



# Resource Management Agency COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** July 21, 2020

Public Hearing Required	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Published Notice Required	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Advertised Published Notice	Yes <input checked="" type="checkbox"/>	N/A <input 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Celeste Perez    PHONE: (559) 624-7010

**SUBJECT:** General Plan Amendment No. GPA 20-009

### **REQUEST(S):**

That the Board of Supervisors:

1. Hold a public hearing at 9:30 a.m. or shortly thereafter.
2. Accept the Tulare County Planning Commission ("Planning Commission") recommendation and approve an Addendum to the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 Animal Confinement Facilities Plan ("2017 ACFP") and the 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP") for the purpose of considering the proposed 2020 Amendments to the 2017 ACFP and 2017 Dairy CAP.
3. Accept the Planning Commission recommendations and adopt General Plan Amendment No. 20-009 for the proposed first Amendment ("2020 ACFP Amendment") to the 2017 ACFP set out in Chapter 12 of the Tulare County General Plan 2030 Update, and approve an amendment (2020 Dairy CAP Amendment") to the 2017 Dairy CAP.

### **SUMMARY:**

On August 2, 2019, a Stipulated Settlement was made and became effective by and among all parties to Case No. 272380, namely the Sierra Club, Association of Irrigated Residents, and the Center for Biological Diversity (collectively "Petitioners" or "Plaintiffs") and the County of Tulare, a political subdivision of the State of California and the Board of Supervisors of the County of Tulare (collectively "County").

The parties to the Settlement Agreement agreed that the County shall consider

**SUBJECT:** General Plan Amendment No. GPA 20-009

**DATE:** July 21, 2020

adoption of the following:

- An amendment to the 2017 Animal Confinement Facilities Plan ("ACFP") to allow any dairy to use the 2017 ACFP "streamlining" provisions for expansions (Policy 2.5-3 of the 2017 ACFP) no more than once every five years.
- Amendments to the 2017 ACFP and 2017 Dairy Climate Action Plan ("CAP") to reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the 2017 ACFP from 25,000 MT CO<sub>2</sub>e per year to 15,000 MT CO<sub>2</sub>e per year.
- An amendment to the 2017 Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A, as those Categories were established in the 2017 Dairy CAP for environmental review purposes under CEQA.

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:

1. Dairies would be limited to no more than one "streamlining" screening level dairy expansion every five years. Under the existing ACFP and Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.
2. Only dairy expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion, while under the 2017 ACFP and 2017 Dairy CAP dairy expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.
3. Some GHG emission reduction strategies would simply move from Category B to Category A in the Dairy CAP.

GPA 20-009 is a requirement of the case's Stipulated Settlement (effective August 2, 2019) completely resolving Case No. 272380 - Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Superior Court, State of California, County of Tulare, Visalia Division, challenging the certification by the County of Tulare of the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP and challenging the approval of the 2017 ACFP and 2017 Dairy CAP.

**REFERRAL OF GENERAL PLAN AMENDMENT:**

Government Code Section 65352 requires that before a legislative body takes action to substantially amend a general plan, the planning agency must refer the proposed action to nine categories of government entities. The referral entities have 45 days to comment. The County referred the proposed Amendment to the

**SUBJECT:** General Plan Amendment No. GPA 20-009

**DATE:** July 21, 2020

2017 ACFP and the 2017 Dairy CAP to these entities on April 20, 2020, and the 45-day period expired on June 4, 2020. Staff will review comments received from referral agencies at the Planning Commission meeting.

**TRIBAL CONSULTATION AND SB 18 AND AB 52 SUMMARY:**

California Government Code Section 65352.3 requires public agencies to conduct consultations with Native American tribes that are on the contact list maintained by the Native American Heritage Commission (“NAHC”) prior to the adoption or any amendment of a county’s general plan. Pursuant to Section 65352.3, consultation notification letters were sent to thirteen (13) Native American contacts on February 21, 2020, notifying them of their right to request consultation within 90 days from the date on which they are contacted. No requests for consultation have been received. Tulare County's Native American Contact List is included as Attachment 6.

**CORRESPONDENCE RECEIVED:**

Tulare County Environmental Health Services, Caltrans, and the City of Porterville responded to the Project Review – Consultation Notice for GPA 20-009 and each stated that they did not have comments. The Center for Biological Diversity responded to the Project Review – Consultation Notice for GPA 20-009 and requested that the County provide a detailed update to the Board of Supervisors and public regarding the implementation of other substantive requirements of the Stipulated Settlement (“Settlement”) in the case *Sierra Club et al v. County of Tulare et al* (Tulare County case No. 272380) and more generally regarding the status of the County’s implementation of the Dairy and Feedlot Climate Action Plan and Animal Confinement Facilities Plan. The Center for Biological Diversity’s letter also stated that the letter serves as a Right to Cure notice as outlined in section VI(B) of the Settlement. A detailed update will be provided to the Board and public when GPA 20-009 is considered by the Board. A response to the letter from the Center for Biological Diversity is included in Attachment No. 6.

**ENVIRONMENTAL SUMMARY:**

As allowed under CEQA Guidelines §15164, the County, as the lead agency, has prepared an Addendum to the 2017 FEIR for the 2017 ACFP and the 2017 Dairy CAP, which reflects the County’s independent judgment. Pursuant to CEQA Guidelines §15164(c) the Addendum to the 2017 FEIR for the 2017 ACFP and the 2017 Dairy CAP does not need to be circulated for public review. Rather, it may be included or attached to the FEIR.

**FISCAL IMPACT/FINANCING:**

This project is under the General Fund through the Stipulated Settlement, which is funded by the County Administrative Office.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County’s five-year strategic plan includes the “Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living” and “Quality of Life Initiative – to promote public health

**SUBJECT:** General Plan Amendment No. GPA 20-009

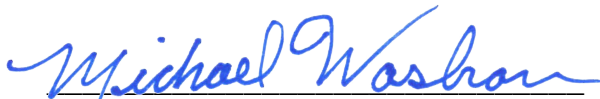
**DATE:** July 21, 2020

and welfare, educational opportunities, natural resource management and continued improvement of environmental quality.” The 2020 Amendment to the 2017 Animal Confinement Facilities Plan and the 2017 Dairy and Livestock Climate Action Plan will continue to support the agricultural economy while implementing the County General Plan. In doing so, it will promote sustainability, economic development and prosperity by providing design flexibility, streamline approval process and aid in reducing environmental impacts within unincorporated Tulare County.

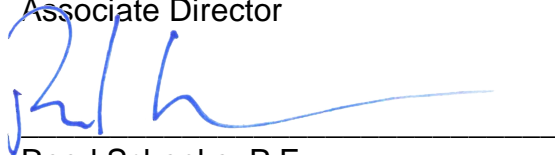
**ADMINISTRATIVE SIGN-OFF:**



Aaron R. Bock, MCRP, JD, LEED AP  
Assistant Director  
Economic Development & Planning



Michael Washam  
Associate Director



Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment(s)

- Attachment No. 1: Resolution approving the proposed Addendum to the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP
  - Exhibit “A”: Proposed Addendum to the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP
- Attachment No. 2: Resolution approving GPA 20-009 for the proposed Amendment to the 2017 ACFP and 2017 Dairy CAP
  - Exhibit “A”: Proposed 2020 ACFP Amendment
  - Exhibit “B”: Proposed 2020 Dairy CAP Amendment
- Attachment No. 3: Redline/Strikethrough version of the proposed Amendment to the 2017 ACFP
- Attachment No. 4: Redline/Strikethrough version of the proposed Amendment to the 2017 Dairy CAP
- Attachment No. 5: Consulting Agencies List and Comments Received for GPA 20-009 the Amendment of the 2017 ACFP and 2017 Dairy CAP
- Attachment No. 6: Response to June 4, 2020, letter from Center for Biological

**SUBJECT:** General Plan Amendment No. GPA 20-009

**DATE:** July 21, 2020

Diversity commenting on GPA 20-009

Attachment No. 7. Native American Contact List

Attachment No. 8: Staff Report

Attachment No. 9: Notice of Determination

Attachment No. 10: Public hearing notice

# **Attachment “1”**

**Resolution approving the proposed Addendum to the 2017  
FEIR for the 2017 ACFP and 2017 Dairy CAP**

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

**IN THE MATTER OF THE APPROVAL AND )  
ADOPTION OF AN ADDENDUM TO THE )  
FINAL ENVIRONMENTAL IMPACT )  
REPORT CERTIFIED ON DECEMBER 12, )  
2017, FOR THE 2017 ANIMAL )  
CONFINEMENT FACILITIES PLAN AND )  
DAIRY AND FEEDLOT CLIMATE ACTION )  
PLAN FOR THE PURPOSE OF )  
CONSIDERING THE 2020 AMENDMENTS )  
TO THE 2017 ANIMAL CONFINEMENT )  
FACILITIES PLAN AND DAIRY AND )  
FEEDLOT CLIMATE ACTION PLAN )**

**RESOLUTION NO. \_\_\_\_\_**

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 21, 2020, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
DEPUTY CLERK

\*\*\*\*\*

Resolution of the Board of Supervisors of the County of Tulare ("Board") accepting the Tulare County Planning Commission ("Planning Commission") recommendation and approving an Addendum to the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 Animal Confinement Facilities Plan ("2017 ACFP") and the 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP") for the purpose of considering the proposed 2020 Amendments to the 2017 ACFP and 2017 Dairy CAP.

WHEREAS, the Planning Commission recommends by its Resolution No. that the Board consider and approve an Addendum (“2020 Addendum”) (Attachment 1) to the 2017 FEIR in compliance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines for the purposes of review of the proposed 2020 Amendments to the 2017 ACFP and 2017 Dairy CAP (“2020 Amendments”); and

WHEREAS, the County completed an initial CEQA Checklist as part of the preparation of the proposed 2020 Addendum to the 2017 FEIR and determined that none of the conditions set forth in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 would require the preparation of a Subsequent or Supplemental Environmental Impact Report with respect to the adoption of the proposed 2020 Amendments; and

WHEREAS, at a duly noticed Planning Commission hearing on July 8, 2020, which hearing was recorded, County staff presented evidence regarding the 2020 Addendum and proposed 2020 Amendments to the Planning Commission and answered Planning Commission questions on the matter;

WHEREAS, at said Planning Commission hearing, public testimony was received and considered regarding the 2020 Addendum and proposed 2020 Amendments; and

WHEREAS, the Planning Commission is the advisory body to the Board with respect to the 2020 Addendum and proposed 2020 Amendments, and adopted its Resolution No. \_\_\_\_\_ recommending approval and adoption of said Addendum and proposed Amendments; and

WHEREAS, the Board is the decision-making body for the 2020 Addendum and proposed 2020 Amendments; and

WHEREAS, the Board held a duly noticed public hearing on July 21, 2020, to consider the proposed 2020 Addendum and proposed 2020 Amendments, which public hearing was recorded; and

WHEREAS, County staff presented evidence at the public hearing, which was recorded, and during that public hearing the Board provided an opportunity for, received, and considered public testimony on the matter at such hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board, pursuant to the above findings and based on a thorough review of the proposed 2020 Addendum, the 2017 Final EIR, and evidence received to date, finds and determines as follows:

1. That the 2020 Addendum to the 2017 EIR was prepared in compliance with CEQA, the CEQA Guidelines, and Tulare County local CEQA procedures.

2. That based on substantial evidence in light of the whole record, none of the conditions set forth in Public Resources Code Section 21166 and CEQA Guidelines Section 15162, including adoption of the proposed 2020 Amendments, have occurred that would require preparation of a Subsequent or Supplemental EIR, in that

- (a) no substantial changes are proposed in the Project described in the 2017 Final EIR that will require major revisions of the 2017 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of



previously identified significant effects;

- (b) no substantial changes have occurred with respect to the circumstances under which the Project described in the 2017 Final EIR is being undertaken which will require major revisions in the 2017 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (c) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2017 FEIR was certified as complete, has become available or shows; any of the following:
  - i. the Project described in the 2017 Final EIR will have one or more significant effects not discussed in the 2017 FEIR;
  - ii. significant effects previously examined will be substantially more severe than shown in the 2017 FEIR;
  - iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
  - iv. mitigation measures or alternatives which are considerably different from those analyzed in the 2017 FEIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

3. In connection with the Board's review of the 2020 Amendments and the 2020 Addendum, the Board has considered the 2017 FEIR, has independently reviewed the 2020 Addendum, and has exercised its independent judgment in making the findings in this Resolution.

4. The Board approves and adopts the 2020 Addendum to the 2017 FEIR.

Exhibits: Exhibit "A" Addendum to the 2017 Final EIR for the 2017 ACFP and 2017 Dairy CAP

Exhibit "A"

**TULARE COUNTY  
RESOURCE MANAGEMENT AGENCY**



5961 South Mooney Boulevard  
Visalia, CA 93277

**ADDENDUM TO THE FINAL ENVIRONMENTAL  
IMPACT REPORT CERTIFIED ON DECEMBER 12, 2017,  
FOR THE 2017 ANIMAL CONFINEMENT FACILITIES  
PLAN AND 2017 DAIRY AND FEEDLOT CLIMATE  
ACTION PLAN FOR THE COUNTY OF TULARE**

FOR GENERAL PLAN AMENDMENT NO. 20-009  
TO AMEND THE 2017 ANIMAL CONFINEMENT  
FACILITIES PLAN AND THE 2017 DAIRY AND  
FEEDLOT CLIMATE ACTION PLAN

June 2020

Prepared by

Tulare County Resources Management Agency  
Planning Branch  
Environmental Planning Division

## TABLE OF CONTENTS

I.	Introduction .....	1
	A. Determination .....	1
	B. Background .....	1
	C. Purpose of this Addendum .....	3
	D. CEQA Framework for Addendum .....	3
II.	Project Information .....	5
	A. Summary of the 2017 ACFP and 2017 Dairy CAP .....	5
	B. Summary of the Proposed Project .....	5
III.	Analysis of Potential Environmental Effects .....	6
	A. Environmental Topics Analyzed in the 2017 EIR .....	6
	B. Mitigation Measures .....	9
IV.	Conclusion .....	10

## **I. INTRODUCTION**

General Plan Amendment No. 20-009 (“GPA 20-009”) is a requirement of a Stipulated Settlement (effective August 2, 2019) completely resolving Case No. 272380 - Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Superior Court, State of California, County of Tulare, Visalia Division, challenging the certification by the County of Tulare of the 2017 Environmental Impact Report for the 2017 Animal Facilities Confinement Plan and related General Plan Amendments Zone Changes, and Dairy and Feedlot Climate Action Plan. The ACFP and Dairy CAP are components of the County’s General Plan and are part of the Settlement Agreement by and between the Sierra Club, Association of Irrigated Residents, and Center for Biological Diversity (collectively “Petitioners” or “Plaintiffs”) and the County of Tulare, a political subdivision of the State of California and the Board of Supervisors of the County of Tulare (collectively “County”).

### **A. DETERMINATION**

This document is an Addendum to the 2017 Environmental Impact Report (“EIR”) that was certified by the Tulare County Board of Supervisors (“Board”) on December 12, 2017, for the 2017 Animal Confinement Facilities Plan (“ACFP”) and the 2017 Dairy and Feedlot Climate Action Plan (“Dairy CAP”). This Addendum examines the environmental effects of proposed GPA 20-009 for the 2020 Amendments to the 2017 ACFP and 2017 Dairy CAP. This document has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (“CEQA”) of 1970 (as amended) and the Guidelines for Implementation of the California Environmental Quality Act (“CEQA Guidelines”) as implemented by the County of Tulare.

As verified in this Addendum, the analyses and conclusions in the 2017 EIR remain current and valid. The proposed Project, would not cause new significant effects not identified in the 2017 EIR nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the Proposed Project that would cause new or substantially more severe significant environmental effects than were identified in the 2017 EIR. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2017 EIR. Therefore, no further environmental review is required beyond this Addendum.

This Addendum incorporates all of the mitigation measures detailed in the 2017 EIR. With this Addendum, the proposed Project would still be within the framework of the evaluation for the 2017 ACFP and 2017 Dairy CAP as documented in the 2017 EIR.

### **B. BACKGROUND**

On November 30, 2011, in accordance with CEQA, the County of Tulare filed a Notice of Preparation (“NOP”) with the California State Clearinghouse in the Governor’s Office of

Planning and Research as notification that a Draft EIR would be prepared for the 2017 ACFP and 2017 Dairy CAP. The NOP was distributed to involved public agencies and other interested parties for a 30-day public review period. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the EIR.

On February 3, 2016, a Notice of Completion for a Draft EIR for the 2017 ACFP and 2017 Dairy CAP was filed with the State Clearinghouse, together with the requisite number of copies of the Draft EIR to be mailed to affected public agencies and interested parties, indicating a 45-day review period commencing on February 4, 2016, and ending on March 21, 2016.

On February 4, 2016, a Notice of Availability of a Draft EIR was duly published in the Visalia Times-Delta, Porterville Recorder, and Dinuba Sentinel, which are newspapers of general circulation in Tulare County, as well as the Bakersfield Californian and Delano Record in Kern County.

On February 4, 2016, a Notice of Availability of a Draft EIR was posted in the office of the Tulare County Clerk for a 45-day public review period commencing on February 4, 2016, and ending on March 21, 2016.

On September 8, 2017, a copy of the written responses to the timely public comments on the Draft EIR was sent to the commenting public agencies and interested parties in a manner that public agencies and interested parties received it at least 10 days before the Board of Supervisors meeting where the Board was scheduled to act upon the Planning Commission's recommendation to certify the EIR.

