determine either whether the Project's substantial increase in $PM_{2.5}$ emissions would be a significant contribution to the region's already significant $PM_{2.5}$ problem, or whether it would conflict with or obstruct implementation of the SJVAPCD

[8] The original 2008 DEIR determined that the General Plan would result in an additional 2,264 tons per year of $PM_{2.5}$. The RDEIR does not explain why its $PM_{2.5}$ emission estimates have been reduced so substantially in comparison to the previous environmental document. The RDEIR must provide an explanation for this reduction, especially because the County has a high number of dairies and feedlots which emit high levels of ammonia. Ammonia is a precursor to $PM_{2.5}$ (RDEIR at 3.3-26). There is no indication that the County intends to substantially reduce the number of dairies/feedlots in 2030. Consequently, it is counter-intuitive that $PM_{2.5}$ emissions would have dropped so substantially since the last version of the EIR. I21-124

plan. The revised EIR must undertake this analysis and identify mitigation measures capable of eliminating or reducing this impact. The SJVAPCD has prepared a comprehensive and exhaustive list of strict regulatory and incentive-based measures to reduce $PM_{2.5}$ and precursor emissions throughout the Valley. *Id.* at ES-2. In addition to including these measures as mitigation, the revised EIR should consider measures to reduce particulate emissions from mobile sources, which are beyond the District's direct jurisdiction. *Id.* at ES-3. I21-123 cont'd

(d) The RDEIR Fails to Analyze Adequately the Project's Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations. I21-125

The RDEIR makes no attempt to quantify the increase in toxic air contaminants ("TAC") from buildout of the General Plan; instead it defers this analysis, suggesting that these emissions can be controlled at the local and regional level through permitting. RDEIR at 3.3-21. CEQA does not allow an EIR to defer analysis and mitigation to a future time. *Sundstrom v. Mendocino County* (1988) 202 Cal. App. 3d 296 . A project's impacts must be analyzed, disclosed, and mitigated at the "earliest feasible stage in the planning process." *Id.* at 307; *see also* CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Communities for a Better Envt. v. City of Richmond*, 2010 WL 1645906 at *14; *Gentry v. City of Murieta* (1995) 36 Cal. App. 4th 1359, 1396. Consequently, the RDEIR must evaluate the increase in TAC emissions that would result from implementation of the General Plan.

The RDEIR also fails to evaluate the health risk to sensitive receptors resulting from exposure to TAC emissions. Although the RDEIR acknowledges that sensitive land uses near local roadways, for example, could be exposed to air pollutant emissions (RDEIR at 3.3-25), the document stops short of actually analyzing this very serious potential public health impact. This failure, of course, is due largely to the General Plan's lack of a comprehensible land use plan. The lack of specific information regarding the distribution of different land uses hampers the RDEIR's ability to discern where sensitive receptors and TAC-generators might come together. The RDEIR should have identified locations at particularly high risk from TAC exposure (e.g., areas along major roadways, rail activity areas, areas near dairy and feedlot operations) and, in mitigation, required any necessary modifications to the County's proposed land use plan, such as the creation of sufficient buffer areas and contingency plans.

The RDEIR's failure to provide this analysis is particularly disturbing since the California Air Resources Board ("CARB") provides guidance pertaining to TACs and

land use development. As the RDEIR acknowledges, CARB's Air Quality and Land Use Handbook ("CARB Handbook") is intended to provide guidance to agencies when considering the potential risks to sensitive receptors (e.g., schools, homes, daycare centers, medical facilities) from TAC exposures. *See* RDEIR at 3.3-26. Land uses that result in such exposures, particularly exposure to combustion-related diesel particulate matter ("DPM"), are rarely required to acquire air quality permits. Therefore, lead agencies, such as the County, must take action to prevent or minimize health risk exposure, and cannot rely on future permitting, as the RDEIR has attempted to do. I21-125 cont'd

Indeed, the CARB Handbook explains that the *primary purpose of General Plans*, and the source of government authority to engage in planning, is to protect public health, safety and welfare. CARB Handbook at 41 (emphasis added). CARB highlights the potential health impacts associated with proximity to TAC sources, and offers guidance and setback distances for a number of land use types commonly associated with TAC emissions. CARB guidance states that "[b]ecause living or going to school too close to such air pollution sources may increase both cancer and non-cancer health risks, we are recommending that proximity be considered in the siting of new sensitive land uses." *Id.* at ES-1. The Guidance further states "what we know today indicates that keeping new homes and other sensitive land uses from siting too close to such facilities would provide additional health protection." *Id.*

Clearly, sound planning principles, along with CEQA's bar on deferred analysis, dictate that the appropriate context for addressing and eliminating these land use conflicts is during a comprehensive update of the General Plan, not at the project-specific level. The General Plan RDEIR should have used this CARB guidance—both to evaluate the potential health risk associated with implementation of the General Plan and to determine feasible alternative land use patterns if health risks would be elevated as a result of the proximity of sensitive receptors to toxic sources.

(e) The RDEIR Fails to Adequately Analyze the Potential for Development Under the General Plan to Create Objectionable Odors. I21-126

Dairies and feedlots have the potential to generate odors and to impact nearby sensitive receptors. Despite this fact, the RDEIR devotes exactly three sentences to this important issue. Moreover, this cursory discussion omits any actual analysis of how sources of odorous emissions caused by implementation of the General Plan would impact sensitive receptors. Again, the RDEIR defers this important analysis and concludes, absent any evidence, that impacts relating to odorous emissions would be less than significant. RDEIR at 3.3-28. The RDEIR can hardly conclude that no sensitive

receptors will be affected by dairy or feedlot odors if there is no plan to ensure that such receptors will not be located near the odor sources. I21-126 cont'd

The purpose of the General Plan is to guide the growth and development of the County. Locating adequate sites for dairy and feedlot development will become more difficult upon buildout of the County. Sensitive land uses must be protected from these incompatible uses. Had the County prepared its General Plan in a manner that outlined present land uses and provided a comprehensible description of the distribution of proposed land uses, the RDEIR would then be able to evaluate these potential impacts. Under the General Plan as currently proposed, with its lack both of a legally adequate land use plan and of effective policies to avoid odor-related land use conflicts, the RDEIR must assume that the County is built out to the maximum density allowable. It must then estimate how many sensitive receptors are likely to be located within an affected area of odor-producing facilities. This calculation will allow the determination of the severity of the impact, which is likely to be significant.

(f) The RDEIR Fails to Identify Feasible Mitigation Measures for the General Plan's Significant Air Quality Impacts. I21-127

The RDEIR fails entirely to identify adequate mitigation for the General Plan's significant air quality impacts. For example, as regards the potential for the General Plan to expose sensitive receptors to sources that generate TACs and offensive odors, the RDEIR looks to policies AQ-3.1 to AQ-3.6, claiming that these policies will "address a variety of nuisance issues." *Id* at 3.3-28. Yet, these policies have no relationship to the specific impact. For example, the policies call for: (1) placing employee services near employment centers; (2) adding landscaping to projects and roadway medians; and (3) promoting energy conservation. *See* General Plan at I-9-9. The RDEIR fares no better when it relies on land use policies LU-1.1, LU-1.4 and LU-1.8. *Id.* These policies, which call for "smart growth" and infill development, will have little, if any effect, on impacts resulting from siting polluting industries near sensitive receptors. *Id.* Clearly, the RDEIR authors must dig deeper to develop measures to mitigate these serious air quality impacts.

As for the General Plan's increase in mobile sources of emissions, the RDEIR relies on mitigation measures that are vague and otherwise unenforceable. AQ-1.1, AQ-1.7, and AQ-2.1 call for nothing more than cooperation and support with other agencies, while AQ-2.3 calls for the County to simply study transportation methods, and AQ-2.4 calls for the County to "encourage . . . participation" in programs. (*See* General Plan at I-9-7, I-9-8). These policies would fail to bring about *any* measurable reduction I21-128

in General Plan-related vehicular emissions. On the other hand, the mitigation measures identified above in connection with transportation impacts would, if implemented, result in a substantial reduction in pollutant emissions. CEQA therefore requires this RDEIR to identify such measures before the General Plan may be approved. I21-128 cont'd

(g) The RDEIR Fails to Analyze or Mitigate the Project's Cumulative Air Quality Impacts. I21-129

The RDEIR lacks an analysis of the General Plan's cumulative air quality impacts. Instead, it looks to the project-specific analysis of impacts and concludes the Project would contribute considerably to a significant and unavoidable air quality impact. RDEIR at 5-8. Yet, as the RDEIR explains, the project-specific analysis did not evaluate air quality from the entire air basin, or even the entire County:

> This assessment includes emissions attributable to all unincorporated lands within Tulare County. It does not include emissions associated with incorporated cities within Tulare County. Therefore, unincorporated Tulare County is considered to be the organizational boundary for the assessment.

See RDEIR at 3.3-16.

The revised RDEIR must include an analysis of the General Plan's cumulative air quality impacts. This analysis must necessarily consider emissions from the entire air basin. Once this analysis is undertaken, the County will be in a position to evaluate feasible mitigation measures capable of offsetting the project's contribution to these cumulative air quality impacts.

5. The RDEIR Fails to Adequately Analyze and Mitigate the General Plan's Climate Change Impacts. I21-130

(a) The RDEIR Fails to Present an Accurate Representation of Climate Change Impacts Caused by the General Plan.

Like its predecessor, the RDEIR provides insufficient detail regarding methodology and assumptions to determine whether the greenhouse gas ("GHG") analysis actually evaluates the Project's impacts. Here too, the RDEIR relies on TCAG vehicle miles traveled ("VMT") data to arrive at on-road mobile source GHG emissions. RDEIR at 3.4-25. Yet, the document never (1) identifies the actual VMT numbers from TCAG or the draft General Plan or (2) explains the relationship between the proposed General Plan, including the type and location of proposed land uses, and the TCAG data

to allow the public and decisionmakers to determine whether the RDEIR's emissions estimates reflect the proposed Project. I21-130 cont'd

In order to accurately prepare a GHG emissions inventory representative of the proposed Project, the RDEIR should calculate the number of vehicular trips and the overall VMT attributable to development under the General Plan. Yet, the first step to identifying VMT is to identify the location and extent of existing and proposed land uses (residential, commercial, industrial, mixed use, agricultural and open space, and public) for all land within the County. Until this fundamental first step is undertaken, it is simply not possible to calculate changes in VMT and consequently mobile sources of GHG emissions.

While the RDEIR does now include emissions from electricity, natural gas and solid waste, the RDEIR's electricity sector emission estimates provide no information regarding methodology and assumptions as to how the RDEIR authors calculated the emission estimates. Which specific sources were considered in the calculation of electricity GHG emissions? Were GHG emissions from construction activities and operations taken into account? If so, how were the emission estimates arrived at in the absence of detailed land use data? I21-131

Construction activities, such as site grading and asphalt paving, and the associated use of utility engines and heavy-duty construction vehicles of individual projects related to the General Plan would produce combustion emissions from various sources. During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels emits GHGs. GHG estimates must be based on residential, commercial and industrial growth and must be calculated assuming some buildout projection (i.e., 1/20th of the total development occurs in each year with equal construction phasing in each year). Here, the RDEIR provides none of this information. I21-132

Other critical information missing from the RDEIR relating to its electricity-related GHG emissions projections includes the following: (1) the amount of commercial and industrial square footage within the General Plan area; (2) the number of employees in 2030; (3) the number of single-family and multi-family residences allowed by the General Plan in 2030; and (4) the amount of water-related energy use assumptions (conveyance, water treatment, water distribution, and wastewater treatment). I21-133

The RDEIR appears to ignore agricultural activities as a source of GHG emissions. According to the Yolo County General Plan EIR, agricultural activities I21-134

account for the largest source of GHG emissions under existing conditions and account for 40 percent of the total inventory in that County. *See* Yolo County General Plan EIR, April 2009, at 358, excerpts attached as Exhibit 3. The Yolo County General Plan EIR states: I21-134 cont'd

> Agricultural activities contribute to emissions of greenhouse gases through a variety of processes, including direct emissions from the field (e.g., manure and soil management) in the form of nitrous oxide and methane, and carbon emissions from agricultural equipment and water-pumping systems. The estimates of greenhouse gas emissions related to agricultural activities are based on emissions from equipment exhaust, including harvesting equipment, emissions from fertilizer application and water use. Rice is produced in the northeast part of the county and in portions of the Yolo Bypass Wildlife Area; methane is produced during flooded rice cultivation by the anaerobic (lacking oxygen) decomposition of organic matter in the soil. *Id.*

While the RDEIR accounts for emissions from dairy/feedlots, there is no indication that these emission estimates take into account all other agricultural operations. The revised EIR must provide the necessary details regarding all sources of GHG emissions.

(b) The General Plan and RDEIR Must Recognize that Uncontrolled, Sprawling Growth Undermines State Greenhouse Gas Reduction Goals. I21-135

The RDEIR determines that the substantial increase in GHG emissions that would accompany implementation of the General Plan could conflict with the State's ability to meet the AB 32 goals. RDEIR at 3.4-32. The document correctly identifies this impact as significant. *Id.* Yet the RDEIR is entirely wrong when it concludes that this impact is unavoidable. Tulare County has the ability to create and adopt a General Plan that advances the goals of AB 32 (and SB 375), and this General Plan creates the opportunity to advance a sustainable land use and transportation planning agenda.

As discussed above in the transportation section of the letter, the General Plan and RDEIR must recognize that uncontrolled, sprawling growth undermines the State's GHG reduction goals. Decentralized, low density land use development results in excessive reliance on the private automobile. Thus GHG emissions will continue to rise despite technological advances, because the increase in driving is projected to overwhelm planned improvements in vehicle efficiency.

Findings from the study entitled "Growing Cooler: The Evidence on Urban Development and Climate Change," show that "much of the rise in vehicle emissions can be curbed simply by growing in a way that will make it easier for Americans to drive less"—specifically, through compact development that can reduce driving by 20 to 40 percent. *See* Exhibit 15 [Growing Cooler]. Indeed, recognizing the unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, is urging that the growth of vehicle miles traveled *be cut in half. Id.* (emphasis added.) Slowing the growth of vehicle miles traveled, especially when many regions including Tulare County are facing substantial increases in population, is a daunting task. However, much of the rise in vehicle emissions can be curbed simply by managing land use in a way that makes it easier for people to drive less. *Id.* The Legislature and the people of California have decided that this state must move toward sustainable growth. Tulare County's insistence on working against this goal is unjustifiable. I21-135 cont'd

(c) The RDEIR's Approach to Climate Change Mitigation Is Utterly Deficient. I21-136

The County takes a step in the right direction by preparing a Climate Action Plan ("CAP") as an implementation measure to reduce the substantial increase in GHG emissions that would accompany implementation of the General Plan. Yet the CAP appears to include identical policies as the General Plan's air quality chapter of the Environment Element. Unfortunately, many of these General Plan policies are voluntary, flexible, and unenforceable in nature and consequently will be ineffective in mitigating the General Plan's GHG impacts. CEQA requires more. "The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . . ." CEQA § 21061. The Supreme Court has described mitigation as part of the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors of Santa Barbara County* (1990), 52 Cal. 3d 553, 564. It is important to note that the RDEIR's obligation to identify mitigation is not diminished just because no available mitigation reduces the impact all the way to a less-than-significant level. Any measure that will reduce the severity of the impact is still useful, and still must be identified and analyzed. CEQA Guidelines § 15126.4(a)(1); *cf. Santiago County Water Dist. v. Orange County* (1981) 118 Cal. App. 3d 818, 831.

Many of the policies and programs listed as mitigation in the RDEIR include terms like "shall strive to," "as feasible," "shall cooperate with," "shall work to comprehensively study," "shall encourage" and "shall monitor and support." As such, the RDEIR and the CAP provide inadequate commitment to substantive, enforceable climate change mitigation and protection, and fail to provide mechanisms to ensure that

climate change mitigation will evolve, as appropriate, while enduring across the twenty year project lifespan. Generally, policies that call for "encouraging," and "supporting" should be modified to actually require the implementation of the policies' programs. For example, where AQ-2.3 calls for the County to work with TCAG to comprehensively study methods of transportation, which may contribute to a reduction in air pollution in Tulare County, this measure should be changed to "implement and impose an enforceable requirement on developers to contribute toward enhanced transit service" or "adopt a transit mode share goal." *See* CAP at 72

I21-136 cont'd

In essence, we can find no evidence that the County is seriously committed to offsetting the substantial increase in GHG emissions that would result from implementation of the General Plan. Additional actions to reduce GHG emissions have been demonstrated to be feasible as evidenced by their adoption by other jurisdictions in California. Tulare County should consider adopting all feasible mitigation measures using the powers the County has to enact ordinances and control development characteristics to reduce GHG emissions.

6. The RDEIR Inadequately Analyzes and Mitigates the General Plan's Water Supply Impacts.

I21-137

As the General Plan admits, Tulare County faces serious limitations with regard to ground water supply. For the Tulare Lake Basin alone, "the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the State, and 56 percent of the Statewide total overdraft." General Plan at I-11-3. Throughout Tulare County, but especially in the smaller communities and hamlets, the quantity and quality of water supplies cannot be taken for granted. Nonetheless, that is precisely the tack taken by the RDEIR, which assumes, or perhaps hopes, that water supply can keep up with demand.

Most troubling is the RDEIR's conclusion that there may be insufficient groundwater supplies to satisfy demands from the future growth allowed under the General Plan. This impact is discussed in two places in the RDEIR: as part of the Hydrology, Water Quality and Drainage analysis (Impact 3.6-2) and as part of the Public Services analysis (Impact 3.9-1). Under CEQA, an EIR must clearly identify the proposed water supply for the entire project under review, and must then analyze the reliability of that supply. *See, e.g.*, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 431-32; *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 722-24; *Napa Citizens for Honest Government v. Napa County Board of Commissioners* (2001) 91 Cal. App. 4th 342, 373-74. If it is uncertain whether the proposed supply can

provide the needed water, the EIR must also identify an alternative source. *Vineyard Area Citizens*, 40 Cal. 4th at 432. The EIR must finally analyze and disclose the potential environmental impacts of tapping these sources. *Id.*

I21-137 cont'd

The RDEIR fails to comply with these requirements in several ways. First, the RDEIR lacks the required analysis to determine the location and significance of the Project's impacts on groundwater supplies. The first step in this analysis must be to quantify how much groundwater each community or region will need at full buildout under the proposed General Plan and compare that to the projected, available groundwater supply serving each community or region. Unfortunately, this analysis is missing from the RDEIR. Instead, the RDEIR merely lists the various domestic water service providers throughout the County and states "qualitatively" whether each of these providers will be able to serve the "projected general plan population growth." RDEIR at 3.9-17. In a revised and recirculated EIR, the County must conduct a quantitative analysis of this impact, estimating how much capacity each water service provider has and comparing that to the projected demand for that provider's water at full buildout based on the distribution of land uses under the General Plan.

The purpose of such quantitative analysis is clear: if it demonstrates that there will be insufficient water supplies in any given community or region, the County must identify the steps required to increase capacity or obtain new water sources and consider the environmental impacts of obtaining this supply, including the impacts of constructing any required infrastructure. *Vineyard Area Citizens*, 40 Cal. 4th at 432. Another purpose served by this analysis would be to guide the development of alternatives and mitigation measures. If this analysis reveals that domestic water service providers simply cannot provide sufficient water to satisfy the demands from proposed development in a particular community, the County should—indeed, must—consider adopting policies that limit growth there. The absence of this analysis deprives the public and decisionmakers of sufficient information to draw their own conclusions about the wisdom of this General Plan and its environmental costs. *See Citizens of Goleta Valley*, 52 Cal. 3d at 568; CEQA § 21080(e)(1)-(2).

Even without this analysis, however, the RDEIR acknowledges that at least several domestic water service providers will be unable to serve the additional population and development allowed in accordance with the proposed General Plan. Under CEQA, this determination triggers the RDEIR's obligation to identify and analyze the impacts associated with alternate sources. *See Vineyard Area Citizens*, 40 Cal. 4th at 432. The RDEIR, however, does no such thing, and therefore is legally inadequate.

The proposed General Plan's water supply policies only paper over the RDEIR's failings. Requiring demonstrated water only on a project-by-project basis, as do Policies WR-3.3 and PFS-2.2, is likely to lead to a haphazard scramble for supplies, as well as the potential over-commitment of limited resources. The County needs to identify and quantify available supplies now, in order to guide growth to those areas with sufficient supplies to support it. The currently proposed policies should certainly remain in the General Plan, although they ought to be strengthened to make clear that the County will not approve any project that does not demonstrate a sufficient water supply over the long term. But these policies are no substitute for the extensive water-supply analysis that CEQA requires of this RDEIR. I21-138

The RDEIR also overlooks the potentially significant public health impact caused by allowing so much development in an area where the groundwater supplies are frequently contaminated with nitrates. *See* Exhibit 12. Nitrates have been linked to "blue baby syndrome" and other health risks. *Id.* The source of these appears to be fertilizer and byproducts from septic systems. *Id.* Individual wells are especially likely to contain elevated levels of nitrates, but municipal water supplies are at risk as well. *Id.* A revised EIR must contain an analysis of the significant environmental impacts associated with locating new development in areas where groundwater supplies are contaminated. I21-139

Moreover, the RDEIR concludes these impacts are "significant and unavoidable," while overlooking concrete measures that could reduce them. For example, the RDEIR cites to Visalia's program to mitigate the impacts of development on groundwater resources. RDEIR at 3.6-45. This program imposes fees on water users and those seeking to convert land from agricultural use to urban use. *Id.* These fees, in turn, are used develop "groundwater management programs, purchase surface water for recharge, and purchase water rights for delivery into areas impacting the groundwater reservoir underneath the City." *Id.* The County could adopt a similar program as part of this General Plan Update to mitigate the Project's water supply impacts. I21-140

In its discussion of cumulative water supply impacts, the RDEIR relies on state water planning statues, SB 610 and SB 221, to prevent such impacts. This reliance is misplaced and unsupported. The existence of these statutes does nothing to relieve the EIR of its obligation to explain the County's water supply plans and to analyze the environmental impacts of these plans. In fact, SB 610 requires that the County prepare that analysis now. *See* Water Code §§ 10910(b) & 10912(a)(7). The County's failure to do so violates state water law requirements. I21-141

Moreover, for future development projects, it is not clear that state water laws will do the job that the RDEIR claims. The water supply statutes' requirements

apply only to developments over a certain size—generally, 500 residential units. *See* Gov. Code § 66473.7(a)(1). The RDEIR asserts that "[m]ost new development throughout the County" would meet the statutory thresholds, but it offers no evidence. RDEIR at 5-10. There is nothing in the RDEIR to indicate that development would follow this pattern, and, in the absence of an adequate land use plan, there is no reason to believe that development will proceed through such large projects, rather than through the haphazard growth of smaller subdivisions. Knowing that the County is relying solely on state mandates, and not performing its own water supply inquiries, developers are likely to size their projects in order to evade review under SB 610 and SB 221. The County may well see a sudden increase in the number of 499-unit subdivision applications. In short, in the absence of substantial evidence, the County cannot rely on the mere assumption that state laws will prevent any cumulative water supply impacts.[9] I21-141 cont'd

Water supply planning is serious business in Tulare County. When the members of the Council of Cities come to the Local Agency Formation Commission with annexation and development proposals, Commissioners consistently—and appropriately—ask tough questions about water supply, ensuring that the cities do not take on projects without knowing, well ahead of time, that water is available. CEQA, and good public policy, demand that the County ask itself the same hard questions. I21-142

7. The RDEIR Inadequately Analyzes and Mitigates the General Plan's Impacts Related to Public Services. I21-143

The RDEIR fails to adequately consider the ability of the County to provide adequate public services and utilities to support buildout of the General Plan. The purpose of analyzing public services is to determine whether a project will lead to additional demand that could, in turn require construction or other activities that might have environmental impacts. The RDEIR goes through the motions of performing this analysis, but in the end produces only generic descriptions of potential impacts, with no specific information about what might actually happen under the General Plan.

