



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 18, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010				

SUBJECT: Adopt The Mitigated Negative Declaration for the Phase 2 Yettem Water Supply Well and Transmission Mains Project

REQUEST(S):
That the Board of Supervisors:

1. Certify the Mitigated Negative Declaration for the Phase 2 Yettem Water Supply Well and Transmission Mains Project as complete and in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and
2. Find that the project is accurately described in the Mitigated Negative Declaration; and
3. Find that significant impacts could result from the project, but are mitigated to a level that is less than significant by project features or deliberate mitigation measures; and
4. Approve and adopt the Mitigated Negative Declaration, including the accompanying Mitigation Monitoring and Reporting Program; and
5. Authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination with the County Clerk.

SUMMARY:
As required by the California Environmental Quality Act (CEQA), the County of

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DATE: December 18, 2018

Tulare, acting as the lead agency for the Phase 2 Yettem Water Supply Well and Transmission Mains Project, must certify and adopt the Mitigated Negative Declaration (MND) prior to proceeding with the project.

The County, in cooperation with the Water Resource Control Board, proposes to develop a new well in Yettem (Yettem Well 3), the interconnection (via a new, underground water pipeline) of that well with an existing well and water storage tank in Yettem (Yettem Well 1), the replacement of existing meters in Yettem, and the interconnection of the Yettem and Seville water systems.

As part of the preliminary engineering stage of the Phase 2 Yettem Water Supply Well and Transmission Mains Project, an initial study was conducted in conformance with CEQA Guideline. The study determined that the proposed project may have potential effect on environment. Therefore, mitigating factors have been developed to reduce the impacts of the project on the environment to levels of insignificance consistent with CEQA Guidelines. A Mitigated Negative Declaration (MND) has been prepared to summarize the potential impacts of the project and the mitigating factor that will be incorporated into the project. The MND states that none of the environmental factors contained in the CEQA Guidelines would be impacted to a level that is considered potentially significant.

Your Board is being asked to authorize the Environmental Assessment Officer to certify that this document complies with and is in conformance with the requirements of CEQA and to adopt the MND.

The MND was made available to interested parties and agencies for their comments for a 30-day public review period beginning on August 31, 2018 closing on Oct. 1, 2018. Below is the summary of comments and responses pertaining to the project:

- David Deel (Associate Transportation Planner, California Department of Transportation Division 6) provided comments related to the Encroachment Permit process by Caltrans for the pipeline along SR 201 and other requirements related to encroachment into Caltrans Right-of-Way.
- Brian Clements (Program Manager, San Joaquin Valley Air Pollution Control District) provided comments that the project will have a less than significant impact on air quality when compared to the annual criteria for pollutant emissions significance thresholds, the project is subject to District Rule 9510 (Indirect Source Review), and the project may be subject to other District Rules and Regulations.

The project description and impacts are described in the MND. The findings in the MND conclude that potential impacts on the environment would be mitigated to a level of insignificance through the inclusion and implementation of adequate mitigations as described and contained in the MND.

Phase 2 of the Project is still in final design, with the plans and specifications to be

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completed by the end of December 2018. Staff have already held several meetings with Caltrans in regards to the Encroachment Permit for the work within SR201 as part of Phase 2 of this project. After the design is complete, staff will work with the State Water Resources Control Board to submit a grant application for the construction of Phase 2 of this project.

Construction on Phase 1 of the project, which includes the construction of a new water distribution system to replace the existing system in the community of Seville, will begin in January of 2019 and should be completed summer 2019. In addition, voters in the communities of Yettem and Seville approved Tulare County Measure Y, which will form the new Yettem-Seville Community Services District (CSD) to operate the water systems in these communities.

FISCAL IMPACT/FINANCING:

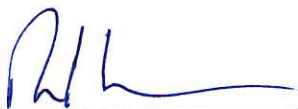
There will be No Net County Cost to the General Fund.

An environmental filing fee of approximately \$2,280.75 must be paid to the California Department of Fish and Wildlife at the time that the Notice of Determination is filed with the County Clerk. This fee will be reimbursed in the future when the County enters into a construction funding agreement for Phase 2 of the project with the State of California Water Resources Control Board. Alternatively, this fee could be paid by the planning grant which was used to fund the design of this project if adequate funds remain available.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This project will enhance the safety and security of the public by improving infrastructure for adequate and safe water supply in the unincorporated and disadvantage communities.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

RS:rm/rsg

cc: County Administrative Office

Attachment(s) Attachment A: Vicinity Map
Attachment B: Mitigated Negative Declaration (On File with the Clerk of the BOS)
Attachment C: Mitigation Monitoring and Reporting Program (MMRP)
Attachment D: Notice of Determination