On October 12, 2017, a Notice of Availability of a Draft EIR and Notice of Public Hearing was duly published in the Visalia Times-Delta, Porterville recorder, Dinuba Sentinel, Bakersfield Californian, and Delano Record, newspapers of general circulation, for a Planning Commission meeting set for October 25, 2017.

On October 25, 2017, the Planning Commission held a duly notice meeting where staff presented evidence regarding the Final EIR and the Project to the Planning Commission and answered Planning Commission questions, and the Commission held a duly notice public hearing where public testimony was received and recorded regarding the Project and Final EIR.

On October 25, 2017, the Planning Commission reviewed the Final EIR, Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program ("MMRP") for the Project and recommended by Resolution No. 8358 that the Board of Supervisors certify the Final EIR and adopt the Findings of Fact, Statement of Overriding Considerations, and MMRP.

On December 1, 2017, a Notice of Public Hearing was published in the Visalia Times-Delta for a public hearing before the Board at its regular meeting on December 12, 2017.

On December 12, 2017, public testimony was received and recorded at the Board of Supervisors hearing regarding the Project and Final EIR.

On December 12, 2017, after notice and hearing, the Board adopted the 2017 ACFP as the updated Chapter 12 of the Tulare County 2030 General Plan Update, approved and adopted the 2017 Dairy CAP, and approved and certified a Final Environmental Impact Report ("2017 FEIR") and adopted the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program ("MMRP") pursuant to the California Environmental Quality Act ("CEQA").

The 2017 Final EIR formally evaluated the environmental impacts of the 2017 ACFP and 2017 Dairy CAP. The 2017 Final EIR was prepared pursuant to the California Environmental Quality Act (CEQA). On December 12, 2017, after notice and hearing, the Board adopted the 2017 ACFP as the updated Chapter 12 of the Tulare County 2030 General Plan Update, approved and adopted the 2017 Dairy CAP, and approved and certified a Final Environmental Impact Report ("2017 FEIR") and adopted the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program ("MMRP") pursuant to CEQA.

As discussed below in Section II.B. of this Addendum, GPA 20-009 proposes an Amendment to the 2017 ACFP and 2017 Dairy CAP. This Amendment to the 2017 ACFP and 2017 Dairy CAP constitutes project modifications that were not evaluated in the 2017 EIR, which necessitates subsequent environmental review/documentation under CEQA.

According to Section 15164(a) of the CEQA Guidelines, the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred (further described below under Section I.D).

The Tulare County Board of Supervisors is the Lead Agency under CEQA and has prepared this Addendum to address the potential environmental impacts of implementing the proposed Project.

### **C. PURPOSE OF THIS ADDENDUM**

The purpose of this Addendum is to evaluate whether the proposed Project would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the 2017 EIR for the 2017 ACFP and 2017 Dairy CAP. This Addendum, together with the 2017 EIR, will be used by the Board when considering the proposed Project.

### **D. CEQA FRAMEWORK FOR ADDENDUM**

According to Section 15164(a) of the CEQA Guidelines, the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. An addendum does not need to be circulated for public review but can be included in or attached to the final EIR. The decision making body shall consider the addendum with the final EIR prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an

addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Section 15162(a) of the CEQA Guidelines states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would be substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum evaluates the proposed Project as a revision of the 2017 EIR for the 2017 ACFP and 2017 Dairy CAP and demonstrates that these modifications do not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to the 2017 EIR is the appropriate CEQA document.

## **II. PROJECT INFORMATION**

### **A. SUMMARY OF THE 2017 ACFP AND 2017 DAIRY CAP**

The 2017 ACFP and Dairy CAP revised the way dairies are regulated by the County of Tulare. Under the ACFP that was adopted in 2000, expansions of existing dairies and bovine facilities, and establishment of new dairies and bovine facilities, must be approved through the special use permit process.

Some of the County's 302 dairies and 28 other confined bovine facilities (feed lots and calf ranches) were approved under the 2000 ACFP or predecessor regulations. Other, grandfathered, facilities were established prior to such regulations. The 2017 ACFP provides for permitting of all existing and proposed facilities or their expansion.

Under the 2017 ACFP, the expansions of existing dairies and bovine facilities or new dairies which fully comply with the requirements of the 2017 ACFP and with mitigation measures adopted following certification of the 2017 Final EIR may be eligible for a site plan review process for permitting approval; such approval would be preceded by the submittal of technical reports and environmental evaluation followed by written findings that the expansion or new facility is within the scope of the Program EIR. All other expansions, as well as the establishment of new dairies and other bovine facilities (calf ranches and feedlots), would be approved through a special use permit process with additional CEQA evaluation.

The 2017 Dairy CAP provided a procedure for CEQA climate change evaluations. The 2017 Dairy CAP includes inventories and projections of GHG emissions, an approach for determining whether an individual dairy/feedlot's contribution is cumulatively considerable, accounts for existing and anticipated future dairy/feedlot emissions that are consistent with the Dairy CAP and its proposed GHG reduction measures, and establishes a monitoring plan for tracking mitigation measure performance. Below is a link to the 2017 EIR for the 2017 ACFP and 2017 Dairy CAP:

<https://tularecounty.ca.gov/rma/index.cfm/permits/dairy/>

### **B. SUMMARY OF THE PROPOSED PROJECT**

GPA 20-009 proposes to: 1) reduce the 2017 ACFP "streamlining" screening level for dairy expansions (Policy 2.5-3 of the 2017 ACFP) to no more than once every five years, 2) reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist Criteria in Appendix A to the 2017 ACFP from 25,000 MT of CO<sub>2</sub>e per year to 15,000 MT of CO<sub>2</sub>e per year, and 3) move certain GHG emission reduction strategies from Category B to Category A in the Dairy CAP.

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:



1. Dairies would be limited to no more than one "streamlining" screening level dairy expansion every five years. Under the existing ACFP and Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.
2. Only dairy expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion, while under the 2017 ACFP and 2017 Dairy CAP dairy expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.
3. Some GHG emission reduction strategies would simply move from Category B to Category A in the Dairy CAP.

### **III. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS**

The following section discusses environmental topics and related environmental effects in the 2017 EIR, to compare the 2017 ACFP and Dairy CAP and the proposed Project. These topics are listed in the sequence that they are addressed in the 2017 EIR. This section concludes by determining that all of the mitigation measures from the 2017 EIR remain intact.

#### **A. ENVIRONMENTAL TOPICS ANALYZED IN THE 2017 EIR FOR THE ACFP AND 2017 DAIRY CAP**

Chapter Three of the 2017 EIR discusses the following resources:

- Aesthetics
- Agricultural Land/Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils and Mineral Resources
- Greenhouse Gas/Energy Impact Analysis
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Population/Housing
- Noise
- Public and Utility Services
- Recreation
- Transportation/Traffic

The only resources that need to be discussed in this Addendum are Air Quality and Greenhouse Gas/Energy Impact Analysis. All of the other resources would have no change whatsoever in relation to impacts and mitigation measures as a result of this Addendum and no additional analysis of those resources is necessary.

## **1. Air Quality**

Section 3.3 of the 2017 EIR analyzed Air Quality impacts of the 2017 ACFP and 2017 Dairy CAP and found that they would have the following impacts:

### **Impact #3.3.1 – Conflict With or Obstruct Implementation of any Applicable Air Quality Plan: [Evaluation Criteria (a)]**

**Conclusion:** Because proposed Program emissions would conflict with applicable SJVAPCD ozone and PM<sub>2.5</sub> Plans, this impact is significant.

**Mitigation Measure #3.3.1:** The County will require, as a component of the ACFP Annual Compliance Report, owners to submit evidence of full compliance with all pertinent SJVAPCD permits and regulations. If there is evidence of non-compliance, the County will notify the SJVAPCD and require the owner to submit a Corrective Action Plan.

**Significance after Mitigation:** Conflicts with applicable air quality plans would remain significant because it cannot be guaranteed that all future project-level air quality impacts would be below SJVAPCD significance thresholds.

### **Impact #3.3.2 – Cause a Violation of any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation: [Evaluation Criteria (b)]**

**Conclusion:** Emissions increases exceed the SJVAPCD's significance thresholds for VOC, PM<sub>10</sub> and PM<sub>2.5</sub>. Because proposed Program emissions would violate or contribute to violation of air quality standards, the impact is significant.

**Mitigation Measure #3.3.2:** The County will require, as a component of the ACFP Annual Compliance Report, owners to submit evidence of full compliance with all pertinent SJVAPCD permits and regulations. If there is evidence of non-compliance, the County will notify the SJVAPCD and require the owner to submit a Corrective Action Plan.

**Significance after Mitigation:** The imposition of the mitigation measure would reduce the Program impacts for new dairy and other bovine facilities, but they remain significant because Program impacts would likely still exceed SJVAPCD significance thresholds.

### **Impact #3.3.3: 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: [Evaluation Criteria (c)]**

**Conclusion:** Because the proposed Program emissions of VOC and PM<sub>2.5</sub> would be cumulatively considerable, they are also significant.

**Mitigation Measure #3.3.3:** The County will require, as a component of the ACFP Annual Compliance Report, owners to submit evidence of full compliance with all pertinent SJVAPCD permits and regulations. If there is evidence of non-compliance, the County will notify the SJVAPCD and require the owner to submit a Corrective Action Plan.

**Effectiveness of Measures:** The imposition of mitigation measures would reduce the Program impacts for new dairy and other bovine facilities, but they remain significant because Program emissions would likely still be cumulatively considerable for VOC (an ozone precursor) and PM2.5.

**Impact #3.3.4: Expose Sensitive Receptors to Substantial Pollutant Concentrations:**  
[Evaluation Criteria (d)]

**Conclusion:** New or expanding dairies and other bovine facilities would comply with SJVAPCD air quality requirements, including Rule 4550 and 4570, and their requirements for health risk assessments and mitigation of health risk. Because sensitive receptors would not be exposed to substantial pollutant concentrations based on siting restrictions and compliance with SJVAPCD regulations, this impact is considered less than significant.

**Mitigation Measures:** None are required.

**Impact #3.3.5: Exposure of a Substantial Number of People to Sources of Objectionable Odors:** [Evaluation Criteria (e)]

**Conclusion:** Based on the above analysis, the proposed Program would not expose a substantial number of people to objectionable odors. The odor impact for expanded or new dairy and other bovine facilities is less than significant.

**Mitigation Measure:** None are required.

## **2. Greenhouse Gas/Energy Impact Analysis**

Section 3.7 of the 2017 EIR analyzed Greenhouse Gas/Energy Impact Analysis impacts of the 2017 ACFP and 2017 Dairy CAP and found that they would have the following impacts:

**Impact #3.7.1 - Increase in GHG Emissions Compared to Existing Conditions:**  
[Evaluation Criteria (a)]

**Conclusion:** Because the proposed Program would result in a substantial net increase in GHG emissions, this impact is significant.

**Mitigation Measure #3.7.1:** The Draft Dairy CAP identifies all potentially feasible GHG reduction strategies for dairies and other bovine facilities. Because of the site-specific variations in individual facilities, some emissions reductions measures are likely to be feasible at most facilities (Category A), but some are not (Category B). Feasible project-specific GHG reduction measures will be adopted as CEQA mitigation measures when the County approves expanded or new facilities under the ACFP; project-specific GHG reductions achieved by project-specific mitigation measures will be quantified at that time. The County will require, as a component of the ACFP Annual Compliance Report, owners to submit evidence that adopted GHG mitigation measures are being implemented. If there is evidence of non-compliance, the County will require the owner to submit a Corrective Action Plan.

**Significance after Mitigation:** Because of the current infeasibility of avoiding or substantially lessening the proposed Program's net increases in GHG emissions, this impact is considered significant and unavoidable.

**Impact #3.7.2 - Inconsistent with Tulare County's General Plan Climate Action Plan or TCAG's RTP/SCS: [Evaluation Criteria (b)]**

**Conclusion:** The proposed Program, specifically the Draft Dairy CAP, conflicts with certain procedural aspects of the Tulare County General Plan CAP, and does not conflict with the TCAG RTP/SC. It is uncertain whether the procedural inconsistencies with the General Plan CAP would lead to GHG emissions increases greater than estimated in Impact #3.7.1, but to be conservative this impact is considered significant.

**Mitigation Measure #3.7.2:** See mitigation measure for Impact #3.7.1.

**Significance after Mitigation:** See discussion for Impact #3.7.1.

**Impact #3.7.3 - Inconsistent with the State's Ability to Achieve AB 32, EO B-30-15, and S-3-05 Emissions Reductions Targets: [Evaluation Criteria (c)]**

**Conclusion:** Because the proposed Program would be inconsistent with the state's ability to achieve AB 32, EO B-30-15, and S-3-05 emissions reductions targets beyond 2020, this impact is significant.

**Mitigation Measure #3.7.3:** See mitigation measure for Impact #3.7.1.

**Significance after Mitigation:** See discussion for Impact #3.7.1.

**Impact #3.7.4 - Use Energy in an Inefficient, Wasteful, or Unnecessary Manner: [Evaluation Criteria (d)]**

**Conclusion:** This impact is less than significant.

**Mitigation Measures:** None are required.

**Impact #3.7.5- Increased Reliance on Fossil Fuels and Decreased Reliance on Renewable Energy Sources: [Evaluation Criteria (e)]**

**Conclusion:** This impact is less than significant.

**Mitigation Measures:** None are required.

## **B. MITIGATION MEASURES**

The 2017 Final EIR identified mitigation measures that would reduce or eliminate potential environmental effects of the 2017 ACFP and 2017 Dairy CAP. However, after implementing all feasible mitigation measures the 2017 ACFP and 2017 Dairy CAP will result in significant

adverse environmental impacts that cannot be avoided and a Statement of Overriding Considerations was adopted by the Board because in the Board's judgement, the benefits of the 2017 ACFP and 2017 Dairy CAP outweighed its unavoidable significant effects. All of the mitigation measures approved for the 2017 ACFP and 2017 Dairy CAP will also apply to the proposed Project, and no additional mitigation measures are necessary for the proposed Project.

#### **IV. CONCLUSION**

On the basis of the evaluation presented in Section III, the modifications and refinements of the Proposed Project would not trigger any of the conditions listed in Section I.D of this Addendum, requiring preparation of a subsequent or supplemental environmental impact report or negative declaration. Thus, this Addendum satisfies the requirements of CEQA Guidelines sections 15162 and 15164. The Proposed Project does not introduce new significant environmental effects, substantially increase the severity of previously identified significant environmental effects, or show that mitigation measures or alternatives previously found not to be feasible would in fact be feasible.

Overall, the components of the proposed Project would be similar to those of the 2017 ACFP and 2017 Dairy CAP, and would result in environmental effects similar to those of the 2017 ACFP and 2017 Dairy CAP. The proposed Project would not result in new significant effects or effects that would be substantially more severe than those identified in the 2017 Final EIR. The mitigation measures included in the 2017 Final EIR would remain applicable.

The analyses and conclusions in the 2017 Final EIR remain current and valid. The proposed revisions of the proposed Project would not cause new or substantially more severe significant effects than identified in the 2017 Final EIR, and thus no new mitigation measures would be required. No change has occurred with respect to circumstances surrounding the proposed Project that would cause new or substantially more severe significant environmental effects than identified in the 2017 Final EIR, and no new information has become available that shows that the project would cause significant environmental effects not already analyzed in the 2017 Final EIR. Therefore, no further environmental review is required beyond this Addendum to the 2017 Final EIR.

## **Attachment “2”**

**Resolution approving GPA 20-009 for the proposed Amendment  
to the 2017 ACFP and 2017 Dairy CAP**

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

**IN THE MATTER OF GENERAL PLAN )  
AMENDMENT (GPA) NO. 20-009, AMENDING )  
THE 2017 TULARE COUNTY ANIMAL )  
CONFINEMENT FACILITIES PLAN SET OUT )  
IN CHAPTER 12 OF THE TULARE COUNTY )  
2030 GENERAL PLAN UPDATE, AND AN )  
ACTION AMENDING THE 2017 DAIRY AND )  
FEEDLOT CLIMATE ACTION PLAN )**

**RESOLUTION NO. \_\_\_\_\_**

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 21, 2020, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

BY: \_\_\_\_\_  
DEPUTY CLERK

\*\*\*\*\*

Resolution of the Board of Supervisors of the County of Tulare ("Board") accepting the Tulare County Planning Commission ("Planning Commission") recommendations and adopting General Plan Amendment No. 20-009 for the proposed first Amendment ("2020 ACFP Amendment") to the 2017 Animal Confinement Facilities Plan ("2017 ACFP") set out in Chapter 12 of the Tulare County General Plan 2030 Update, and approving an amendment (2020 Dairy CAP Amendment") to the 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP").