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[9] The RDEIR also asserts that the General Plan includes "several policies" applicable to all projects that will address this impact by clarifying how the County will "work with local service providers to address the phasing of future development and the availability of an adequate water supply." RDEIR at 5-10. However, the RDEIR does not indicate which policies these are or how they will reduce the project's cumulative impacts on water supply. I21-144

The RDEIR's discussions of schools, fire protection, police services, sanitary sewer, landfill, and water treatment all follow the same pattern. Like the initial DEIR, the RDEIR largely acknowledges that new facilities will likely be needed, and then reels off a brief list of the types of impacts that might occur and declares the impacts to be unavoidable. In effect, the RDEIR simply states that there could be impacts and moves on. It does not explain by how much demand will exceed supply or when in the life of the General Plan new facilities might be needed, nor does it give any indication of *where* new construction might take place. This analysis is insufficient; the RDEIR must include more detail about the specific impacts connected with each type of facility before it will be adequate under CEQA. *See Whitman v. Bd. of Supervisors of Ventura County* (1979) 88 Cal. App. 3d 397, 412 ("The use of phrases such as 'increased traffic' and 'minor increase in air emissions,' without further definition and explanation, provides neither the responsible agency nor the public with the type of information called for under CEQA."). I21-145

The RDEIR's treatment of the General Plan's impact on wastewater facilities is particularly deficient. As with other sections of the RDEIR, the RDEIR does not correlate the County's planned growth and distribution of land uses with its projected wastewater demand in 2030, so there is no indication that the wastewater systems analysis is, in fact, based on buildout of the General Plan. Indeed, the RDEIR states that for the unincorporated areas not identified as "communities" within the General Plan, an assumed growth estimate of 2% across the board is applied for capacity analysis purposes. RDEIR at 3.9-50. An "assumed growth rate" for all of the "unincorporated areas not identified as 'communities'" would indicate that wastewater demand is not based on the General Plan at all. I21-146

Moreover, the RDEIR contains a table identifying year 2030 wastewater treatment capacity needs but omits any information as to the methodology and assumptions for determining the capacity estimates. *See* Table 3.9-22: Year 2030 Wastewater Treatment Capacity Needs. The footnotes for this table—which should provide the necessary detail—are cryptic and uninformative. *See id.* Footnote 1 states "existing number of connections are estimated based upon *available information*;" Footnote 2 states "Year 2030 ESDs (Projected Need) is estimated based upon *preferred General Plan Alternative, with necessary adjustments for analysis purposes.*" *Id.* (emphasis added). None of this information appears to take into account the increase in wastewater from the General Plan's actual land uses (i.e., increases in residential, commercial, industrial development). Without some indication that the RDEIR's identification of wastewater demand reflects 2030 conditions, it is not possible to

determine by how much demand will exceed supply or when in the life of the General Plan new facilities might be needed. I21-146 cont'd

In addition, the RDEIR's discussion of wastewater facilities and service providers contains only the most cursory information relating to the provision of this important public service. According to Table 3.9-22, numerous wastewater treatment providers would have deficient capacity in 2030. *See* RDEIR at 3.9-51.[10] The document correctly identifies this impact as significant, concluding that the General Plan would result in wastewater treatment demand in excess of planned capacity that cannot be met by new or expanded facilities. RDEIR at 3.9-50. Yet rather than grapple with the serious issue of how wastewater service would be provided to accommodate the County's planned growth, the document largely punts the issue suggesting that the provision of adequate wastewater system capacity in Tulare County is largely outside the control of the County. *Id.* The RDEIR further suggests that these wastewater treatment providers "must … expand as needed to accommodate projected growth within each service area." *Id.* But the document provides no explanation as to why these agencies *must* provide wastewater service to meet County demand. Nor does the document identify how, exactly, this increase in service would occur. It is the purpose of this RDEIR to provide this necessary analysis.

The RDEIR errs further when it suggests, absent evidence or analysis, that the eight incorporated cities within the County would likely have the capacity to accommodate projected growth due to "advanced planning and capital improvement financing capabilities." RDEIR at 3.9-51 and 52. Again it is the purpose of this RDEIR to actually evaluate the feasibility of other jurisdictions or wastewater service agencies to provide wastewater service. Such an analysis must be supported by substantial evidence. *Laurel Heights I*, 47 Cal. 3d at 409. Moreover, it is especially ironic that the EIR preparers tout the importance of the cities' advanced planning capabilities when it is precisely the purpose of this General Plan—and its EIR— to *plan* for the County's future wastewater needs.

The RDEIR's failure to provide specific information about the General Plan's approach to land use development results in significant omissions in analysis. Several cities in the County have recognized the problems that can accompany County- I21-147

[10] Again, it is not clear what information the RDEIR preparers relied upon to determine these capacity deficiencies or whether the projections relate in any way to the draft General Plan's proposed land uses. I21-146 cont'd

initiated urban development within cities' UDBs and UABs. Because these developments are typically not dense enough or are too geographically remote from urban wastewater systems, the developments must be served by septic systems or on-site package sewage treatments plants. Failure of septic systems and insufficient maintenance can result in water quality degradation and other environmental harm. Moreover, adjacent cities often find themselves in the position of having to extend wastewater service – at great cost – to these insufficiently planned developments. I21-147 cont'd

In addition, the RDEIR fails altogether to analyze whether the proposed General Plan would exceed the wastewater treatment requirements of the Central Valley Regional Water Quality Control Board. *See* RDEIR Significance Criteria at 3.9-33. This analysis is particularly important inasmuch as it is compliance with wastewater requirements that ensures wastewater treatment service does not cause degradation of groundwater quality. The RDEIR's failure to conduct this analysis is particularly egregious inasmuch as it may not be possible to permit sufficient wastewater treatment capacity to meet the County's wastewater demand. This General Plan update process is exactly the moment for the County to evaluate and resolve public utility constraints and evaluate their environmental impacts. Planning for these types of infrastructure challenges is one of the purposes of the General Plan. The County, however, has opted again not to undertake any planning, but instead to put it off until demand begins to catch up with supply and the need becomes acute. The County must take a more forward-looking approach to planning for public utilities. I21-148

Finally, as with the RDEIR's approach to mitigation for the General Plan's other environmental impacts, the document fails to provide effective mitigation to reduce the Project's "significant and unavoidable" impacts relating to wastewater facilities. Here too, the RDEIR looks to measures that call for the County to encourage urban development to be located in existing UDBs and HDBs where infrastructure is available or may be established in conjunction with development. *See* PF-1.4 at 2-7 (emphasis added). This policy is too vague and flexible to ensure that adequate infrastructure is in place prior to urban development. Moreover, this policy could actually result in the exact impacts it was intended to prevent. As discussed in the land use section of this letter, there are numerous examples of County-initiated development within a city's UDB that have resulted in extensive infrastructure impacts. I21-149

8. The RDEIR Fails to Adequately Analyze and Mitigate the General Plan's Impacts on Biological Resources. I21-150

Tulare County has a multitude of sensitive and critical habitats and an astonishing array of special-status species that have the potential to occur in Tulare

County. RDEIR at 3.11-6 through 3.11-20. The California Natural Diversity Database and the California Native Plant Society for Tulare County lists 182 listed species. *Id.* at 3.11-20. Given these extraordinary biological resources, one would expect the RDEIR to provide a comprehensive analysis of the effect that implementation of the General Plan would have on the County's plant and wildlife communities.

I21-150 cont'd

Yet, the RDEIR never actually evaluates how growth expected under the General Plan would impact sensitive habitats, or plant and wildlife communities. Instead, the document takes the novel approach of assessing whether the proposed General Plan includes adequate provisions to ensure protection of the resources. *Id.* at 3.11-30. While this exercise is certainly necessary, it does not release the County from its obligation of actually analyzing how growth from the General Plan would affect resources. CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. The document must provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decisionmakers to make intelligent judgments. *Id.* Consistent with this requirement, the information regarding the project's impacts must be "painstakingly ferreted out." *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal. App. 3d 350, 357 (1982) (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

To analyze impacts to biological resources, the RDEIR must include not just lists of species and habitats, but maps showing their locations (and migration corridors) in the County and textual explanations of the species' needs and their status—a discussion, that is, of how rare they are locally and overall, and how development under the General Plan might threaten them. Having established the baseline, the RDEIR would then need to compare the locations of habitat and species to the locations of development, and to propose concrete, enforceable mitigation measures to protect any threatened resources. Of course, this analysis must look to the maximum densities allowed under the proposed General Plan in order to determine where development will effect biological resources.

Until it follows these steps, or undertakes some similar procedure to determine the potential impacts of development under the General Plan, this RDEIR's analysis will remain thoroughly inadequate. Furthermore, until this analysis is undertaken, it is not possible to identify or evaluate feasible mitigation measures capable of minimizing the Project's significant impacts on biological resources.

9. The RDEIR Inadequately Analyzes the General Plan's Cumulative Impacts. I21-151

Under the CEQA Guidelines, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts" CEQA Guidelines § 15130(a)(1). Because "[c]umulative impacts can result from individually minor but collectively significant projects" (CEQA Guidelines § 15355(b)), an impact that appears less than significant (or mitigable to such a level) when only the project is scrutinized may turn out to contribute to a significant cumulative impact. In that case, the EIR must determine whether the project's contribution is "cumulatively considerable," that is, whether its "incremental effects . . . are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines § 15065(a)(3); *see also Kings County Farm Bureau*, 221 Cal. App. 3d at 729. This mandate assumes even greater importance for a program-level EIR such as this one. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR allows agency to "consider broad policy alternatives and program-wide mitigation measures" at an early stage when the agency has greater flexibility to deal with cumulative impacts.)

To analyze the General Plan's potentially significant cumulative impacts, the RDEIR purports to consider "a summary of projects contained in an adopted general plan or related planning document or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact." RDEIR at 5-4 (citing CEQA Guidelines § 15130(b)). However, the only relevant "summary of projects" included in the RDEIR is Table 5-2, which simply lists the "planning timeframe," "buildout population," and "significant environmental impacts" of general plans adopted by the eight incorporated cities within the County and the neighboring counties of Fresno, Kern, and Kings.[11] *Id.* at 5-5. It does not include "a summary of projects" contained in these adopted plans, or any indication of whether these documents "described or evaluated regional conditions contributing to the cumulative impact," as required by the CEQA Guidelines § 15130(b).

[11] The RDEIR does not even include this minimal information about the cities of Woodlake and Exeter. RDEIR at 5-5. Contrary to the assertion in the RDEIR concerning the unavailability of the plans, these general plans are available and are attached to this comment letter. I21-152

In fact, after listing these general plans, the RDEIR goes on to analyze the Project's cumulative impacts without once referring back to the general plans[12] I21-152 cont'd

Instead, the cumulative impacts section of the RDEIR largely repackages, in abbreviated form, the project-specific impact analysis. In doing so, the RDEIR misses the point of cumulative impacts analysis entirely. For example, the RDEIR concludes that the Project would not contribute considerably to cumulative Fire Protection and Emergency Medical Services impacts because the RDEIR's project-specific analysis "took into consideration the potential growth within the area that would be provided emergency services by the County and no significant impact was identified." *See* RDEIR at 5-9; *see also* RDEIR at 5-9 to 5-10 (applying similar logic to Law Enforcement Services and Schools). However, the project-specific analysis did not analyze whether the buildout allowed under the County General Plan, together with development in the Cities and neighboring counties, would cause significant cumulative impacts on these services.

The very purpose of cumulative impact analysis is to determine whether impacts that appear insignificant in isolation add up to significant damage the environment. Thus, the fact that individual projects have only less than significant impacts is no answer to the question whether they, taken together, have a cumulative impact. *See Kings County Farm Bureau*, 221 Cal. App. 3d at 720. The RDEIR must take a hard look at the impacts of the General Plan together with the impacts of development in the Cities and neighboring counties, and after undertaking that analysis, must determine whether the General Plan's contribution to such impacts are cumulatively considerable.

The RDEIR not only violates CEQA by failing to provide a legally adequate analysis of cumulative impacts, it violates CEQA by failing to propose feasible mitigation to reduce those impacts. The RDEIR acknowledges that the General Plan could contribute considerably to numerous significant cumulative impacts (e.g., aesthetics, traffic, air quality, climate change, noise, solid waste, water supply an delivery, flooding, agricultural resources, biological resources). Nonetheless, it identifies I21-153

[12] The RDEIR also lists four proposed developments within the unincorporated County—Goshen, Yokohl Ranch, Rancho Sierra and Earlimart—and states that these projects "are taken into consideration for the cumulative impacts discussion and analysis." RDEIR at 5-5 to 5-6. However, the RDEIR does not mention these developments in the subsequent analysis of the Project's cumulative impacts. I21-154

no additional mitigation measures that could reduce these significant impacts, as required by CEQA. *See* CEQA Guidelines § 15130(b)(5). As in its project-specific analysis, the RDEIR assumes unfettered urbanization is inevitable. In doing so, the RDEIR overlooks the County's vast potential for guiding the foreseeable development and mitigating its impacts through strong General Plan policies and meaningful land use designations. The resulting RDEIR, which jumps straight to the conclusion that the General Plan's impacts will be significant *and* unavoidable, is inadequate. I21-153 cont'd

C. The RDEIR Fails to Adequately Mitigate the Impacts that Will Occur as a Result of the General Plan. I21-154

CEQA requires that an EIR identify, and the decisionmakers adopt, all feasible mitigation measures that would reduce or avoid a project's significant impacts. CEQA § 21002; CEQA Guidelines § 15091(a)(3). The agency must comply with this requirement even if the mitigation would not reduce the impact to a less than significant level, as long as the measure would have some mitigating effect. As discussed in the environmental impact sections of this letter, CEQA requires that "mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments." CEQA § 21081.6(b); CEQA Guidelines § 15126.4(a)(3). Uncertain, vague, and speculative mitigation measures have been held inadequate because they lack a commitment to enforcement. *See, e.g.*, *Anderson First Coalition*, 130 Cal. App. 4th at 1188-89 (holding traffic mitigation fee measure inadequate under CEQA due to vagueness in program for implementing required improvements). Here, the RDEIR is utterly deficient because it: (a) fails to identify all feasible mitigation for impacts the EIR identifies as significant and unavoidable; and (b) contains measures that are unenforceable, uncertain and vague. In addition, the General Plan policies that the RDEIR documents rely on are discretionary and ineffective.

1. The RDEIR Fails to Identify and Analyze All Feasible Measures for Impacts that the RDEIR Finds Significant and Unavoidable. I21-155

The RDEIR finds that the implementation of the General Plan would result in nearly two dozen significant and unavoidable environmental impacts. *See* RDEIR at ES-12 through ES-26. Contrary to the RDEIR's conclusions, these impacts—including the loss of agricultural land, adverse effects on water supply and quality, wastewater treatment, solid waste, biological resources, flood hazards, traffic, air quality, climate change, noise, cultural and visual resources, and growth-inducing impacts— are certainly avoidable. Yet, the County abdicates its responsibility under CEQA to consider and approve specific mitigation measures that could reduce these impacts.

The County cannot approve a project with significant environmental impacts if there are feasible mitigation measures that would substantially *lessen* those effects (even if they are not completely avoided or reduced to a less than significant level). CEQA § 21002. Moreover, the RDEIR may not avoid disclosure and analysis of the significant environmental impacts of a project by merely concluding that those impacts are unavoidable. CEQA does not permit a lead agency to "travel the legally impermissible easy road to CEQA compliance" by "simply labeling [an] effect 'significant' without accompanying analysis." *Berkeley Jets*, 91 Cal. App. 4th at 1371. I21-156 cont'd

The numerous significant environmental impacts brought about by the proposed General Plan are not inevitable as the RDEIR would imply; to the contrary, if the RDEIR had proposed and analyzed adequate mitigating measures—as required under CEQA—some of those impacts could certainly be avoided. This letter identifies numerous feasible mitigation measures that would certainly help to offset the General Plan's significant environmental impacts. The revised EIR must evaluate the feasibility of these measures and the County must adopt those measures that are determined to be feasible.

2. The RDEIR Contains Inadequate Mitigation Measures that Are Unenforceable, Uncertain, and Vague and Thus Do Not Ensure Impacts Will Be Reduced to Insignificant Levels. I21-157

The RDEIR finds in numerous instances that Project impacts would be mitigated to less than significant levels through the implementation of mitigating policies and implementation measures. *See* e.g., Impact 3.4-2: wasteful, inefficient energy consumption at 3.4-29; Impact 3.5-1: construction noise impacts at 3.5-23; and Impact 3.9-7: school services or facilities at 3.9-64. In each of these instances, the RDEIR fails to put forth measures to mitigate the impacts that are specific and enforceable.

For example, with regard to the Project's significant impact on energy resources, the RDEIR identifies policy ERM-4.8 calling for the County to encourage renovations and new development to incorporate energy efficiency (*Id.* at 3.4-30). Yet, as this policy makes clear, the County is not actually committing itself to take any specific action to reduce energy consumption. I21-158

The RDEIR does no better in its attempt to mitigate the General Plan impacts on school facilities since the measure simply states that "the County may require new projects to mitigate impacts on school facilities… ." *See* PFS Implementation Measure #3 at 3.9-66. This empty shell of a measure provides no assurance that the County would even try to mitigate impacts to school facilities, let alone provide a specific I21-159

proposal for accomplishing this task. The RDEIR nonetheless touts this insubstantial measure in concluding that the General Plan's impact on school facilities would be less than significant. *Id.* at 3.9-67. I21-159 cont'd

Finally, as regards the Project's significant construction-related noise impacts, Policy HS-8.18 calls for the County to seek to limit construction noise to the hours of 7 a.m. to 7 p.m. (at 3.5-24) as if elevated construction noise levels during these daytime hours would not be bothersome or annoying. In the absence of specific information about the decibel level of construction operations, and the location of potentially affected noise-sensitive land uses, the RDEIR cannot simply conclude, as it currently does, that construction-related noise impacts would be mitigated to a less than significant level. Because the RDEIR provides no basis to judge the effectiveness of this measure, it is a "mere expression[] of hope" that the County will be able to devise a way around the problem of elevated construction noise levels. *Lincoln Place Tenants Assn. v. City of Los Angeles* (2005) 130 Cal. App. 4th 1491, at 1508. CEQA requires more than that to mitigate significant impacts. *Id.* I21-160

Because the RDEIR relies on vague, flexible and non-enforceable mitigation measures, it lacks the evidentiary basis to conclude that Project impacts would be reduced to less than significant levels. I21-161

3. The Policies the RDEIR Relies on to Reduce the Project's Impacts to Less Than Significant Levels Are Discretionary and Ineffective. I21-162

The RDEIR relies on myriad policies and implementation measures to conclude that environmental impacts from the General Plan would be less than significant and therefore have no need for mitigation. Again and again, the RDEIR fails to actually analyze the Project's potentially significant environmental impacts, instead it merely looks to the implementation of General Plan policies before boldly concluding that impacts would not be significant (*see e.g.*, Impact 3.1-2: conflicts with applicable adopted land use plans at 3.1-22; Impact 3.2-4: substantial increase in public transit usage at 3.2-35; Impact 3.3-1: exposure of sensitive receptors to construction-related air emissions at 3.3-18; Impact 3.3-5: expose a substantial number of people to objectionable odors at 3.3-27; Impact 3.4-1: result in wasteful or inefficient energy consumption due to population growth at 3.4-26; and Impact 3.6-4: create additional stormwater runoff that would exceed capacity of existing drainage systems at 3.6-50). Yet, here too the RDEIR relies on General Plan policies that are vague, speculative and unenforceable and therefore would not effectively reduce the Project's significant environmental impacts.

Moreover, the RDEIR makes no effort whatsoever to evaluate the effectiveness of the General Plan policies and thus lacks the evidentiary basis to conclude that the specific environmental impact would be less than significant. In addition to the examples already discussed in this letter (*see e.g.*, odor impact analyses), the RDEIR's approach to policies relating to the Project's potential to result in wasteful, inefficient, or unnecessary energy consumption is particularly disingenuous. In this instance, the RDEIR uses flexible and non-enforceable language such as "the County shall ensure whenever possible" (TC-1.6); "the County shall strive to meet" (TC-1.18); "the County will continue to work with" (TC-4.2); and "the County shall consider" (TC 5.2). Thus, while the RDEIR would appear to include a long list of policies intended to reduce impacts, a careful review demonstrates that very few, if any, of the policies would provide a meaningful reduction in impacts. In the absence of such policies, the RDEIR has no evidentiary basis to conclude that Project impacts would be less than significant. The RDEIR must be revised to include mandatory and legally binding General Plan policies.

I21-162 cont'd

D. The DEIR's Analysis of Alternatives to the Proposed General Plan Update Is Inadequate.

I21-163

As discussed above, this General Plan will determine the shape of growth in Tulare County for decades to come. Determining which policies become a part of the Plan is likely to be one of the most important decisions the current Board of Supervisors will make. It is thus crucially important that the Board and the public have all of the available information before them.

This RDEIR, of course, is the main vehicle for that information. And at the "core of an EIR" lies the analysis of alternatives. *Citizens of Goleta Valley*, 52 Cal. 3d at 564. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." *Laurel Heights I*, 47 Cal. 3d at 404. An EIR therefore must analyze a reasonable range of alternatives to the proposed project. *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal. App. 3d 433, 443-45. A reasonable alternative is one that would feasibly attain most of the project's basic objectives while avoiding or substantially lessening the project's significant impacts. *See* CEQA § 21100(b)(4); CEQA Guidelines § 15126.6(a).

Although the RDEIR presents some worthy alternatives, it does not live up to these standards. Its analysis of these alternatives—like almost all of its impact analyses—lacks any real discussion of their environmental effects and is therefore inadequate. Moreover, the RDEIR gives short shrift to the City-Centered Alternative, both understating its environmental benefits and incorrectly claiming that it will not meet the project objectives. I21-163 cont'd

1. The City-Centered Alternative Is Environmentally Superior. I21-164

The RDEIR presents both a City-Centered Alternative, in which growth is directed to areas inside the UDBs of the County's eight incorporated cities, and a Confined-Growth Alternative, which allows more growth in unincorporated communities and hamlets, but limits UDB modifications so that the total area inside a given UDB does not grow. The RDEIR determines that the Confined-Growth Alternative is environmentally superior, but it can only arrive at this conclusion by underestimating the benefits of the City-Centered Alternative.

The RDEIR does not explain why it finds the Confined Growth Alternative superior to the City-Centered Alternative. While the RDEIR notes that the Confined Growth Alternative would "convert less open space and prime agricultural farmland than the proposed project," and "has the potential to result in fewer impacts to scenic resources" (RDEIR at 4-36), the City-Centered Alternative boasts these benefits, as well. RDEIR at 4-20. In fact, the only apparent benefit of the Confined Growth Alternative is its strong policies limiting the expansion of urban development boundaries of hamlets and planned communities. But, under a City-Centered Alternative that coordinated development with annexation, there would be little call to modify the UDBs of these communities at all, because growth would be directed to the Cities rather than to these areas. Under the City-Centered Alternative, the Cities, rather than unincorporated areas, would absorb population growth. Thus, the City-Centered Alternative would be just as effective at reducing the Project's impacts as the Confined Growth Alternative.

Indeed, the City-Centered Alternative provides an additional environmental benefit missing from the Confined Growth Alternative: as the RDEIR states, the City-Centered Alternative would reduce the total vehicle miles traveled in the County. RDEIR at 4-20 and -21. This is mainly common sense—if housing is concentrated in denser areas, closer to jobs and services, people will drive less both because they will be closer to these jobs and services and because good transit systems are easier to develop and maintain under such circumstances. What does not make sense, however, is the RDEIR's failure to follow through on this logic. If the alternative would reduce vehicle miles, then it would, by definition, reduce emissions from vehicles, including greenhouse gases. The

RDEIR, however, claims that the alternative would have similar air quality and global warming impacts as the project as proposed. *Id.* This conclusion is illogical and unsupportable. The City-Centered Alternative could reduce these impacts substantially. I21-164 cont'd

The COC would support and encourage an even stronger City-Centered Alternative—one that directs 90% or more of future growth to the Cities and coordinates development with annexation. Such an alternative could even incorporate the strong policies of the Confined Growth Alternative, limiting UDB modification in areas that will not be incorporated by the Cities. This strengthened City-Centered Alternative would further reduce the significant environmental impacts caused by the County's anticipated growth and achieve the goal of encouraging coordination with the Cities.

Such an alternative is also feasible. As the County itself recognized in its Policy Alternatives Newsletter (July 2005), there is more than enough room in the Cities' UDBs and UABs to accommodate the growth projected by the County. *See* Exhibit 16 at 26. Moreover, since that report was issued, the Cities of Porterville, Tulare, Dinuba and Woodlake have adopted general plan updates expanding the capacity for development in their planning areas, and Visalia is currently updating its general plan, which will similarly increase its ability to accommodate growth within its planning boundaries. Nor would this truly City-Centered alternative impair the County's ability to meet its affordable housing needs. As recognized by the County in its 2010 Housing Element, there are sufficient sites in the existing unincorporated communities under the current general plan land use designations and zoning to accommodate all of the County's Regional Housing Needs for the 2007-2014 cycle. *See* 2010 Housing Element at 162-164.[13]

The RDEIR might have reached a different conclusion about the environmentally superior alternative if it had performed a more complete analysis of all the alternatives, as required by CEQA. A valid alternatives section must include meaningful analysis—including quantitative analysis, where possible—comparing the proposed Project's environmental effects with those of particular alternatives capable of reducing the Project's significant unmitigable impacts. *See* CEQA Guidelines § 15126.6(b); *Laurel Heights I*, 47 Cal. 3d at 401-04; *Kings County Farm Bureau*, 221 Cal. App. 3d at 732 ("[I]f there is evidence of one or more potentially significant impacts,

[13] According to Table 7-D, there are sites within the 22 existing communities that could accommodate 9,524 new units, including 4,117 low income, 4,392 moderate income, and 1,015 above moderate income units. 2010 Housing Element at 163.

the report must contain a *meaningful* analysis of alternatives . . . which would avoid or lessen such impacts.") (emphasis added). The RDEIR contains no such analysis, generally devoting just one paragraph to its discussion of each of the impact categories. *See generally* RDEIR at Chapter 4. I21-164 cont'd

2. The DEIR Provides No Valid Reason for Rejecting the City-Centered Alternative. I21-165

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet the project's objectives and would diminish or avoid its significant environmental impacts. CEQA § 21002; *Kings County Farm Bureau*, 221 Cal. App. 3d at 731. The City-Centered Alternative would clearly reduce the General Plan's impacts, and there is no suggestion in the RDEIR that it is infeasible. The RDEIR provides only two reasons why this alternative should not be selected: it would not, the DEIR claims, meet the project objectives of allowing unincorporated communities to grow, nor would it promote "reinvestment" in unincorporated communities and hamlets. DEIR at 7-4. Neither of these claims can support the rejection of the City-Centered Growth Alternative. The first is an excessively narrow objective, and therefore not a sufficient reason to reject the alternative, while the second is factually unsupported.