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPT THE)
MITIGATED NEGATIVE DECLARATION) Resolution No. _____
FOR THE PHASE 2 YETTEM WATER)
SUPPLY WELL AND TRANSMISSION)
MAINS PROJECT)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD DECEMBER 18,
2018, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

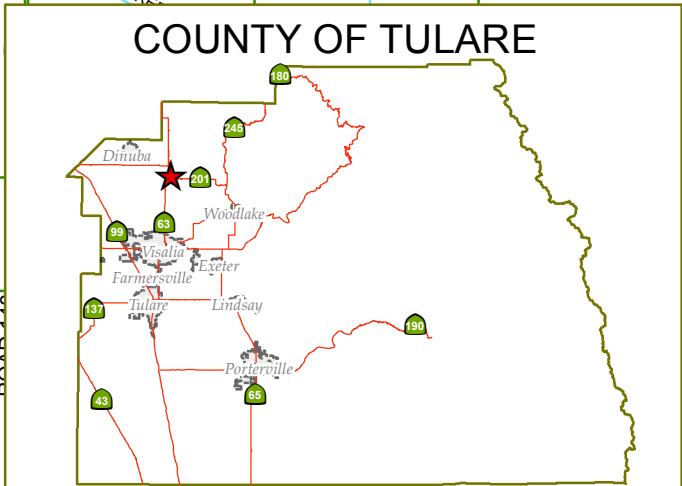
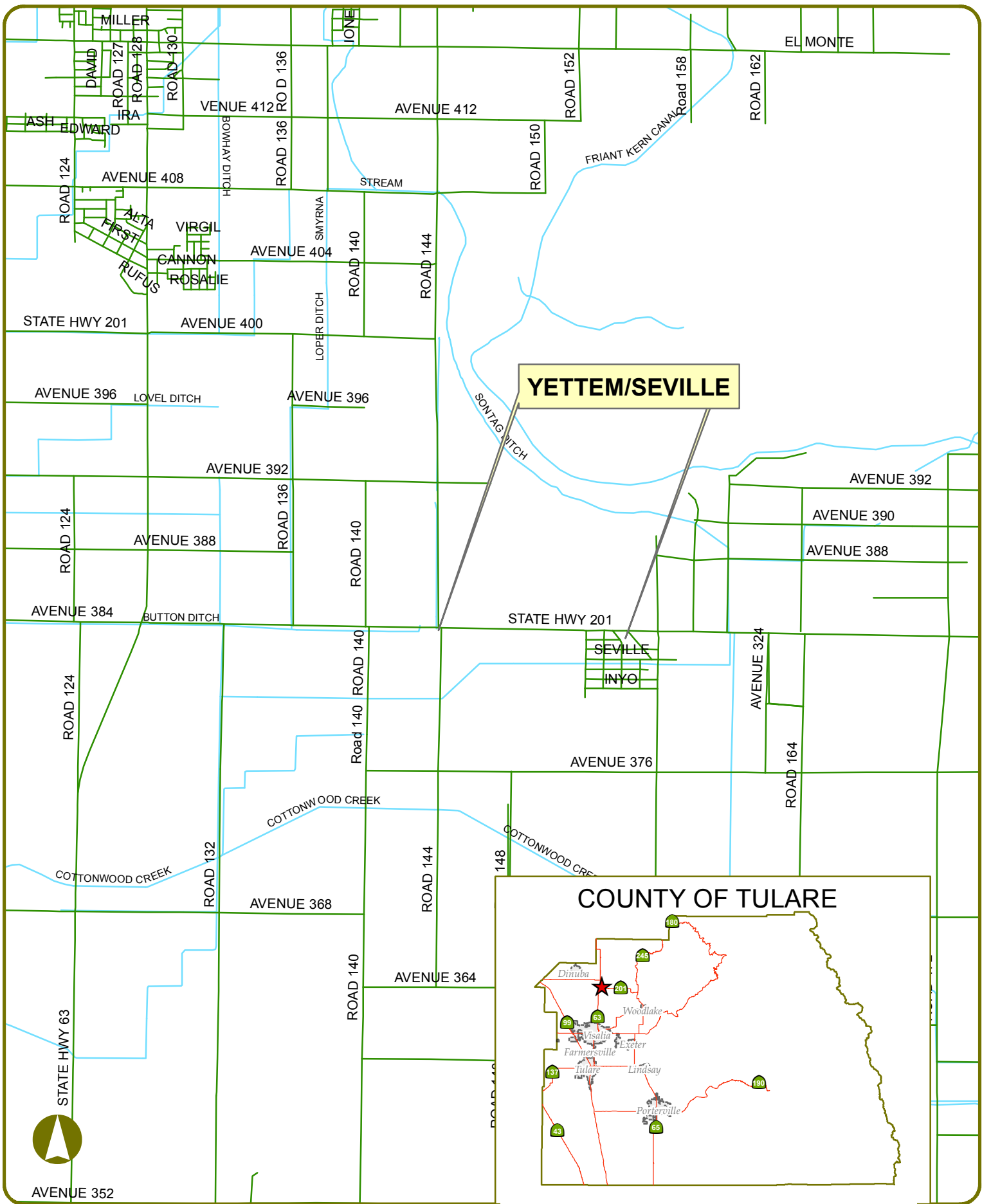
BY: _____
Deputy Clerk