WHEREAS, on December 12, 2017, after notice and hearing, this Board adopted the 2017 ACFP as the updated Chapter 12 of the Tulare County 2030 General Plan Update, approved and adopted the 2017 Dairy CAP, and approved and certified a Final Environmental Impact Report ("2017 FEIR") pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Sierra Club, Association of Irrigated Residents and the Center for Biological Diversity ("Petitioners") challenged the adoption proceeding in Court; and

WHEREAS, after mediation and considered negotiations, the County of Tulare (the "County") and Petitioners determined that it was in the best interest of the parties and the people of Tulare County to resolve this litigation through a stipulated settlement agreement ("Settlement Agreement") without further court proceedings; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 ACFP to allow any dairy to use the 2017 ACFP "streamlining" provisions for expansions (Policy 2.5-3 of the 2017 ACFP) no more than once every five years; and

WHEREAS, parties to the Settlement Agreement agreed that the County consider amendments to the 2017 ACFP and 2017 Dairy CAP to reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the 2017 ACFP from 25,000 MT CO<sub>2</sub>e per year to 15,000 MT CO<sub>2</sub>e per year; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A as those Categories were established in the 2017 Dairy CAP for environmental review purposes under CEQA; and

WHEREAS, in order to comply with the Settlement Agreement, the Board on \_\_\_\_\_ initiated an action (General Plan Amendment No. GPA 20-009) to amend the 2017 ACFP pursuant to Title 7, Chapter 3, Articles 5 and 6, of the California Government Code; and

WHEREAS, the County has given notice of the 2020 ACFP Amendment as provided in Government Code sections 65353, 65355 and 65090, and included the 2020 Dairy CAP Amendment, on July 8, 2020; and

WHEREAS, the County has complied with SB 18 (adopted in 2004) by notifying Native American tribes identified by the Native American Heritage Commission of the opportunity to consult on the proposed General Plan amendment by sending consultation notification letters to thirteen (13) tribal contacts for five (5) tribes on record at the time, on February 21, 2020, for pre-consultation and no requests for consultation were received as a result of these notifications; and

WHEREAS, pursuant to Government Code section 65352, the County referred the proposed 2020 ACFP Amendment, and included the 2020 Dairy CAP Amendment, to the required government entities on April 20, 2020, and provided a forty-five (45) day comment period that expired on June 4, 2020; and

WHEREAS, County staff has made such investigation of facts bearing upon the 2020 ACFP Amendment and 2020 Dairy CAP Amendment to assure action consistent with the procedures and



purposes set forth in the Government Code and other elements of the Tulare County General Plan; and

WHEREAS, the County staff recommended that, as provided for in the State CEQA Guidelines Sections 15164, an Addendum to the 2017 FEIR regarding the 2017 ACFP and 2017 Dairy CAP ("Addendum to the 2017 FEIR") should be considered for the environmental review of the proposed 2020 ACFP and Dairy CAP Amendments; and

WHEREAS, the County prepared such an Addendum to the 2017 FEIR in compliance with State CEQA Guidelines Section 15164; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2020 ACFP Amendment and 2020 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Planning Commission at its regular meeting on July 8, 2020, was published in the Sun-Gazette on June 24, 2020; and

WHEREAS, the Planning Commission held the noticed public hearing at its regular meeting on July 8, 2020, and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2020 ACFP Amendment, 2020 Dairy CAP Amendment, and the proposed Addendum to the 2017 FEIR to the Planning Commission and answered Planning Commission questions on the matter, and during that public hearing the Planning Commission provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Planning Commission reviewed the proposed 2020 ACFP and Dairy CAP Amendments and found them consistent with the Tulare County General Plan 2030 Update; and

WHEREAS, the Planning Commission is an advisory body to the Board with respect to the adoption of the 2020 ACFP and Dairy CAP Amendments, and after its noticed public hearing, by its Resolution No. \_\_\_\_\_ recommended that (a) the Board approve the proposed Addendum to the 2017 FEIR, (b) adopt the proposed 2020 ACFP Amendment, and (c) adopt the proposed 2020 Dairy CAP Amendment, all as presented; and

WHEREAS, the Board is the decision-making body for the adoption of the 2020 ACFP and Dairy CAP Amendments; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2020 ACFP Amendment and 2020 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Board at its regular meeting on July 21, 2020, was published in the Sun-Gazette on July 8, 2020; and

WHEREAS, this Board held the noticed public hearing on the proposed 2020 ACFP and Dairy CAP Amendments and the proposed Addendum to the 2017 FEIR, at its regular meeting held on July 21, 2020, and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2020 ACFP and Dairy CAP Amendments and the Addendum to the 2017 FEIR and answered Board questions on this matter, and during that public hearing the Board provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Board, by separate resolution on this same date, approved the Addendum to the 2017 FEIR, finding that none of the conditions set forth in Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 would require preparation of a Subsequent or Supplemental EIR

with respect to the adoption of the proposed 2020 ACFP and Dairy CAP Amendments.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby accepts the Planning Commission recommendations and amends the 2017 ACFP as shown in Attachment 1.
2. The Board hereby accepts the Planning Commission recommendations and amends the 2017 Dairy CAP as shown in Attachment 2.
3. All other terms and provisions of the 2017 ACFP and 2017 Dairy CAP shall remain unchanged and in full force and effect.

## 2020 ACFP Amendment

- (A) The first sentence in the last paragraph of Section 1.2 ACFP Update of the 2017 ACFP is amended to read:

"This updated ACFP also establishes a Conformance Checklist Review Procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions no more than once every five years for a given facility."

- (B) The following definition is added to Section 2 of the 2017 ACFP in the definitions under "Introduction" to read:

"Expansion: A dairy expansion is defined as a net increase above the ACFP List permitted herd sizes."

- (C) The first sentence of Policy 2.5-3 in Section 2.5 *Permitting Requirements - Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP is amended to read:

"Bovine facility expansions may be permitted once every five years through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4)."

- (D) The following is added to the end of 2.6.1 Application Contents in Section 2.6 *Applications - New Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP:

"6. For a bovine facility expansion, whether the bovine facility has previously used the streamlined Conformance Checklist Review Procedure, and if so, dates of previous expansion approval."

- (E) The following sentence in Subsection (a) of Item No. 2 in the Conformance Checklist set out in Appendix A to the 2017 ACFP is amended to read:

"(a) generate less than 15,000 metric tons per year of net Greenhouse Gas (GHG) Emissions, as set forth in the amended Dairy and Feedlot Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP?" For the purpose of calculating the expected emissions from the proposed expansion, each application for expansion, at a minimum, must account for all emission sources relied upon in the ACFP and Dairy CAP Environmental Impact Report and disclose how many of each of the following categories of animals would be added to the existing herd: Dairy Cows, Dairy Heifers 0-12 months, Dairy Heifers 12-24 months, Dairy Calves.

## 2020 Dairy CAP Amendment

- (A) The following sentence in the introductory section of the second sentence in the second paragraph of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP is amended to read:

"The 2017 Dairy CAP chose 25,000 MT CO<sub>2</sub>e/yr as a streamlined analysis level because ... "

- (B) The following paragraph is added to the end of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP:

"However, although these considerations still apply, the County has decided as of July 21, 2020, to use a streamlined analysis level of 15,000 MT CO<sub>2</sub>e/yr consistent with the August 2, 2019 settlement of a legal challenge to the 2017 ACFP and Dairy CAP by the Sierra Club, the Associated of Irrigated Residents and the Center for Biological Diversity."

- (C) The first paragraph of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read:

"Table 5 lists the Category A reduction strategies, which new or expanding dairies or feedlots must (1) incorporate into their facility to the extent applicable based on the project specifics or (2) provide justification as to why the given strategy is impracticable or infeasible for the facility. For strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA."

- (D) Table 5 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
<b>Dairy Operations</b>		
D1	C9.1.5	Implement environmentally responsible purchasing of feed

**Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

Checklist #	Reference # (Appendix C)	Reduction Strategies
		additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)
<u>D5*</u>	<u>S9(3)</u>	<u>Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.</u>
<u>D6*</u>	<u>O(1)</u>	<u>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</u>
<u>D7*</u>	<u>O(2)</u>	<u>Increase solids separation to reduce loading.</u>
<u>D8*</u>	<u>11</u>	<u>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</u>
<b>Energy</b>		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers



<b>Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
<u>E6*</u>	<u>C2.3.1</u>	<u>Establish onsite renewable or carbon-neutral energy systems – generic</u>
<u>E7*</u>	<u>C2.3.2</u>	<u>Establish onsite renewable energy systems – solar power</u>
<u>E8*</u>	<u>C2.3.3</u>	<u>Establish onsite renewable energy systems – wind power</u>
<u>E9*</u>	<u>C2.3.4</u>	<u>Utilize a combined heat and power system</u>
<u>E10*</u>	<u>C2.3.6</u>	<u>Establish methane recovery on digester</u>
<b>Transportation [20 or more new employees]</b>		
T1	C3.2.6	Provide bike parking if requested by employees
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
<b>Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)</b>		
R1	C4.2.2	Adopt a water conservation strategy
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

\*For measures D5, D6, D7, D8 ,E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.

(E) Table 6 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
<b>Dairy Operations</b>		
D5	S9(3)	Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
D6	O(1)	Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	O(2)	Increase solids separation to reduce loading.
D8	11	Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.
<b>Energy</b>		
E6	C2.3.1	Establish onsite renewable or carbon neutral energy systems—generic
E7	C2.3.2	Establish onsite renewable energy systems—solar power
E8	C2.3.3	Establish onsite renewable energy systems—wind power
E9	C2.3.4	Utilize a combined heat and power system
E10	C2.3.6	Establish methane recovery on digester
<b>Transportation</b>		
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing



**Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)**

<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste, and Recycling</b>		
R6	C6.1.1	Institute or extend recycling and composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-Road vehicle plan (construction only)
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations
M9	C9.1.5	Environmentally responsible purchasing
M10	C9.1.6	Implement an innovative strategy for GHG reductions
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or



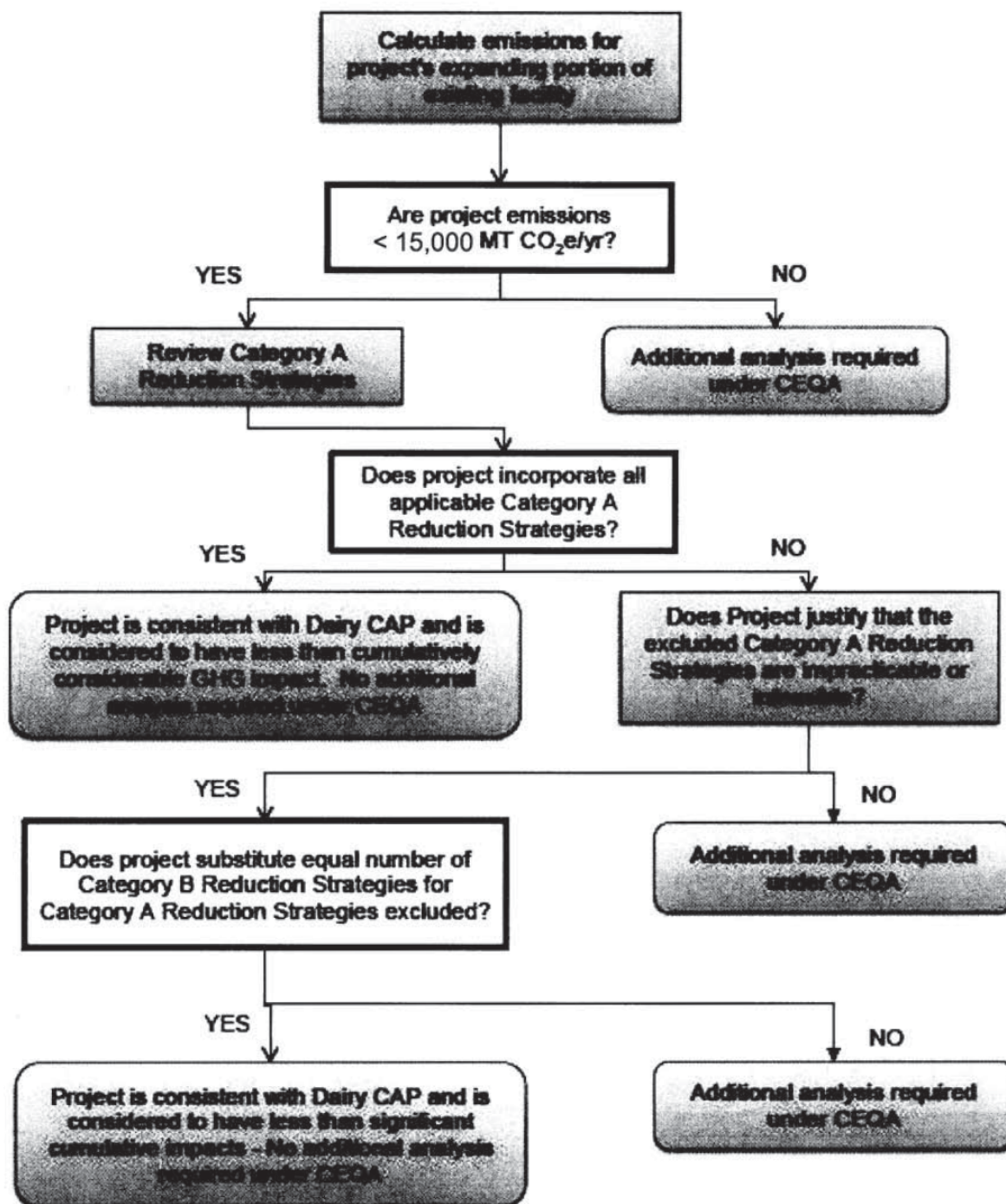
<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
		greater extent as would have been done for the expanded portion

(F) The second bullet point in second paragraph of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read:

- “The facility expansion has emissions above the streamlining analysis level of 15,000 MTCO<sub>2</sub>e, OR”

(G) Figure 1 of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read as set out below:

Figure 1. Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions.



- (H) The following sentence is added to the top of each page of Appendix C Summary of Potential Emissions Reduction Strategies to the 2017 Dairy CAP:

"Pursuant to Board of Supervisors Resolution \_\_\_\_\_, Strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10 are Category A, rather than Category Bin the "Category" column of this table. Implementation of these strategies is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA."

# **Attachment “3”**

**Redline/Strikethrough version of the proposed Amendment to  
the 2017 ACFP**

**Tulare County**

**Animal Confinement Facilities Plan**

**Proposed 2020 Amendment**

## **SECTION 1. BACKGROUND**

### ***1.1 Regulatory History***

In 1974, an Animal Waste Management Element (AWME) was prepared as part of the Environmental Resources Management Element (ERME) of the Tulare County General Plan. Included within the AWME were proposed policies for the establishment and operation of dairies and cattle feedlots. The Board of Supervisors did not adopt the AWME for incorporation into the General Plan. The policies set forth were, however, adopted by the Tulare County Planning Commission and were used after 1974 as guidelines in considering special use permit applications for the establishment of confined animal facilities, in particular dairies and cattle feedlots.

The policies and guidelines utilized for the establishment and operation of confined animal facilities were from time to time reviewed and modified to provide consistency with other regulatory agencies, e.g., the California Regional Water Quality Control Board (RWQCB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Those reviews resulted in the modification of the guidelines, particularly in regards to intensity of operations and animal density.

In 1998, the Tulare County Agricultural Advisory Committee (AAC) recommended “Dairy/Animal Confinement Facility Policies” which included locational and animal density criteria for the establishment of new dairies and animal confinement facilities. The Tulare County Planning Commission (by Resolution No. 7693), and subsequently the Board of Supervisors (by Resolution No. 98-0582), adopted the AAC’s policies on an interim basis until an Animal Confinement Facilities Plan could be adopted.

The Phase I Animal Confinement Facilities Plan for Dairies and Bovine Animal Confinement Facilities was adopted as General Plan Amendment No. GPA 99-05 by the County Board of Supervisors in April 2000 (2000 ACFP). Policies and standards that addressed dairies and other bovine confinement facilities and associated environmental issues were included in the 2000 ACFP. Those policies and standards were premised on then-current scientific data and technology. They were, additionally, reflective of and consistent with adopted and proposed State and federal regulations.

It was intended that the policies and standards established in the 2000 ACFP provide for the development of dairies and other bovine confinement facilities on the Valley floor of the County in a manner that: protects the quality of the environment, safeguards the health, safety and general welfare of the County’s residents, and provides for the continuation and growth of bovine-related industries.

When the County Board of Supervisors adopted the Tulare County General Plan 2030 Update in August of 2012, the 2000 ACFP was retained without amendment as a voluntary Element of the County General Plan. It is currently Chapter (or Element) 12 of Component C – Environment of Part I Goals and Policies Report of the Tulare County General Plan 2013 Update.

## **1.2 ACFP Update**

Since the adoption of the 2000 ACFP, stringent statewide regulatory requirements and procedures have been expanded and updated to address the air quality and water quality aspects of dairy and bovine facilities, as administered by the RWQCB and the SJVAPCD. This Animal Confinement Facilities Plan Update updates and replaces the 2000 ACFP with this Animal Confinement Facilities Plan (ACFP). An objective of this ACFP is to update the way in which dairies and other bovine facilities are regulated by the County of Tulare to assure coordination and alignment with the procedures of those agencies.

Another development since the adoption of the 2000 ACFP has been the enactment of statewide climate change regulations to establish a concerted approach to addressing greenhouse gas emissions. In its adoption of the Climate Action Plan for Tulare County in 2012, the Board of Supervisors directed the preparation of a separate Climate Action Plan to address dairies and other bovine facilities. In compliance with that mandate, the Dairy CAP is to be adopted concurrent with this ACFP.

A further objective of the ACFP is to enable the County to establish a program that documents the existing dairies and bovine facilities within the County, that defines the permitted herd sizes for such facilities so as to be consistent with RWQCB and SJVAPCD approvals and that requires continuing compliance of dairies and bovine facilities with this ACFP and other County regulations.

This updated ACFP also establishes a Conformance Checklist Review procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions no more than once every five years for a given facility. To be eligible for this process, the existing bovine facility must be operating under valid RWQCB and SJVAPCD approvals, the bovine facility expansion must meet certain specified criteria and the applicant must submit any supplemental technical studies required under this ACFP to determine whether the bovine facility expansion is in compliance with the ACFP and the ACFP EIR. All new bovine facilities and those bovine facility expansions which do not meet the requirements of the Conformance Checklist Review must conduct an individualized environmental review under CEQA and be approved through the special use permit process.