An EIR cannot provide a meaningful comparison between the project and various alternative courses of action unless the project's objectives are defined broadly enough to make such alternatives at least potentially possible. *See Kings County Farm Bureau*, 221 Cal. App. 3d at 735-37; *City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438, 1455. Here, growth in the unincorporated communities is a part of the proposed Project. Cailing such growth an objective of the General Plan is tantamount to saying that the objective of the Project is to implement the Project. Narrowing the Project's goals in this way tilts the analysis of alternatives unavoidably—and illegitimately—toward the General Plan as proposed. Rather than providing the required reasoned, objective analysis, the RDEIR has become "nothing more than [a] *post hoc* rationalization[]" for a decision already made. *Laurel Heights I*, 47 Cal. 3d at 394.

The Council of Cities wishes to be very clear about its position on this issue: Tulare County's unincorporated communities and hamlets absolutely need and deserve the County's support and investment. These areas have tremendous infrastructure needs, and the Council of Cities is in favor of taking all appropriate countywide action to resolve these problems. The communities and hamlets are not to be abandoned or left to fend for themselves. Concentrating growth outside the cities, however, is not a solution to the County's infrastructure problems, nor should it be an essential goal of this General Plan. As the DEIR recognizes, confining growth to the

cities and coordinating that growth with annexation would produce growth that avoided many of the environmental impacts associated with the proposed General Plan. This alternative therefore should not be taken off the table merely because it offers a growth pattern different from the proposed Plan.

I21-165 cont'd

Moreover, a City-Centered Alternative could be crafted to meet the Project goals of investing in existing rural communities and hamlets. In fact, the RDEIR never states how the proposed Project itself would meet these goals. Simply allowing more people to live in these communities is certainly not the solution: there is no evidence that doing so will make it any more economically feasible to provide them with the municipal water and sewer services they need. *See* Exhibit 7 (Michelle Anderson, *Cities Inside Out: Race, Poverty, and Exclusion at the Urban Fringe*, 55 UCLA L. Rev. 1095, 1106–1109 (2008) (describing the extreme lack of municipal services in unincorporated communities)); Exhibit 11 (Victor Rubin et al., *Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty, Inequity, and a System of Unresponsive Government* 10 (2007) (noting that the population sizes in unincorporated communities can vary widely)); Exhibit 12 (California Report, Nitrates in Our Drinking Water, Part 3 – Cleaning up the Past (May 18, 2010) (reporting that the Inland Empire Utilities Agency spent over $300 million to construct a water treatment facility for removing nitrates from groundwater)). Nor does the proposed Project include any commitments to do so.

A City-Centered Alternative could provide reinvestment for the unincorporated communities and hamlets. Reinvestment is ultimately a question of revenue. City-centered growth would not only provide the County with more revenue than uncontrolled, sprawling growth, it is also likely to cost less in services, leaving more flexibility to support the unincorporated areas. More city-centered growth may concentrate economic activity within municipal boundaries and also allow the regional economy to "draw on usable excess operating capacity in already developed areas as well as efficiencies of service delivery." National Research Council, "Costs of Sprawl Revisited" (1998) at 55-57 (attached as Exhibit 6 to COC's April 11, 2008 Comment Letter.). For example, one landmark study of urban growth plans in New Jersey concluded that the plan gave municipalities an annual increase in revenues of some $112 million, or 2% of operating budgets, mostly by concentrating population and jobs in already developed areas and by creating or expanding centers in newly developing areas. *Id.* at 55.

Real-world experience in Visalia bears this out. A table illustrating the tax revenues from various development scenarios at the North Plaza Drive Industrial Park is attached to the City of Visalia's March 1, 2010 Staff Report. *See* Exhibit 16 at 17. Comparing the first two columns shows the large increase in County revenue brought

simply by annexing the land into the City. Even though the County's share of the tax allocation is slightly reduced, the assessed value of the land increases so much that the County is much better off. Concentrating growth within city limits will improve County revenues without increasing burdens on County services, and thus will allow the County to increase the services it provides to existing communities in the unincorporated areas.

I21-165 cont'd

In addition to improving revenues, city-centered growth can reduce the cost of providing services. Substantial savings are to be had from compact growth across the county in areas such as land conversion, water and sewer infrastructure, road construction, real estate development, and public services costs, with a net benefit to public finances of roughly $4 billion annually by 2025. *See* Carruthers and Úlfarsson , *Does "Smart Growth" Matter for Public Finances?*, U.S. Department of Housing and Urban Development Working Paper # REP 06-02 (attached as Exhibit 8 to COC's April 11, 2008 Comment Letter). These researchers found that,

> if the nation's land use patterns had somehow evolved differently, and development everywhere was 25% more dense, public services would cost, in net, $3.63 billion less annually; if it were that much less expansive, public services would cost $6.56 billion less annually. The second scenario suggests that, if development everywhere was 50% more dense, public services would cost $7.25 billion less annually; if it were that much less expansive, public services would cost $13.12 billion less annually.

Id. § 4.2 at 16. By way of illustration, a hypothetical county of 88,000 residents with per capita expenditures of $3,200 could expect to save up to $4.3 million annually if it were 50% more dense. "In sum, the results for these two variables show that, other things being equal, the kind of low-density, spatially extensive development patterns that characterize sprawl cost more to support than the high-density, compact development patterns that the smart growth movement advocates." *Id.* § 4.1 at 15.

In short, the sprawling growth patterns allowed under the General Plan would bring the County less revenue, and would cost more to serve, than the City-Centered Alternative. The RDEIR offers no evidence in support of its opposite conclusion, let alone the substantial evidence that CEQA requires. It is clear that the RDEIR is simply incorrect when it determines that the City-Centered Alternative would not meet the objective of providing reinvestment for the unincorporated communities. In fact, the City-Centered Alternative is likely to produce more reinvestment for the crucial tasks of providing all of Tulare County's residents with the quality of life they deserve.

E. The RDEIR Must Be Revised and Recirculated. I21-166

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. CEQA § 21092.1; CEQA Guidelines § 15088.5. *Laurel Heights Improvements Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1130 .

As this letter explains, the General Plan RDEIR clearly requires extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Consequently, the County must revise and recirculate the EIR for public review and comment.

III. Approval of the Project Would Violate the Regional Welfare Doctrine. I21-167

Under the California Constitution, a public agency must adequately consider and address the welfare of the entire region—not just the area within its own jurisdictional boundaries—when exercising its police power. *See Northwood Homes, Inc. v. Town of Moraga* (1989) 216 Cal. App. 3d 1197, 1201 (citing *Associated Home Builders of the Greater Eastbay, Inc. v. City of Livermore* (1976) 18 Cal. 3d 582); *Lee v. City of Monterey Park* (1985) 173 Cal. App. 3d 798, 803-804 ; *Arnel Development Company v. City of Costa Mesa* (1981) 126 Cal. App. 3d 330, 336 . If the County were to approve the proposed General Plan, it would turn a blind eye to the General Plan's significant regional consequences, in violation of this constitutional mandate.

The sprawling nature of the proposed Plan's vision for growth in the County will have at least two significant impacts on the welfare of the broader region. First, the proposed Plan would convert tens if not hundreds of thousands of acres of important farmland. According to the RDEIR, agricultural products are one of Tulare County's most important resources, accounting for approximately $5 billion dollars in gross production value. RDEIR at 3.10-2; *see also* 2008 Tulare County Annual Crop and Livestock Report (reporting that Tulare County's gross production value for agricultural commodities in 2008 was $5,018,022,800) (attached as Exhibit 17). Moreover, the permanent conversion of so much farmland in a County that provides a substantial percentage of the agricultural products consumed across the state and nation could have a regional impact on food supplies and costs. I21-168

Second, the proposed General Plan disregards the cooperative, regional approach to climate change called for in Senate Bill 375 and Assembly Bill 32. Both bills require state and local governments to work together to reduce the State's I21-169

greenhouse gas emissions. After all, if the State is to meet its goals of reducing greenhouse gas emissions, any increase in emissions created by the proposed Plan must be offset (and then some) by reductions in other jurisdictions. The proposed General Plan, however, would admittedly result in increased emissions by allowing sprawling development, which increases vehicle miles traveled. This antiquated approach to planning puts the desires of the County—i.e., revenue from urban development in unincorporated areas—ahead of the regional and indeed global impacts caused by these increased emissions. Moreover, it places the burden of reducing the State's emissions on other jurisdictions, including the Cities.

I21-169 cont'd

Third, as discussed above, the General Plan will adversely impact the welfare of the incorporated Cities that lie within the County by allowing the County to approve development within the Cities' UDBs and UABs without first coordinating with the Cities themselves. The General Plan creates a system under which the County "may" cooperate with the Cities—who will, eventually, be saddled with the expense of serving the development that results from County's experiment in urban planning—and "may" engage in responsible planning, but is not required to do so. Indeed, the General Plan expressly contemplates that the County will consider the welfare of the Cities only if those Cities agree to provide the County with adequate payment in return. *See* General Plan at I-2-77 (Implementation Measure 27). While this approach clearly pays close attention to the welfare of the County's coffers, it does not adequately consider the welfare of the region, as required by law.

I21-170

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Tamara S. Galanter
Laurel L. Impett, AICP
Winter King

cc (via electronic mail):
Supervisor Phil Cox
Supervisor Steve Worthley
Supervisor Mike Ennis
Supervisor Allen Ishida

Supervisor Pete Vander Poel
Jean Rousseau, Tulare County Administrative Officer
Jake Raper, Tulare County Resource Management Agency Director
Council of Cities

Exhibits (attached separately)

Exhibit List

Exhibit 1: Butte County General Plan 2030 Draft EIR (Chapter 3: Project Description)

Exhibit 2: Monterey County 2007 General Plan DEIR (Chapter 3: Project Description)

Exhibit 3: County of Yolo 2030 Countywide General Plan (Land Use Element) & County of Yolo 2030 Countywide General Plan EIR (excerpts)

Exhibit 4: Department of Conservation Letters

Exhibit 5: City General Plan Documents

Exhibit 6: Comparative Land Use Maps: Visalia, Farmersville and Dinuba

Exhibit 7: "Cities, Inside Out: Race, Poverty and Exclusion," M. Anderson, UCLA Law Review, June, 2008

Exhibit 8: Calgary Worship Center

Exhibit 9: Methany Tract Articles

Exhibit 10: City of Tulare SA Recycling Appeal

Exhibit 11: "Unincorporated Communities in the San Joaquin Valley: New Responses to Poverty, Inequity, and a System of Unresponsive Governance," V. Rubin, et al., Nov. 27, 2007

Exhibit 12: Nitrates Articles

Exhibit 13: Map of Tulare County Parks and Recreation

Exhibit 14: "The Transportation and Environmental Impacts of Infill Versus Greenfield Development: A Comparative Case Study Analysis," Hagler Bailley Services (prepared for U.S.EPA), October 1999, excerpts

Exhibit 15: "Growing Cooler: Evidence on Urban Development Change," R. Ewing, et al., April, 2009

Exhibit 16: City of Visalia Agenda Item Transmittal, March 1, 2010

Exhibit 17: 2008 Tulare County Annual Crop and Livestock Report (April 2009)

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SOUTHERN SIERRA ARCHAEOLOGICAL SOCIETY

P.O. BOX 1822 • VISALIA, CA 93279

May 27, 2010

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

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

Dear Mr. Bryant,

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (DEIR) and the revised Tulare County General Plan Update 2030 (GP). I22-1

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

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

Sincerely,

Sylvie Robillard

Sylvie Robillard, Vice President

Mary A. Gorden

Mary A. Gorden, Education Chair

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TULARE COUNTY
MAY 27 2010
RESOURCE MANAGEMENT AGENCY

Section 1: Introduction

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

I22-2

Part 1, Page 3-10
The County shall consider implementing …
Part 1, Page 4-22 – LU-1, LU-1.3 and LU- 1.5
The County shall promote…The County shall discourage… and The County shall encourage…

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

Section 2: Detailed Comments

General Plan Framework Component (Goals and Policies Report/ February 2010/Page A-1)
Concept 2: ~~The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses~~.

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

I22-3

B. Prosperity
Principle 3: Protection of Resources
Protect the County's important agricultural resources and scenic natural lands from urban encroachment through the ~~implementation of Goals and Policies of the General Plan~~.

Principle 3: Protection of Resources
Protect the County's important agricultural resources and scenic natural lands from urban encroachment through *Work Plan/Implementation Measures*. Goals and policies do nothing to protect agricultural, cultural resources and scenic landscapes. Rather protection of these resources is accomplished through strong measurable, enforceable implementation measures.

I22-4

Principle 4: Limit Rural Residential Development
Strictly limit rural residential development potential in important agricultural areas outside of unincorporated communities, hamlets, and city UABs, UDBs (i.e., avoid rural residential sprawl).
Concept 4: Development will be avoided in naturally and culturally sensitive areas. ~~wherever possible~~.

Principle 4: Limit Rural Residential Development

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

I22-5

C. Environment Component (Page C-1)

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

~~Guideline Principle 5: New Town Impacts~~

It is apparent with each iteration of the Concepts and Guiding Principles in the Goals and Policies Report the value of protecting Natural and Cultural Resources becomes more vague and less important. I22-5 cont'd

Guideline Principle 2: Reinvest in existing communities… I22-6

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

7. Scenic Landscapes

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

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

SL-1.1 and SL-2 Who defines what is "appropriate"? Where are the "appropriate" measures delineated?
How are the County requirements for SL-1 to SL-2 measured? How do Tulare County citizens or developers know when the requirements have been satisfactorily completed? How are rural landscapes identified? Who plans and designs communities? How will this be financed? I22-7

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

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

SL-3 How does the County identify areas that "may" be urbanized in the future? Does this refer to General Plan Framework Component (Goals and Policies Report/February 2010/Page A-1 Concept 2: The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses? I22-8

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

SL-3.4 Planned Communities do not follow the Six Principle of the Healthy Growth Alternatives and should be removed. I22-9

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

4.1 Design of Highways and 4.2 Design of County Roads

SL-4.1 to 4.2 Who decides where these resources are in the County? How is the information tallied? I22-10

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

The County shall work with citizen groups…

7.5 How are citizen groups defined? A County Cultural Resource Committee would be helpful, or better yet, The Certified Local Government (CLG) Program, which is a national program designed to direct participation of local governments in the identification, registration , and preservation of historic properties. A local government becomes a CLG by developing and implementing a local historic preservation program based on federal and state standards. The plan promotes partnerships with the National Park Service and the State of California. Both entities are in Tulare County. This program was described in the Background Report, Page 9-45, why was it not included in the GP or DEIR? This process insures that local interests and concerns are integrated into the official planning and decision-making process from the beginning. I22-11

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

CULTURAL RESOURCES

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

Concept 4: Restore former **Concept 4: Natural and Cultural Resources** , which reads: As Tulare County develops its communities and hamlets, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through proper site planning and design techniques. Development will be avoided in naturally and culturally sensitive areas — I22-12

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

8. The Tule River Indian Reservation, is a federally recognized entity. SB-18 empowers those Native American groups who are recognized by the State of California. The Southern Sierra Archaeological Society is a group dedicated to preserving cultural resources. These groups would be a good fit under the Certified Local Government Program (CLG), described above, because the National Park, California State Parks and SHIPO are named as working partners. — I22-13

8.6 ERM-6.2 Protection of Resources with Potential State or Federal Designations (Page 8-11)
The County ~~should encourage the protection~~ of cultural and archaeological sites...Such sites may be of statewide or local significance and have anthropological, military, political, architectural, economic, scientific, religious, or other values.

8.6 ERM-6.2 The County shall protect cultural and archaeological sites...Add the words: "archaeological, historical " to the list. — I22-14

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

When planning any development or alteration of a site with identified cultural, *historical* or archaeological resources, consideration *shall* be... Development shall be permitted... site specific investigation *by an archaeologist certified by the Register of Professional Archaeologists has been conducted...* — I22-15

Implementation 58 (Page 8-20)
The County shall incorporated provisions into development regulations that in the event archaeological or (Add) resources ...If significant resources are determined to exist (Add)

Imp. 58 The County shall incorporated provisions into development regulations that in the event archaeological or (Add) *buried historical* resources ...If significant resources are determined to exist, *as defined by CEQA,* the archaeologist... — I22-16

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

ED-5.12 Use stronger language. — I22-17
ED-6 This is a great goal in a multi-lingual County. However, the language is weak and there are not any implementation measures. — I22-18

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

ERM-4 Use stronger language, such as, The County shall require... — I22-19

14. 9 Energy Facilities.
PFS-9.4 Power Transmission Lines (Part 1, Page 14-130)
The County shall work with the Public Utilities Commission and power utilities in the setting of transmission lines to avoid interfering with scenic views, historic resources, and areas designated for future urban development.

PFS-9.4 At the current time Southern California Edison is proposing to put their 120 foot power lines on a Tulare County road designated as a Scenic Landscape. See picture, Preservation of Scenic Highways FGMP-1.5. PFS-9.4 is a good example of a meaningless sentence, due to lack of Implementation Measures and meaningful measurements. — I22-20

Letter I22

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

LU-7.12 Historic Buildings and Areas. The County *shall preserve* buildings and areas with special and recognized historic, architectural, or aesthetic value. New development will respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired, after consultation with the . *[New Policy – Modified Draft EIR Analysis]* I22-21

III. Conclusion

We recommend that the General Plan Update and the Draft Environmental Impact Report be revised to protect cultural resources, scenic landscapes, open space and agriculture from urban encroachment to a greater degree than is proposed in the current draft. Policies and mitigation measures must also be changed to reduce the impacts on the resources. I22-22

Tulare County citizens do not want generic, cookie cutter communities that do not reflect their history. Communities that preserve their historical resources for adaptive reuse find economic benefits and revitalization, as the integrity of the historic resources embody a unique sense of place where people want to live, work and play. Many elected officials do not understanding the value and potential profitability of preservation and re use. I22-23

Tulare County citizens want zoning regulations and general plan elements that address demolition and provide incentives for preservation and adaptive reuse projects. The Mills Act allows the County to provide tax incentives for rehabilitation. Tulare County must develop cultural resources ordinances and plans, which it has not done to date. The old General Plan mentions a Cultural Heritage Board, but never implemented it. Tulare County needs to survey its cultural resources and keep the survey up to date. Cultural Resource surveys are a valuable tool when planning for future development. (Pub. Resources Code § 21001 subd.(b)) states "take all actions necessary to provide the people of this state with …enjoyment of historic environmental qualities." We hope to see our communities in Tulare County revitalized through the adoption of a General Plan and a Environmental Impact Report composed of strong policies with a measurable, enforceable implementation plan. I22-24

Letter I22

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Letter I23

Tulare County Citizens For Responsible Growth

May 27, 2010

Tulare County Resource Management Agency
David Bryant, Project Planner
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

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

Dear Mr. Bryant:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the revised Tulare County General Plan 2030 Update. I23-1

Tulare County Citizens for Responsible Growth is a diverse group of local residents concerned about the direction of growth in our County. We are united by a desire for a General Plan Update (GPU) that will ensure cleaner air, secure and reliable water supplies, a strong and more diverse economy, and the protection of our agricultural and natural resource lands. We believe that focusing future growth in our existing urbanized areas is the key to achieving these priorities. I23-2

We were pleased to see that many of the value statements and guiding principles set out in the revised General Plan Update express similar desires. However, we are concerned that the revised General Plan Update will not attain any of these goals because it will not meet the goal of creating a compact urban form. I23-3

Our letter begins with a summary of our key concerns and recommendations on the GPU and RDEIR. We then include additional detailed comments on the adequacy of the RDEIR. You will also be receiving comment letters from some individual TCCRG members (which include extensive recommendations on GPU text and policies/measures and RDEIR analysis and mitigation measures). Our comments include both the General Plan Update and the RDEIR since they are each integral to the other. I23-4

Tulare County Citizens For Responsible Growth

I. Summary of Concerns

♦ Impacts related to sprawl not adequately evaluated or mitigated.

A variety of impacts will result from buildout of any General Plan which permits significant development away from established urban centers, thus devouring agricultural and open space land unnecessarily, contributing to unnecessarily increased VMTs, traffic commutes and traffic congestion, reduced air quality, and a myriad of other impacts. Such is the case with the Tulare County General Plan Update. Its foundation is a Planning Framework which purports to limit growth to existing urbanized areas, largely by assuming that the major portion of new growth will take place within incorporated cities and their designated urban boundaries, and relying on the City general plans as a guide for growth. I23-5

The General Plan Update Recirculated Draft Environmental Impact Report assumes that this land use concept and its implementing policy framework will mitigate potential environmental impacts throughout the County to a large degree. Yet this essential concept is weakened by the actual wording throughout the General Plan to the point that effective mitigation simply cannot be assured.

A critical example is the fact that there is no real requirement in the Plan for the County to adhere to the City general plans for compact growth within their Spheres of Influence and Urban Development Boundaries (UDBs). In addition the County's proposals to establish new "Growth Corridors" and "Planned Communities" (formerly called New Towns) which could be allowed in the rural areas currently intended for open space or agricultural protection because the Plan establishes no set boundaries for such new development.

Likewise, the County has designated 11 small, unincorporated communities as "Hamlets" and provided them with newly devised HDBs within which the RVLP is being repealed. The HDBs appear much larger than necessary to support the modest growth needed to allow for the small scale retail services appropriate to these communities and with no demonstration of any possibility of providing needed public facilities. None of the 11 Hamlets has a Hamlet Plan to guide growth and development. The County is simply declaring them all Mixed Use. I23-6

Where land use designations are not delineated specifically (such as in Hamlets, Growth Corridors, Mountain Service Centers, and Foothill Mixed Use areas), the designation of Mixed Use is applied, permitting any combination of uses and residential development from 1-30 units/ acre, resulting in "an anything goes" plan for much of the unincorporated area. I23-7

Yet the RDEIR does not evaluate the impact of this weakening of the General Plan's basic land use framework. Rather, it generally concludes that loss of agriculture and open space and numerous other impacts caused by sprawl will be significant and unavoidable without even exploring all available mitigation. Clearly, strengthening the land use framework to better protect agriculture and open space and minimize sprawl is an available and feasible mitigation measure that should be included in a revised General Plan and RDEIR to substantially reduce impacts of the Plan.

In response to these concerns, Tulare County Citizens for Responsible Growth (TCCRG) recommends a number of major concept revisions to the General Plan which will ensure a more compact urban form as the County grows and which will serve to mitigate environmental impacts to a substantially greater degree than that proposed in the RDEIR:

Tulare County Citizens For Responsible Growth

Major Concepts:
TCCRG Proposed General Plan Revisions
and
Mitigation Program

1. <u>Require</u> Consistency with incorporated City Plans and Efficiency of Growth in Unincorporated Communities to Promote Compact Development Form.
To accomplish this, eliminate CACUABs and CACUDBs in favor of City control of their growth areas coupled with equitable revenue sharing. I23-8

a. Eliminate the CACUABs and replace with agricultural designations.
This area is not needed to support the County's growth projections for the GPU horizon, and should be protected as urban/rural separators/buffers.

b. Ensure that urban development takes place in the following areas only:
Within incorporated cities and their designated growth areas as they annex,
Within UDBs of adjacent cities in other counties,
Within UDBs of unincorporated communities and HDBs of Hamlets after they are sized for modest, compact healthy growth appropriate to each of these locations. (See 2b below.)

The intent is to eliminate County approved urban development in the City UDBs (other than under existing zoning requiring no new parcelization or use permits) and to promote efficient non-sprawling development in the unincorporated communities and hamlets. This would be more cost effective for the taxpayers and allow the cities to deal with orderly resource-efficient growth in the areas to which they would be eventually providing infrastructure and services.

2. Eliminate "Anything Goes" Features of the Plan. No Growth Corridors or New Towns. I23-9

a. Eliminate the proposed Growth Corridors and Planned Communities (New Towns) in the unincorporated area.

b. Create Hamlet Development Boundaries (HDBs), unincorporated community boundaries (UDBs), and land use designations within them only after specific land use plans are inclusively created for each which clearly locate land uses of an appropriate scale of neighborhood, commercial, and non-residential uses, developed only concurrent with the provision of needed infrastructure and developer mitigation fees, and which are consistent with Development Efficiency Targets.

3. Protect Agriculture and Open Space –
Use Development Efficiency Targets to Protect Agriculture and Open Space, Reduce Sprawl, and Require Agricultural and Open Space Conservation Easements I23-10

a. Require a system of Development Efficiency Targets, such as the ones proposed by the American Farmland Trust in their 2007 Comment Letter (attached), before a UDB or HDB is revised and before any individual discretionary land use development project, policy, or program is approved.

b. Revise the agricultural and open space conservation easement policies to require that when developments are approved that will result in the loss of prime, important, or unique agricultural or open space, a fee will be assessed sufficient to purchase agricultural and open space protection easements of equal value elsewhere in the county, at a minimum ratio of 1:1.