* * * * *

1. Certified the Mitigated Negative Declaration for the Phase 2 Yettem Water Supply Well and Transmission Mains Project as complete and in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and
2. Found that the project is accurately described in the Mitigated Negative Declaration; and
3. Found that significant impacts could result from the project, but are mitigated to a level that is less than significant by project features or deliberate mitigation measures; and
4. Approved and adopted the Mitigated Negative Declaration, including the accompanying Mitigation Monitoring and Reporting Program; and
5. Authorized the Environmental Assessment Officer, or designee, to sign and file

the Notice of Determination with the County Clerk.

Attachment A: Vicinity Map



**Attachment B:
Mitigated Negative
Declaration**

**(On File with the Clerk of the
Board of Supervisors)**

**Attachment C:
Mitigation Monitoring
and Reporting Program
(MMRP)**

Mitigation Monitoring Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.¹ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

¹ Public Resource Code §21081.6

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring and Reporting Program

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Biological Resources - <i>California Tiger Salamander</i>							
4-1 (Preconstruction Surveys)	Within 14 days prior to the start of construction, a qualified biologist will conduct a survey for rodent burrows that could potentially be used by aestivating CTS and be impacted by the project. The survey area will encompass all portions of the project site that adjoin grassland habitats, and surrounding lands within 50 feet, where accessible. All suitable burrows will be marked in the field and/or mapped.	Prior to reclamation of retired sand pit site	Consultation with the USFWS, approval of qualified biologist.	USFWS, CFWS & County of Tulare Planning Department			
4-2 (Avoidance of Potential Aestivation Burrows)	Where the project site is directly adjacent to grassland habitat, project activities will be confined to the pavement to the extent feasible. Where ground-disturbing activities in these areas must occur outside of pavement, potential CTS aestivation burrows in grassland edges will be avoided by a minimum distance of 50 feet, as practicable	Prior and during to Project Implementation	Consultation qualified biologist. Verification by County of incorporation of project design features prior to construction	USFWS, CFWS & County of Tulare Planning Department			
4-3 (Construction Timing)	If feasible, the project will be constructed entirely during the non-rainy season, when CTS are less	Prior to the start of and during construction	CDFW and/or USFWS-coordination with Project Manager	USFWS, CFWS & County of			

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	likely to be traveling overland. Construction will be initiated after the vernal pools of the SCER have dried and concluded before the first significant fall rains..			Tulare Planning Department			
4-4 (Exclusion Fencing)	An exclusion fence will be installed around any portion of the project site in which work is to occur after the first significant fall rains. The fence will be designed to exclude, to the maximum extent possible, all rodent burrows located in portions of the project site that adjoin annual grassland habitat. Where such burrows cannot be fully excluded, one-way escape ramps will be constructed at regular intervals along the fence interior, allowing CTS to leave, but not reenter, the project site. Fence installation will be continuously monitored by a qualified biologist.	During construction-related activities	CDFW and/or USFWS-coordination with Project Manager	USFWS, CFWS & County of Tulare Planning Department			
4-5 (Biological Monitoring)	If construction is to occur during the rainy season, a qualified biologist will monitor any open trenches or other excavations on the project site a minimum of once per day, and will monitor the exclusion fence a minimum of once per week.	During construction-related activities	CDFW and/or USFWS-coordination with Project Manager	County of Tulare Planning Department			
4-6 (Environmental)	Prior to the start of construction, a qualified biologist will provide	Prior to Project	Consultation with	USFWS, CFWS, and			