## **1.3 Purpose of the ACFP**

It is the intent of this ACFP to serve as the guiding document to regulate the County's bovine facilities and projected growth through 2023 as follows:

1. To continue the regulation of the County's dairy industry to protect and enhance the County's resources, assure public health and safety, and minimize environmental impacts.
2. To identify and document those existing bovine facilities which are operating under valid RWQCB and SJVAPCD approvals, and to specify procedures to achieve compliance by those existing bovine facilities that are not yet in compliance.

3. To modify, as feasible, the scope of County regulatory responsibilities to avoid overlap and duplication with the water quality and air quality oversight provided by the RWQCB and the SJVAPC.
4. To update and simplify the permitting processes for bovine facility expansions and the establishment of new bovine facilities consistent with this ACFP.

#### ***1.4 County Bovine Facilities***

For informational purposes only, as of December 31, 2013, there were approximately 330 existing bovine facilities in Tulare County, consisting of approximately 302 dairies and 28 cattle feedlots, with a reported total Countywide herd size of approximately 1,000,000 bovine. Growth in bovine facilities over the next decade is expected to increase at the rate of approximately 1.5 percent annually.

The location of existing bovine facilities in the County as of 2013 and the approximate areas that are occupied by existing bovine facilities, including both the primary facilities and the agricultural areas associated with feed crop production and manure utilization, are depicted on Figure 1-1.

#### ***1.5 Relationship to General Plan Documents***

This Animal Confinement Facilities Plan has been prepared to be consistent with the objectives of the Tulare County General Plan. The policies of this ACFP reinforce, and are reinforced by, the General Plan.



## SECTION 2. GOALS, POLICIES AND STANDARDS

### *Introduction*

This section of the ACFP identifies the goals, policies, and standards established by the County for the location, design, and operation of dairies and cattle feedlots. This section also describes the County's permitting process for the construction and operation of both new dairies and cattle feedlots and for existing bovine facilities and bovine facility expansions.

The following definitions are applicable:

**ACFP List:** For each bovine facility within the County, a list that includes the special use permit or other entitlement issued by the County for such bovine facility; the location and the land associated with such bovine facility; the date and reference information for each of the following: the Waste Discharge Requirements (WDRs) issued by the State of California Regional Water Quality Control Board, Central Valley Region (RWQCB), the Permit to Operate issued by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the permits issued by the County; the permitted herd sizes; and the reported herd size in the most current Annual Compliance Reports. The ACFP List shall be approved by the Resource Management Agency Director or designee.

**Bovine or Bovine Animal:** Dairy (including mature cows and support stock) and beef cattle and/or other similar ox-like animals.

**Bovine Facility:** A dairy, cattle feedlot or other confined animal facility for bovines.

**Bovine Facility Expansion:** Any expansion of either an existing bovine facility or a new bovine facility authorized by the County under Section 2.5 or any other applicable regulations.

**Cattle Feedlot:** An agricultural enterprise for the confined housing and feeding of milk cow support stock or other cattle including related facilities for feed storage and for manure handling and disposal.

**Compliant Bovine Facility:** Each existing bovine facility which has obtained WDRs from the RWQCB via General Order R5-2007-0035 or via an individual order, and which has obtained a Permit to Operate from the SJVAPCD (unless expressly exempt from such permit), and which is in compliance with the permitted herd size as provided in the ACFP List.

**Confined Animal Facility:** A facility where domestic animals are corralled, penned, tethered or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by means other than grazing. When measuring setbacks and distances between a confined animal facility and other facilities, uses or boundaries, measurements shall be taken from or between the most proximate confined animal improvements.

**Confined Animal Improvement:** A physical improvement component of a confined animal facility, such as animal barns, corrals, or pens, feed storage (excluding hay barns), manure storage and handling areas and wastewater lagoons/sumps, expressly excluding areas constituting crop acreage or not otherwise utilized in milk production or the confinement of bovines.

**Crop Acreage:** Irrigable portion of lands serving and essential to a bovine facility, including wastewater conveyance ditches, areas used for wastewater discharge and for facility feed crops, excluding buildings, corrals and/or pens, feed and/or manure storage areas, lagoons/sumps, canals, waterways, and public road rights-of-way.

**Dairy:** An agricultural enterprise for the housing and support of mature cows and support stock essential to the enterprise. The dairy includes not only the facilities and structures required to house mature cows and support stock, but also feed barns and storage areas, manure storage and treatment facilities, milking barns, and crop acreage.

**Existing Bovine Facility:** Each of the bovine facilities existing in Tulare County as of December 31, 2013, and as same may be subsequently expanded by a bovine facility expansion.

**Expansion:** A dairy expansion is defined as a net increase above the ACFP List permitted herd sizes.

**Mature Cow:** A dairy cow that has produced milk at any time during its life.

**New Bovine Facility:** A bovine facility in Tulare County that did not exist prior to December 31, 2013, as originally approved by the County and as same may be subsequently expanded by a bovine facility expansion.

**Permitted Herd Sizes:** For an existing bovine facility (as of December 31, 2013), the maximum allowable number of mature cows under the RWQCB WDRs and the maximum herd under the SJVAPCD Permit to Operate; or for a new bovine facility or a bovine facility expansion, the maximum allowable number of mature cows under the RWQCB WDRs and the maximum herd under the SJVAPCD Permit to Operate, as shown on the ACFP List (as same may be amended).

**Support Stock:** Dairy bovines other than mature cows.

## ***2.1 Existing Bovine Facilities and Compliant Bovine Facilities***

**Goal 2.1**                      **Document the location and permitted herd sizes of the existing bovine facilities. Confirm, and validate legality of, the compliant bovine facilities.**

**Policy 2.1-1**                The locations and permitted herd sizes of all existing bovine facilities shall be described and mapped based on the ACFP List on or before the first anniversary of the adoption of this ACFP.

**Policy 2.1-2**                All existing bovine facilities that are compliant bovine facilities shall be deemed for all purposes by the County as legally established bovine facilities in the locations and subject to the permitted herd sizes as

provided in the ACFP List. The Resource Management Agency Director or designee shall issue an administrative special use permit or other applicable land use entitlement to make any herd sizes described in applicable County land use entitlements reflect the permitted herd sizes shown on the ACFP List.

**Policy 2.1-3**

Any existing bovine facility that does not qualify as a compliant bovine facility shall be deemed for all purposes by the County to be a legally established and compliant bovine facility upon having demonstrated compliance with the permitted herd sizes under both a validly issued WDR from the RWQCB and a valid Permit to Operate from the SJVAPCD and upon having obtained or modified the special use permit or other entitlement issued by the County for such existing bovine facility so as to be consistent with the ACFP List on or before the first anniversary of the effective date of the adoption of this ACFP, with two six-month extensions if needed. Until such time that such compliance has been timely demonstrated, an existing bovine facility that does not qualify as a compliant bovine facility shall be permitted to continue its operations. Upon expiration of the original one-year period and the two six-month extensions provided in this policy, any existing bovine facility that has not qualified as a compliant bovine facility will be subject to enforcement by the County.

**2.2 *Bovine Facilities Location and Siting***

The location of bovine facilities within Tulare County is governed by policies designed to ensure a compatible relationship among such bovine facilities and with surrounding land uses. Such policies are designed to permit the establishment of new bovine facilities and bovine facility expansions while protecting neighboring properties from potential animal confinement nuisances or similar adverse impacts. The County has established the following agricultural zoning districts as areas appropriate for the operation of bovine facilities. A new bovine facility when more than 25 bovine animals are on the property at any time may be located in the AE-40 and AF zones. An existing bovine facility or existing bovine facility expansion when more than 25 bovine animals are on the property at any time may be located in the A-E, AE-20, AE-40, AE- 80, A-1, and AF zones. Lands allocated to nutrient waste disposal for a new bovine facility may be located in the AE-20, AE-40, AE-80, and AF zones. Lands allocated to nutrient waste disposal for an existing bovine facility or an existing bovine facility expansion may be located in the A-E, AE-20, AE-40, AE-80, A-1, and AF zones. From a regulatory perspective, bovine facilities are beneficial uses in the Agricultural zoning districts and are recognized as providing significant contributions to the economic vitality of the County as well as contributing to the health and welfare of society as a whole.

**Goal 2.2**

**Site new bovine facilities and bovine facility expansions within designated Agricultural zoned areas where they have been determined to be compatible with surrounding land uses. Use specific zoning and separation standards to avoid potential land use conflicts when approving the siting of new bovine facilities and bovine facility expansions. Protect agricultural uses within Agricultural zoned areas from incompatible non-agricultural uses.**

**Policy 2.2-1**                      **Confined Animal Improvement Separation:** Confined animal improvements within a new bovine facility or bovine facility expansion shall be located at least one-half mile (2,640 feet) from the nearest confined animal improvement within the nearest bovine facility.

**Policy 2.2-2**                      **Proximity to Urban Areas.** Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located as follows:

- Within one mile of (a) a County Adopted City Urban Area Boundary (CACUAB), an unincorporated Community Urban Development Boundary (UDB) or a Hamlet Development Boundary (HDB) but excluding any portion of a CACUAB, UDB or HDB which has been expanded to include municipal uses such as sewage treatment facilities, airports, and waste disposal sites that are located beyond such Boundary (in which case, the decision-maker shall determine the location of the one-mile setback area, provided that in no event shall a setback of less than one mile from a community's Urban Development Boundary or Hamlet Development Boundary be authorized), or (b) any other area zoned solely for residential use containing a concentration of at least thirty (30) legally established dwelling units measured from the outermost residential zoning boundary; or
- Within 1,000 feet of the boundary of a public park; or
- Within one-half mile (2,640 feet) of school grounds of an existing public or private school; or
- Within one-half mile (2,640 feet) of the nearest point of a primary dwelling structure in a concentration of ten (10) or more legally established, privately-owned single-family residences.

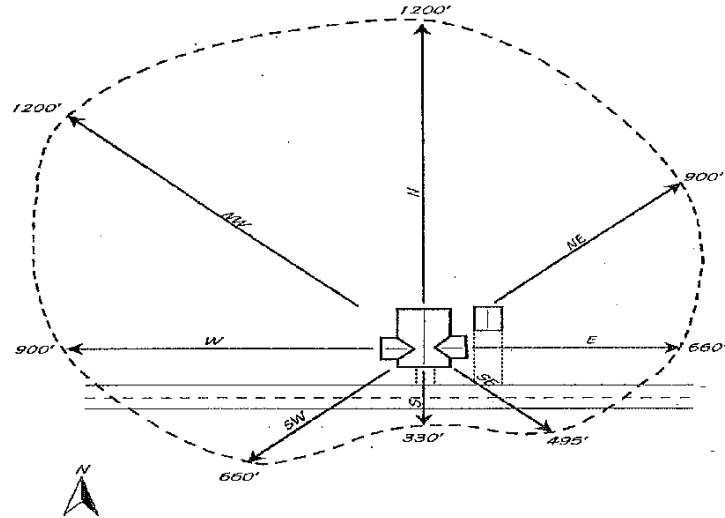
For purposes of this Policy 2.2-2, to qualify as a "concentration," such dwelling units or residences must be legally established, occupied, located within contiguous parcels, and exceed a density of one dwelling unit per acre, and "legally established" dwelling units or residences are defined as dwelling units or residences, excluding travel trailers, established in accordance with all applicable building and zoning regulations.

**Policy 2.2-3**                      **Proximity to Residential and Agricultural Land Uses.** Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located closer than the distances shown on Micro-Windshed Diagram "A" (Residential) to an occupied, legally established (as defined in Policy 2.2-2) dwelling unit owned by a private property owner other than the bovine facility owner/operator or employee.

Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located closer than the distances shown on Micro-Windshed Diagram “B” (Agricultural) to an established, legally operating citrus grove, vineyard, deciduous fruit/nut orchard, or vegetable agricultural enterprise.

No deviations from the Micro-Windshed distances set forth in this Policy 2.2-3 may be approved unless the owner of the dwelling unit or the agricultural operation in question agrees in writing to such deviation, and records such agreement with the Tulare County Clerk-Recorder, provided that such approval shall not be unreasonably withheld and, if it is, a finding shall be made to that effect through the process set out in Policy 2.5-4 or any other applicable regulations. For purposes of this policy, confined animal improvements within a bovine facility expansion that do not encroach any closer than the existing facilities will not be considered to be a deviation.

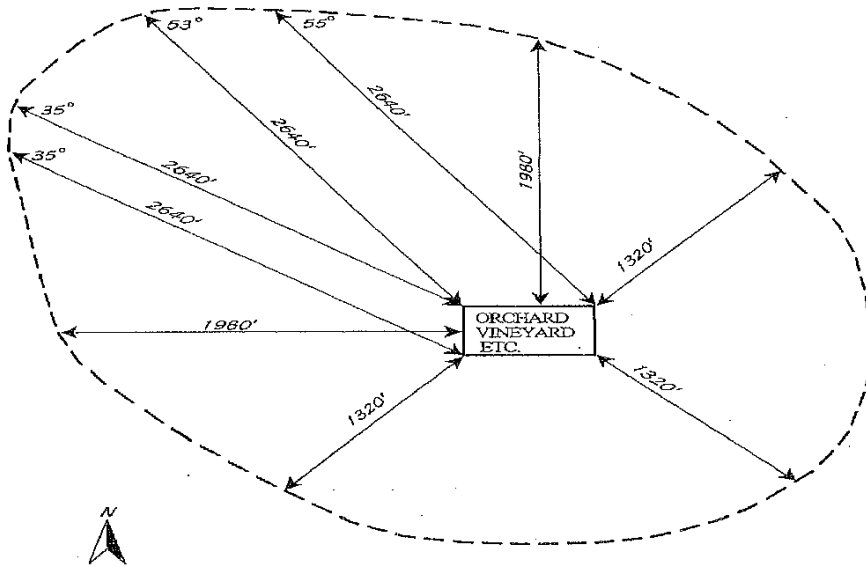
**Micro-Windshed Diagram 'A'**



Note: Road is shown as an example -- could be in any location.

Measurements are to be made from the geometric center of the primary dwelling structure to the most proximate part of the subject confined animal improvement.

*Micro-Windshed Diagram 'B'*



Measurements are to be made to the nearest edge of the affected orchard/vineyard/etc. from the most proximate part of the subject confined animal improvement.

**Policy 2.2-4**

**Exclusion.** The policies of this Section 2.2 shall not apply to the repair, maintenance, replacement or upgrading of a bovine facility, provided that such work does not increase the bovine capacity beyond the permitted herd sizes for such bovine facility or result in repaired, replaced or upgraded confined animal facilities encroaching any closer than the prior confined animal facilities.

**Policy 2.2-5**

**Applicability of Section 2.2 Policies.** A new bovine facility that does not conform to a defined separation or buffer standard under Section 2.2 may be allowed upon approval of a special use permit subject to the adoption of findings that special circumstances warrant the approval of such exception to the applicable defined separation or buffer standard. A bovine facility expansion that does not conform to a defined separation or buffer standard under Section 2.2 may be allowed under any applicable regulations provided that any expanded facilities will not encroach any closer than the existing facilities, or by approval of a special use permit upon the adoption of findings that special circumstances warrant the approval of such exception to the applicable defined separation or buffer standard. "Special circumstances" means that strict enforcement of the separation or buffer standard would create undue hardship for the facility owner/operator due to unique characteristics of the facility site or its surrounding land uses, and that any project-specific significant environmental impacts caused by the exception are mitigated through conditions of approval.

**2.3     *Environmental Constraints***

The placement of confined animal improvements within new bovine facilities and within bovine facility expansions shall be consistent with environmental constraints.

**Goal 2.3**

**To restrict the siting of confined animal improvements within new bovine facilities and within bovine facility expansions so as to avoid existing areas of environmental constraints within the County.**

**Policy 2.3-1**

**Flood Zone Areas.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall not be located in the following primary flood zone areas: any territory designated on the latest adopted National Flood Insurance Program, Flood Insurance Rate Maps (FIRM) as Special Flood Hazard Areas Inundated by 100-Year Flood, Zones A, AI, AO and AH, Floodway Areas in Zone AE or Other Flood Areas in Zone X, except that such improvements may be so located upon submittal to the County of a certification by a licensed civil engineer, based upon a field survey, that the improvements have been elevated above 100 year flood elevations and upon showing, if required, compliance with the County Flood Damage Prevention Ordinance (Tulare County Ordinance Code, Part VII, Chapter 27). However, manure held as fertilizer and dairy process water used to irrigate crop acreage may be transported to and used in such flood zones in compliance with applicable RWQCB regulations.



- Policy 2.3-2**      **High Groundwater Areas.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall be prohibited in shallow or perched groundwater areas where the minimum vertical distance between proposed lagoon bottoms/corral surfaces and highest anticipated groundwater levels is less than five feet. Highest anticipated groundwater levels shall be established based on available records and/or site-specific geotechnical investigation by a qualified registered professional engineer or geologist.
- Policy 2.3-3**      **Sink Holes.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall not be located in a sink hole or areas draining into a sink hole.
- Policy 2.3-4**      **Exclusion.** The policies of this Section 2.3 shall not apply to the repair, maintenance, replacement or upgrading of a bovine facility, provided that such work does not increase the bovine capacity beyond the permitted herd sizes for such bovine facility.

## **2.4      *Regulatory Agency Compliance***

The County finds that the applicable regulations and requirements of the RWQCB and the SJVAPCD, as administered by such agencies, provide a stringent and comprehensive regional scheme for regulating the specialized water quality and air quality aspects of confined animal facilities. The County seeks to avoid the imposition of duplicative and overlapping requirements that may conflict with the regulatory authority of such agencies.