4. Adopt the Healthy Growth Alternative – Revised Alternative 5. I23-11

We continue to support a Healthy Growth Alternative which incorporates the measures above and <u>ensures</u> an 80% (or greater)-20% city/county growth scenario. This alternative is a revision of Alternative 5, the Confined Growth Alternative, which is considered the Environmentally Superior Alternative by the RDEIR. With the revisions we have recommended, this alternative would remain environmentally superior and would fully meet all of the General Plan Project Objectives.

Tulare County Citizens For Responsible Growth

♦ Efficient Development Patterns Needed.

The most assured way to promote compact urban form and protect agriculture and other important open spaces is to ensure that most of the growth in the county will occur within the existing and future City limits, under control of the cities. In order to achieve this goal, the County land use designations and zoning in the UABs and UDBs surrounding the cities must be exclusively agricultural and open space so that development will be encouraged within the cities and their development expansion areas. The experience throughout California is that this will simply not occur if urban development is permitted under two different jurisdictions, with developers competing for suburban densities over urban densities, lower fees, and less urban infrastructure requirements. It certainly will not occur under the weak CACUAB and CACUDB policies in the Planning Framework. I23-12

Additional growth is appropriate and needed in the unincorporated communities and hamlets. Such growth will not result in sprawl, however, if long-term planning boundaries firmly limit the circumstances under which they can be expanded. The Plan does not accomplish this, since it establishes significantly oversized UDBs and HDBs around the communities and hamlets and permits an interim allowance of "anything goes" Mixed Use" land use. In addition, the GPU policies create far too many opportunities for the UDB to be changed anytime there is a subdivision proposal, or potential "financial benefits" to the county, or even "any other relevant factor considered on a case by case basis." This is no more than the market driven approach roundly criticized in the 2008 Draft general Plan Update, without a name. The result is that the Urban Development Boundary and Hamlet Development Boundary are no boundaries at all. We recommend that the proposed development boundaries around the communities and hamlets not be delineated in the General Plan Update. A General Plan amendment should be required for any establishment of these development boundaries in addition to an amendment to the community or hamlet plan (if one has been adopted). The focus of these plans and boundaries should be on revitalization of existing urbanized areas before allowing greenfield development, especially in areas that lack adequate infrastructure and reliable water supplies. I23-13

Consistent with our previous recommendations, we also support the American Farmlands Trust proposed Development Efficiency Targets. Such a policy has two benefits: (1) it will minimize the conversion of lands important for agriculture and natural resources by ensuring that every acre is used efficiently; and (2) efficient development fosters a built environment that is more conducive to economically sound development patterns, making communities more attractive to both investors and residents by emphasizing mixed-use, and promoting pedestrian, bicycle, and public transit services, which in turn promote better health, lower pollution and GHG emissions, a feeling of community, and overall better quality of life. I23-14

♦ Planned Community Areas, New Towns and Growth Corridors Negate the Concept of Compact Urban Form and Farmland Protection.

The Planned Community (formerly called New Town) and Growth Corridor concepts furthered in the General Plan fundamentally undermine its Guiding Principles within the Planning Framework which emphasize avoiding rural residential sprawl and protection of important agricultural resources, and it directly contradicts the priorities of the citizens of Tulare County. In effect, this provision encourages the building of entirely new towns by failing to establish any specific, measurable standards for when such a I23-15

massive undertaking might be "justified" by unspecified and unlimited "circumstances" that "should be judged on their individual merits." (PF-5.1) This vague language leaves the door to "leapfrog" development wide open. A New Towns provision is no longer needed or justified: planned communities can easily be accommodated within existing development boundaries, Tulare County citizens want growth focused in existing communities, and they don't want new towns. I23-15 cont'd

As reported by the County's own consultants, the County's existing cities, communities and hamlets already offer more than enough land within their existing development boundaries to accommodate 50 years worth of growth at current densities; more than that at higher densities. Moreover, existing urban areas can more efficiently expand their infrastructure to support such growth at a much lower cost than would be required to establish entirely new roads, water and power systems, public safety facilities, schools, etc. I23-16

The County's existing urban areas should be permitted to grow and provide whatever "benefits" any new town could provide. Instead, the New Town and Growth Corridor policies force Tulare County's cities, hamlets and communities to compete with undeveloped land for investment dollars. While infill development may be more of a challenge to developers, it can also be ultimately more rewarding, as property values rise as a result of their development. Infill development also benefits the entire community – not just a particular development – as older downtowns revitalize, attracting new businesses and good-paying jobs, and bringing much-needed revenue to improve aging infrastructure.

By inviting New Town development in the guise of Planned Community Areas, Tulare County is putting its existing communities at a competitive disadvantage and jeopardizing their chances of getting the investment they need. This growth-inducing policy will also invite sprawl; worsen air quality; increase traffic problems; accelerate loss of agricultural lands, wildlife habitat, open space, and scenic views; result in higher costs and greater inefficiencies because of failure to utilize existing services, facilities, and infrastructure; and increase pollution and GHG emissions unnecessarily – to the detriment of the quality of life of all Tulare County residents.

The RDEIR has not examined the impacts of New Towns. Of particular concern is their potential impact on existing communities. The assumption that the criteria listed in the General Plan for New Town review assures they will not cause substantial impact is speculative at best and inappropriately defers this important subject to further study. As explained above, it is likely that creation of New Towns in Tulare County would result in significant adverse impacts on existing communities, many of which already suffer from lack of adequate infrastructure and public services. Moreover, the County must specifically define the conditions under which New Towns may be considered justified. The rules should be defined during the General Plan Update process, not tailor-made for each individual project at the time the project is proposed for approval. I23-17

We recommend that this policy be removed altogether and that New Towns be prohibited instead as there is NO NEED for New Towns, and County citizens have said they don't want to see the development of, entirely new towns. I23-18

We have a similar concern with the proposed Regional Growth Corridors. Many miles of the County's highways in the unincorporated area could be developed under these policies, and without a plan! Policy C-1.6 permits development in these corridors (which are unspecified) before a plan is developed and with minimal criteria. The RDEIR has not demonstrated how these minimal criteria would mitigate potential I23-19

impacts. If the locational criteria are met, a substantial amount of commercial and industrial development could be allowed, in competition with existing urbanized areas, similar to the impacts of New Towns as described above. Permitting development of these Growth Corridors simply is not consistent with numerous policies in the General Plan intended to attempt to encourage (though, regrettably not to require) a compact urban form Certainly, the visual impacts could be substantial; this impact has not been adequately discussed in the RDEIR. We recommend that the GPU be revised to prohibit the development of these Growth Corridors and to focus such development in the urbanized areas that could support and benefit from it. I23-19 cont'd

II. Additional Detailed Comments on RDEIR Adequacy

Our detailed comments on the adequacy of the RDEIR follow.

♦ Project Description flawed.

Buildout of the Plan not quantified.
Land Use Diagram not complete.
The Project Description is fatally flawed in that the General Plan and the RDEIR never illustrate or quantify what the project actually adds up to. State law requires that: "A land use element designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture,… and that it *"include a statement of the standards of population density and building intensity recommended for the various districts." and other territory covered by the plan."* (Government Section 65302 (a). These basic requirements are not met in the General Plan Update making it also impossible to set forth an adequate project description in the RDEIR. *"An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR."* (San Joaquin Raptor/Wildlife Rescue Center vs. County of Stanislaus, 1994.) I23-20

There is no buildout chart in the General Plan Update or in the RDEIR. General Plan Table 4.1 outlines densities permitted in the various land use designations and where they are allowed. However, there is no tabulation of how many acres of each designation have been allocated and how many acres are vacant or underutilized in each category. This information must be provided, and then be used to multiply permitted densities by acreage and determine both a 2030 buildout and an ultimate holding capacity. Without this information, we cannot determine the most basic question: Has too much land been slated for urbanization, resulting in impacts greater than necessary? I23-21

In addition, the land use designations are not shown on the Tulare County Planning Areas map (GPU/GPR Figure 4-1, p 4-5). The various community plans and area plans are incorporated by reference. Yet, one-third of the unincorporated communities and none of the Hamlets and MSCs have adopted plans. As a result, there are many areas that simply have not received land use designations more detailed than a Planning Framework boundary. (The UABs are an example.) A policy framework cannot meet the requirements of State law for what should be the simplest part of the General Plan for a citizen to understand: its illustration - the Land Use Map. The Land Use Map is the portion of the General Plan that in the future will receive the most use. After the policies become a bit dusty, the Map will be used on a daily basis. A citizen cannot look at the General Plan Update Land Use Map in its current condition and I23-22

determine what land uses are permitted in the UABs, the Growth Corridors, the Hamlet UDBs, and many other areas of the county. I23-22 cont'd

Without a complete Land Use Diagram and buildout calculations, numerous critical questions cannot be answered: I23-23

- What is the potential 20 year buildout population if the entirety of the UDBs, HDBs, and MSCs were to build out?

- The RDEIR relies on a population growth projection as the core of the Project Description (RDEIR page 2-24) with no spatial component other than a determination that State growth projections and traffic modeling led to a determination that the unincorporated area could accommodate 25% of the growth. (RDEIR page 2.24, para 3). How much more could the unincorporated area within the UBDs and HDBs actually accommodate? Could the Plan prediction of a 75%-25% city-county growth ratio expectation be exceeded by growth in the unincorporated areas of the county, as allowed by these UDBs and HDBs?

- The myriad of specific plans and area plans which make up the Land Use Map have not all been quantified as to 2030 or full buildout potential. What is the true total buildout potential in the unincorporated areas?

The RDEIR Project Description goes on to very generally conclude that future growth assumptions are consistent with "several' of the Update objectives (RDEIR page 2-24). In fact, the RDEIR Project Description fails to mention that numerous Planning Framework policies are actually worded counter to the argument that 75% of the new growth is expected to occur in cities. As an example, PF-4.24 notes that the County "may" (and, thus, we assume may not) refer development proposals to the cities for annexation. The RDEIR simply ignores the difficult but essential task of determining specifically where growth actually could occur based on the General Plan Land Use Map proposed. I23-24

In addition to lack of figures for the year 2030 buildout, the RDEIR does not answer the question: What is the full population capacity of the Land Use Diagram, including the vast 50 year UABs and the various Mixed Use areas which could permit up to 30 dwelling units per acre? The maximum density permitted in each land use category by the General Plan must be evaluated to understand its full impact potential. As discussed previously, State General Plan law requires that all general plans specify the density and intensity permitted on all lands within the plan. To determine full buildout potential, the Plan and the RDEIR would need to multiply acreage of each land use type by the density and intensity permitted to complete RDEIR Table 2-10 (GPU Table 4.1). Clearly, it was assumed by the State via General Plan law that full density and intensity could occur (Government Code Section 65302 (a)). Certainly, the experience of land use in California is "if you zone it, they will come." I23-25

Thus, the question remains, what are the impacts of the plan? Without an accurate Land Use Diagram, and its quantification, most of the Plan's impacts cannot be accurately determined, and many can hardly be guessed at. I23-26

An understanding of 2030 and ultimate capacity buildout potential could lead to advisable, quantifiable mitigation such as restrictions on the timing of growth, reduction of growth areas, adjustment of densities, etc. The RDEIR and the GPU are not legally adequate without an understanding of the Project Description I23-27

which must include full buildout of the General Plan Update both in population and spatially in 2030 and at full capacity. I23-27 cont'd

Confusing Land Use Diagram – What Is the Plan? I23-28

The Project Description as well as the GPU are also inadequate because of the confusing land use designation system developed (RDEIR page 2-21). Existing community plans, area and sub-area plans, and county adopted city general plans are listed and incorporated by reference. However, a citizen would need to find the land use maps in these plans to piece together an understanding of the whole. The GPU goes to the extent of including numerous maps delineating the boundaries of these plans, but not the land use designations within them. In addition, the remainder of the County includes vast areas (in UABs, HDBs, Growth Corridors, and Community UDBs) that do not have specifically assigned designations; they are designated Mixed Use over a large area or they are retaining existing General Plan designations which may or may not be consistent with the policies of the General Plan Update.

♦ Numerous critical policies and measures are so vaguely worded that mitigation simply cannot be assured.

The draft GPU provides future elected officials with too little real guidance, and the people of Tulare County with too little assurance, that their vision for the County's future will be protected. We need a General Plan with strong, clear, enforceable policies and concrete, trackable, timely implementation measures. I23-29

The GPU 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 policies" (GPU Part I, page 1-8). The Goals and Policies Report (GPR) goes on to state 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." Finally, the GPR states that an implementation measure is "a specific measure, program, procedure, or technique that carries out plan policies" and that "Implementation measures describe actions that are measurable so their completion can be easily monitored in annual reports" (GPU, Part I, page 1-11).

Unfortunately, the GPU fails to meet its own standards in many respects. Many of the policies are far from specific, clear, and unambiguous, and many have no identified corresponding implementation measures. 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 Update. Many implementation measures are cited in the RDEIR to serve as mitigation. However, the definition of implementation measures in the General Plan Update (see GPU/GPR page 1-11.) weakens the ability of these measures to effectively mitigate impacts. For example, timelines are considered "general guidelines" and "completion of various tasks… are subject to available staff, financial resources, and other considerations" (see GPU/GPR page 1-11.).

As an example, the General Plan Update's foundation is a series of policies and measures which purport to limit sprawl and haphazard growth which is the source of many adverse impacts of growth including loss of agriculture and open space, reduction in quality of public services and facilities, reduced air quality, and increased traffic, VMTs, and GHGs, etc. And yet, these very policies and measures are not required to be carried out in the General Plan Update which uses weakly directive terms such as "may" or "should" or "encourage." As a result, the impacts resulting from the buildout pattern permitted by the General Plan cannot be expected to be mitigated below the significant level. The foundation on which the Plan rests is simply not firm. I23-30

An EIR must provide substantial evidence demonstrating that the recommended mitigation measures are capable of: *"(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; or (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (CEQA Guidelines §15370.)* The RDEIR must use these tests to analyze whether or not the language "may" or "should" and other language which may weaken the actual implementation of policies and measures will actually result in effective mitigation. We argue that it will not, because the decision makers will not be required to carry out the underlying intent and the decision will be left to the whims of politics. I23-31

As an example of ineffective mitigation wording, the General Plan Update Planning Framework policies are cited throughout the RDEIR chapters as mitigating in nature. A system of concentric growth boundaries around the cities and various unincorporated areas and a series of associated policies purporting to focus most growth in city spheres of influence and urban development boundaries form the Planning Framework (General Plan Update Part I, Chapter 2). The RDEIR claims that these policies will serve to limit sprawl, preserve agriculture to some degree, reduce traffic and air quality impacts, and more. However, as discussed above, the vague wording used in most of these policies will not ensure that these concepts are carried out; in other cases the concepts themselves are flawed (such as that the UABs will serve to focus growth) and will not reduce sprawl.

For instance, the General Plan Update sets forth a basic program in its Planning Framework that it claims would focus growth largely in the existing cities. To do this, the General Plan Update claims that it will rely on the City General Plans for these areas. However, the policy enacting this program does not require that it be carried out: I23-32

> ***PF-4.8. General Plan Designations Within City UDBs.***
> *On land that is within a CACUDB, but outside a city's incorporated limits, the County may [emphasis added] maintain General Plan land use designations that are compatible with the city's adopted General Plan.*

In addition, the policy which discusses how land use proposals submitted to the County in the areas just outside the cities (CACUDBs) will be handled does not require that land use proposals be referred to the cities for potential annexation, leaving no teeth in the policy:

> ***PF-4.24 Annexations to a City within the CACUDB***
> *In addition to the County's current policies on development within a CACUDB, the County may [emphasis added] work with a city to provide that urban development projects within a city's*

Tulare County Citizens For Responsible Growth

Sphere of Influence (SOI) as set by the Tulare County Local Agency Formation Commission will be referred to the affected city for consideration of annexation….. I23-32 cont'd

The second concentric growth boundary circle proposed around the cities is an Urban Area Boundary (UAB), intended to provide for 50-year growth. The GPU claims that this area will be limited in growth, and planning will be coordinated with the cities. However PF-4.1, establishing the UABs around cities, states only that: *"the cities' concerns may [emphasis added] be given consideration as part of the land use review process…"* In addition, this policy states that this area *"will generally have an agricultural land use designation or rural residential land use designation…"* Yet the rural residential designation can include rural ranchette 10 acre parcels (General Plan Table 4.3 - Countywide Land Use Designation Matrix) which is an inefficient parcel density counter to efforts to preserve agriculture and reduce sprawl. In addition, the Rural Valley Lands Plan is only advisory in the UABs. The policies attempt to allow some additional control by the County in these areas, but the wording used only notes that the County "may" work with individual cities to ensure that the RVLP policies apply in these areas (PF- 4.19, PF-4.21). In fact, the RDEIR admits in the Agricultural Resources section that development per the GPU in the UABs and HDBs will result in loss of up to 59,645 acres of important agricultural land (RDEIR Table 3.10-9), a significant "unavoidable" impact. I23-33

The ability of the General Plan Update to limit sprawl is further weakened by the fact that unincorporated hamlets may be expanded substantially (PF-3), that New Towns (Planned Community Areas) may be formed (PF-5.1), and that Regional Growth Corridors (C-1.6) will be created. In addition, until plans are prepared for the Hamlets, Growth Corridors, and Community UDBs, the underlying land use designation is Mixed Use, which as defined in the General Plan Update permits an "anything goes" type of planning. Up to 30 units per acre of residential use are allowed and any type of commercial use is allowed, with only vague direction given: *"The consideration of development proposals in Mixed Use areas should [emphasis added] focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts."* (General Plan Update Part I, page 4-20). The creation of these growth areas, located generally in the middle of agricultural areas, is inconsistent with the Planning Framework, and the wording in the policies guiding their review is so permissive as to be ineffective, not serving to mitigate any potential impact. I23-34

Further, the General Plan Update does not require that the County, in permitting development within the CACUDBs and CACUABs, to conform to City infrastructure standards, public service level of service targets, or fee structures. (See policies PF-4.2 and PF 4.27.) Without equal standards and fees, developers will pit the County against the City and generally choose to develop where they are the lowest. And, under GPU policies, a project can be developed under County jurisdiction and not be required to annex to the city at a future date. (Policy PF 4.24d) I23-35

The actual impact of these weakly worded Policy Framework policies and permissively worded growth plans in the form of New Towns (PCAs), Growth Corridors, and Hamlet and Community development boundaries would be the opposite of what is claimed in the RDEIR, resulting in heightened impact levels and inadequate mitigation. Under these Planning Framework policies, a proposed project in an unincorporated area can be referred to a city, denied annexation by the city at that time for appropriate reasons (such as inconsistency with their general plan or untimely development), yet can then be approved by the County with a potentially inconsistent land use density, with infrastructure that does not meet City standards, and under fees that will not provide for urban public facility levels of service. In addition, the I23-36

project may never be required to annex to the City in the future (which would be the only remaining way to eventually create a consistent buildout pattern in the area in question). I23-36 cont'd

There is a pattern of wording of these policies that makes it clear that the County may not truly be interested in a compact, resource-efficient urban form; there are loopholes in almost every relevant policy allowing the County to ignore City zoning and standards. And, there are loopholes which would permit extensive growth outside the cities. Rather than extensively revise the policy wording, it would be more effective as mitigation to eliminate the UABs, require the County to designate the city UDBs agricultural with urban plans to be implemented by the cities in this area, prohibit the New Towns PCAs) and Growth Corridors, and revise the hamlet and community boundaries as we have recommended earlier in this letter.

Weakly worded mitigating policies and implementation measures are found throughout the RDEIR and the GPU. They must be rewritten to assure effective mitigation and a legally adequate EIR.

♦ Not all available and feasible mitigation is explored in the RDEIR. I23-37

An EIR must explore all available feasible mitigation measures even if they are not selected *(CEQA Guidelines § 15091(a)(c))* and *Stevens v. City of Glendale (1981)*.) In some cases, the RDEIR "drops the ball" and concludes that an impact is unavoidable when, in fact, mitigation measures may be available. Feasible mitigation measures must be identified even if they do not fully mitigate impacts in an attempt to reduce impacts to the greatest degree feasible, even if an alternative approach would impede to some degree the attainment of the project objectives, or would be more costly. *(CEQA Guidelines § 15126.6(b.).*

Throughout these comments on the RDEIR, we point out mitigation measures which have not been explored and which will provide greater mitigation than that provided in the RDEIR. The RDEIR must be revised to explore all such measures and adopt them when determined to be feasible.

♦ Existing Setting description inadequate. I23-38

There is no totaling of potential buildout under the existing General Plan or zoning in either the RDEIR or the General Plan Update. The General Plan Update Background Report does include a number of charts with some totaling of zoning or general plan designations by acreage and some population projections: Chapter 3 includes charts that total existing acreage zoning by category for the Rural Valley Lands Plan, Kings River Plan, the Foothill Growth Management Plan and the Mountain Planning Regions sub-areas. However, buildout calculations are not presented and cannot be determined by the reader since acreage is not identified as developed or undeveloped. The community plans have the most existing land use designation data presented (General Plan Update Background Report Table 3-6). However, the population projections are only for the plan period, not the full buildout potential, which cannot be determined by the reader with the data presented. Some of this information is available in individual adopted plans, but in total there is no way to determine what the existing County General Plan permits. Since the General Plan buildout calculations of the incorporated areas of the cities are not presented, the true existing buildout potential of the entire county cannot be understood.

From a CEQA standpoint, without a knowledge of the buildout potential of the existing General Plan, it is impossible not only to understand the existing setting, but also to compare it to the proposed General Plan Update in the alternatives section of the RDEIR. And, clearly, it was not available during the creation of the proposed Land Use Diagram to inform decision making. It appears that the existing City Plans with modest expansion room into the UDBs alone could provide for all the growth projected for the County to 2030. I23-38 cont'd

♦ Land Use and Aesthetic Impacts

Division of the physical arrangement of an existing community discussion and mitigation inadequate (Impact 3.11). This impact discussion again relies on policies which cannot be assured of mitigation because of vague wording such as: "The County *may [emphasis added] ensure proposed development within CACUABs is compatible with future…circulation networks as shown in city plans"* (PF Policy 4.12) and the County "may" require a development project to meet the County adopted city development standards of the city in question (PF Policy 4.10). (Other examples include PF Policies 4.6, 4.8, 4.9, 4.13.) I23-39

The General Plan Update maintains that the outer ring of development around the cities, the CACUABs will generally have an agricultural or rural residential land use designation (Policy PF-4). Yet Rural Residential land uses are permitted; these ranchette type densities run counter to the goal of reducing rural residential sprawl cited in the Guiding Principles. This remains a potentially significant impact which would best be mitigated by elimination of the CACUABs and assignment of agricultural zoning only in these areas.

However, of most concern related to dividing the physical arrangement of an existing community (which we assume is the current built form of the county) is the structure providing for "Planned Communities" (formerly called New Towns) and Growth Corridors within the General Plan Update, which has been discussed previously in this letter. Though these land use designations have not been specifically located yet, they clearly have the potential to alter the urban, suburban, and/or rural form of Tulare County. Implementation measures outline planning issues which must be addressed in these plans; however clearly, the magnitude of these entirely new growth areas has the potential for significant impacts. In the case of the Regional Growth Corridors, which could extend along much of the major highways in the County (RDEIR Figure 2-1), highway oriented commercial, industrial, and mixed use development may be approved by the County immediately, pending adoption of Regional Growth Corridor plans (Policy C-1.6). The Planned Communities must be at least 200 acres in size. The RDEIR does not discuss the potential for these new land use concepts to alter and divide the built form of the county. We maintain that impacts are unavoidable because of the magnitude of what is proposed and diversion from the current built form of the unincorporated County, regardless of the future planning that may be involved.

The RDEIR is inadequate without a discussion of these issues and incorporation of the available and feasible additional mitigation recommended.

Conflict with other adopted land use plans discussion and mitigation inadequate (Impact 3.1.2). The RDEIR concludes that this impact is less than significant, in part because *"policies in the Planning Framework are specifically designed to direct urban development within UDBs of existing cities, communities, and other County planning areas to ensure that all development is well planned and adequately served by infrastructure"* (RDEIR p. 3.1-23). However, again, a number of the policies cited as mitigation in this section include vague language which will not ensure implementation. For example, I23-40

PF-4.8 notes only that the County "may" maintain General Plan designations that are compatible with the City's adopted general plan. In policy PF-4.13, it is recognized that if the City is not ready to annex a property in a UDB, the County can permit development if it determines that it is not incompatible development. Similarly, in policy PF-4.10, the County states only that it "may" require a development project to substantiate sufficient water supply and meet the County adopted city development standards of the city in question. And per policy PF-4.12, the County "may" (or may not) ensure that proposed development within CACUABs is compatible with future sewer and water systems, and circulation networks as shown in city plans. I23-40 cont'd

Numerous other Planning Framework policies cited as mitigation in the RDEIR will not, because of their non-directive wording, ensure implementation of City plans. (Other examples include PF 2.2, 2.3, 4.1, 4.2,4.5, 4.6, 4.9.)