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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Awareness Training)	training on the CTS to all construction personnel. This training will include a description of the CTS and its habitat needs; a report of the occurrence of the species in the project vicinity; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to CTS during project implementation. Attendance will be documented on a sign-in sheet. Attendees will be provided a handout that summarizes all of the training information. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.	implementation	USFWS and CFWS	County of Tulare Planning Department			
Biological Resources – <i>San Joaquin Kit Fox</i>							
4-7 (Preconstruction Surveys)	Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no less than 14 days and no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the site and evaluate their use by kit foxes. If	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	an active kit fox den is detected within or immediately adjacent to the work area, the USFWS shall be contacted immediately to determine the best course of action. Preconstruction surveys will be repeated following any lapses in construction of 30 days or more.						
4-8 (Avoidance of Active Dens)	Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified. A disturbance-free buffer will be established around the burrows in consultation with the USFWS and CDFW, to be maintained until an agency-approved biologist has determined that the burrows have been abandoned.	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-9 (Minimization)	The project will observe all minimization measures presented in the USFWS Standardized Recommendations. Such measures include, but are not limited to: restriction of construction-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

Mitigation Monitoring and Reporting Program
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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. See Appendix F for more details.						
4-10 (Employee Education Program)	Prior to the start of construction, the applicant will retain a qualified biologist to conduct a tailgate training for all construction staff on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project vicinity; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during construction. Attendees will be provided a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.	County of Tulare Planning Department			
4-11 (Mortality Reporting)	The Sacramento Field Office of the USFWS and the Fresno Field Office						

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	of CDFW will be notified in writing within three working days in case of the accidental death or injury to a San Joaquin kit fox during construction. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.						
Biological Resources – <i>Western Spadefoot</i>							
4-12	Same as 4-4, designed to avoid potential breeding season impacts to CTS individuals traveling across the SCER portion of the SR 201 pipeline route, will fully mitigate any such impacts to western spadefoot individuals..	Same as 4-4.	Same as 4-4.	Same as 4-4.			
Biological Resources – <i>Burrowing Owl</i>							
4-13 (Take Avoidance Survey)	A take avoidance survey for burrowing owls will be conducted by a qualified biologist between 14 and 30 days prior to the start of initial ground disturbance on the project site according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey area will encompass the project site and surrounding lands within 200 meters, where accessible. Preconstruction surveys will be	Prior to issuance of grading permits Various Actions: Retention of professional biologist/ongoing monitoring during subsurface excavation	Verification by County of incorporation of project design features/mitigation measure(s) and issuance of building permits.	CFWS and County of Tulare Planning Department			

Mitigation Monitoring and Reporting Program
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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	repeated following any lapses in construction of 30 days or more.						
4-14 (Avoidance of Active Nests)	If project activities are to be undertaken during the breeding season (April 1-August 15), occupied burrowing owl burrows will be avoided by a minimum distance of 200 meters for low-intensity project disturbances and a minimum distance of 500 meters for medium- or high-intensity project disturbances, as shown in the table below, unless alternative arrangements are made with CDFW. Outside of the breeding season, occupied burrows will be avoided by the distances given in the table below, unless a qualified biologist verifies through non-invasive methods that either: (1) the birds have not begun egg laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Buffers will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers around active nest burrows will remain in place until at least August 15, and thereafter until a qualified biologist determines that juveniles are foraging independently	Qualified biologist will determine buffers as appropriate within or near construction zones.	Verification by County of incorporation of project design features/mitigation measure(s).	CFWS and County of Tulare Planning Department			

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program																														
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance																									
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and are capable of independent survival. (See table below)																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Medium</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting sites</td> <td>April 1-Aug. 15</td> <td>200 m</td> <td>500 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Aug. 16-Oct. 15</td> <td>200 m</td> <td>200 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Oct. 16-Mar. 31</td> <td>50 m</td> <td>100 m</td> <td>500 m</td> </tr> </tbody> </table>								Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting sites	April 1-Aug. 15	200 m	500 m	500 m	Nesting sites	Aug. 16-Oct. 15	200 m	200 m	500 m	Nesting sites	Oct. 16-Mar. 31	50 m	100 m	500 m
Location	Time of Year	Level of Disturbance																												
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Nesting sites	Aug. 16-Oct. 15	200 m	200 m	500 m																										
Nesting sites	Oct. 16-Mar. 31	50 m	100 m	500 m																										
4-15 (Avoidance or Passive Relocation of Non-breeding Owls)	The occupied burrows of non-breeding owls will be avoided by a minimum distance of 50 meters if feasible. Non-breeding owls within occupied burrows that will be directly impacted by the project will be passively relocated to alternative habitat. Passive relocation must be conducted by qualified biologists outside of the recognized breeding season for this species (April 1-August 15), and according to the provisions of a relocation plan approved by CDFW..	The passive relocation of resident owls must be conducted according to a Burrowing Owl Exclusion Plan developed by a qualified biologist.	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation measure(s).	CFWS and County of Tulare Planning Department																										
Biological Resources – <i>American Badger</i>																														
4.16 (Pre-construction Surveys)	A pre-construction survey for American badgers will be conducted by a qualified biologist within 30 days of the onset of construction.	Prior to initiation of construction	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation	Qualified biologist and County of Tulare Planning																										