- Goal 2.4**      **New bovine facilities and bovine facility expansions shall comply with the applicable permitting and operational regulations of the RWQCB and the SJVAPCD, as administered by such agencies.**
- Policy 2.4-1**      **Regional Water Quality Review Board.** New bovine facilities and bovine facility expansions shall comply with the most current applicable RWQCB regulatory requirements, including the requirements of California Code of Regulations, Title 27, pertaining to “Confined Animal Facilities,” as administered by the RWQCB. A completed Report of Waste Discharge (including required technical reports) to the RWQCB shall be submitted to the County prior to issuance of any building permits and at least 120 days prior to discharge.
- Policy 2.4-2**      **San Joaquin Valley Air Pollution Control District.** New bovine facilities and bovine facility expansions shall comply with the most current applicable SJVAPCD regulatory requirements, including requirements of the SJVAPCD for obtaining an Authority to Construct and a Permit to Operate. A copy of the approved Authority to Construct shall be submitted to the County prior to issuance of any building permits.

**Policy 2.4-3**                    **Changes to RWQCB WDRs and SJVAPCD Permits to Operate.** Prior to submitting an application to the RWQCB or the SJVAPCD to amend the existing WDRs or the Permit to Operate issued by the applicable agency for a bovine facility, an application shall be filed with and approved by the County to address such proposed changes. County approval of the application shall be contingent upon issuance of an amended WDR or Permit to Operate.

## **2.5      *Permitting Requirements – Bovine Facilities and Bovine Facility Expansions***

**Goal 2.5**                    **Improve and update the permit process for establishment of new bovine facilities and bovine facility expansions.**

**Policy 2.5-1**                    **Dairies:** Dairies are a bovine facility and are declared to be a special use and permitted only in specified zones upon the granting of a special use permit or administrative special use permit in compliance with and as provided in this chapter or element. Each permit and the ACFP List shall specify the permitted herd sizes and the confined animal facility site boundaries together with any crop acreage.

**Policy 2.5-2**                    **Cattle Feedlots:** Feedlots are a bovine facility and are declared to be a special use and permitted only in specified zones upon the granting of a special use permit or administrative special use permit in compliance with and as provided in this chapter or element. Each permit and the ACFP List shall specify the permitted herd sizes and confined animal facility site boundaries together with any crop acreage.

**Policy 2.5-3**                    **Bovine Facility Expansions Criteria for Conformance Checklist Review:** Bovine facility expansions may be permitted once every five years through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4). Such permitted bovine facility expansions must comply with all applicable regulations, policies, standards and mitigation requirements set forth in the ACFP, in the ACFP Environmental Impact Report (EIR) and in the County Zoning Ordinance. To help demonstrate compliance with these requirements, the County will complete a Conformance Checklist review of bovine facility expansions. If these requirements are met, the County may issue findings in accordance with CEQA Guidelines Section 15168(c)(2), issue a special use permit or other land use entitlement, and list the bovine expansion as a compliant bovine facility on the ACFP List. The Conformance Checklist criteria are set forth in Appendix A to this ACFP.

**Policy 2.5-4**                    **Special Use Permit Requirements:** All new bovine facilities and any bovine facility expansions that do not or cannot comply with the requirements under Policy 2.5-3 must obtain a special use permit for such new bovine facility or for such bovine facility expansion, which shall be

subject to additional environmental review in accordance with CEQA Guidelines Section 15168(c). Upon obtaining a special use permit, all new bovine facilities, and any such bovine facility expansions, shall be listed in the ACFP List.

## **2.6 Applications - New Bovine Facilities and Bovine Facility Expansions**

**2.6.1 Application Contents** - Applications for new bovine facilities and bovine facility expansions special use permits shall contain the following information:

1. Names, addresses and phone numbers of the owner and operator;
2. Site address and assessor's parcel numbers for all land application sites;
3. Bovine animal types and numbers;
4. Manure application agreements for non-owned land (if applicable);
5. A scaled plan showing:
  - a. Buildings, corrals, lanes, retention ponds/settling basins, irrigation ditches and pipelines (private and community), silage storage and manure solids storage areas;
  - b. Onsite and offsite wastewater and manure application areas (if applicable);
  - c. Surface waterways on or near the facility, such as rivers, canals, sloughs and intermittent streams;
  - d. The location of onsite and adjacent water wells within one hundred (100) feet of the property line or the bovine facility boundaries;
  - e. Public facilities such as roads and easements;
  - f. Access points to public roads; and
  - g. Any setback or windshed constraints described in Section 3.2, Bovine Facilities, Location and Siting.
6. *For a bovine facility expansion, whether the bovine facility has previously used the streamlined Conformance Checklist Review Procedure, and if so, dates of previous expansion approval.*

**2.6.2 Environmental Review:** Applicants for new bovine facilities and bovine facility expansions special use permits are required to provide such technical reports, as applicable, which the Resource Management Agency deems pertinent with respect to site-specific environmental and bovine facility siting issues. These reports may include any of the following:

1. Biological Resources Survey;
2. Cultural Resources Evaluation;
3. Integrated Pest Management Plan;
4. Dead Animal Disposal Plan;
5. Hazardous Materials Business Plan;
6. Odor Control Measures;

7. Dairy CAP Consistency Checklist;
8. Geological – Hydrological Report;
9. Health Risk Assessment;
10. Traffic Evaluation;
11. Water Availability Evaluation for On-Site Wells; and
12. Comprehensive Nutrient Management Plan (CNMP).

## **2.7 Design and Operational Standards**

These standards furnish guidance to bovine facility owners and operators wishing to seek approval of a new bovine facility or a bovine facility expansion to ensure compliance with this ACFP.

1. **Minimum Site Requirements:** Dairy sites, including the confined animal improvements and crop acreage, must contain a minimum of 160 acres. Cattle feedlot sites must be a minimum of 80 acres.
2. **Parking Requirements:** Sufficient on-site parking shall be provided for all automobiles and trucks. The parking area and the entrance roads shall be paved or treated with an acceptable dust-retardant treatment so that dust and mud will not create conditions detrimental to air quality and to the surrounding area and roads. Pavement or treatment areas shall be maintained at all times.
3. **Site Access:** All drive approaches at driveways and major entrances to the improved portion of the site shall be constructed and surfaced as per the Tulare County Improvement Standards, and the applicant or applicant's contractor shall obtain an encroachment permit from the Resource Management Agency prior to issuance of any building permits for construction and/or prior to performing work within any County road right-of-way.
4. **Site Maintenance:** All public road approaches, driveways and off-street parking areas shall be designed and maintained so that mud, dust, gravel, and manure do not create conditions detrimental to the surrounding public roadways.
5. **Public Utilities:** The applicant shall make all arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work to be performed by the applicant. The applicant shall also make arrangements with the affected public utility company for any cost of relocating such facilities and no portion of such relocation costs will be paid by the County.
6. **Food and Agricultural Code:** Dairy facilities shall meet the requirements of Division 15 of the California Food and Agricultural Code as administered by the Milk Inspection Service of the Tulare County Environmental Health Division. Dairy applicants shall provide detailed plans of the facility to the Milk Inspection Service for review and approval prior to issuance of any building permits.

7. **Water Wells:** All new wells shall comply with the construction requirements of the latest version of the Tulare County Well Ordinance.
  - a. No well, new or existing, shall be located closer than one hundred (100) feet from any animal enclosure, nor shall such enclosure encroach within one hundred (100) feet of an existing well;
  - b. Inactive wells shall be properly destroyed in accordance with the Tulare County Well Ordinance; and
  - c. All agricultural wells shall have an overhead air gap at the standpipes.
8. **Lagoon Locations:** Lagoons or other manure containment facilities shall have a minimum one hundred fifty (150) foot setback from all wells, public ditches, and public waterways. They shall fully conform to the requirements of the RWQCB.
9. **Fire Protection:** The fresh water pressure tank shall be plumbed with a valved, 2-1/2-inch hose connection (National Hose Thread) in such manner as to provide ready access for pumper connection. All plumbing from the tank to the valve shall be a minimum of 4 inches O.D. Portable fire extinguishers shall be installed in the milk house as per N.F.P.A. Pamphlet #10 (10# ABC type).

A fresh water holding tank and a water pressure tank shall be provided and a surfaced fire apparatus access, twelve (12) feet in width, shall be provided to within five (5) feet of such tanks.

A 30-inch by 30-inch hinged inspection cover shall be located on the fresh water holding tank. The inspection cover shall be located along the portion of the tank that fronts on the surfaced access.
10. **On-Site Residences:** Should any residences or mobile homes be constructed or proposed, all densities and setbacks (separations from animal confinement and waste facilities, etc.) shall be in compliance with the Zoning Ordinance. (If more than five unrelated employees are housed on the site, the dairy operator shall contact the Resource Management Agency to determine if a Permit to Operate Employee Housing is required by Section 7-23-1000 *et seq.* of the Tulare County Ordinance Code and, if required, obtain such permit prior to occupancy.)
11. **Facility Setback:** Confined animal improvements (including buildings housing bovine animals, corrals, sump pits, and silage and hay storage areas) for a new bovine facility or a bovine facility expansion shall not be located closer than one hundred (100) feet from all property lines at the perimeter of the bovine facility site. Onsite sewer systems shall be located at least one hundred (100) feet from all wells, ditches, and waterways.
12. **Flood, Water Quality and Air Quality Protection:** Bovine facility construction and operations shall be undertaken, and maintained in full accord with, the regulations and permitting requirements of the RWQCB and the SJVAPCD with respect to flood protection, water quality protection, and air quality protection.

13. **Operational Requirements:** Dead animals shall be removed from the site within forty-eight (48) hours and shall not be visible from the public road while awaiting removal.

Dead animal disposal shall be made in full compliance with any applicable Dead Animal Disposal Plan.

Bovine confinement areas, manure storage areas, lagoons, and crop acreage shall be properly managed to prevent a nuisance of odors, dust, or vector harborage and breeding. Such management shall be in full compliance with any applicable Odor Control Measures and Integrated Pest Management Plan.

Bovine facility operations shall meet all of the requirements of the mosquito abatement district, if any, in which the facility is located. A fly abatement program shall be used to keep flies under control on-site so that they do not become a nuisance on-site or to surrounding property owners. All vector control operations shall be conducted in full compliance with any applicable Integrated Pest Management Plan.

## **2.8 *Severance and Continuing Compliance***

### **2.8.1 Severance and Site Alterations**

No portion of a bovine facility site, or any required easement, shall be sold, released or conveyed, or used for purposes other than those expressly permitted unless approved by the County through a special use permit, or any other applicable land use entitlement. This shall not restrict the sale of the entire parcel of property as a unit subject to all of the conditions required herein.

### **2.8.2 Continuing Compliance**

An Annual Compliance Report shall be completed and filed with the Resource Management Agency for each bovine facility in Tulare County. Appendix B to this ACFP contains a copy of the standard form of Annual Compliance Report as of the adoption of the ACFP. The standard form Annual Compliance Report may be amended, modified or updated from time to time by the Tulare County Resource Management Agency Director.

## APPENDIX A TO ACFP

### Bovine Facility Expansions Criteria for Conformance Checklist Review

The response to each question below must be “yes” to proceed under Policy 2.5-3.  
If any response is “no”, the bovine facility expansion must proceed under Policy 2.5-4

1. Except in the case of an application by an Existing Bovine Facility seeking to become a Compliant Bovine Facility, is the Existing Bovine Facility in compliance with existing Regional Water Quality Control Board Central Valley Region (RWQCB) Waste Discharge Requirements (WDRs) and San Joaquin Valley Air Pollution Control District (SJVAPCD) Permit to Operate for the existing operations and facilities?
2. In connection with all applications for an Existing Bovine Facility expansion, would the expanded facilities covered by the application:
  - (a) generate less than ~~25,000~~ 15,000 metric tons per year of net Greenhouse Gas (GHG) Emissions, as set forth in the Dairy and Feedlot Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP? For the purpose of calculating the expected emissions from the proposed expansion, each application for expansion, at a minimum, must account for all emission sources relied upon in the ACFP and Dairy CAP Environmental Impact Report and disclose how many of each of the following categories of animals would be added to the existing herd: Dairy Cows, Dairy Heifers 0-12 months, Dairy Heifers 12-24 months, Dairy Calves.
  - (b) comply with all applicable requirements of the ACFP, including Policies 2.2-1 through 2.2-3. However, if an existing dairy does not comply with the separation and buffer standards in these policies, do the expanded confined animal improvements not encroach any closer than the existing facilities?
  - (c) comply with the applicable mitigation measures under the ACFP Environmental Impact Report?
  - (d) not involve substantial changes or new information of substantial importance that would trigger the requirement for a Subsequent or Supplemental EIR under CEQA Guidelines Sections 15162 or 15163?
  - (e) comply with the applicable requirements of the County Zoning Ordinance?

APPENDIX B  
TO ACFP

Standard Form of Annual Compliance Report  
(as of the 2020 ACFP Amendment adoption date, and subject to future modifications)





# TULARE COUNTY RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Aaron R. Bock

Reed Schenke

Sherman Dix

Economic Development and Planning

Public Works

Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

## REPORT DUE: NOVEMBER 15, 2019

Amount: \$ \_\_\_\_\_ Check# \_\_\_\_\_

Type of Facility: ☐ Dairy ☐ Feedlot ☐ Beef Feedlot **RMA Animal Facility No.** \_\_\_\_\_

Facility Status: ☐ Operational ☐ Non-Operational ☐ Temporarily Closed (Herd Buyout) ☐ Permanently Closed

\*\*For Feedlot/Heifer/Calf Facilities please see page 3 regarding fees.

PSP No: \_\_\_\_\_ (Max: Herd = \_\_\_\_\_; Milk = \_\_\_\_\_)

Pre-PSP/1973 Master Dairy List: \_\_\_\_\_ (Max: Herd = \_\_\_\_\_; Milk = \_\_\_\_\_)

## ANNUAL COMPLIANCE REPORT - Year 2018

Information requested below is to be filled out by the current Animal Facility Operator in **BLUE** or **Black** ink, and submitted, along with the filing fee to the Tulare County Resource Management Agency

By: **November 15, 2019.**

Name of Animal Facility Operation: \_\_\_\_\_

Address of Animal Facility (Milk Barn if applicable): \_\_\_\_\_

Assessor Parcel Number (APN) of Facility (Milk Barn if applicable): \_\_\_\_\_

**Current Operator** Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email address: \_\_\_\_\_

**Current Property Owner Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email address: \_\_\_\_\_

How many Acres does the facility occupy? (corrals, storage, etc.) \_\_\_\_\_

How many Acres are used for crops? \_\_\_\_\_ Total Acres: \_\_\_\_\_

**Animal Facility No.:****I. Animal Counts:**Maximum Herd Size on the Animal Facility at any point in time between **January 1, 2018 through December 31, 2018.****A. Animal Facility Bovines – List the Maximum On-Site Herd Size (per Breed of Cattle) (Please do not round):****Animal Head per Housing Type**

<b><i>HOLSTEIN</i> Bovines</b>	<b>Maximum Herd</b>	<b>Free Stall</b>	<b>Open Corral</b>
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

**Animal Head per Housing Type**

<b><i>JERSEY</i> Bovines</b>	<b>Maximum Herd</b>	<b>Free Stall</b>	<b>Open Corral</b>
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

**Animal Head per Housing Type**

<b><i>GUERNSEY</i> Bovines</b>	<b>Maximum Herd</b>	<b>Free Stall</b>	<b>Open Corral</b>
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

**Animal Head per Housing Type**

<b><i>HOLSTEIN/JERSEY</i> Bovines</b>	<b>Maximum Herd</b>	<b>Free Stall</b>	<b>Open Corral</b>
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

**Animal Facility No.:**

**Animal Head per Housing Type**

<b><i>OTHER Bovines</i></b>	<b>Maximum Herd</b>	<b>Free Stall</b>	<b>Open Corral</b>
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

***OTHER FARM ANIMALS ON THE CAFO SITE:***

Indicate the Maximum On-Site Numbers of each Animal Type at any point in time between **January 1, 2018 through December 31, 2018.**

<b><i>OTHER Animals</i></b>	<b>#Maximum Herd</b>	<b>Total Animals</b>
Beef		
Horses		
Dairy Goats		
Meat Goats		
Sheep		
Swine		
Other: Note Type:		

***TOTAL Herd Size (Head)*** = \_\_\_\_\_

**Fee Calculation:** As required by Tulare County Board of Supervisors Resolution No. 2003-0556, the Annual Compliance Reporting and Monitoring Fee for each confined animal feeding operation (CAFO) shall be "\$50.00 Per CAFO" for facilities with less than 800 animals and "\$100 Per CAFO" for facilities with 800 or more animals.

**\*\*\*Important information for Feedlot/Heifer/Calf Ranch Facilities that are in conjunction with a Specific Dairy and are not an independent bovine facility, no fee is due (Fees are already required for the animals on the dairy).**

**II. Compliance with Other agencies:**

1. What is the total herd size permitted by the San Joaquin Valley Air Pollution Control District?

\_\_\_\_\_

2. San Joaquin Valley Air Pollution Control District permit number/ID: \_\_\_\_\_

3. Is this facility compliant with the San Joaquin Valley Air Pollution Control District permitted herd size? YES / NO

If "NO," please explain:

4. What is the total number of mature animals permitted by the Central Valley Regional Water Quality Control Board?

5. Central Valley Regional Water Quality Control Board Permit Number/ID: \_\_\_\_\_

6. Is this facility compliant with the Central Valley Regional Water Quality Control Board? YES / NO

If "NO," please explain:

**III. Dairy and Feedlot Climate Action Plan**

1. Was this facility a “new” facility or expansion approved under the 2017 updated ACFP and 2017 Dairy CAP?
2. If yes, please indicate which “Category A” and “Category B” greenhouse gas (GHG) reduction strategies that were made mitigation measures and/or conditions of project approval (see attached lists), and verify these strategies are being implemented. Provide estimates of GHG emissions reductions achieved by each strategy if possible (tons CO<sub>2</sub>e/year).
3. If no, please list any “Category A” and “Category B” GHG reduction strategies or other processes that this facility has voluntarily implemented. Please provide date of implementation. Provide estimates of GHG reductions achieved by each strategy if possible (tons CO<sub>2</sub>e/year).