The conclusion of less than significant relative to conflict with other adopted land use plans cannot be reached without the revision of these and related policies to include directive language such as "shall" or "must."

♦ Impacts to Agricultural Resources

Not all available agricultural impact mitigation is explored. I23-41

Land Use Map revision needed.
As discussed previously, the RDEIR does not explore all available mitigation as required by CEQA. This is particularly evident in the Agricultural Resources impact section. Rather than explore possibilities for effective mitigation, the RDEIR,by concluding that 59,645 acres of farmland may be lost under General Plan buildout "drops the ball" by neglecting to explore effective mitigation and concluding that impacts are unavoidable. Only one mitigation measure is added, and it does not even require action: *"The County shall consider (emphasis added) the implementation of an Agricultural Conservation Easement Program..."* (Agricultural Element Implementation Measure #15).

The most obvious way to reduce loss of agriculture to urban uses is to simply revise the Land Use Map, which the RDEIR fails to discuss. Elimination of all or part of the city CACUABs alone could retain up to 49,600 acres of farmland according to the RDEIR's own figures (RDEIR Table 3.10-9). Even assuming that existing sprawling Rural Residential zoning is retained in these CACUABs, a substantial amount of farmland would still be preserved. UDBs around the unincorporated communities, Hamlet HDBs , and Growth Corridors could also be decreased in size. Combined with the Development Efficiency Targets discussed below, it is expected that the target population of the County could still readily be accommodated in this decreased urbanization area and impacts related to loss of agriculture and open space could be reduced below the significant level.

Efficiency of development needed to reduce sprawl. I23-42
Other mitigation options have been suggested which were not explored in the RDEIR. The American Farmland Trust (AFT) in their comments has recommended a Development Efficiency Target review system. Again, the RDEIR concluded that approximately 59,645 acres of agricultural land could be lost by

2030 under buildout of the General Plan Update. The American Farmland Trust estimated in 2007 that if the efficiency of development were increased to the Valley-wide average of 8 people per acre, only 23,675 acres would be needed to accommodate growth through 2025; and if it were increased to 15 people per acre, roughly comparable to the prevailing average in the Bay Area and urban Southern California, only 12,625 acres would be needed – less than 20 percent of the land currently planned for development (AFT, 2007 comments attached). Clearly, the AFT proposal would increase the efficiency of development and reduce overall per capita land consumption. This system is set forth below and should be evaluated and included as mitigation in the RDEIR in addition to Land Use Map changes: I23-42 cont'd

> ***Add PF 1.1a: Development Efficiency Targets***
> ***Efficient Development to Minimize Agricultural and Other Resource Land Conversion***
>
> *The County shall promote efficient development that minimizes the conversion of agricultural land and other resources by adopting and applying Development Efficiency Targets in making future land use decisions affecting agricultural and open resource land. The County shall establish Targets for average residential density and commercial floor-to-area ratios (to be applied to public projects as well as private development), based on the amount of land to be dedicated to these uses, the projected population and the goal of limiting future urbanization of agricultural and other open land within the County (including those portions within cities) to not more than 16,000 acres through the year 2030. (This implies an average development efficiency of about 12 people per acre over the period, almost three times the current trend in Tulare County.)*
>
> *The County shall use these Targets (and encourage cities to use them) to evaluate existing spheres of influence and urban development boundaries, existing zoning districts, rezoning petitions, community and specific plans, new town proposals (PCAs), agreements with cities that would expand their spheres of influence or urban development boundaries, and all new development projects within the unincorporated area of the County that are not already part of a community or specific plan. Such evaluations shall include specific findings, to be made available to the general public, that quantify any deviation of the efficiency of the development that is or would be authorized from the applicable Development Efficiency Targets.*
>
> *The County shall also identify obstacles to increasing the efficiency of urban development and shall adopt (and encourage cities to adopt) changes in policies, zoning, rules and incentives to enable and encourage all communities (urban and urbanizing areas) to meet Development Efficiency Targets.*

Ineffectual wording of policies and measures must be eliminated. I23-43

Finally, as throughout the General Plan Update, most of the agricultural resource polices are weakly worded with little potential for effectiveness because of their permissive wording, using terms such as "encourage," "consider," or "may," or "should". An obvious method of decreasing loss of agricultural land would be to fortify the wording of these policies and measures.

For instance, the Conservation Easement Program recommended in the General Plan update is just that, only a recommendation: Policy AG-1.6 *"The County <u>may</u> (emphasis added) develop an Agricultural Conservation Easement Program…"* Both Implementation Measures 1 and 5 are intended to follow up on this policy. Yet they are too vague to be measured or enforceable; they should be made specific with a

required land replacement ratio and given a deadline for establishment of the mitigation program. (I.M. 1: *"The County shall take the lead to work with the cities and Tulare County Association of Governments (TCAG) to establish a comprehensive agricultural land mitigation program…"* I.M. 5: *"The County shall work with TCAG and the cities to establish criteria for the locations for agricultural conservation easements."*) Taking the lead does not ensure that a program will be adopted. If the land replacement ratio is not specified at this time, mitigation cannot be assured. I23-43 cont'd

Conservation easements are the last line of defense in an effective agricultural protection hierarchy: 1. Protective land use designations, 2. Clustering of growth to avoid sprawl, and finally - 3. Purchase of agricultural conservation easements on similarly valued agricultural land to mitigate the loss that still occurs after the first two steps are implemented.

The RDEIR concludes that a variety of other policies will assist in reducing conversion of agricultural lands to urban uses (table on RDEIR page 3.10-14). However, as discussed previously, most of these policies include language which does not require their implementation. In order for these policies and measures to result in any degree of mitigation, their wording must be strengthened.

Williamson Act contracts need greater support. Contracts for lands within UDBs are currently reviewed every five (5) years to determine whether any community is unduly restrained in its growth by the existence of an agriculture preserve. The County initiates the non-renewal process if a property is found to be inhibiting urban growth, and the contract is allowed to lapse at the end of its term. This existing procedure is more than adequate to protect the interests of both the urban community and the agricultural user. The following proposed amendment to AG-1.4 would ensure that Williamson Act contracts on land within UDBs or HDBS are not earlier cancelled or non-renewed unless requested by the landowner, thus preventing premature conversion of land from agricultural to other uses before the natural expansion of the urban center would require it, and simply because the land had become enveloped by a UDB or HDB. I23-44

We suggest the following policy revisions:

> ***AG-1.4 Williamson Act in UDBs and HDBs:*** *The County shall support nonrenewal or cancellation processes ~~that meet State law for lands within UDBs and HDBs~~ for lands within UDBs and HDBs only after it has developed and adopted Development Efficiency Target standards that must be adhered to in exchange for supporting Williamson Act cancellations and non-renewals in HDBs and UDBs.*

Limits on Ranchettes Still Not Mitigated. We support the concept of limiting ranchette development, but the General Plan policy has no supporting implementation measure, which renders it meaningless. We suggest that this policy be revised to read: I23-45

> *AG-1.12 Ranchettes: The County shall ~~discourage~~ not allow the creation of ranchettes in areas designated Valley Agriculture and Foothill Agriculture.*
>
> *New policy recommended: Division of agricultural lands shall not be permitted unless the Agricultural Commissioner / Sealer – Weights & Measures finds that the resulting parcels can be viably farmed.*

Tulare County Citizens For Responsible Growth

Summary- RDEIR inadequate without evaluation of all available and feasible agricultural land loss mitigation. In conclusion, the measures discussed above must be evaluated in order to make a more adequate meaningful effort to explore all available feasible mitigation consistent with the requirements of CEQA. While impacts to agriculture may still be significant, they will be greatly reduced using these measures; these measures should be adopted to promote the greatest degree of mitigation possible. As the project proponent, if the County feels that these measures are infeasible, it is the County's responsibility to document the reasons, rather than simply dismiss the measures. It is not appropriate for the County to simply throw up its hands at the magnitude of the task that preserving agriculture and open space presents. I23-46

Not all agricultural impacts are discussed. I23-47

A number of impacts related to agricultural resources were not discussed in the RDEIR:

Economic impacts not discussed.
The figures in the 2008 General Plan Update compared with those in the 2010 General Plan Update show that over 5,000 acres of Prime Farmland were converted from 2004 to 2006. The RDEIR must answer the question: what are the economic impacts of agricultural land conversion and the continuing trend predicted in the RDEIR? An EIR must discuss the economic impacts of a project to the extent that they could result in physical impacts. Agriculture is the economic engine of Tulare County. Certainly, in the case of the General Plan Update, economic impacts could result in loss of jobs and related blight impacts in individual communities due to vacated homes and businesses, and loss of tax revenue leading to reduced public facility levels of service

Animal confinement facilities not discussed. I23-48
Animal confinement facilities (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 General Plan Update/RDEIR documents constitutes a major omission and detrimentally limits the public's understanding of the importance of animal confinement facilities to existing conditions in the County, related environmental impacts, 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 must revise the General Plan Update and the RDEIR to include substantially more information related to this key subject, in proportion to its importance to all these aspects of the General Plan. To simply state that the County has a Plan, which is incorporated by reference, gives the public no understanding of the history, challenges, and problems associated with this Plan, which is still being worked on. Without a detailed analysis of the impacts of animal confinement facilities, this General Plan Update is inadequate by failing 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, Greenhouse Gas emissions, soil, flora, fauna, public health (and, in some cases, scenic landscapes).

Forest resource impacts not discussed. I23-49
Without explanation, the County has elected not to discuss potential impacts to existing forestry resources. This void occurs despite the County's aggressive development plans for the foothills and mountains.

♦ Loss of Open Space

The TCCRG April, 2008 comment letter (attached) described a number of ways to increase protection of open space (pages 16-17, 21, 28-29), including use of a Transfer of Development Rights system. Since impacts to loss of open space were concluded to be unavoidable in the RDEIR, all available and feasible mitigation to reduce the impacts identified must be evaluated. I23-50

♦ Biological Resource Impacts

The TCCRG April, 2008, comment letter noted numerous impacts which were not fully evaluated in the 2008 DEIR (letter attached). The additional analysis recommended was not included in the RDEIR presumably because, with a broad brush, impacts were concluded to be significant and unavoidable in most cases. However, our 2008 comment letter recommended a number of additional mitigation measures which must be evaluated in order to explore all available mitigation as required by CEQA. I23-51

As an example, one particularly effective mitigation measure's revision was recommended which would serve to mitigate impacts to biological resources much more effectively than would have been accomplished in the RDEIR: I23-52

> *Revised ERM-1.2: Development in Environmentally Sensitive Areas: The County shall prohibit, restrict, or modify proposed development in areas that contain essential habitat for special status species, sensitive natural communities, and wetlands and riparian habitats as necessary to ensure the continued health and survival of these species and sensitive areas. Approved development projects shall be modified to avoid impacts to these resources to the maximum extent feasible. If habitat cannot be preserved, the County shall require developers of these resources to preserve at least one acre of land with comparable or greater resource value for every acre developed. The preservation of resource land shall be accomplished by purchasing the land in fee and dedicating a permanent conservation easement to a local non-profit land conservation organization; by dedicating a permanent easement over a portion of the property to be developed (generally on the edges of natural communities); or by paying a fee that will allow land with comparable resource values to be purchased and maintained by a local land conservation organization.*

This TCCRG recommended revision does not appear in ERM 1.2 (GPR p.8-9)

In other cases, biological resource mitigation measures were noted by TCCRG in our 2008 letter to be ineffective due to weak wording. One example is Policy ERM 1.14, which calls for mitigation banking; yet no implementation measure is created to ensure that this policy will be carried out. I23-53

Each of the measures or revisions to measures related to biological resources which we recommended in 2008 must be evaluated in the GPU/RDEIR as to their effectiveness and an explanation given if they are not utilized, again, in an attempt to explore and adopt all available feasible mitigation. I23-54

Tulare County Citizens For Responsible Growth

♦ Air Quality and Global Climate Change

The TCCRG 2008 comment letter (attached) includes extensive comments on the Air Quality and Global Climate Change sections of the previous DEIR which still apply. We request that these comments be responded to in detail. I23-55

The RDEIR does conclude that buildout of the General Plan will result in significant, unavoidable air quality impacts and contributions to global climate change. However, the RDEIR concludes that the proposed project addresses the issue of climate change, in part, by adopting a land use plan and policies that purportedly focus on compact growth (Table 3.4-5). Yet, examination of the GPU policies and implementation measures listed in response to the State Attorney General's recommended measures will show immediately that they will not serve to carry out the AG's recommendations. I23-56

Throughout this comment letter, we have refuted the claim that the General Plan Update adequately promotes a compact urban form. In fact, the RDEIR does note that **at least two alternatives** could result in a more compact urban form. We have also recommended in this letter a third alternative that would more assuredly result in a more compact urban form. Yet, the RDEIR does not state any reasons why one of these more compact alternatives is not feasible and should not be adopted as a way to at least substantially reduce air quality impacts and greenhouse gas emissions. These reasons must be stated to ensure a legally adequate Alternatives discussion in the RDEIR. The greatest attempt possible must be made to find a feasible alternative which will address these (and other) significant, unavoidable impacts as required by CEQA. I23-57

♦ Wildland Fire Hazard

The revised RDEIR should compare the relative fire risks and financial burden to the county of General Plan Alternatives that allow sprawling rural development versus development within existing boundaries served by existing fire-fighting districts. The RDEIR should analyze the following approaches to lowering risk and costs of wildlife in the General Plan Update: I23-58

- Mandatory impact fees on new development near or within areas at risk of wildfire that reflect the true cost of providing fire protection and fuel reduction over the long-term,
- Greater focus on infill development within existing development boundaries as recommended in our Healthy Growth Alternative which keeps fire emergency response time short and makes fire fuel-reduction programs more efficient,
- Restriction of new parcels in areas rated "High" or higher, for fire hazard outside of existing fire district boundaries.

♦ Water Supply

The TCCRG April, 2008, comment letter (attached) includes extensive comments on the Water Supply section of the DEIR which apply to the RDEIR as well. We request that these previous comments be responded to in detail. I23-59

The RDEIR has been revised to make it clear that water supply impacts to individual water districts and the ability to serve growth provided in the General Plan Update are significant and unavoidable (RDEIR Impact 3.9-1). It concludes that groundwater drawdown will be significant and unavoidable (RDEIR 3.6-2). As a result, all available feasible mitigation must be explored. This conclusion gives greater importance to the need to adopt a land use alternative or set of mitigation measures, such as TCCRG's Healthy Growth Alternative, which will cluster development to a greater degree, thus assisting in water conservation and efficiency of serving new growth. The Healthy Growth Alternative (which could be created by a significantly revised Alternative 5) must be discussed in the Alternatives section of the RDEIR. I23-60

♦ Water Quality

Analysis of water quality impacts and available mitigation measures related to County buildout not adequate. The General Plan Update RDEIR concludes that water quality will not be degraded as a result of buildout of the county (Impact 3.6-1). However, no adequate analysis of baseline conditions is provided, and no analysis is performed of water quality impacts that will occur as a result of intensive new development allowed by the General Plan Update. The policies cited to address mitigation do not add anything to the practices currently in place in the county. There is no specific evaluation of how these measures will actually be effective in avoiding water quality impacts even if implementation becomes more vigorous than is the current practice. As such, the water quality assessment fails basic requirements to provide a baseline assessment of conditions, to analyze significant effects that will be caused by the project, and to identify all available mitigation measures. I23-61

The revised RDEIR must provide a more substantial analysis of the impact that the General Plan Update would have on the health of Tulare County watersheds and water quality. This analysis must include impacts associated with the grading of natural topography, loss of natural vegetation, filling of streams and wetlands, compaction of soils, and removal of trees and other natural vegetation. The RDEIR should describe the extent of such watershed disturbances projected to occur at full build-out at maximum allowable densities, and related effects such as alteration of local drainage patterns, increased impervious cover, loss of topsoil, increased erosion, and increased runoff.

In particular, numerous studies indicate that when as little as 10% of a watershed is covered in impervious surfaces, it becomes impaired. Greater amounts of impervious cover result in water quality impairments from increased pollution and runoff, as well as water supply impacts due to loss of groundwater recharge and contamination of local supplies. Increased runoff results in erosion and instability of stream banks, changes to channel structure, loss of natural vegetation and increased sedimentation. The revised RDEIR should analyze the expected increase in impervious coverage that would result from the GPU at full build-out, assuming maximum allowable development intensity/density, and describe related storm water, runoff pollution, flooding, erosion, loss of groundwater recharge and all other related impacts that would occur.

Water quality impacts of animal confinement facilities are not discussed in the RDEIR. 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 an SPEIR to the PEIR for the Animal Confinement Plan-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 I23-62

limit could be extended "as is reasonably necessary"). Clearly, impacts are not being mitigated; the Animal Confinement Facilities Plan (ACFP), which the General Plan Update incorporates by reference and which the RDEIR assumes will provide mitigation, is not being implemented. Yet the RDEIR does not address this issue. The General Plan Update must include specific policies and concrete, measurable implementation measures to address these substantial impacts since the ACFP cannot assure mitigation. I23-62 cont'd

♦ Traffic

The RDEIR Traffic and Circulation Impact section is inadequate in that it appears to use a population growth based impact analysis rather than a land use plan based analysis. It is unlikely that a land use plan based analysis could have been used since the County has not prepared a full land use plan with proposed land use designations over the entire county. To fully analyze traffic impacts, the RDEIR must be able to demonstrate what the full buildout of the General Plan might add up to by multiplying maximum density permitted by acreage in each land use designation and by subareas of the county. This is not possible with the information available, rendering the traffic impact discussion inadequate. I23-63

However, since impacts to the County's roadway levels-of-service are expected to be significant and unavoidable, the biggest drawback in the RDEIR automobile traffic analysis is the fact that not all available feasible mitigation measures were explored. In the case of traffic, the most obvious way to reduce impacts is to substantially reduce potential vehicle miles traveled by a greater assurance of establishing a compact urban form. The measures and alternative that we have described to this end throughout this letter must be analyzed relative to the ability to reduce traffic impacts. I23-64

♦ Public Facilities and Services

The RDEIR concludes that the County may not be able to provide adequate water supply and wastewater treatment to serve the population provided for in the GPU, determining that impacts will be significant and unavoidable. (Impacts 3.9-1 and 3.9-2) As discussed throughout our comments, a legally adequate EIR must explore all available and feasible mitigation. However, the RDEIR does not identify the most obvious method to at least reduce the impacts identified – prohibition of New Towns (PCAs) and Regional Growth Corridors. These new growth areas have the potential to attract the portion of the market for housing and commercial that could have gone to infill existing unincorporated communities or to the cities or their annexations. A second effective measure would be to ensure that large scale development does not go forward in the unincorporated communities and hamlets without adopted plans and development concurrent with provision of adequate public sewer, water, and other services. Again, all available feasible mitigation such as these measures must be explored. I23-65

Other services are determined to be mitigatable through adoption of a new fee structure (for parks, libraries, police, and fire protection) However, we were not able to find a target date for adoption of these fees or an assurance that the fee would be required at the full amount needed to provide adequate service. Until this is remedied, impacts must be considered unavoidable. I23-66

Finally, the three to four sentences given to the evaluation of the City Centered and Confined Growth Alternatives in the RDEIR which conclude that public facility impacts and services would be similar to the proposed Plan is completely inappropriate given the importance of this issue to the choice of a general plan I23-67

strategy. Both of these alternatives and our Healthy Growth Alternative would direct enough growth to the cities compared to the other alternatives that the efficiency of providing sewer as well other public services would be substantially greater than in the proposed Plan. A fiscal impact report or draft fee study should be prepared to analyze this issue; an adequate analysis has not yet been provided. I23-67 cont'd

In general, planning for governmental services and public facilities including roads, sewage treatment, and water is one of the most basic jobs of a General Plan. Yet, the General Plan Update and the RDEIR have not taken the important first step toward solving those problems. Indeed, if these are truly unsolvable problems, adopting a land use alternative which clusters development more efficiently is an obvious solution. I23-68

♦ Alternatives

The RDEIR states (page 7-1): "The purpose of this section of the EIR is to describe a reasonable range of alternatives to the project…that could feasibly attain most of the objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and to evaluate the comparative merits of the alternatives." Unfortunately, the RDEIR fails all aspects of this CEQA requirement. As an initial matter, the RDEIR can't reasonably evaluate **any** alternatives, including the General Plan Update alternative until baseline buildout calculations based on actual spatial arrangement of proposed and existing land use designations have been established. The total lack of such calculations makes both the General Plan and the RDEIR merely speculative, and as such, not in compliance with the core CEQA requirements. I23-69

The RDEIR also fails to provide a *"reasonable range of alternatives"* for consideration by Tulare County citizens and decision-makers. As described in the RDEIR, each proposed Alternative "assumes that all of the proposed policies and implementation measures contained in the Goals and Policies Report (GPR) for the GPU would be included as part of (this) alternative." In other words, the four GPU Alternatives proposed in the RDEIR (in addition to the "no-project alternative"), while offering minor differences on the surface, have all been framed to implement the same non-specific and loophole-ridden GPU policies and implementation measures set forth in the General Plan Update/RDEIR. Although the proposed Alternatives have different titles and different stated priorities, they are as vague and general in nature as the underlying General Plan Update that they would implement. Because all the Alternatives incorporate the policies and implementation measures of the GPU/RDEIR, they lack specific growth-directing measures that would in fact produce different General Plan Update outcomes. As a result, each Alternative would allow, and even encourage, costly, inefficient sprawl development that would challenge our existing communities economically and politically while also jeopardizing Tulare County's farmlands, natural resources, public health, and quality of life. I23-70

This critique applies equally to Alternative 5 (Confined Growth Alternative), which was purportedly developed (per the 2008 DEIR) based upon "comments from Tulare County Citizens for Responsible Growth and American Farmland Trust." While we appreciate the attempt to include a General Plan Alternative that addresses the goals we share with the overwhelming majority of Tulare County citizens who participated in the GPU "visioning" process, the proposed Alternative 5 is not reflective of our core concerns or the extensive and detailed input we previously provided. Given its exceptions, omissions and vagueness, Alternative 5 offers little essential or practical difference from the other development I23-71

alternatives presented, and cannot therefore be objectively considered a true, much less an environmentally-superior, development alternative. I23-71 cont'd

The RDEIR projects that, whichever Alternative is selected, 26-32% of the total population in the County will reside in the unincorporated area in 2030 (RDEIR Table 4-1) Again, the nearly identical outcomes in terms of future population distribution are predetermined by the incorporation of the GPU's flawed policies and implementation measures into each "alternative." I23-72

The RDEIR is also inherently inadequate because it includes only a superficial assessment of the degree to which each proposed Alternative would meet the stated objectives of the General Plan Update, without detailed justification for its conclusions. Conclusions about the failure of the City-Centered Alternative to meet various project objectives are not well explained, and are simply not supportable given the absence of details provided about the specifics of each Alternative's proposal. The RDEIR concludes that the Confined Growth Alternative will not meet one project objective: increased development in unincorporated communities. This is certainly not the case, since under the basic concept of this Alternative it would be possible to allow infill growth in these areas and modest growth within appropriate confined boundaries. I23-73

Finally, the RDEIR does not adequately describe why any of the project alternatives are not feasible, as required by CEQA (Public Resources Code Section 21001). It is not adequate simply to conclude that the project sponsor's objectives are not met. And, in the case of Alternative 5, again only one objective is said to not be met – allowing unincorporated communities to grow. This is an artificially narrow objective; it could be met readily by this Alternative or a slight revision to it. I23-74

Similarly, the RDEIR fails to provide a quantified, objective comparison of the significant impacts that would result from the adoption of each Alternative. Instead, unsupported general assessments are proffered about the impact each Alternative would have compared with the General Plan Update (i.e., a more or less Significant Impact than the General Plan Update), with no basis provided for these assessments. What criteria were used to categorize the relative impacts generated by each proposed Alternative to the General Plan Update? What data, benchmarks, thresholds or other forms of analysis were used to conclude that an impact created by one Alternative would be lesser or greater than the General Plan's impact? A fiscal impact analysis would offer clear quantified analysis of the feasibility of providing appropriate traffic improvements and public facilities and services under each Alternative. Certainly impacts such as traffic and air quality lend themselves to a quantified analysis. Indeed, how can any assessment be made at all, without baseline spatial buildout calculations against which the results can be compared? Detailed, quantified analysis of each Alternative is needed in each impact issue area to understand the relative impacts. I23-75

The root of the RDEIR's problem is that non-specific Alternatives are proposed to implement a vague and loophole-ridden General Plan Update, making it virtually impossible to "evaluate the comparative merits of the alternatives," as required by CEQA. As a result, the relative comparisons of the Alternatives are meaningless and of little or no value in helping Tulare County decision-makers select an Alternative that could "feasibly attain most of the objectives of the project, but would avoid or substantially lessen any of the significant effects of the project." To fulfill the most basic of CEQA requirements, the RDEIR must be meaningfully revised to present a reasonable range of General Plan Alternatives that includes at least one alternative that clearly and firmly directs growth into those urbanized areas that have the desire and capacity to accommodate that growth. I23-76

Tulare County Citizens For Responsible Growth

I23-77

TCCRG Recommendation: the Healthy Growth Alternative.