Mitigation Monitoring and Reporting Program
Phase 2 Yettum Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			measure(s).	Department			
4-17 (Avoidance of Natal Dens)	Should an active den be identified during the preconstruction surveys, a disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.	Prior to initiation of construction	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation measure(s).	Qualified biologist and County of Tulare Planning Department			
Biological Resources – <i>Nesting Migratory Birds and Raptors, including the Swainson’s Hawk, Northern Harrier, White-tailed Kite, and Loggerhead Shrike</i>							
4-18 (Construction Timing)	If feasible, project construction will occur outside of the avian nesting season, typically defined as February 1 to August 31.	Prior to initiation of construction	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation measure(s).	County of Tulare Planning Department			
4-19 (Preconstruction Surveys)	If construction must occur between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for active migratory bird nests within 14 days prior to the start of work. For all species except for the Swainson’s hawk, the survey area will encompass the construction zone and accessible surrounding lands within 250 feet. The survey area for nesting Swainson’s hawks will encompass the construction zone and accessible	Prior to initiation of construction	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation measure(s).	Qualified biologist and County of Tulare Planning Department			

Mitigation Monitoring and Reporting Program
Phase 2 Yettem Water Supply Well and Transmission Mains

Mitigation Monitoring Reporting Program							
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	surrounding lands within ½ mile.						
4-20 (Avoidance of Active Nests)	Should any active nests be discovered within the survey area, the biologist will identify a suitable disturbance-free buffer around the nest(s). Buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.	During construction-related activities	Retention of professional biologist. Verification by County of incorporation of project design features/mitigation measure(s)	Qualified biologist and County of Tulare Planning Department			
Cultural Resources/Tribal Cultural Resources							
5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist or paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department			

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	paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.						
5-2	The Applicant and their contractors shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department			

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	significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.						
5-3	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during Project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department			

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<p>suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any 						

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Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						

**Attachment D:
Notice of
Determination**

NOTICE OF DETERMINATION

Fee Exempt per Government Code Section 6103

To: Tulare County Clerk
Room 105, Courthouse
221 South Mooney Blvd.

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277, (559) 624-7000

Applicant(s): Tulare County Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291, (559) 636-5000

Dated received by County Clerk

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Mitigated Negative Declaration for Phase 2 Yettem Water Supply Well and Transmission Mains

State Clearinghouse Number: SCH #2018081099

Contact Person: Hector Guerra, Chief Environmental Planner **Telephone Number:** 559-624-7121

Project Location: The unincorporated community of Yettem and along SR 201.

Project Description: The project is the development of a new well in Yettem (Yettem Well 3), the interconnection (via a new, underground water pipeline) of that well with an existing well and water storage tank in Yettem (Yettem Well 1), the replacement of existing meters in Yettem, and the interconnection of the Yettem and Seville water systems. Approximately 4,000 linear feet of 8-inch HDPE pipe will be installed along State Route (SR) 201, Road 136, and Road 140 west of the community of Yettem to connect the new Yettem Well 3 to the existing well and storage tank. Approximately 10,000 linear feet of 8-inch HDPE pipe and associated appurtenances including hydrants, permanent blow-offs, and air release valve assemblies will be installed along SR 201, Road 153, and Road 154 to interconnect the Yettem and Seville systems. Meter replacement in Yettem will take place along an approximate 1-mile, discontinuous route following Road 140, Road 144, SR 201, and several unnamed roads. An encroachment permit is required from the California Department of Transportation (Caltrans) for work within the SR 201 right-of-way.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above-described project on _____, and has made the following determinations regarding the above-described project:

- 1. The project () will (**X**) will not have a significant adverse impact on the environment.
- 2. (**X**) A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The environmental document and record of project approval may be examined at:
5961 S Mooney Blvd., Visalia CA 93277

- 3. Mitigation Measures (**X**) were () were not made a condition of approval of the project.
- 4. A Statement of Overriding Considerations () was (**X**) was not adopted for the project.

By: _____ Date: _____
Hector Guerra, Chief Environmental Planner

(**X**) Dept. of Fish & Wildlife
Fees Required
(**X**) MND.

By: _____ Date: _____
Reed Schenke, P.E., Director and Environmental Assessment Officer