**IV. Plot Plan:** If any changes have occurred in this calendar year, submit a Plot Plan of the actual Animal Facility Site. If a Special Use Permit has been approved for your facility, please use the site plan approved for that project, noting in **RED**, any changes, modifications, or additions. If a Special Use Permit has not been approved, the plot plan for your facility should be drawn to scale on paper no smaller than 8½” by 14”, with detail sufficient to identify the sizes and locations of all on-site structures, including barns, corrals/pens, Wastewater lagoons/sumps, and residences. Identify each structure shown on the Plot Plan. Submit a map of Wastewater and manure application areas, specifying APNs.

**V. Affidavit**

I/We certify that the information submitted herein is complete and accurate to the best of my knowledge (failure to submit complete and accurate requisite information may result in penalties as provided for in Tulare County Board of Supervisors Resolution No. 2003-0556). Attach additional pages if necessary.

**Current Operator/Operators**

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Print Name:\_\_\_\_\_

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Print Name:\_\_\_\_\_

**Current Property Owner/Owners**

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Print Name:\_\_\_\_\_

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Print Name:\_\_\_\_\_

**Animal Facility No.:**

**List here, if you would like someone else contacted for questions concerning the completeness of this report.**

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ email: \_\_\_\_\_

**Mail or present the completed Annual Compliance Report, along with the required fee (calculated as above) to:**

**Tulare County Resource Management Agency  
5961 South Mooney Blvd  
Visalia, CA 93277-9394**

**Contact Person: Jason Garcia-LoBue or Jose Saenz (559) 624-7000**

**Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

Checklist #	Reference # (Appendix C)	Reduction Strategies
<b>Dairy Operations</b>		
D1	C9.1.5	Implement environmentally responsible purchasing of feed additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation).
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage).
D5	S9(3)	Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing bio methane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
D6	O(1)	Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	O(2)	Increase solids separation to reduce loading.
D8	11	Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.
<b>Energy</b>		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)

**Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

**Energy (Continued)**

E5	<input type="checkbox"/>	C2.2.1	<input type="checkbox"/>	Install energy efficient area lighting
E6*	<input type="checkbox"/>	C2.3.1	<input type="checkbox"/>	Establish onsite renewable or carbon-neutral energy systems – generic
E7*	<input type="checkbox"/>	C2.3.2	<input type="checkbox"/>	Establish onsite renewable energy systems – solar power
E8*	<input type="checkbox"/>	C2.3.3	<input type="checkbox"/>	Establish onsite renewable energy systems – wind power
E9*	<input type="checkbox"/>	C2.3.4	<input type="checkbox"/>	Utilize a combined heat and power system
E10*	<input type="checkbox"/>	C2.3.6	<input type="checkbox"/>	Establish methane recovery on digester

**Transportation [20 or more new employees]**

T1	<input type="checkbox"/>	C3.2.6	<input type="checkbox"/>	Provide bike parking if requested by employees
T2	<input type="checkbox"/>	C3.4.5	<input type="checkbox"/>	Provide end of trip facilities if requested by employees (e.g., shower for people biking)

**Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)**

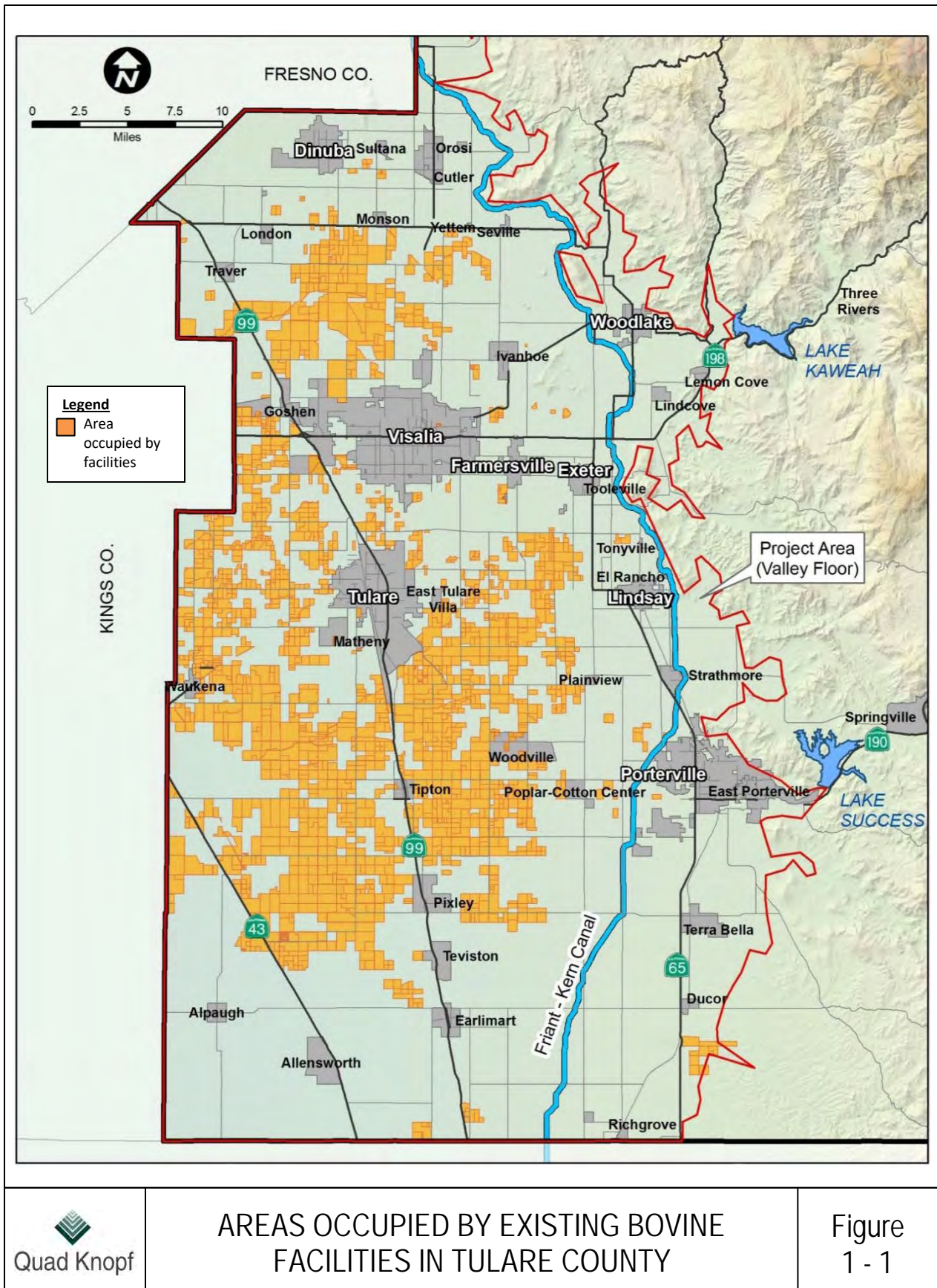
R1	<input type="checkbox"/>	C4.2.2	<input type="checkbox"/>	Adopt a water conservation strategy
R2	<input type="checkbox"/>	C4.2.3	<input type="checkbox"/>	Design water-efficient landscapes (decorative landscaping only)
R3	<input type="checkbox"/>	C4.2.4	<input type="checkbox"/>	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	<input type="checkbox"/>	C4.2.5	<input type="checkbox"/>	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	<input type="checkbox"/>	C4.2.6	<input type="checkbox"/>	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

\*For measures D5, D6, D7, D8 ,E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.

**Category B Reduction Strategies for Consideration at New or Expanding Facilities  
(may be used as substitutes for Category A Strategies)**

Checklist #		Reference # (Appendix C)	Measure
<b>Transportation</b>			
T3	<input type="checkbox"/>	C3.4.11	<input type="checkbox"/> Provide employer-sponsored vanpool/shuttle
T4	<input type="checkbox"/>	C3.1.5	<input type="checkbox"/> Increase transit accessibility if adjacent to public transportation
T5	<input type="checkbox"/>	C3.4.12	<input type="checkbox"/> Implement intra-farm bike-sharing
T6	<input type="checkbox"/>	C3.7.2	<input type="checkbox"/> Utilize alternative fueled vehicles on-site
T7	<input type="checkbox"/>	C3.7.3	<input type="checkbox"/> Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste, and Recycling</b>			
R6	<input type="checkbox"/>	C6.1.1	<input type="checkbox"/> Institute or extend recycling and composting services
R7	<input type="checkbox"/>	C4.1.3	<input type="checkbox"/> Use locally sourced water supply
R8	<input type="checkbox"/>	C4.2.1	<input type="checkbox"/> Install low-flow water fixtures (decorative landscaping only)
R9		C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>			
M1	<input type="checkbox"/>	C7.1.1	<input type="checkbox"/> Plant trees
M2	<input type="checkbox"/>	C8.1.1	<input type="checkbox"/> Use alternative fuels for construction equipment (construction only)
M3	<input type="checkbox"/>	C8.1.2	<input type="checkbox"/> Use electric and hybrid construction equipment (construction only)
M4	<input type="checkbox"/>	C8.1.3	<input type="checkbox"/> Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	<input type="checkbox"/>	C8.1.4	<input type="checkbox"/> Institute a heavy-duty off-Road vehicle plan (construction only)
M6	<input type="checkbox"/>	C8.1.5	<input type="checkbox"/> Implement a construction vehicle inventory tracking system (construction only)
M7	<input type="checkbox"/>	C9.1.3	<input type="checkbox"/> Use local and sustainable building materials (construction only)
M8	<input type="checkbox"/>	C9.1.4	<input type="checkbox"/> Additional BMPs in agriculture and animal operations
M9	<input type="checkbox"/>	C9.1.5	<input type="checkbox"/> Environmentally responsible purchasing
M10	<input type="checkbox"/>	C9.1.6	<input type="checkbox"/> Implement an innovative strategy for GHG reductions
M11	<input type="checkbox"/>	C9.1.7	<input type="checkbox"/> Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or greater extent as would have been done for the expanded portion





# **Attachment “4”**

**Redline/Strikethrough version of the proposed Amendment to  
the 2017 Dairy CAP**



County of Tulare  
Dairy and Feedlot Climate Action Plan

Prepared for:  
**County of Tulare**  
**Resource Management Agency**  
**Visalia, California**

Prepared by:  
**Ramboll Environ US Corporation**  
**Los Angeles and San Francisco, California**

Date:  
**August 2017**

Project Number:  
**05-13685H**

# Contents

	<b>Page</b>
<b>1 Introduction</b>	<b>1</b>
1.1 Dairy GHG Background Information	1
1.2 CEQA Guidelines	3
<b>2 Regulatory Setting</b>	<b>6</b>
2.1 Federal Regulations	6
2.1.1 USEPA Mandatory Reporting of Greenhouse Gases	6
2.2 State Regulations and Agreements	6
2.2.1 California State Executive Order S-3-05	6
2.2.2 California Global Warming Solutions Act of 2006 (Assembly Bill 32)	7
2.2.3 California's Mandatory Reporting Rule	8
2.2.4 California Greenhouse Gas Cap-and-Trade Program	9
2.2.5 California Environmental Quality Act (CEQA) and California Senate Bill 97	10
2.2.6 California Senate Bill 700	10
2.2.7 California Senate Bill 605	11
2.2.8 California State Executive Order B-30-15	11
2.2.9 California Senate Bill 32	12
2.2.10 California Assembly Bill 197	12
2.2.11 California Senate Bill 1383	12
2.2.12 California Assembly Bill 1613	14
2.3 Local Regulations, Ordinances, and Agreements	14
2.3.1 Tulare County	14
2.3.2 San Joaquin Valley Air Pollution Control District (SJVAPCD)	14
2.4 Funding Opportunities	15
<b>3 GHG Emissions Overview: Baseline and Future</b>	<b>17</b>
<b>4 GHG Emissions Reduction Strategies Evaluated</b>	<b>21</b>
4.1 GHG Emissions Reduction Strategies	21
4.2 Reduction Strategies by Source	23
4.3 Feasibility Assessment Considerations	28
4.4 Additional Considerations	28
<b>5 CEQA Implications</b>	<b>30</b>
5.1 Approach to Cumulatively Considerable Level Assessment	30
5.2 Cumulatively Considerable Streamlined Analysis Level Determination	31
5.2.1 Existing Criteria and Thresholds	31
5.2.2 Streamlined Analysis Level	33
5.3 Proposed CEQA Checklist	33

<b>6</b>	<b>Implementation and Monitoring</b>	<b>38</b>
<b>7</b>	<b>Future Project GHG and Climate Change Evaluations</b>	<b>41</b>
<b>8</b>	<b>Future Related Actions</b>	<b>44</b>
<b>9</b>	<b>References</b>	<b>46</b>

List of Tables

Table 1:	CEQA Guidelines for CAP Elements
Table 2:	Assumptions Used in Inventory Calculations
Table 3:	Baseline and Projected Emissions
Table 4:	Potential GHG Reduction Strategies
Table 5:	Category A Reduction Strategies for Implementation at New or Expanding Facilities
Table 6:	Category B Reduction Strategies for Consideration at New or Expanding Facilities

List of Figures

Figure 1:	Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions
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List of Appendices

Appendix A:	Emission Calculations
Appendix B:	Values Extracted from Analyses Completed for the Tulare County ACFP Update EIR
Appendix C:	Summary of Potential Reduction Strategies
Appendix D:	Summary of Significance Thresholds

## Acronyms and Abbreviations

Acronym	Definition
AB 32	Assembly Bill 32
AB 197	Assembly Bill 197
AB 1613	Assembly Bill 1613
ACFP	Animal Confinement Facilities Plan
AQMD	Air Quality Management District
ARB	Air Resources Board (California)
BAU	Business-as-Usual
BMPs	Best Management Practices
BPS	Best Performance Standards
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAPs	USEPA Cap-and-Trade Program
CCAP	Climate Change Action Plan
CCR	Climate Change Research
CDFA	California Department of Food and Agriculture
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH <sub>4</sub>	methane
CNRA	California Natural Resources Agency
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
Dairy CAP	Dairy and Feedlot Climate Action Plan
EIR	Environmental Impact Report
ENVIRON	ENVIRON International Corporation
EPIC	Electric Program Investment Charge
GHG	Greenhouse Gases
GPU	General Plan Update
GWPs	Global Warming Potentials
MT	metric tons
MWh	Megawatt-hour
N/A	Not Applicable
N <sub>2</sub> O	nitrous oxide
OPR	Office of Planning and Research
OR	Operational Research
PEIR	Program Environmental Impact Report
PhD	Doctor of Philosophy
PUC	Public Utilities Commission
SB 32	Senate Bill 32
SB 1383	Senate Bill 1383
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLCPs	short-lived climate pollutants
TMR	total mixed ration
USDA	United States Department Of Agriculture
USEPA	United States Environmental Protection Agency
VOCs	volatile organic compounds





# 1 Introduction

In August 2012, the County of Tulare (County) adopted an update of the County's General Plan, the 2030 General Plan Update (GPU). The Tulare County Climate Action Plan (Tulare CAP) released in February 2010 was adopted in conjunction with the GPU as an implementation measure to serve as a guiding document for County actions to reduce greenhouse gas (GHG) emissions and to adapt to the potential effects of climate change. The Tulare CAP was prepared to fulfill the requirements of the California Environmental Quality Act (CEQA) Guidelines for GHG emissions reduction plans developed by the California Governor's Office of Planning and Research (OPR) and adopted by the California Natural Resources Agency (CNRA).<sup>1</sup> The Tulare CAP was designed to provide a supporting framework to produce fewer GHG emissions during buildout under the GPU.

The GPU did not include an update of the Animal Confinement Facilities Plan (ACFP), the portion of the County's General Plan governing dairies and cattle feedlots (feedlots). The ACFP, adopted in 2001, contains the County's regulatory standards and procedures applicable to the development and operation of dairies and cattle feedlots, and was retained as Chapter 12 of the updated GPU. The GPU process provided for a separate subsequent process to update the ACFP (ACFP Update) with its own CEQA review and Environmental Impact Report. Under the GPU, the County directed the preparation of a separate climate action plan as part of the ACFP Update to specifically address dairies and feedlots. This Dairy and Feedlot Climate Action Plan (Dairy CAP) serves that purpose and is to be utilized in implementation of the ACFP Update and its application to new and expanding dairies and feedlots. This Dairy CAP presents information and analysis concerning dairy/feedlot GHG emissions from 2013-2023 and approaches for reducing dairy and feedlot-related emissions, as well as specific elements consistent with OPR guidance.

## 1.1 Dairy GHG Background Information

Similar to most sectors, dairies and feedlots emit GHGs from typical sources like vehicles (e.g., employee vehicle trips, delivery trucks), electricity usage, and water demand. These emissions are typically carbon dioxide emissions (CO<sub>2</sub>) from combustion. However, dairies and feedlots also emit GHGs from the animals, manure management, crop production (i.e., fertilizer usage), and other associated activities. These emissions are predominantly methane and de minimis amounts of nitrous oxide (N<sub>2</sub>O). This is important because the global warming potential (GWP) of methane and N<sub>2</sub>O are 25 and 298 times larger, respectively, than for CO<sub>2</sub>.<sup>2</sup>

Two of the largest sources of emissions at dairies and feedlots are methane emissions from enteric fermentation generated by the animals' digestive processes

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<sup>1</sup> OPR. 2009. SB 97 CEQA Guidelines Amendments. Available at: [http://resources.ca.gov/ceqa/docs/Adopted\\_and\\_Transmitted\\_Text\\_of\\_SB97\\_CEQA\\_Guidelines\\_Amendments.pdf](http://resources.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendments.pdf) Accessed April 2015.