RDEIR Alternative 5, the Confined Growth Alternative, is similar in some respects to the Healthy Growth Alternative TCCRG proposed in our Notice of Preparation comments and our comments on the previous, 2008 draft General Plan Update. However, loopholes and provisions inherently inconsistent with smart growth -- such as regional Growth Corridors, floating Planned Community Areas, large and unrealistic Hamlet boundaries, and a weak policy structure relative to mandating compact, contiguous, resource-efficient growth and protection of farmland and open space – coupled with unreliable assurances that development will be directed to the cities, make the RDEIR's proposed Alternative 5 unacceptable. We again urge the County to extensively revise Alternative 5 to provide for a true alternative in the RDEIR that will meet all project objectives while significantly reducing the environmental impact of the project. This loophole-free "Healthy Growth Alternative" should include clear, firm policies that specifically support the following:

Revised Alternative 5:

The Healthy Growth Alternative

1. **Base the location, density, and amount of growth within urbanized areas on their desire and capacity to accommodate growth.**

2. **Locate development (except that which is directly related to agriculture) within existing Development Boundaries, without loopholes or exceptions that allow for leapfrog new town or growth corridor development. This can be accomplished by:**

    a. **eliminating the CACUABs and replacing them with firm agricultural designations; and**
    b. **Ensuring that the Land Use Diagram locates all specific land use designations in the unincorporated area**

3. **Require (or incentivize) efficient development within or contiguous to existing urban areas:**

    a. **Ensure that urban development takes place only:**
        i. **Within incorporated cities;**
        ii. **within the UDBs of adjacent cities in other counties;**
        iii. **within UDBs of unincorporated communities and HDBs of Hamlets.**
            1. **these UDBs and HDBs must be designated only after specific plans have been adopted for each of them which include boundaries**

23

I23-77 cont'd

revised to focus on infill development and well-timed, healthy, resource-efficient growth appropriate to each of these communities and hamlets.

2. **Community and Hamlet plans must clearly locate specific land uses of an appropriate scale of neighborhood commercial and non-residential uses, to be developed only if concurrent with the provision of needed infrastructure and developer mitigation fees, and to be reviewed for consistency with Development Efficiency Targets. (Blanket interim Mixed Use designations over entire UDB or HDB not permitted.)**

The intent of this provision is to eliminate County approved urban development in the City UDBs (other than under existing zoning requiring no new parcelization or use permits). City land use designations and pre-zoning for urban land uses would be allowed in the UDBs for use only by the cities when they annex these lands.

b. To accomplish this, the County must:

- **i. revise existing (or proposed in this Draft General Plan Update) policies such that the County land use designations and zoning in what is now referred to as the CACUDBs will be agricultural zoning only;**
- **ii. Implement equitable revenue sharing arrangements with the incorporated cities.**
- **iii. Revise the Land Use Diagram to require at least an 80% (or greater)/20% city/unincorporated population at buildout of the GPU.**

4. **Make community and hamlet development boundaries meaningful, long-term planning boundaries by firmly limiting the circumstances under which they can be expanded.**

5. **Prohibit Growth Corridors and Planned Communities (New Towns) in the unincorporated area.**

6. **Discourage the premature conversion of agricultural lands to urban uses, and offset unavoidable impacts to agricultural lands and natural resource areas with mandatory mitigation measures such as conservation and agricultural easements:**
   a. **Include the system of Development Efficiency Targets proposed by the American Farmland Trust before any community UDB or HDB is revised and before any individual discretionary land use development project, policy, or program is approved**
   b. **Revise the agricultural conservation easement policies to require that when developments are approved that will result in the loss of agricultural land, a fee**

will be assessed to purchase, at a minimum ratio of 1:1, agricultural land protection easements of equal value elsewhere in the county. I23-77 cont'd

7. **Provide strong, clear policies with concrete, enforceable implementation measures that include definite timeframes, funding sources, and departments in charge of monitoring and enforcement.**

♦ **Growth Inducing Effects**

Population Growth: Induced or Absorbed? The General Plan Update is predicated upon a substantial increase in population in Tulare County by 2030. The revised RDEIR must fully disclose and explain the data, models and assumptions used by the California Department of Finance and the Tulare County Association of Governments to project growth in Tulare County over the life of the General Plan Update. Why is the rate of growth projected during the term of the GPU projected at nearly double the rate of growth that has occurred in recent decades? Given the recent economic downturn, are the 2030 growth projections used still valid? I23-78

The revised RDEIR must disclose what portion of the population growth projected in the RDEIR would be directly induced by the increased uses and densities proposed in the General Plan Update. A revised RDEIR must specifically analyze the extent to which the proposed GPU would allow and even encourage sprawl, and therefore induce population growth in areas where growth is currently constrained (such as in Planned Community Areas/New Towns, Growth Corridors, resulting from changes to the FGMP, and the Mixed Uses (and exemptions from the RVLP and FGMP) proposed to be permitted in HDBs and unincorporated UDBs. Why would the inclusion of a New Town or New Towns not induce growth beyond the background growth rate expected, given that this is an entirely new land use form for the county? I23-79

Without these analyses, the RDEIR inadequately informs the reader how much the Plan would *"foster economic or population growth… either directly or indirectly…"* (CEQA Guidelines Section 15126.2(d)) and where this growth would be fostered.

Tulare County Citizens For Responsible Growth

III. Conclusion

In conclusion, we recommend that the General Plan Update Land Use Diagram be completely revised following the template of our proposed Healthy Growth Alternative to better ensure a compact urban form in Tulare County that will not only protect agricultural and open space lands to a much greater extent than proposed in the current draft, but also foster an improved quality of life for all Tulare County residents. We also recommend that the GPU/RDEIR policies and mitigation measures be revised to more effectively reduce the numerous impacts we have addressed in this letter. At that time, the RDEIR can be recirculated for further public review. I23-80

Sincerely,

Tulare County Citizens for Responsible Growth

Kelly R. Mitchell
Executive Director

Laurie Oberholtzer
Urban and Environmental Planner

Attachments:

A. TCCRG April 2008 comments on draft General Plan and DEIR
These comments are attached as background material and to provide additional mitigation measures which should be evaluated in the RDEIR to ensure that all available feasible mitigation measures are explored. Where inconsistencies between our 2008 and this 2010 comment letters exist the 2010 letter should apply.

B. American Farmland Trust 2007 comment letter on the draft General Plan Update.
This letter is provided as background on the significance of farmland loss and the effectiveness of development efficiency and compact growth in mitigating this impact.

Letter I24

(86)

Wuksachi Indian Tribe

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

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

Dear Mr. Bryant,

The Wuksachi Indian Tribe of Tulare County would like to acknowledge our support for the Southern Sierra Archaeological Society (SSAS). I24-1

Comments on the recirculated Draft Environmental Impact Report (DEIR) and the revised Tulare County General Plan Update 2030 (GP).

We feel it is very important to our cultural identity that the mentioned concerns be implemented into the GP and DEIR for future protection of the culturally sensitive areas all around the County of Tulare.

Kenneth Woodrow Chair
Wuksachi Indian Tribe Chairman
1179 Rockhaven Ct
Salinas Ca 93906
831-443-9702

Johnny Thoo-Yutch Sartuche
Wuksachi Indian Tribe Vice-Chair
929 N. Lovers Lane
Visalia, CA 93292
559-636-1136

5/27/10

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Letter I25

Ms. Kathleen Seligman
46136 South Fork Drive
Three Rivers, California 93271

27 May 2010

Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Blvd.
Visalia, California 93277

Attention: David Bryant, Project Planner

Re: General Plan 2030 Update and Environmental Impact Report

Dear Mr. Bryant,

Enclosed please find my comments regarding the General Plan Update and Environmental Impact Report with respect to the Urban and Wildland Fire Hazards included in the Health and Safety Element. I25-1

I appreciate that The Re-circulated EIR Draft addresses the significant threat of wildland fires in this county when it states, "*As future development occurs, wildland fires would continue to pose a significant threat to the people and structures of the County, in particular those residing in the Foothill Growth Management Plan and Mountain Framework Plan Areas, which are more susceptible to wildland fires due to potential fuel loads (grassland and other vegetation).*" Much thought and concern has been devoted to this pressing issue as it relates to fire season and climate changes as it goes on to say "*One of the primary factors contributing to the effective control of a vegetation fire is the rapid response by local fire units. This is especially true during fire season, when fire units may be committed to other fires and are unavailable to respond as quickly. Under future climate change conditions, more extreme weather conditions may occur that potentially results in greater fire fuel loads, a longer fire season, and/or a greater area containing vegetation susceptible to wildland fires. Climate change conditions could expose more people and structures to wildland fire potential*" I25-2

Within this GPU there is a comprehensive and thorough list of policies and implementation measures regarding the threat of wildland fires to Tulare County. And while I could analyze these policies and implementation measures as to their lack of clarity or the need for stronger language or request that some implementation measures be strengthen, this has been thoroughly addressed previously by Laurie Schwaller in her comments regarding the GPU dated December, 2007. Those comments continue to be pertinent because the policies and implementation measures addressed in that document are the same as in this GPU. I25-3

I find it more important to address an overall weakness is this document: The current DEIR fails to analyze how much new development would be allowed by the I25-4

GPU at build-out in areas assessed as high or extreme wildfire risk. This must be disclosed in the revised DEIR to allow a more comprehensive assessment of new fire risks posed by urban construction in fire-prone areas. I25-4 cont'd

The DEIR goes on to state that the county will implement a variety of these policies designed to address fire hazards and minimize exposure of people and structures to fire hazards and that CEQA documentation will be prepared for future individual projects as they occur. Based upon this it declares that that the impact of fire hazards to be less than significant. I25-5

Please re-evaluate the fire risk that would be caused by the GPU by first analyzing how much new development would be allowed by the GPU at build-out in areas of high fire risk and then reanalyze the significance of this impact and whether mitigation is necessary.

The revised DEIR should compare the relative fire risks and financial burden to the county of the current, nearly identical alternatives in the DEIR, with the risks and costs of a healthy growth alternative that directs all future growth within existing boundaries served by existing fire-fighting districts. The revised DEIR or Final EIR should analyze the following approaches to lowering risk and costs of wildland fire in the General Plan Update: I25-6

- Mandatory impact fees on new development that reflect the true cost of providing fire protection and fuel reduction over the long-term
- Infill development within existing development boundaries which keeps fire emergency response time short and makes fire fuel-reduction programs more efficient.
- Restriction of new parcels in high hazard fire areas outside of fire district boundaries.

I thank you for considering these comments.

Most sincerely,

Kathleen Seligman

From: David Bryant
To: Przybylski, Chuck
Date: 06/02/2010 3:06 PM
Subject: Fwd: Tulare County General Plan 2030 Update - February 2010 Comments on Recirculated Draft Environment Impact Report
Attachments: Tulare County GPU - Comments on RDEIR 5-27-10 from Babak Naficy.docx

Chuck, Please date stamp and mark as late. Also include the e-mail to demonstrate the time we received it. Thanks, DB

>>> Fred Brusuelas 5/28/2010 11:36 AM >>>

>>> Susan Brunner <suzbrunner@gmail.com> 05/27/2010 5:36 PM >>>
Mr. Brusuelas:

Please find attached hereto as a file Mr. Naficy's comments on the RDEIR (February 2010) prepared in connection with the Tulare County General Plan Update 2030.

Mr. Naficy is counsel for Sierra Club.

Thank you.

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Via Regular U.S. Mail and Email

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Re: Tulare County General Plan 2030 Update - February 2010
Comments on Recirculated Draft Environment Impact Report

Dear Mr. Brusuelas:

I submit these comments on behalf of the Kern-Kaweah Chapter of the Sierra Club. The Sierra Club has already submitted extensive comments under separate cover. My comments supplement and incorporate by reference those separate comments. I26-1

Based on the legal inadequacies that are identified here and in Sierra Club's separate comments, I urge you to re-circulate the EIR before considering final approval of the GPU.

PROJECT DESCRIPTION IS FLAWED

Although the 2030 General Plan Update (GPU) will aggressively promote residential and commercial growth within and adjacent to the urban boundaries of existing communities such as hamlets and cities, in addition to the mountain and foothill regions and Rural Land Use Plan and Corridors Framework Plan, the EIR fails to consistently and accurately identify the location of this growth or to explain the population increase that it will foster. These aggressive plans for fostering what essentially amounts to new communities are poorly explained in the Recirculated Draft EIR. I26-2

Figures 2-2 and 2-3, for example, purportedly depict areas slated for future development. Yet, these figures do not provide sufficient detail to aid in assessing the associated proposed project impacts. Moreover, the RDEIR itself does not include any meaningful analysis of the expected development potential, including the expected

population and commercial growth in the various areas slated for development. Likewise, the GPU does not include a meaningful projection of the increase in population and commercial/industrial development that would be expected in each of these areas. This information is vitally needed to permit a comprehensive environmental analysis of the GPU.

I26-2 cont'd

Although the GPU anticipates much urban growth within the so-called regional growth corridors, the locations of these corridors have not been established. The GPU defers the formulation of the location and the description of the corridors to "future amendments to the General Plan Land Use Designation Map." RDEIR at 2-13. Without knowing the location or size of the growth corridors, it would be impossible to analyze the potential environmental impacts of establishing such growth corridors. The Project's description, therefore, is flawed because it fails to describe the growth corridors.

I26-3

Moreover, the policy of locating development along regional transportation corridors, or in other planned communities/new towns, appears to directly conflict with the GPU's stated goal of allowing development only adjacent to existing population centers. This goal is designed to promote smart growth, to reduce the overall number of vehicle miles travelled and to promote a strong and viable public transportation system. RDEIR 3.4-27. The only point of having a separate development district entitled "regional growth corridor," that is distinct from the urban growth boundaries of existing communities and population centers, would be to locate new and isolated development along the "growth corridor." Otherwise, there would be no need for this special and distinct designation. But if the goal of creating this new land use designation is to promote isolated growth, how can this objective be reconciled with the GPU's stated objective of permitting growth only in the vicinity of existing communities?

I26-4

The GPU further calls for the future adoption of uniform community plans (PF-2.6) but, until such time, the GPU designates all the land within communities without a plan as "mixed use." This designation would essentially permit the construction of any type of development, be it residential, commercial, or "service and employment"

I26-5

opportunities without regard to the character of the neighborhood or the adjacent land uses. It is not clear how many communities will be affected by this policy, or how much or what type of development will be fostered by this designation. The RDEIR fails as an informational document to the extent that it fails to describe the potential impacts of this designation. I26-5 cont'd

Finally, the RDEIR explains that the County has already revised the Housing Element. It is not clear how the RDEIR relates to the already approved Housing Element, or the extent to which the impacts from the Housing Element were considered prior to approval. I26-6

A. The GPU must be revised to include enforceable policies and implementation measures to direct and manage urban development and growth. I26-7

Despite the EIR's claim to the contrary, the GPU does not include adequate tools or policies to meaningfully manage and direct uncontrolled growth to existing communities and hamlets. While the GPU and the RDEIR pay lip service to the idea of promoting orderly growth and protecting agriculture and open space, the County actually proposes policies that merely "encourage" urban development to be located within existing UDBs and HDBs (PF-1.3, 104). It is not clear how the County would encourage such policies, but what is clear is, that without mandatory language, the policy is destined to fail.

Moreover, the UDBs themselves are readily subject to modification and expansion provided only that sufficient infrastructure and water supplies are available. See, PF-2.2 (2). As we will explain below, it is clear that the County does not believe availability of water supplies is an environmental constraint that could slow down the rate of development. The County apparently believes that groundwater supplies are available for the taking, despite the declining groundwater levels and the increasing severity of the overdraft, not to mention the increasingly scarcity of imported surface water supplies. (Un)Availability of water supply, therefore, will not meaningfully limit expansion of UDBs. I26-8

For any developer prepared to pay for the cost of expansion of infrastructure, availability of infrastructure would likewise not be a realistic problem. Even if the developer is unable or unwilling to pay the full cost of the infrastructure, other mechanisms exist to finance such development. These mechanisms include the availability of Mello-Roose districts (approved by the City of Tulare in connection with the Tulare Motor Sports Complex), providing tax incentives or density bonuses, and joint public/private funding ventures, which would defray the cost of construction by imposing fees on future developments that would benefit from the availability of infrastructure. Therefore, by conditioning the expansion of UDB's on provision of infrastructure by developers, the County is in effect promoting regional growth outside urban boundaries and effectively discouraging infill development. I26-9

B. The RDEIR/GPU does not include legally sufficient mitigation measures to address the GPU's adverse impact on farmlands. I26-10

The RDEIR readily admits that the GPU will result in significant impacts on agricultural resources. These comments will focus on conversion of agricultural lands, which the RDEIR concludes will inevitably result from the implementation of the GPU. The RDEIR recognizes this to be a significant impact, but fails to include meaningful and enforceable mitigation measures.

The RDEIR concludes that the GPU will result in "substantial conversion of important farmlands to non-agricultural uses." Impact 3.10-1, RDEIR 3.10-11. To mitigate this loss, the RDEIR cites Policies AG-1.6 & 1.8 and Agricultural Implementation Measure #15. These measures, individually or collectively, do not constitute adequate or legally sufficient mitigation because they are unenforceable, lack an implementation time-line, and do not include measurable performance criteria.

A fundamental purpose of the EIR is to identify appropriate mitigation measures. Public Resource Code §210021.1(a). Mitigation measures must not be remote or speculative. *Federation of Hillside & Canyon Ass'n v. City of Los Angeles (2000) 83 cal.App.4th 1252, 1260.* Mitigation measures must be legally binding to ensure that they will actually be implemented. Id, at 1261. A mitigation measure is legally inadequate if it is so undefined that is impossible to gauge its effectiveness. *San Franciscans for* I26-11

Reasonable Growth v. City and County of San Francisco (1984) 151 Cal Ca.App.3d 61, 79.

I26-11 cont'd

Deferral of the formulation of mitigation measures is generally forbidden unless the agency finds that, for specific reasons, formulation of mitigation measures before project approval is infeasible. Even then, the agency must adopt concrete performance criteria and explain how the mitigation measures can be feasibly implemented. *San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 670*; CEQA Guidelines 15126.4(a).

I26-12

The RDEIR's proposed mitigation measures do not pass legal muster for a host of reasons. To begin with, these measures are not legally binding on the County: AG-1.6 provides that the County "may" develop an Agricultural Conservation Easement Plan, which "may" require in-lieu fees. AG Element Implementation Measure 15 requires the County to "consider" the implementation of an Agricultural Conservation Easement Plan. None of these provisions are mandatory, meaning the County may decide never to implement a plan to mitigate the loss of farmlands or to impose fees for the same purpose.

I26-13

The proposed mitigation is inadequate also because it is remote and lacks any implementation timeline. So, for example, the County may decide not to implement an Agricultural Conservation Easement Plan for decades. Without a timeline for implementation, the mitigation measures are illusory.

I26-14

The proposed mitigation measures are illegal also because they are vague and lack any specificity. Even if the County were to adopt and implement an Agricultural Conservation Easement Plan, it is not at all clear that such a program would adequately mitigate the impact on agricultural resources because it is not clear how the program would promote the conservation of farmlands. The policy does not include any ratios for exacting an in-lieu fee or a formula for the number of acres of farmland that must be set aside to offset the loss of farmlands. Without any specificity or performance standards, this measure fails as a mitigation measures.

Finally, Policy PF-2.2(1) --which prohibits conversion of Prime Farmlands unless Farmland of Statewide or lesser quality is available -- does not appear to provide any meaningful protection against conversion of farmlands because the PF-2.2(1) uses the permissive "should" and not the restrictive "shall". Moreover, in some if not most areas, farmlands of lesser value may not be readily available. I26-15

CIRCULATION AND TRAFFIC

Owing to the deteriorating state of the county rural roads, the County will be required to expend significant resources ($250 million) to make the necessary repairs. Moreover, the background report admits that due to the significant increase in the number of dairies and CAFO's in the County, the volume of truck traffic has also substantially increased, further accelerating the rate of deterioration. Background Report at 5-39 to 5-43. I26-16

The EIR's prediction, therefore, that sufficient funding exists to mitigate the impact of additional traffic and growth does not appear to be tenable. The County must make a realistic assessment of the future availability of funds to support transportation improvements before assuming that proposed or identified traffic mitigation projects are feasible.

The EIR (at 3.2-26) states that some roadway facilities that currently operate at a level of service D or worse are not capable of improvement because of "local physical and environmental constraints." The EIR does not explain in any detail what the alleged physical or environmental constraints may be. Contrary to the assertion made in the EIR, these alleged constraints are not more fully explained in the Methodology section of the EIR. The EIR's conclusory claim that achieving a better level of service is impossible given the current circumstances must be better explained and supported by reference to evidence in the record. It should also be noted that the EIR's reference to "Policy TC-1.6" as the source of the County's Level of Service policy is incorrect. The correct reference is Policy TC-1.16. I26-17

After a discussion of the County's LOS objectives in the Analysis Section, the EIR purports to discuss the Project's potential impact on roadways and levels of service. The EIR claims that a "series of models runs were conducted to evaluate the effectiveness of the circulation plan." (EIR 3.2-24). The EIR goes on to claim that as a result of these "model runs" it was determined that several roadways will require future improvements. Besides identifying those intersections, however, the EIR fails to discuss the results of the model runs, or provide any reference to the data in the appendixes. The EIR also explains that interchanges were not analyzed quantitatively, but it would be important for the EIR to "address interchanges in Tulare County that should be considered for improvements within the life of the proposed project." (EIR-3.2-25). Without any quantitative analysis, the EIR concludes that a number of intersections will require Measure R moneys for improvement, and that the impacts from the proposed General Plan Revisions will be significant and unavoidable. I26-18

The trouble with the County's failure to provide any quantitative data or analysis is that it leaves the reader in the dark as to the GP Updates' impact on roadways. While identification of impacted roadway segments or interchanges may be "important" or useful, it is not a substitute for quantitative data. Without knowing the severity of the potential impact on roadways, the public and the County decision-makers are not in position to intelligently debate the merits of different growth patterns and strategies or have a real sense of the extent of the impact of the proposed project. Mere acknowledgment that the impact is significant is not sufficient. I26-19

AIR QUALITY

The Air Quality section of the EIR begins with a discussion of the current state of the air quality in San Joaquin Valley. This discussion tends to understate the current woeful state of the Valley's air quality by emphasizing some of the improvements that have been accomplished in recent years. For example, with regards to PM10, the EIR explains only that in 2008, the EPA re-designated the San Joaquin Valley to "attainment" for PM10. What the EIR does not admit, however, is that the Valley is still I26-20

in nonattainment for PM10 and PM2.5 for State Standards. Moreover, the EIR fails to note that the Valley remains in "nonattainment" for PM2.5 for Federal Standards. The EIR should be revised to honestly assess the area's air quality and explain in narrative form the attainment status of the local air quality. I26-20 cont'd

The EIR admits that implementation of the Project will result in the worsening of the local air quality. The EIR concludes that the GPU will result in a net increase in criteria pollutants thereby resulting in violation of air quality standards (Impact 2.3-2), would conflict with or obstruct the implementation of applicable air quality plans (Impact 2.3-3), and would expose sensitive receptors to substantial pollutant concentrations, thereby affecting public health (Impact 2.3-4). Yet in each instance, after merely reciting a number of largely toothless policies as potential mitigation measures, the EIR concludes that no additional feasible mitigation measures exist to further reduce the significant impacts. In this regard, the EIR suffers from two principle legal deficiencies: (1) most of the proposed mitigation measures are too vague and unenforceable to pass muster under CEQA, and (2) the conclusion that no additional feasible mitigations exist to reduce the GPU's impact on air quality is not supported by any adequate analysis or evidence in the EIR or the Record. I26-21

1. **The proposed air quality mitigation measures are too vague and unenforceable to pass muster under CEQA.** I26-22

Some of the proposed policies designed to improve air quality are too vague and unenforceable to pass legal muster. Participation in local and regional plans (AG-1.2) is one such measure. Participation could mean nothing more than sending a representative to meetings. Likewise, cooperation with other agencies is vague and meaningless.

The mitigation measures that require development projects to comply with existing law, such as SJVAPCD Rule 9510, is essentially meaningless as these development projects are already required by a different agency to comply with rules within that agency's purview. So to pretend that the County's Policy (eg. AQ 2.2) is a mitigation measure at all is intellectually indefensible.

The County is not willing to adopt air quality policies that would bind its own actions to improve air quality. For example, AQ-1.6 requires the County merely to "encourage" County departments to replace existing vehicles with low emission/ alternative fuel vehicles as appropriate. Other policies likewise merely require the County to encourage infill development (AQ 3.2) or locate employee services near employment centers (AQ 3.1), etc. These typed of toothless policies cannot be considered a mitigation measure under CEQA. I26-22 cont'd

2. <u>The conclusion that no additional feasible mitigation measures can be feasibly implemented is not supported by substantial evidence</u>. I26-23

The GPU is chock-full of empty gestures and promises. Although many of the proposed goals and policies may seem to be designed to benefit the health and welfare of the people and to serve as mitigation for the adverse impacts of future growth, after careful consideration, it becomes readily apparent that these goals and policies are essentially toothless and are incapable of effectively addressing either existing environmental problems or those that may result from future growth.