<sup>2</sup> 40 CFR Part 98, Table A-1.

and from manure. As with all types of animal agriculture, manure is generated on dairies and feedlots as a by-product of raising animals. This manure is not a waste product; instead, it is a valuable resource full of nutrients and is treated as such by farmers. Manure has many different uses (e.g., fertilizer, soil amendment, compost feedstock, biogas feedstock, etc.) that can be used individually or in combination depending on the farm and types of potential beneficial end uses. It can be applied as a liquid or a solid to on-site fields to meet crop nutrient needs; it can be transported off-site to meet crop nutrient needs at a different facility; or it can be processed in an anaerobic digester to generate methane, among other options. The beneficial use of the manure is very site-specific and may vary from farm to farm. Any consideration of GHG reduction measures must be consistent with the eventual beneficial use of the manure.

Multiple CO<sub>2</sub>-reduction measures that are typically used by industrial sectors<sup>3</sup> are not applicable to these methane sources, which are inherent to livestock operations, including dairies and cattle feedlots. Notably, at both the state and federal regulatory levels, GHG emissions reduction targets will not be imposed on livestock emissions through at least 2023.<sup>4</sup> This is due, in large part, to the unavailability of feasible means to substantially reduce livestock emissions. Consequently, livestock emissions reduction strategies are exclusively limited to voluntary and incentive-based programs.<sup>5</sup>

Historically, milk production in the United States (US) was pasture-based and resulted in relatively low milk production. Over the past decades, however, US dairies have transitioned to high input and high output systems. This transition has resulted in a decrease of GHG emissions per unit of milk produced.<sup>6</sup> The increased efficiency is largely due to improved efficiency in formulating total mixed ration (TMR) for the animals, i.e., feeding to the specific nutrient requirements of different breeds for optimal milk production and selectively breeding for greater milk production. California dairies typically have more productive animals (i.e., milk produced per animal) than the national average due to the more efficient systems used in the state (e.g., TMR formulation).<sup>7</sup> On average, California dairy cows annually produce 23,178 lbs of milk per cow compared to a nationwide annual value of 21,822 lbs of milk per cow. Tulare County, which produces the most milk in California, has slightly more efficient cows that annually produce 23,350 lbs of

---

<sup>3</sup> Examples of these measures can be found in: CAPCOA. 2010. Quantifying Greenhouse Gas Mitigation Measures. Available at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed April 2014.

<sup>4</sup> The USEPA also does not regulate livestock emissions; although the Mandatory Reporting Rule contains Subpart JJ for manure management, this provision is not currently being implemented (USEPA. 2015. Greenhouse Gas Reporting Program webpage. Resources by Subpart. Available at: <http://www.epa.gov/ghgreporting/reporters/subpart/index.html>. Accessed August 2015).

<sup>5</sup> Ibid.

<sup>6</sup> Capper, J.L., R.A. Cady, and D.E. Bauman. 2009. The environmental impact of dairy production: 1944 compared with 2007. *J. Anim. Sci.* doi. 10.2527/jas.2009-1781.

<sup>7</sup> U.S. Department of Agriculture (USDA). National Agricultural Statistics Service (NASS). <http://www.nass.usda.gov/>. Accessed May 2014.

milk per cow.<sup>8,9</sup> Correspondingly, California dairies are more efficient in terms of emitting less GHGs per unit of milk produced than average US dairies.

As of 2013, Tulare County had approximately 1,000,000 head of cattle (i.e., milking cows, heifers and other support animals, and feedlot cattle). Tulare County is projected to have approximately 1,200,000 head by the year 2023. The overwhelming majority of animals (97%) are dairy-related; feedlot cattle also produce far less manure than milking cows (approximately 40% less<sup>10</sup>). The vast majority of the dairies are “flushed-lane” dairies that periodically remove manure from dairy freestall areas, collecting manure in lagoons and recycling the flush water. Manure in the lagoons is then beneficially used, generally on local farmlands. Consistent with the history of dairying described above, many dairies already incorporate the enteric/manure-related GHG reduction measures described in this Dairy CAP.

## 1.2 CEQA Guidelines

CEQA Guidelines for GHG emissions reduction plans have been developed by OPR and adopted by the CNRA. CEQA Guidelines §15183.5 specifies that a plan for the reduction of GHG emissions should include or address specific elements. OPR is currently developing additional guidance with more details for climate action planning and the use of plans for the reduction of GHG emissions in a CEQA analysis.<sup>11</sup> While this guidance is being developed, OPR refers to a presentation provided during its Local Government Roundtable (June 20, 2011) regarding climate action planning<sup>12</sup> and to other recent climate action planning guidance documents, such as the San Joaquin Valley Air Pollution Control District’s (SJVAPCD’s) Climate Change Action Plan (CCAP).<sup>13</sup>

Table 1 below lists the elements to be included in a climate action plan pursuant to CEQA Guidelines §15183.5 and discusses how this Dairy CAP addresses each element as per current guidance cited above.

<sup>8</sup> Total cattle (2013): Tulare = 484,845; California = 1,774,108. Milk production (2013): Tulare = 11,321,487 thousand lbs; California = 41,219,772 thousand lbs

<sup>9</sup> California Department of Food and Agriculture. 2014. California Dairy Statistics Annual – 2013 Annual Data. Available at: [http://www.cdfa.ca.gov/dairy/pdf/Annual/2013/2013\\_Annual\\_2012\\_Data.pdf](http://www.cdfa.ca.gov/dairy/pdf/Annual/2013/2013_Annual_2012_Data.pdf) Accessed April 2015.

<sup>10</sup> USDA. Natural Resources Conservation Service. 2008. Agricultural Waste Management Field Handbook. Chapter 4. Agricultural Waste Characteristics. Available at: <http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17768.wba> Accessed April 2015.

<sup>11</sup> OPR. 2011. Climate Action Planning. Local Government Roundtable Questions and Answers. June 20. Available at: <http://opr.ca.gov/docs/capfaqs.pdf>. Accessed May 2014.

<sup>12</sup> OPR. 2011.

<sup>13</sup> SJVAPCD. 2009. Final Staff Report – Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act. Available at: <http://www.valleyair.org/Programs/CCAP/12-17-09/1%20CCAP%20-%20FINAL%20CEQA%20GHG%20Staff%20Report%20-%20Dec%2017%202009.pdf>. Accessed April 2014.

**Table 1. CEQA Guidelines for CAP Elements**

<b>CEQA Guideline Elements</b>	<b>Dairy CAP</b>
1. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic range.	This Dairy CAP has prepared and documented GHG emissions inventories of Tulare County industry-wide emissions sources for a 2013 baseline and a 2023 future year. The GHG inventory documentation for animal-related sources is presented in <b>Appendix A</b> and for non-animal sources, is presented in <b>Appendix B</b> .
2. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.	This Dairy CAP is consistent with the requirements of the Scoping Plan to meet Assembly Bill 32 (AB 32) statewide 2020 GHG emissions reductions, with Senate Bill 32 (SB 32), with the draft 2017 Scoping Plan Update, with Senate Bill 1383 (SB 1383), and with the SLCP Strategy to meet statewide 2030 GHG emissions reductions through 2023 (see <b>Section 2.2</b> ).
3. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.	The GHG emissions attributable to existing facilities and anticipated future projects have been identified and evaluated in the Tulare County inventory. The future year inventory accounts for projects – and potential growth – that are consistent with this Dairy CAP and the ACFP Update (see <b>Section 3</b> ).
4. Specify measures or a group of measures, including performance standards, which substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.	This Dairy CAP has identified readily implementable emissions reduction strategies to reduce GHG emission levels on a project-by-project basis ( <b>Appendix C</b> ). The emissions reduction strategies to achieve GHG emissions levels consistent with the Dairy CAP are discussed in <b>Section 4.1</b> . The emissions reduction strategies implementation process, including the incorporation of the measures in future projects, is addressed in <b>Section 6</b> .
5. Establish a mechanism to monitor the plan's progress toward achieving the specified emissions level and to require amendment if the plan is not achieving specified levels.	The Dairy CAP includes a monitoring plan for tracking emissions reduction strategies performance and overall Dairy CAP performance, and provides for a post-2023 examination to assess whether modifications to the Dairy CAP are needed to remain consistent with state level actions as presented in <b>Section 6</b> .
6. Adopt the GHG reduction strategy in a public process following environmental review.	This Dairy CAP has been developed in conjunction with the ACFP Update. It will undergo full CEQA review in the Program EIR (PEIR) in conjunction with the ACFP Update process.

The adoption of a Climate Action Plan with a certified analysis under CEQA provides a means to streamline the CEQA process as it relates to climate change for individual projects. Per CEQA Guidelines<sup>14</sup> §15183.5, a CAP can be utilized in the environmental review of future projects if it includes both the elements for a GHG emissions reduction plan specified in the CEQA Guidelines and has itself been evaluated and adopted under CEQA. Projects that are determined to be consistent with such a CAP will be presumed to have a less than cumulatively considerable impact on climate change.

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<sup>14</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

## 2 Regulatory Setting

Multiple federal, state and local regulations are applicable to GHG and climate change in general, and to CAPs in particular. This section summarizes the regulatory setting of the Dairy CAP. (In addition to the GHG-specific regulations described below, dairy and feedlot GHG emissions are indirectly affected by SJVAPCD air quality regulation and permits and by CVRWQCB water quality regulations and permits).

### 2.1 Federal Regulations<sup>15</sup>

#### 2.1.1 USEPA Mandatory Reporting of Greenhouse Gases

The United States Environmental Protection Agency's (USEPA's) Mandatory Reporting of Greenhouse Gas Rule (USEPA Mandatory Reporting Rule) became law on January 1, 2010 (40 CFR Part 98). Designed to cover 85 to 90 percent of the nation's GHG emissions, this law requires certain large emitters and suppliers to report their GHG data on an annual basis. Generally, facilities that emit 25,000 metric tons (MT) or more of carbon dioxide equivalent (CO<sub>2</sub>e) per year are required to report. The purpose of the law is not to control GHG emissions, but to collect accurate and pertinent data to inform future GHG policies and programs.

The USEPA Mandatory Reporting Rule currently features a subpart for livestock facilities with manure management systems that emit 25,000 MT of CO<sub>2</sub>e per year or more (Subpart JJ - Manure Management); this subpart is not being implemented currently.<sup>16</sup> In addition to an emissions threshold, the subpart identifies the animal population threshold below which facilities are not required to report emissions.<sup>17</sup> For dairies, this number is calculated to be 3,200 mature dairy cows, while for cattle feedlots, this number is calculated to be 29,300 cattle. Because the USEPA has not yet implemented Subpart JJ, dairy facilities and cattle feedlots are currently not subject to federal GHG reporting requirements.

### 2.2 State Regulations and Agreements

#### 2.2.1 California State Executive Order S-3-05

Recognizing the threat that climate change poses to the state of California, Governor Arnold Schwarzenegger signed Executive Order S-3-05 on June 1, 2005, and established the following GHG reduction targets for the state:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and

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<sup>15</sup> For additional information on specific regulations, see the Tulare CAP.

<sup>16</sup> The USEPA includes the following statement on their website regarding the implementation of Subpart JJ: "EPA will not be implementing subpart JJ of Part 98. The Consolidated Appropriations Act of FY 2014 (H. R. 3547, Page 339, Section 421) continues a provision prohibiting the expenditure of funds for this purpose." Available at: [www.epa.gov/ghgreporting/reporters/subpart/index.html](http://www.epa.gov/ghgreporting/reporters/subpart/index.html). Accessed April 2014.

<sup>17</sup> 40 CFR Part 98, Subpart JJ, Table JJ-1.

- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

## 2.2.2 California Global Warming Solutions Act of 2006 (Assembly Bill 32)

In response to Executive Order S-3-05, the California legislature drafted the California Global Warming Solutions Act of 2006, commonly known as AB 32, which was signed into law on September 27, 2006.<sup>18</sup> The law requires the California Air Resources Board (ARB) to adopt rules and regulations to reduce statewide greenhouse gas emissions to 1990 levels by 2020. The law emphasizes that in adopting these regulations the ARB shall, to the extent feasible, minimize “leakage”.<sup>19</sup> For example, regulations that result in dairy relocations outside of California would not reduce global GHGs. The law also requires the ARB to prepare a scoping plan to identify and make recommendations on the emission reduction measures, compliance mechanisms, and incentives that are necessary or desirable to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions by 2020.

The initial AB 32 Climate Change Scoping Plan (AB 32 Scoping Plan) was approved by the ARB in 2008.<sup>20</sup> The AB 32 Scoping Plan was supplemented on August 24, 2011, and the First Update to the Scoping Plan was issued in May 2014 (2014 Scoping Plan Update).<sup>21, 22</sup> The AB 32 Scoping Plan highlights the various measures that will be used to achieve the goals of AB 32. One of the plan’s proposed strategies is to establish a cap-and-trade program for the economic sectors responsible for the majority of California’s GHG emissions. The AB 32 Scoping Plan recognizes that some sectors (e.g. agriculture) are currently not suitable for inclusion in the cap-and-trade program and, as a result, instead recommends separate complementary voluntary strategies for those sectors.

For the dairy industry, ***no reductions from animal-related emissions are required in the AB 32 Scoping Plan and no targets for animal-related emissions are imposed to meet AB 32’s 2020 reductions.*** Instead, the AB 32 Scoping Plan includes the installation of manure digester systems to capture methane emissions as a voluntary strategy for the agricultural sector, recognizing that economic incentives will be needed in order to make the strategy effective. The 2011 supplement to the AB 32 Scoping Plan specifically highlights that most dairies in California are located in the San Joaquin Valley and are consequently subject to strict smog standards for new equipment. These strict standards apply to new equipment such as manure digester systems. Because of the low quality of the biogas produced in the manure digester systems, it is either technologically infeasible or cost prohibitive to meet SJVAPCD’s emissions standards (e.g., nitrous

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<sup>18</sup> <http://www.arb.ca.gov/cc/docs/ab32text.pdf>

<sup>19</sup> “Leakage” is defined in AB 32 as “a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside of the state.”

<sup>20</sup> [http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf)

<sup>21</sup> [http://www.arb.ca.gov/cc/scopingplan/document/final\\_supplement\\_to\\_sp\\_fed.pdf](http://www.arb.ca.gov/cc/scopingplan/document/final_supplement_to_sp_fed.pdf)

<sup>22</sup> [http://www.arb.ca.gov/cc/scopingplan/2013\\_update/first\\_update\\_climate\\_change\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf)

oxide) without financial incentives.<sup>23</sup> The 2014 Scoping Plan Update acknowledges that the voluntary installation of manure digesters has not advanced as anticipated and identifies the challenges to the voluntary installation of manure digester systems, including the economic recession, increased feed and fuel prices, lack of sufficient financial incentives, and insufficient utility contracts. However, on a positive note, the 2014 Scoping Plan Update indicates that, in response, ARB is continuing to work with other agencies to remove economic obstacles to digester installations, to evaluate the co-benefits, and to examine the potential for voluntary efforts to be more widely adopted. In addition, ARB plans to work with stakeholders to determine whether and how the program should become mandatory and/or more strongly incentivized.<sup>24</sup> The AB 32 Scoping Plan includes a voluntary incentive program, described in Section 2.2.4.1 below, as one potential monetary incentive. In addition, the 2014 Scoping Plan Update incorporates a list of key recommended actions for the agriculture sector, including the following:

“In 2014, convene an interagency workgroup that includes CDFA, ARB, CEC, CPUC, and other appropriate State and local agencies and agriculture stakeholders to:

- Establish agriculture sector GHG emission reduction planning targets for the mid-term time frame and 2050.
- Expand existing calculators and tools to develop a California-specific agricultural GHG tool for agriculture facility operators to use to estimate GHG emissions and sequestration potential from all on-farm sources. The tool would include a suite of agricultural GHG emission reduction and carbon sequestration practices and would allow users to run different scenarios to determine the best approach for achieving on-farm reductions.
- Make recommendations on strategies to reduce GHG emissions associated with the energy needed to deliver water used in agriculture based on the evaluation of existing reporting requirements and data.
- Conduct research that identifies and quantifies the GHG emission reduction benefits of highly efficient farming practices, and provide incentives for farmers and ranchers to employ those practices.”<sup>25</sup>

### 2.2.3 California’s Mandatory Reporting Rule

The state of California has its own mandatory reporting regulation, the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (California Mandatory Reporting Rule) (17 CCR §§95100-95157). The California Mandatory Reporting Rule, approved in 2007, is similar to the USEPA Mandatory Reporting Rule in that it requires certain large emitters and suppliers to report their GHG data on an annual

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<sup>23</sup> *Id.* at page 72.

<sup>24</sup> <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>.

<sup>25</sup> *Id.* Page 57.



basis; however, the California emissions threshold is lower at only 10,000 MT of CO<sub>2</sub>e per year. The California Mandatory Reporting Rule currently excludes GHG emissions related to livestock manure management systems.