For example, many policies and goals appear to be designed to ensure orderly development, protection of air quality and reduction of GHG emissions. Pursuant to AQ-1.3, for example, the County is directed to "require development to be located, designed, and constructed in a manner that would minimize cumulative air quality impacts." AQ-1.3 goes on to explain that "applicants shall be required to propose alternatives as part of the State CEQA process that reduce air emissions" . . . Yet, proposing "alternatives" in and of itself does nothing to reduce air emissions, if the environmentally superior alternatives are not implemented by the County. In addition to identifying onsite energy-saving measures, minimizing the number of miles travelled and paying air impact mitigation fees to offset emissions are the most effective means of addressing a project's air quality impacts. Yet, as we explained above, the GPU does not require payment of air impact fees as mitigation for air emissions and does not contain any concrete policies to require development to be centrally located in the vicinity of existing population centers.

WATER SUPPLIES

Adequacy of water supplies is a significant environmental issue and likely the most important limiting factor affecting the future growth of the County. Yet the EIR does not contain any sufficient analysis of adequacy of groundwater supplies to serve the future growth anticipated by the GPU. To the contrary, the EIR includes an extremely cursory "qualitative" analysis of existing conditions and future demands, without any community-by-community analysis of adequacy of groundwater supplies. We note the original draft EIR for the 2030 GPU did contain such a community-by-community analysis. The size and adequacy of water supplies and infrastructure, as well as expected future demand, varies tremendously across the County. To the extent that the GPU calls for and anticipates growth in each hamlet, community and in other urban areas, the RDEIR must be revised to include a thorough analysis of water supply availability for **each** affected community. I26-24

The EIR's analysis of water supplies largely relies on the deficient June 2009 "Water Supply Evaluation" that appears in the EIR appendices. While it is infeasible to check every contention or claim in this document, the following is a list of the report's inadequacies, false assumptions, and glaring omissions. Although the EIR does correctly conclude that the proposed GPU will adversely affect groundwater resources, the EIR's methodology in assessing the impact is flawed and understates the impact. Moreover, we do not believe the County may legally approve the GPU and permit the substantial growth envisioned by the GPU without implementing adequate mitigation measures and, more significantly, without identifying reliable sources of water. I26-25

A. The Report fails to explain the basis for its assumptions and calculations. I26-26

The Report assumes that future conversion of agricultural lands to urban uses (largely residential) will result in a reduction in groundwater demand. To calculate the expected future water demand, the Report estimates the number of acres of farmland that will be converted from farmland to non-agricultural use to predict the County's future water demand (with GPU). See Page 6. To conduct this analysis, the Report assumes that

net water demand can be estimated by subtracting the total expected urban demand from the total quantity of water that will be saved by displacing farmlands with urban usage. I26-26 cont'd

This approach is deeply flawed for two principle reasons: (1) it fails to take into account the water demand by urban projects that will not be built on existing farmlands, i.e. infill development, and (2) the Report fails to provide any analysis or justification for the assumptions that underlie the future water demand analysis contained in Figure 2.2.

1. **The Report fails to consider the water demand associated with urban growth (residential, commercial, industrial) that will occur on non-agricultural land.** I26-27

Without any discussion, the Report simply assumes that all future growth will occur by displacing existing agricultural operations. See Page 6. The Report never bothers to estimate the extent to which urban growth may occur on land that is either not in agriculture, such as land in existing hamlets or vicinity of towns and villages, or land that, although suitable for farming, is not or has not been in active cultivation. By assuming a 1:1 relationship between loss of farmland and future growth, the Report tends to underestimate the net future water demand generated by the adoption of the GPU.

Likewise, without any adequate explanation, the Report simply assumes that "all acres identified as farmland are assumed to have a water demand." Ibid. But there is no evidence offered to suggest that some of the land that may be displaced by urban usage may not be on non-irrigated land such as orchard. I26-28

To predict future urban water demand, the Report apparently relied on "City of Fresno's Urban Water Management Plan (UWMP) and professional judgment from other studies." Report at 9. It is wholly unclear water "other" studies were referenced or why Fresno's UWMP was used as a source. The Report does not attempt to explain why it was appropriate to use a large City's water use portfolio in Tulare County, when much of the development is expected to be in smaller hamlets or other more rural communities. I26-29

Accordingly, it appears that unless the County can justify these assumptions, the Report's estimate of future water demand may be understated. I26-29 cont'd

2. <u>The Report does not explain the basis for the assumptions regarding the amount of acreage it expects.</u> I26-30

Again, without any explanation, Table 2.5 (p. 10) of the Report "explains" the County's expected change in water demand in each community, hamlet or City UDBs. These predictions appear to be nothing more than pure speculation or guess work, rather than the kind of forecasting that is required by CEQA. In fact, the EIR itself seems to disavow these assumptions by explaining that "the nature and extent of agricultural water conversion . . . is not known." RDEIR 3.6-24. The EIR's admission that the extent of the agricultural conversion is unknown cannot be reconciled with Table 2.5, which speculates about the extent of agricultural conversion.

The EIR must explain the basis for Table 2.5, or disavow the Report altogether. Because of the inconsistencies between the EIR and the Report, because of the speculative and unexplained nature of the assumptions that inform the Report's analysis, we do not believe the County can appropriately rely on the 2009 Water Report. *<u>City of Redlands v. County of San Bernardino</u> (2002) 96 Cal.App.4th 398, 410 (fns. omitted.)* ("The following does not qualify as substantial evidence under CEQA: 'argument, speculation, unsubstantiated opinion or narrative, ... Substantial evidence, instead, consists of 'fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.' ") The EIR, therefore, must be revised to explain the basis for the assumptions that inform the County's calculation of future water demand. In particular, the County must explain the basis for predicting the number of acres of farmland it expects to be converted to urban use in each community. I26-31

B. The EIR and the Water Report's analysis of future water demand understates the impact on groundwater and is legally indefensible. I26-32

Although the EIR admits that the GPU will result in a significant impact on ground-water supplies, it tends to understate the impact. Despite admitting that the extent of agriculture to urban land use is not known, the EIR speculates that "increases in urban water demand resulting from population growth may be offset by decreases in

other forms of water use (i.e. agricultural water conversion) or increases in water use efficiency." RDEIR at 3.6-42. Moreover, the 2009 Water Supply Report (despite the flaws outlined above) concludes that "there will be a slight reduction in water demand" based on the anticipated conversion of cultivated acreage to urban usage. This conclusion, however, is the product of a flawed analysis that fails to take into account the substantial agricultural surface water supplies that provide much of the water needed for agriculture.

I26-32 cont'd

As explained in the Water Report, water for urban use is provided by pumping groundwater, while agricultural water supplies include both groundwater and surface water flows. The surface water is supplied through various irrigation districts from two sources: local water sheds and imported water. The bulk of the imported water is delivered through the federally managed Central Valley Project (CVP) by way of the Friant-Kern Canal. Additional supplies are also delivered by the State Water Project (SWP) from the Sacramento Delta. See, Table 3.2 at p. 18.

The EIR's suggestion that water demand from urban growth may be offset by decreases in agricultural water use is misleading and poorly explained. First, as hinted by the Water Report, "where cultivated] lands were previously served with surface water []there [would] be a likely increase in the total extraction of groundwater." Report at 35. Because much of the water used for agriculture in Tulare County comes from surface water deliveries, it is unclear that groundwater extractions for urban use would be offset by conversion of farmlands.

Moreover, it is well known that using surface water deliveries (both imported and surface supplies) for cultivation for crops has the added benefit of recharging the groundwater basin. The Report does not include any analysis of the extent to which surface water deliveries beneficially affect the groundwater basin through seepage back down into the groundwater basin. The RDEIR must be revised to accurately predict the impact on groundwater supplies that may result from conversion of farmlands to urban use.

C. The RFEIR must identify and analyze alternative water supplies. I26-33

"[W]here, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies." *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova ("Vineyard") (2007) 40 Cal.4th 412, 430-32.*

The US Geological Survey Report, Groundwater Availability of the Central California Aquifer (USGS Report) (http://pubs.usgs.gov/pp/1766/PP_1766.pdf) explains that increased regulation of water and environmental concerns in the Delta have resulted in reduced surface water deliveries both for urban and agricultural needs. USGS Report, Page 60. Future surface water deliveries therefore may not be available. Moreover, sustained increases in groundwater extractions are likewise untenable because "increased reliance on groundwater is likely to lower ground-water levels, thereby increasing pumping costs, inducing further subsidence, and decreasing surface-water base flows." Ibid. Despite the RDEIR's failure to adequately analyze regional water supply issues, it is clear that many communities may not be able to rely on increased groundwater extractions as their sole water source to meet future demand. The County, therefore, must analyze the likelihood of identifying alternative supplies, and consider the environmental consequences of obtaining water from such alternative sources.

D. The EIR's conclusion that implementation of the GPU will not increase groundwater demand beyond historical rates is not supported by substantial evidence or legally defensible arguments. I26-34

The EIR concludes that "actions contemplated in the proposed project are not anticipated to cause overall demand in the County to vary from within the range of demands seen historically and documented by DWR." RDEIR 3.9-47. This contention is both irrelevant and misleading. It is misleading because it ignores the fact that the GPU will cause a significant increase in the overall population of the County, which will in turn increase the demand for drinking water. It is irrelevant because the aquifer is in

a state of overdraft. Adding more burden to an already overstretched aquifer will only result in more long-term deficits in the overdraft and the concomitant secondary impacts, such as subsidence and reduced pumping capabilities. As we will explain, the RDEIR must be revised to include an objective and honest evaluation of the expected increase in water demand and discuss whether and to what extent growth should be promoted in light of the deficiency in water supplies. I26-34 cont'd

A fundamental flaw in the RDEIR's water supply analysis is the failure to include concrete population projections. As it is, it impossible to gauge the accuracy of the RDEIR's so-called "future scenarios" because it is not clear what assumptions inform these calculations. To comply with CEQA's basic informational requirements, the RDEIR must be revised to include accurate population projections to enable the public to check the veracity of the RDEIR's calculations. The RDEIR does actually include population projections at 5-2, Table 5-1. It should be noted that the RDEIR does not distinguish between growth projections under current conditions and growth that is specifically authorized and anticipated under the GPU. This is a fundamental flaw, which must be corrected. Assuming for the present purposes that the information in the RDEIR can be used to predict future water demand, why does the RDEIR not include a projection of future water demand based on these projections? I26-35

The RDEIR makes an intellectually dishonest connection between future conservation measures and the implementation of conservation measures to address the County's water shortage. In this regard, the RDEIR states: "Land use changes contemplated by the General Plan Update provide an opportunity for the County to proactively implement available conservation measures." RDEIR at 3.9-45. As the EIR admits, the County is under a legal obligation to promote water conservation consistent with state law, as explained in the Water Report at page 12. The RDEIR fails to provide any explanation or analysis to show that without the land use changes contemplated by the GPU, the County could proactively implement the conservation measures required by law or otherwise available. I26-36

Although difficult to follow, the RDEIR appears to argue that substantial increases in urban water demand will result, regardless of the implementation of the GPU. This conclusion seems *a priori* untenable. Instead of sanctioning the rapid I26-37

conversion of farmlands and paving the way for substantial population growth, the County could take a conservative approach by adopting policies that limit growth until and unless alternative supplies, that do not exacerbate the overdraft of the aquifer, are identified. Actively limiting population growth will surely reduce drinking water demand. The RDEIR's argument that the GPU does not play a role in the increase in future drinking water demand, therefore, is incomprehensible. I26-37 cont'd

If, as the RDEIR suggests, the projected growth will occur regardless of the GPU's land use policies and mitigation measures, why then does the County bother preparing an EIR at all? If the with and without project (i.e. with or without the 2030 GPU) that the same rate and pattern of growth will result, no environmental impacts can be attributed to the GPU and the County need only adopt a negative declaration, or perhaps even a notice of exemption, to explain this conclusion. But this is of course not the case, because the GPU's policies do direct the growth rate and pattern in the County.

Finally, the RDEIR's conclusion that "urban purveyors will be expanding water supply entitlements to the groundwater" is simplistic and has not been adequately explained. As the RDEIR notes, California is moving towards a statutory groundwater monitoring regime and it is unlikely and untenable to assume that water agencies may continue to expand groundwater extraction to meet urban needs, despite the worsening overdraft. I26-38

Moreover, as the RDEIR notes in passing, increased levels of overdraft may result in lowering of water levels, increase pumping costs and degrade water quality -- water quality which is already poor in many communities in Tulare County. We therefore question the RDEIR's glib suggestion that future water demand will simply be met by water purveyors expanding their groundwater entitlement. I26-39

E. The RDEIR must analyze secondary impacts of the likely worsening of groundwater overdraft conditions. I26-40

In cursory fashion, the RDEIR admits that groundwater overdraft may result in (1) increase in pumping expense [due to the lowering of groundwater levels], (2) impacts to water quality, and (3) subsidence that can permanently decrease aquifer storage capacity and affect private property or public facilities and infrastructure. Besides

noting the possibility that these impacts mat result, the EIR does little to analyze the likelihood, extent or significance of these impacts. I26-40 cont'd

According to the USGS Report (cited above), "the droughts of 1976–77 and 1987–92 led to reduced surface-water deliveries and increased groundwater pumpage, thereby reversing the overall trend of groundwater-level recovery and **re-initiating land subsidence** in the San Joaquin Valley." As we explained above, the USGA Report explains that "increased reliance on groundwater is likely to lower groundwater levels, thereby increasing pumping costs, inducing further subsidence, and decreasing surface-water base flows[1]." The RDEIR, however, fails to analyze these potential impacts. Will the subsidence require significant expenditures of public funds to maintain public infrastructures such as roads and bridges? Will the subsidence pose a potential threat of rupturing gas lines or damage to dikes or dams? Will the increased cost of pumping groundwater cause significant hardship or make future development infeasible? Will degradation of groundwater quality cause violations of state and federal standards? How long before groundwater quality is so degraded as to require treatment? These are but a few of the myriad of potential issues that must be analyzed by the EIR before the County can make an informed and intelligent decision regarding the impact of proposed development on groundwater.

Conclusion Regarding Water Supplies I26-41

The RDEIR's water supply analysis is inadequate as a matter of law. The County has failed to calculate future demand and has failed to identify existing supplies. There is no individualized analysis of groundwater conditions for the many communities where increased future development is anticipated under the GPU. The EIR has failed to analyze the secondary impacts of the increased groundwater pumping and has failed to identify alternative water supplies that could replace the depleted groundwater supplies or reduced future surface water deliveries. Moreover, it simply does not suffice for the RDEIR to conclude that "the hydrologic implications of increased localized

[1] / Note that while the USGS Report states that these secondary impacts are "likely", the RDEIR merely states that these impacts "may" occur.

pumping in groundwater basins (i.e. potential for cones of depression) is not known". The RDEIR's analysis of water supplies must be substantially revised. I26-41 cont'd

ALTERNATIVES

The EIR does not consider a reasonable range of alternatives. I26-42

Pursuant to CEQA, the RDEIR is required to identify a range of alternatives that could reduce or fully mitigate the Project's environmental impacts. An EIR must

> "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines, § 15126.6, subd. (a).)

It must contain

> "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines, § 15126.6, subd. (d).)
>
> "The statutory requirements for consideration of alternatives must be judged against a rule of reason." Citations omitted.

Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1400 ("AIR")

An EIR "must explain in meaningful detail ... a range of alternatives to the proposed project and, if [the agency] finds them to be infeasible, the reasons and facts that [the agency] claims support its conclusion." *Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 373, 407.*

The EIR must focus on alternatives that can avoid or substantially reduce a project's significant environmental impacts. Public Resource Code §21002.

The EIR must compare the merits of each feasible alternative and explain in some detail how the alternatives were selected. CEQA Guideline 15126.6.

In other words, the alternatives considered in the EIR must offer a substantial advantage over the proposed project. *Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 566.* I26-42 cont'd

It is imperative that the discussion of alternatives include sufficient information about each alternative to allow evaluation and comparison of alternatives to the Project. CEQA Guideline 15126.6(d). AIR, supra.

The EIR's alternatives analysis must contain "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.' [Citation.]")

Moreover, the range of alternatives must be sufficiently varied to foster informed decision-making and public participation. CEQA Guidelines §15126.6(a)-(f); *Mann v. Community Redev. Agency (1991) 233 Cal.App.3d 1143, 1151.* I26-1

The alternatives considered in the EIR fail the CEQA standard. The alternatives proffered by the County fail to meaningfully reduce the GPU's myriad of significant environmental impacts. As evidenced by Table 4-1, at 4-4, all alternatives considered by the RDEIR will result in substantial increase in population growth. These alternatives fail to foster meaningful decision-making or public participation because they are too similar. Moreover, only one of the alternatives considered meets all of the County's stated goals for the GPU. The RDEIR, therefore, violates CEQA in that none of the alternatives appear to meaningfully reduce the Project's environmental impacts, and all but one of the alternatives are designed to meet the Project's stated objectives.

Moreover, the County has failed to explain why "The Healthy Growth Alternative," which was offered by Tulare County Citizens for Responsible Growth in comments on the 2008 DEIR, was never considered. The Healthy Growth Alternative meets the definition of a potentially feasible alternative in that it meets most of the County's stated objectives. Yet this alternative is "environmentally superior" because it would reduce many of the GPU's significant environmental impacts. The County must consider and discuss a range of alternatives, including the Healthy Growth Alternative I26-43

proposed by members of the public. At a minimum, the EIR must explain why this alternative should be considered infeasible or otherwise rejected. I26-43 cont'd

The RDEIR's analysis of alternatives is further flawed because the analysis is often supported by conclusory statements intended to support the County's preferred alternative. For example, the RDEIR fails to include a discussion of the fire risk of each alternative, particularly at the wildland-urban interface. In places, the discussion of hydrology and water quality approaches not only the disingenuous, but nonsensical. I26-44

In many instances, the RDEIR fails to adequately explain and understates the difference between alternatives without any persuasive or adequate explanation. The EIR claims, for example, that the potential hydrology and water quality impacts that could result from the so-called "City-Centered Growth Alternative" would be similar to the impacts from more extensive development in the foothills and mountains. Clearly, more intensive development in the less-developed foothills and mountains would result in much more extensive impacts on water quality in rivers and creeks. Yet, without any explanation, the RDEIR concludes that the opposite is true. The RDEIR must be revised to provide more extensive and meaningful information in order to permit a genuine comparative analysis of the proposed alternatives. CEQA Guideline 15126.6(d). I26-45

Likewise, the RDEIR's conclusion that various alternatives would result in similar impacts on climate change and air quality is poorly explained. The RDEIR states that the confined growth alternative "may reduce the overall number of vehicle miles driven," and thereby reduce both the GHG and criteria and toxic emissions (RDEIR at 4-33-35). The RDEIR then goes on to conclude that these reductions would be essentially meaningless because, in each case, the Project would still result in significant adverse impacts on climate change and air quality. This "analysis" is misleading and inadequate in that fails to provide the reader with any sense of the magnitude of benefit that may be realized from the reduction in the overall vehicle miles travelled (VMTs). That the Project's overall impact may remain significant, even with reductions in the VMTs, is not determinative. The public and the County policy-makers must be able to meaningfully compare the environmental benefits of each alternative even if the overall impact may remain significant. I26-46

The RDEIR must be revised to include a legally sufficient alternatives analysis that includes a reasonable range of feasible alternatives that would meaningfully reduce the Project's environmental impacts. I26-47

CLIMATE CHANGE

The RDEIR admits that the implementation of the GPU would result in a significant adverse impact on climate change and concludes that this impact must be mitigated as required by CEQA. For example, at 3.4-32, the RDEIR admits that Tulare County's CO2 emissions will increase from 5.2 million tons per year in 2007 to 6.1 million tons per year in 2030, an increase of 897,420 metric tons per year or 17% increase greenhouse gas (GHG) emissions. I26-48

To meet the goals of AB 32, the State must reduce GHG emissions to 1990 levels by 2020. While it is becoming increasingly clear that even achieving the goals of AB 32 may not avoid a catastrophic climate change outcome, it is imperative for all land use agencies, such as Tulare County, to make a genuine effort at least meet the goals set by this state law. Unfortunately, Tulare County does not appear to be ready to meet this challenge as the RDEIR admits that GHG emissions that will result from the GPU "places the proposed project in conflict with the (2020) goal of the State to reduce up to 174 million metric tons CO2e/yr." Tulare County is therefore in violation of state law as there are many feasible mitigation measures that can help Tulare County meet its obligation to reduce GHG emissions Sierra Club has submitted a comprehensive list of resources and mitigation measures to assist the County.

The RDEIR itself includes many sensible and established policies to address climate change. Unfortunately, as with other GPU policies, these proposed policies do not include mandatory terms such as "shall" and are therefore illusory and unenforceable. We suggest that these policies be revised to include mandatory terms. Moreover, we suggest that if the County intends to rely on the CAP as an implementation plan for climate change mitigation policies, the CAP must be finalized and adopted before or at the same time as the GUP itself. I26-49

Without any adequate explanation, the County's draft Climate Action Plan (CAP) sets a 26.2% target for reductions in Greenhouse Gas (GHG) emissions. It may be that the CAP assumes this target to be the maximum feasible mitigation target, but it is impossible to evaluate this implicit contention as the CAP does not provide any supporting evidence or arguments. If the County contends that full mitigation of the Project's GHG emissions requires only a 26.2% reduction from business as usual (BAU), this contention needs to be vetted and supported by evidence. I26-50

We suspect that the draft CAP adopts a target 26.2% CO_2 emission reduction from BAU as a means to comply with AB 32's 2020 emission reduction targets. This would be mistake, however, because (a) the most recent evidence shows that compliance with AB 32 would not avoid catastrophic outcomes of climate change and (2) AB 32's emission reduction goals mark only a first and interim step toward much more significant eventual GHG reductions. By myopically focusing on AB 32's 2020 goals, the County seems to ignore the long-term emission reductions necessary to stabilize the climate or even to meet the 2050 goals.

Moreover, the planning horizon for this project extends to 2030, 10 years beyond the 2020 goal for which the measure is tailored. Greenhouse gas emission reduction targets also extend beyond 2020 and are much larger than the 2020 target; Executive Order S-3-05 sets an 80% reduction of GHG from 1990 levels in 2050 as a goal. In order to achieve GHG emission reduction goals beyond 2020, the County should require feasible mitigation measures that would reduce development related GHG emissions beyond the 26.2% below BAU 2020 requirement. I26-51

CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." PRC §21061.1. The fact that an alternative or mitigation may be expensive or make the project less profitable is insufficient to show financial infeasibility. Uphold Our Heritage v. Town of Woodside, (2007) 147 Cal.App.4th 587, 599. "What is required is evidence that the *additional* costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." Id. Here, if the County contends that full mitigation of GHG mitigation is I26-52

financially infeasible, it must support this contention with evidence to show that the additional costs of such mitigation would render it infeasible. I26-52 cont'd

CONCLUSION

For all these reasons, we urge the County to revise and recirculate the RDEIR. I26-53

Sincerely,

ORIGINAL SIGNED

Babak Naficy
Counsel for SIERRA CLUB

cc: Gordon Nipp, Sierra Club

FAX TRANSMISSION

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SPRINGVILLE, CA 93265
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To: Dave Bryant

From: Julie Allen

Date: June 3, 2010

RE: Sequoia Riverlands Trust Comments on General Plan Update

Number of pages including this cover sheet: 7

Comments:

Dave, if you have any questions, please don't hesitate to call the land line above or my cell 288-9411. Email address is julallen@springvillewireless.com

Best,

Julie

Sequoia Riverlands Trust
427 S. Garden St.
Visalia, CA 93277
559-738-0211

June 2, 2010

Mr. David Bryant
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93291

RE: **Sequoia Riverlands Trust Comments on Tulare County General Plan Update**

Dear Mr. Bryant,

I submit the following comments on the Tulare County General Plan Update on behalf of Sequoia Riverlands Trust. We are a regional, non-profit land trust dedicated to conserving the natural and agricultural legacy of the southern Sierra Nevada and San Joaquin Valley. We protect working landscapes, habitats and scenic open space while supporting sustainable economic growth in our communities. Our geographic reach includes primarily Tulare, Fresno, Kern and Kings Counties. Our approach is to engage farmers, conservationists, landowners, the public sector and the business community in a collaborative approach to land and resource conservation in the Sierra Nevada foothills west of federal land boundaries and on the Valley floor. We therefore have a deep and urgent interest in the Tulare County General Plan Update. In this spirit, we offer the following comments on the nature and provisions of this plan update: I27-1

1. Scope and Content I27-2

The Introduction to the General Plan Update must further clarify both scope and content of the Plan in several respects. First and foremost, we ask that you clarify what is actually included in the Plan and thereby in the requirements for consistency determinations. For example, the current explanation does not adequately cover the land use "diagrams" or the Implementation Measures. Are the many "diagrams" merely illustrative or do they direct land use? Regarding the Implementation Measures, the Plan states that they may be changed without amending the General Plan. This means they are not formally or legally considered to be a part of the Plan. If that be the case, they could be changed, for instance, by staff without any notice or comment or any public discussion at all. However, much of the concrete content of the Plan is in these measures. Everyone should be able to count on them; they should be part of the General Plan. We believe change in Implementation Measures should be subject to public review and comment. I27-3

We ask that the Implementation Measures be made explicitly part of the Plan and that clarification of their status be made explicit in the Introduction to the Plan Update. I27-3 cont'd

2. Foothill Growth Management Plan (FGMP) I27-4

From the beginning of the Plan Update process, the Board has repeatedly said that the FGMP is not subject to update this time around. As recently as April of 2008 I have had this in writing from RMA senior staff. However, this Plan Update shows that a "revised" form of the FGMP was actually **adopted** this year, 2010 (Page 1-3)!! If this be true, it was done without public knowledge, notice or participation. We thereby question the legality of this action.

Part II, Chapter 3 indeed shows considerable, significant change from the plan adopted in 1981. For instance, in substance the land use designations Foothill Agriculture (FA) and Foothill Mixed Use (FMU) are entirely new from the perspective of the original FGMP. The FA designation allows one unit for each forty acres above 160 acres, which means that large foothill ranches could be subdivided into large parcel subdivisions that scatter dispersed development throughout the foothills of Tulare County. This is directly counter to the governing idea of the 1981 FGMP which was to focus development in development corridors, leaving about 90% of the foothill area in agricultural use. Foothill Mixed Use is similarly an entirely new concept for the foothills. This category includes, residential, commercial, recreation and light industrial uses where residential and some very, very limited neighborhood commercial uses were allowed under the original FGMP. I27-5

Important natural resource considerations such as riparian protection have also been changed beyond recognition. For example, under the 1981 FGMP 100 foot riparian protection zones were required. The General Plan Update only says foothill areas adjacent to a water course shall remain in common open space (Part II Page 3-29), but there is no operational definition of how much land adjacent to a water course shall remain in common open space or how it is to be managed. The presumably complementary language regarding riparian zone protection in Part I is very general except for riparian zones in recreational developments which are required to be 100 feet (Page 8-16). Inexplicably, industrial uses may not be required to protect that same 100 feet of riparian area (Page 8-16). I27-6

These changes in allowable foothill land use and development standards amount to a complete rethinking of the future of the foothills, done without any public input at all. It is a betrayal of the foothill communities and of all with an interest in the foothills to say one thing, i.e., to say there would be no change in the FGMP as part of this general plan update, and then to do another, i.e., make those substantial changes without any public input. We therefore ask that the process be backed up, that Part II Chapter 3 of the Plan Update be shifted to Part III and dealt with subsequently in a fully open public process just as the other areas identified in Part III that are not yet adopted. I27-7

3. Agricultural Land Mitigation

I27-8

We agree with Plan policies regarding conservation easements (Page 3-5) but urge that the stronger implementation language at 3.3.1 (Page 3-9) be adhered to. The County should indeed take the lead in establishing a comprehensive agricultural land mitigation program to offset impacts of agricultural land conversion to urban uses. Further, we would be happy to participate in the establishment of criteria for the locations of agricultural conservation easements (Page 3-10) and we applaud the monitoring and annual reporting requirements (Page 3-10). We note that the latter two are Implementation Measures which apparently are not part of the General Plan. We believe they should be.

4. Smart Growth

I27-9

We applaud the policies outlining a start toward Smart Growth, but once again believe that the more specific language in the Implementation Measures should be included in the Plan itself. Accordingly, we believe that, as appropriate, smart growth principles should be incorporated as conditions of project approval (Page 4-33); that a cluster development ordinance should be prepared (Page 4-36); and that Open Space and Land Conservation contracts should be reinstituted (Page 4-34). We believe that these first few steps toward Smart Growth should only be the beginning, not the end, of progress in this direction. We look forward to working with the County to strengthen our community's further development of Smart Growth policies.

5. Biological Resources:

I27-10

We are heartened that the "...County shall support..." the preservation and management of wetland and riparian plant communities, the establishment of mitigation banking programs, and the conservation and management of oak woodland communities (Page 8-10). We are disappointed that these policies are so general as to be without any real force or effect. Once again, the Implementation Measures include specific language that should be a part of this General Plan Update, specifically, resource determinations by qualified professionals, e.g., biologists; designation of Resource Conservation Areas; a mitigation banking program; dedication of riparian and wetland areas; preservation of vernal pools; replacement planting of native oaks; and possible adoption of an oak woodlands management plan pursuant to the Oaks Woodland Conservation Act of 2001 for the purpose of qualifying for State funding (Pages 8-21 through 8-24).

I27-11

The latter is of particular interest and particular disappointment to us at SRT. Starting five years ago, at the request of this Board of Supervisors, specifically Jim Maples, SRT attended a number of meetings regarding oak preservation and proposed language

consistent with this Act. Despite repeated communications starting in 2005, nothing has come of this effort. We ask that the feasibility study of adoption of an oak management plan be set aside and that the language we proposed for developing it simply be adopted. Failing this, we at SRT stand ready to participate in whatever process is necessary to get a countywide oak management plan done. Losing our County's oakwoodlands through delay or sheer negligence is not an acceptable option to us. I27-11 cont'd

We are further concerned that the needs of the aggregate industry appear to trump all or most environmental resource considerations, especially in riparian areas. Generally, requirements accommodating the mining industry account for fully one third of ERM Implementation Measures. While these measures may not be a part of the general plan, such an imbalance suggests a general bias in favor of the mining industry. There are specific instances of bias as well. Implementation Measure 30 (Page 8-27) requires that development of areas adjacent to waterways with aggregate potential be planned so as not to hinder future extraction of commercially important minerals. Yet Measure 9 (Page 8-23) requires that the Zoning Ordinance require "...dedication of buffers as public open space for riparian and wetland areas for development or other discretionary permits where the development or activity will impact a riparian area." Aggregate mining is subject to permit therefore these two appear to be in conflict. Will such conflicts be "resolved" through staff rewrites of Implementation Measures without public involvement, review and comment? Once again, the ambiguous status of the Implementation Measures is problematic. We ask that this be clarified in the final version of the General Plan Update. I27-12

6. Water Resources I27-13

The Water Resources section is more complete than the last draft and generally easier to understand. That said, we are concerned that non-restrictive language in some sections gives this General Plan Update little force and effect regarding water. For example, the document admits that Tulare Lakes Basin, much of which lies within Tulare County, accounts for fully 56% of the total Statewide overdraft (Page 11-3), thereby defining the magnitude of the Count's overdraft problem. Yet, Plan direction regarding water quality and supply is largely "promote," "support," "encourage", and/or "should" (Page 11-6 through 11-10). Surely in a county where water is such an issue we can do better than this!

While we are disappointed by generally weak language, we applaud the apparently strong language of a few of these policies, e.g., the requirement for a Will-Serve letter and actual evidence of sustainable water supply for new development applications (Page 11-9). On the other hand again, we are concerned that there is no definition of "major" for WR-2.1 (Page 11-8): "All **major** land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination...from point and non-point sources." (Emphasis added). We believe that in the absence of a definition, the word "major" should simply be deleted. As a county, we should be unambiguous about I27-14

our water requirements and in no doubt as to the water quality and quantity implications of new development. I27-14 cont'd

Once again, the specifics of the Implementation Measures seem to us to hit the mark where the policies fail for lack of specificity. We recommend in this case—Water— that every one of the Implementation Measures be adapted and incorporated as Plan policy. Regarding Measure 27, we recommend that the study be broadened to include defining the system of water supply, transfer, and recharge areas countywide. Looking only at the areas of inadequacy prevent full problem solving and the possibility of synergy. We further believe that such a countywide study would lead to development of a system of "green infrastructure" starting with protected riparian areas on federal land, continuing onto the Valley floor, and dedicated to water supply and quality enhancement, habitat and recreational values. Of note: Before the Technical Advisory Committee was disbanded, this idea of "green infrastructure" was supported by such widely divergent views as those of public land managers and representatives of aggregate mining. We believe integrative conservation is an idea whose time has come. We stand ready to participate in whatever public forum is established for the purpose. I27-15

7. Urban and Wildland Fire Hazards I27-16

Section HS-6 (Page 10-10 through 10-12) gives the barest outline of a wildland fuels policy. Since several of our preserves are located in the foothills in high hazardous fuels areas, we are concerned about these policies, particularly in the context of the possibility of large parcel subdivision of the entire foothill area. We are concerned about fires originating on other's property and burning onto ours. Specifically, we are concerned that HS-6 does not state policies that would adequately prevent fires originating in structures/property and burning onto adjoining wildland properties. We are particularly concerned that HS-6.2 "promotes" but does not "require" fire resistant materials in fire hazard areas. We recommend that such materials are required. We similarly believe that HS-6.6 requiring fire management plans should apply to all large parcel subdivisions since inevitably most of the land will be left in wildland vegetation and will probably not be managed. Finally, we recommend that HS-6.15 be expanded to include fuel related hazards on private lands because much is accomplished through such entities as Fire Safe Councils whose projects are often premised on partnering public and private efforts to benefit public and private lands.

In summary, we believe this General Plan Update document is better organized and more understandable than the previous drafts, for which we thank you and the staff of the RMA. There is a good reason this hugely complicated update has taken a great deal of time. However, we have major objections and recommendations as detailed above. We believe a Plan should support good decision-making, but doubt this one, as written, can do so because it is ambiguous and vague. I27-17

We thank you for the opportunity to comment on the General Plan Update. We note that while we have confined our comments to the Plan itself and submitted them after comments were due for the DEIR, you personally (Telephone call with yourself, David Bryant, 5/26/10) assured us that our comments would be included with all other comments on the Plan Update as part of the official record. We understand that a published point for point response will not be published with the FEIR, and we agree that in fact there is little response of a technical nature even possible given the nature of our comments. We look forward to participating further in a thorough public vetting through the public hearing process and to a much improved Plan at the end of that process. I27-18

Sincerely yours,

JULIET B. ALLEN
Secretary
Board of Directors
Sequoia Riverlands Trust

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TULARE COUNTY FARM BUREAU

Mission: to promote and enhance the viability of Tulare County agriculture.

May 27, 2010

Tulare County Board of Supervisors
Administration Building
2800 West Burrel Ave.
Visalia, CA 93291

and

County of Tulare
Resource Management Agency
Attn: David Bryant
5961 So. Mooney Blvd.
Visalia, CA 93277

RE: Tulare County General Plan and Recirculated Draft EIR Comment Letter

Dear Supervisors and County Planning Staff,

Tulare County Farm Bureau is a voluntary non-governmental agricultural organization representing more than 2,700 members in Tulare County. On behalf of our Farm Bureau's Land Use Committee, thank you for the opportunity to comment on the Tulare County General Plan Draft EIR. We applaud the county's efforts to create a General Plan Update that identifies protecting agriculture as one of the guiding principles of the general plan framework, as agriculture is the most important economic engine accounting for a large portion of employment and economic viability in Tulare County. I28-1

Mr. Bryant was available on two occasions to meet with the Tulare County Farm Bureau's land use committee and concerned citizens and members of the Farm Bureau this past month, with the second session occurring on the afternoon of May 27, 2010. We appreciate Mr. Bryant's availability to meet and review the extensive documents with our members and offer the following comments to reinforce comments submitted in April 2008.

Goals and Policies Report 2010 I28-2

The Tulare County Farm Bureau Board of Directors [Farm Bureau] have adopted the following Land Use Policies to protect the rural lifestyle of Tulare County, provide open space with a working landscape, and encourage the continued production of high quality, low cost food in the most efficient, responsible and profitable manner possible. The demand and need for food will increase with the anticipated worldwide growth in population. Therefore, land use decisions must recognize that agricultural lands comprise an important strategic national resource as well as providing national security and domestic products we all consume every day.

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The policies noted below are our basis for our comments and assertions about the Goals and Policies Report and the recirculated draft EIR document and will serve as our recommendations for language to be adopted in the Final EIR and County General Plan. I28-3

- ***Agriculture is a basic industry making an invaluable economic contribution to the local economy and encroachment of incompatible uses into agricultural areas should be prevented.*** I28-4

- ***Agricultural planning and allowed land uses in agricultural zones should be driven by agricultural needs.***

  In the Goals and Policies Report, Agriculture Element, the County should incorporate into the final EIR and General Plan Update language that provides that guidelines be established to adequately address and minimize or prevent impacts associated with operating rural assemblages of people "party barn" facilities and address issues associated with traffic congestion, noise, hours of operation, and set up and tear down that the permitted facility could have on surrounding land owners. **Farm Bureau applauds the County for enacting a moratorium on these permits until a suitable ordinance can be established.** Agricultural producers in the area may be restricted in their ability to perform timely cultural practices, chemical and nutrient applications and coordinate harvesting activities on their properties with the introduction of a facility such as this. Currently there are no guidelines in place to scrutinize an application for a "party barn" in a rural setting. Section 16, page 9 titled *Variances and Special Use Permits* of the current Zoning Ordinance of Tulare County provides broad interpretation of allowable uses for a special use permit for assemblage of the public, and does not exclude granting permits for entertainment facilities on AE zoned land. This concerns Tulare County Farm Bureau and should be incorporated into the final GPU adopted so that new zoning law can be created that would address permitting issues that arise for rural assemblage of people for education and entertainment venues. **When possible, permitting of these facilities should be strictly prohibited on AE zoned lands unless no impacts to agriculture and neighboring land owners would be apparent. In order to avoid many of these conditional use permit issues, it is recommended that the Rural Valley Lands Plan scoring criteria be required in assessing permitting requests for rural entertainment facilities and other special use permit requests, even when a zone change request is not initiated.**

- ***Economically productive agricultural land shall be recognized and accorded with a high priority in land use planning and by agricultural zoning. We support the continued use of the Rural Valley Land Plan to accomplish this process.*** I28-5

  Farm Bureau recommends that if a Conditional Use Permit is designated for something other than agriculture production, or something not incidental to agriculture on AE zoned land and then abandoned the permit should become void for that facility and a new permit required, thus triggering the RVLP property scoring process. Currently many Conditional Use Permits are granted and the RVLP is not triggered, and Farm Bureau believes it should be strictly applied to all conditional uses on AE zoned land **even when a zone change request is not initiated.**

  CFBF Policy No. 147 states, *"Whenever special conditions are attached to variances they should be specific and deal solely with mitigation requirements that arise from granting the variance. Conditional use permits should not be used to address unrelated social ills. Conditional use permits should not be*

more restrictive than established in current California state or federal law, unless they are necessary to address specific local situations." I28-5 cont'd

- ***Tulare County Farm Bureau supports local planning that accommodates orderly, logical contiguous patterns of urban development, in order to prevent premature and unnecessary conversion of productive agricultural lands to non-agricultural uses.*** I28-6

  In reviewing the Tulare County 2010 Goals and Policies Report, we applaud your efforts to discourage New Towns (PF-5.1) and offer California Farm Bureau Policy Language No. 150 to support this objective in the plan. *"New towns should only be allowed in areas that are not suitable for agriculture. However, in the event new towns are proposed, they should be located and designed to assure that adverse impacts on agricultural land, such as competition for water, can be satisfactorily mitigated. Furthermore, the town's drainage should dispose of its salt load without causing long term salinity problems either in groundwater or in downstream surface waters. They should be self-supporting in typical city services and utilities required, including, but not limited to, schools, police and fire protection and sewer, water and solid waste disposal, and established on existing public roads or transportation corridors. In addition, any new town proposal should also be required to plan for an appropriate ratio of employment opportunities to residents and provide housing for all, including persons providing services within the community. We support limiting entitlements for new towns to five years unless infrastructure is installed and lots are sold."* CFBF Policy No. 150, 2010 Policy Book.

  Also under the Planning Framework of the Goals and Policies Report we support the new policy statement that the "County shall promote consultation early in the planning process between the cities and the County at the staff level when cities are developing proposed annexation boundaries or proposed sphere of influence expansions. CFBF Policy No. 152, section 3 states *"We support local planning which accommodates orderly, logical contiguous patterns of urban development. To help contain urban sprawl and protect our agricultural resources, responsible government agencies should discourage urban development of agricultural land unless the local jurisdiction has demonstrated efficient use of existing incorporated areas. The LAFCO should be required to recognize existing infill and density with specific evaluation of findings of each prior to approving a petition or application for a sphere of influence change, annexation, or other action that includes productive agricultural land."* CFBF Policy No. 152, 2010 Policy Book.

  Farm Bureau encourages the County to invest in the necessary staff and technical resources to track the conversion of local agricultural land to other uses to include urban and non-urban uses on a real time basis, so that we can make land use decisions without depending on out of date and less reliable statewide data.

- ***Efficient land use plans for existing cities and towns should emphasize infill development, redevelopment, and increased densities to preserve farmland. They should encourage efficient use of public services, promote affordable housing, and conserve energy and natural resources. We oppose the establishment of urban "leap frog" development.*** I28-7

  Farm Bureau discourages the premature conversion of agricultural lands to urban uses, and recommends offsetting unavoidable impacts to agricultural lands with effective mitigation measures such as conservation and agricultural easements and suggests working with the Local Agency Formation Commission (LAFCO) and the incorporated cities to develop sound uniform policies for protecting farm

land. Farm Bureau would like to participate in the development of a comprehensive agricultural land mitigation program with the county and incorporated cities. I28-7 cont'd

Non-farm related developments should not be deemed compatible in agricultural zones if the proposed use significantly compromises the productive capability of the parcel or the agricultural zone; displaces or impairs agricultural operations in the area; or induces nonagricultural growth or intensifies pressure for conversion of other lands from agriculture. CFBF Policy No. 144, 2010 Policy Book. I28-8

In further preserving farm land, the land division section of each of the AE zones should be carefully reviewed to prevent further parcelization from occurring.

- ***Parcelization of agricultural lands into non-viable commercial agricultural units should be discouraged and prohibited whenever possible to maintain the viability of commercial agriculture.*** Farm Bureau supports review and amendment of the Division of Agriculture Lands, Section 15.D.2 Homesite Parcel Ordinance to best accomplish this purpose and to minimize parcelization. I28-9

- ***Tulare County Government should participate fully in the Williamson Act and the Farmland Security Zone Act. Local agricultural property owners should be encouraged to participate.***

  In the Goals and Policies Report, Agriculture Element (AG-1.5) Substandard Williamson Act Parcels, Farm Bureau supports this new policy to remove parcels that are less than 10 acres in Prime Farmland and less than 40 Acres in Non-Prime Farmland from Williamson Act Contracts to help protect the integrity of this important conservation program.

  "The cancellation of Williamson Act contracts should only be approved under extraordinary circumstances. The non-renewal process represents a landowner's contractual right and is the ***preferred method*** *of exiting a Williamson Act contract. We view inappropriate cancellations of Williamson Act contracts as a violation of those contracts between the landowner, county and state."* CFBF Policy No. 148, 2010 Policy Book I28-10

  Farm Bureau also encourages the County to address the ex-urbanite or *suburban rancher* issues that are emerging in our rural areas, these issues of *ranchette* development should be addressed through thoughtful, deliberate, and clear enforcement of the Rural Valley Lands Plan scoring process and enforcement of the Williamson Act through its prescribed uses.

- ***Buffers that protect agricultural operations should be incorporated into Building Standards and included into the Zoning Ordinance and/or General Plan for those parcels that are non-conforming due to size or use.*** I28-11

  In the Goals and Policies Report, Agriculture Element (AG-1.11) Agricultural Buffers, Farm Bureau supports employing agricultural buffers between agricultural and non-agricultural uses. Farm Bureau applauds 4.5 Implementation Measure 9 which reflects buffer language submitted on behalf of the Ag Buffer Sub Committee of the Tulare County Farm Bureau. However, the statement that the County "shall consider" adopting a buffer policy is not enough, it is important that the implementation policy reflect stronger and more coherent language to direct staff to implement a buffer policy.

Other General Comments on Goals & Policies Report

3. Agriculture Element

TCFB suggests that the Williamson Act-Prime Agricultural Land qualifications on page 3-3 for prime classification be clarified to read that not all criteria must be met, but that one of the following qualifications apply. For example, land of local important and in particular citrus and olive trees may be considered prime farmland but may be planted on Class 3-4 soil types, and these lands should be appropriately classified under this definition. I28-12

AG-2.11 – TCFB suggests that this statement on page 3-8 be clarified to strengthen the intent of the language to reflect that new energy projects related to agriculture may be encouraged and supported if the energy production is incidental to the agricultural business on the land. Farm Bureau does not support energy facilities being placed on Williamson Act contracted farm land that would displace, impair, or remove a large percentage of the agricultural production on the land. I28-13

Ag Implementation Policy 13 on page 3-12 should be clarified to reflect Farm Bureau and CA Department of Conservation interpretations that land under Williamson Act contract are not suitable for large scale solar facilities which will displace agricultural production. The statement "agriculturally related energy production industries" should expressly define energy production that is incidental to an agricultural operation, not to be interpreted as land that can be converted for energy production that would displace agriculture production. I28-14

8. Environmental Resources Management Element

In the Goals and Policies Report, Environmental Resources Management Element (ERM-5.7) we encourage the County to more adequately define the term "water courses." We further suggest that public access as stated in ERM-5.7 be in accordance with private property rights. The policy statement should also speak more specifically to the acquisition of parks or other recreational areas. I28-15

Policy 5-18 (ERM) - Farm Bureau supports adding additional language to this new policy that would provide for an exemption for agricultural operations that operate during nighttime hours and for security reasons. I28-16

11. Water Resources Element

Tulare County Farm Bureau commends the County for incorporating a water element into their 2010 goals and policies report. WR 1.4 (second bullet point) is unclear. "The reduction in infiltration from agricultural activities as a source of groundwater recharge will not significantly impact the groundwater basin." Farm Bureau requests further clarification of the intent of this statement. I28-17

WR 1.10 – Farm Bureau suggests that channel modification be discouraged **except for flood management and maintenance.** Farm Bureau suggests that this language be added to the policy statement WR 1.10. I28-18

WR 2.8 – Farm Bureau suggests that the County may want to revise language in this statement to avoid over-committing the County to a mitigation and monitoring obligation they may not be able to maintain. I28-19

WR 3.7 – Farm Bureau suggests defining and spelling out what County operated water systems are being specifically referenced in this statement. Furthermore, the emergency water conservation plan should exclude agriculture pumping. I28-20

Suggested Dairy Element / Confined Animal Facility Plan

Tulare County Farm Bureau recommends adding a Dairy Element to the final General Plan that is adopted to help promote an orderly, predictable planning process for the dairy industry and establish a programmatic EIR process that all dairies can utilize to comply with rigorous permitting requirements. Tulare County is home to the largest dairy industry in the United States, our number one commodity is Milk Products with a value of more than a billion dollars. Farm Bureau supports the Dairy CARES initiative to amend the General Plan to develop a comprehensive and streamlined approach for dairy operation permitting requirements. I28-21

Part II – Chapter 1. Rural Valley Lands Plan

Farm Bureau commends the County for continuing to maintain and protect the integrity of the RVLP process. Farm Bureau maintains that the RVLP should be the guiding document for many land use decisions, and we are pleased that the entire document is contained in the 2010 goals and policies report. We contend however that the RVLP should be used to score land application requests that occur in Hamlet Development Boundaries, as these arbitrary lines do not accurately reflect the availability of urban services into these areas, and an RVLP score could be an objective way to score the merits of a development proposal. I28-22

RVLP 1.6 Checklist – a typographical error in the word "forth" should be corrected to reflect "forty". A citation should also be added to reflect the NRCS definition of "prime ag land" is being used. I28-23

General Plan Update Alternative – RDEIR, 2010

In reviewing the GPU Alternatives proposed in the recirculated Draft Environmental Impact Report (RDEIR), **Farm Bureau maintains our position that Alternative 5, the Confined Growth Alternative, is the alternative that would most effectively direct growth to established Urban Development Boundaries based on the assumption that boundary expansion would only be allowed under a "no net gain" scenario.** Under the "no net gain" scenario, modifications to the "hard boundaries" which are defined as UDBs and Hamlet Boundaries, can only be modified if they are offset by equivalent deductions in boundaries elsewhere. Farm Bureau supports the spirit of this alternative, however is cautious that "hard boundaries" can also lead to leapfrog development, and this should be strongly discouraged if this alternative is adopted. I28-24

Farm Bureau supports this GPU alternative as a preferred method for protecting prime farmland and as the environmentally superior alternative, converting less open space, and proposing fewer environmental impacts and reducing the severity of those impacts that are unavoidable. The Confined Growth Alternative is a preferred plan for protecting agriculture as it identifies fewer impacts significant to agriculture than the GPU suggests in the conversion of important farmland to non-agricultural uses.

Thank you for allowing Tulare County Farm Bureau to comment on this important planning document. The Final EIR must present a General Plan that clearly directs growth into those cities and communities that have the desire and capacity to accommodate that growth and by doing so firmly protects our agricultural and natural resources. By adopting a General Plan that strongly directs growth into our existing urbanized areas, is internally consistent, ensures that all communities are adequately addressed regardless of size, and is one that provides a vision and framework for the future growth of Tulare County, Farm Bureau is confident in supporting a final product that will ensure and enhance the viability of agriculture. I28-25

The Tulare County Farm Bureau is proud of the comprehensive policies we have adopted over many years to help assist counties and cities in their planning efforts best protect agricultural lands and resources necessary for farming to be viable in Tulare County. I28-25 cont'd

Sincerely,

PATRICIA L. STEVER
Executive Director

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