## 2.2.4 California Greenhouse Gas Cap-and-Trade Program

To comply with the recommendations outlined in the AB 32 Scoping Plan, the ARB established the California Greenhouse Gas Cap-and-Trade Program (Cap-and-Trade Program) (17 CCR §§95800-96023),<sup>26</sup> which took effect on January 1, 2012. From the ARB's web site: "Cap-and-trade is a market based regulation that is designed to reduce greenhouse gases (GHGs) from multiple sources. Cap-and-trade sets a firm limit or "cap" on GHGs and minimize the compliance costs of achieving AB 32 goals ... Trading creates incentives to reduce GHGs below allowable levels through investments in clean technologies ... Market forces spur technological innovation and investments in clean energy. Cap-and-trade is an environmentally effective and economically efficient response to climate change."<sup>27</sup> The first phase of the Cap-and-Trade Program only applies to in-state electrical generating facilities and large industrial facilities that emit over 25,000 MT of CO<sub>2</sub>e per year. Compliance obligations for this first phase began on January 1, 2013, after which covered entities are required to remain at or below their respective established emissions caps. The second phase of the program began on January 1, 2015, and will extend to fuel distributors.

### 2.2.4.1 Dairies and Cap-and-Trade

One way the Cap-and-Trade Program allows covered entities to meet their established emissions cap is through the purchase of emission offset credits. Per the Cap-and-Trade Program regulation, an offset credit must represent a GHG emission reduction that is "real, additional, quantifiable, permanent, verifiable, and enforceable" and must result from the use of an established offset protocol (17 CCR §95970). Per 17 CCR §95972 of the regulation, in order to be approved by the ARB, a compliance offset protocol must conservatively account for activity-shifting leakage and market-shifting leakage for the offset project type.<sup>28</sup>

The AB 32 Scoping Plan to meet AB 32's 2020 reduction goals as well as SB 1383 and the SLCP Strategy as to 2030 reduction goals (see Section 2.2.11) require no GHG emissions reductions from animal-related sources on a dairy or feedlot prior to 2024. Instead, voluntary incentive-based approaches are encouraged. Specifically, under the Cap and Trade Program, the Compliance Offset Protocol for Livestock Projects is one of the four protocols for voluntary activities that have been

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<sup>26</sup> <http://www.arb.ca.gov/regact/2010/capandtrade10/finalrevfro.pdf>.

<sup>27</sup> <http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm>.

<sup>28</sup> "Activity-Shifting Leakage" is defined in §95802 of the regulation as "increased GHG emissions or decreased GHG removals that result from the displacement of activities or resources from inside the offset project's boundary to locations outside the offset project's boundary as a result of the offset project activity." "Market-Shifting Leakage" is defined as "increased GHG emissions or decreased GHG removals outside an offset project's boundary due to the effects of an offset project on an established market for goods or services."

approved by the ARB to date.<sup>29</sup> This protocol provides the procedures necessary for quantifying and reporting GHG emission reductions associated with the installation of a biogas control system (e.g. a digester) for manure management on dairy cattle and swine farms. The protocol is designed to ensure accurate, transparent, and verifiable quantification of GHG emissions reductions associated with a digester project for generating offsets. Emission reductions quantified through the procedures outlined in the protocol can be sold in the market as emission offset credits. This arrangement can provide a financing tool that may assist in making the voluntary installation of a manure digester system feasible. In this context, feasibility depends upon achieving compliance with required emissions standards, economic viability, utility infrastructure support, and site suitability. Consequently, a proposed digester installation that is feasible for one farm may not be deemed feasible at another farm.

### **2.2.5 California Environmental Quality Act (CEQA) and California Senate Bill 97**

Adopted in 1970, CEQA requires California lead agencies to assess the potential environmental impacts of proposed projects within their jurisdiction. However, when CEQA was first established, lead agencies were not required to assess the environmental impacts of a project's GHG emissions. In 2007, this changed with the passage of Senate Bill 97 (SB 97), which required OPR to develop amendments to the CEQA Guidelines that would specifically address the analysis and mitigation of GHG emissions. The resulting amendments to the CEQA Guidelines were adopted and became effective in March 2010. Lead agencies are now required to incorporate the analysis of GHG emissions into their CEQA reviews. Specifically, the amendments require the following, as described in the CEQA Guidelines (§15064.4):

- Quantify the GHG emissions from the project;
- Determine if the emissions exceed a significance threshold the lead agency determines to apply to the project; and
- Determine the extent to which the project complies with applicable regulations, requirements, or plans.

This Dairy CAP provides the required analysis for the ACFP Update to Chapter 12 of the Tulare County General Plan 2030. Additionally, new or expanding dairies and feedlots may be able to rely upon this Dairy CAP to demonstrate compliance with CEQA Guidelines (§15183.5). See Section 5 for details.

### **2.2.6 California Senate Bill 700**

California Senate Bill 700 (SB 700) was signed into law on September 22, 2003 and effectively replaced the existing blanket exemption from air permits for agriculture with narrower, more limited exemptions in state law.<sup>30</sup> As a result, the ARB and

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<sup>29</sup> <http://www.arb.ca.gov/regact/2010/capandtrade10/coplivestockfin.pdf>.

<sup>30</sup> <http://www.arb.ca.gov/ag/sb700/sb700.pdf>.

local air agencies such as the SJVAPCD are now required to regulate air pollution from agricultural sources. Since the adoption of SB 700, SJVAPCD has established a permitting program for large dairies and cattle feedlots and has also implemented several rules that apply to the agricultural industry such as Rule 4550, *Conservation Management Practices*, which aims to limit fugitive dust emissions from agricultural operation sites, and Rule 4570, *Confined Animal Facilities*, which aims to limit emissions of volatile organic compounds (VOCs) from confined animal facilities.<sup>31</sup> Neither of these rules currently addresses GHG gas emissions.

## 2.2.7 California Senate Bill 605

California Senate Bill 605 (SB 605) was signed into law on September 21, 2014 and requires the ARB to develop a comprehensive strategy to reduce statewide emissions of short-lived climate pollutants (SLCPs).<sup>32</sup> SLCPs, such as methane, have relatively high potency compared to carbon dioxide, even though they remain in the atmosphere a short amount of time. Specifically, SB 605 requires the ARB to inventory the sources and emissions of these pollutants, identify research gaps, identify existing and potential reduction measures, prioritize the development of new measures, and develop a comprehensive strategy for dealing with SLCPs.<sup>33</sup> ARB adopted the SLCP Strategy on March 23, 2017 (SLCP Strategy), which addresses animal-related methane emissions from dairies, as more fully described in Section 2.2.11.

## 2.2.8 California State Executive Order B-30-15

Governor Edmund G. Brown Jr. issued Executive Order B-30-15 on April 29, 2015, and identified an interim benchmark to maintain California's reduction efforts on the path to achieving the 2050 goal to reduce GHG emissions to 80 percent below 1990 levels, which was contained in the previous executive order.

- By 2030, reduce GHG emissions to 40 percent below 1990 levels.

As discussed in Section 2.2.9 below, on September 8, 2016, California Senate Bill 32 was signed into law to implement the 2030 emissions reduction goal established by Executive Order B-30-15. In addition, a draft update to the AB 32 Scoping Plan to meet the 2030 reduction target under SB 32 (2017 Scoping Plan Update) was issued by ARB on January 20, 2017.<sup>34</sup>

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<sup>31</sup> Note that dairies with fewer than 500 milking cows are exempt from the provisions of the rule except for the recordkeeping requirements.

<sup>32</sup> [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB605](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB605).

<sup>33</sup> ARB. 2017. Short-Lived Climate Pollutant Reduction Strategy. Available at: [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf). Accessed April 2017.

### 2.2.9 California Senate Bill 32

California Senate Bill 32 (SB 32) was signed into law on September 8, 2016.<sup>35</sup> SB 32 builds upon AB 32, adopting the 2030 goal under California Executive Order B-30-15 to reduce GHG emissions to at least forty percent below 1990 levels and directing ARB to adopt regulations to achieve such reductions by December 31, 2030.

On January 20, 2017, ARB released for public review and comment the draft 2017 Scoping Plan Update: The Proposed Plan for Achieving California's 2030 Greenhouse Gas Target (2017 Scoping Plan Update).<sup>36</sup> The 2017 Scoping Plan Update is ARB's proposed plan to reduce greenhouse gas emissions by forty percent below 1990 levels by 2030. The 2017 Scoping Plan Update, which was required under California Executive Order B-30-15, updates the existing AB 32 Scoping Plan to address SB 32's 2030 emissions reduction goal. It is expected to be considered and approved in final form in 2017.

### 2.2.10 California Assembly Bill 197

California Assembly Bill 197 (AB 197) was signed into law on September 8, 2016 as a companion bill to AB 32.<sup>37</sup> AB 197 expands ARB's membership to include two non-voting members from the Legislature; creates a Joint Legislative Committee on Climate Change Policies to make recommendations to the Legislature concerning climate change policies; provides for annual reporting of GHG emissions from sectors covered by the AB 32 Scoping Plan (reporting is not required for dairies and feedlots) as well as evaluations of regulatory requirements and other programs that may affect GHG emissions trends; and specifies that the adoption of GHG emissions reduction rules and regulations shall consider the social costs. In addition, AB 32 Scoping Plan updates are required to identify the range of potential GHG emissions reductions and the cost-effectiveness for each emissions reduction measure, compliance mechanism and incentive.

### 2.2.11 California Senate Bill 1383

Senate Bill 1383 (SB 1383) was signed into law on September 19, 2016.<sup>38</sup> SB 1383 updates the initiatives of SB 605, which required ARB to develop a comprehensive strategy to reduce statewide emissions of short-lived climate pollutants (SLCPs), including methane (SLCP Strategy). SB 1383 adopts SLCP reductions targets, including a forty percent reduction in statewide methane emissions below 2013 levels by 2030. The SLCP Strategy, which was adopted by ARB on March 23, 2017, addresses methane emissions in particular.

Under the legislation, methane emissions from the dairy sector are singled out for specialized treatment. ARB is directed to coordinate with the Department of Food and Agriculture (CDFA), the Public Utilities Commission (PUC) and the State Energy

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<sup>35</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB32](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32)

<sup>36</sup> [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf)

<sup>37</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB197](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB197)

<sup>38</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1383](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383)

Resources Conservation and Development Corporation (CEC) in adopting regulations to reduce methane emissions from dairy manure management operations by up to forty percent below the dairy sector's 2013 levels by 2030. Notably, prior to adopting such regulations, ARB must complete a number of steps, including working with stakeholders, such as dairy representatives, energy agencies, environmental stakeholders and project developers, to identify and address technical, market, regulatory and other challenges to development of dairy methane emissions reductions projects; conducting or considering dairy operation research on dairy emissions reduction projects, including scrape manure management systems, solids separation systems and enteric fermentation; and considering the development and adoption of methane emissions reduction protocols. Such regulations are to be implemented and go into effect no sooner than January 1, 2024, and then only in the event that ARB, in consultation with CDFA, determines the regulations to be technologically feasible, economically feasible (taking into consideration milk prices, public and private funding commitments, whether markets exist for the biomethane and other products generated by dairy manure management reduction projects, and access to common carrier pipelines and electrical interconnection for dairy digesters), and cost-effective and are additionally found to include provisions to minimize potential leakage to other jurisdictions and to evaluate the achievements made by incentive-based programs.

By January 1, 2018, other actions required to be performed by ARB include establishment of energy infrastructure policies to encourage dairy manure digester projects; development of a pilot financial mechanism to reduce the economic uncertainty associated with the value of credits for dairy manure digester projects producing low-carbon transportation fuels; issuance of directives to gas corporations to implement at least five dairy manure digester pilot projects to demonstrate interconnection to the common carrier pipeline system; provision of guidance on credits generated pursuant to market-based compliance mechanisms developed from methane reduction protocols under the SLCP Strategy; and provision for the availability of at least a ten-year credit for projects pre-dating regulations, as well as eligibility for available extensions of credits.

By July 1, 2020, ARB and DFA are to evaluate the dairy sector's progress towards meeting the SLCP 2030 reduction goal on a voluntary basis, and, if sufficient progress has not been attained due to insufficient funding or market or technical barriers, ARB may reduce the SLCP Strategy's methane emission reduction goal for dairies. SB 1383 specifies that enteric emissions reductions are to be voluntary, through incentive-based programs, until such time that ARB determines that a cost-effective and scientifically proven method of reducing such emissions is available that would not damage animal health, public health or consumer acceptance. No methane emissions reduction regulations for the dairy sector are to be adopted to meet AB 32 or SB 32 goals other than pursuant to SB 1383's requirements and standards. The proposed 2017 Scoping Plan Update is consistent with SB 1383 and its timetable relative to addressing GHG emissions from the dairy sector.

To tackle the barriers to biomethane use, SB 1383 also provides that the CEC, in consultation with ARB and the PUC, is required to develop recommendations for the use of biomethane as part of its 2017 Integrated Energy Policy Report, including the identification of cost-effective strategies by considering priority uses of biomethane in the context of state policy objectives to reduce SLCPs and to promote alternative energy uses. Based on such recommendations, state agencies shall, as appropriate, adopt policies and incentives to significantly increase sustainable production and use of biomethane.

### **2.2.12 California Assembly Bill 1613**

In recognition of the need for public funding sources to subsidize voluntary dairy methane emissions reduction projects, the Budget Act of 2016, AB 1613, allocates \$50 million from the Greenhouse Gas Reduction Fund to be administered by CDFA to support early and extra methane emissions reductions from dairy livestock operations.<sup>39</sup> The particular value of this subsidy is that it provides funding to offset capital costs for construction. CDFA anticipates that approximately \$36 million will be used for constructing digesters, \$9 million for other dairy methane reduction projects and the remaining \$5 million for state administrative costs.<sup>40</sup>

## **2.3 Local Regulations, Ordinances, and Agreements**

### **2.3.1 Tulare County**

Tulare County is processing the ACFP Update as a proposed amendment to the Tulare County General Plan. This Dairy CAP is being prepared in conjunction with the ACFP Update process which will update the approval process for new and expanding dairies and feedlots. It is noted that the County's land use authority is limited to new and expanding facilities and does not extend to requiring changes to existing facilities.

### **2.3.2 San Joaquin Valley Air Pollution Control District (SJVAPCD)**

In August 2008, the Governing Board of the SJVAPCD adopted the CCAP in response to a perceived need for definitive guidance on how to address greenhouse gas emission impacts under CEQA. Specifically, the CCAP instructed the SJVAPCD Air Pollution Control Officer to develop guidance to assist both District staff and local land-use agencies (and other permitting bodies) in determining the significance of project-related impacts on global climate change under CEQA. The CCAP is generic for all land uses and is not specific to dairies.

In compliance with the CCAP, on December 17, 2009, the District issued the guidance document, *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*, and adopted the policy, *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects under*

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<sup>39</sup> [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1613](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1613).

<sup>40</sup> California Department of Food and Agriculture, "Dairy Digester Research and Development Program, 2016-17, Public Stakeholder Listening Session," accessed December 14, 2016 at <https://www.cdfa.ca.gov/oefi/ddrdp/docs/2016-DDRDP-ListeningSessions.pdf>

*CEQA When Serving as the Lead Agency.*<sup>41,42</sup> Both documents propose an approach that centers on the use of performance based standards, referred to as Best Performance Standards (BPS), to determine project significance and streamline the CEQA process. Best Performance Standards are defined in these documents as “the most effective Achieved-in-Practice means of reducing or limiting GHG emissions from a GHG emissions source” and are intended to represent pre-approved, pre-quantified emissions reductions. Projects that implement BPS in accordance with the District guidance are said to have a less than significant individual and cumulative impact on global climate change. Alternatively, projects that do not implement BPS are required to quantify project specific greenhouse gas emissions and, to obtain a less than significant impact determination, must demonstrate a reduction or mitigation of greenhouse gas emissions by 29% from the 2020 business-as-usual scenario.<sup>43</sup>

A staff report, released concurrently with the District guidance and policy documents, presents examples of industry-specific BPS, including several for livestock operations. ***However, the report notes that the example BPS are “for illustrative purposes only, and should not be used by any lead agency as District-approved or sanctioned standards.”***<sup>44</sup> To date, the District has not approved any BPS that are applicable to livestock operations, including dairies and cattle feedlots. In the absence of the adoption of such BPS by the District, this Dairy CAP incorporates potential GHG reduction strategies as set forth in Section 4.

## 2.4 Funding Opportunities

Resulting from the need for financial incentives to support the voluntary installation of manure digester systems, as referenced in the 2014 Scoping Plan Update, certain governmental funding opportunities have been available from time to time. The reasons that such programs are needed include the extensive capital and operating costs required for an anaerobic digester. The cost of an anaerobic digester varies based on the number of animals (i.e., amount of manure sent to the digester), location of the dairy, type of digester, and end-use of the digester gas. For example, the cost of installing a digester is estimated to be \$1.15 million for a 1,000 cow dairy farm producing 744 Megawatt-hours (MWh) of electricity while the estimated digester cost is \$11.2 million for a 10,000 cow dairy farm producing 94.4 million cubic feet (12,600 MWh) of biogas.<sup>45</sup> In addition to this initial large capital cost, there are annual operating and maintenance costs. As an operation beyond

<sup>41</sup> [http://www.arb.ca.gov/cc/scopingplan/2013\\_update/draft\\_proposed\\_first\\_update.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/draft_proposed_first_update.pdf).

<sup>42</sup> <http://www.valleyair.org/programs/CCAP/12-17-09/2%20CCAP%20-%20FINAL%20District%20Policy%20CEQA%20GHG%20-%20Dec%2017%202009.pdf>.

<sup>43</sup> Per the District, this level is set at 29% to be “consistent with GHG emission reduction targets established in ARB’s AB 32 scoping plan.” It should be noted that the May 2014 Update to the AB 32 Scoping Plan features revised 2020 baseline and target emissions levels, so that the required percent reduction in emissions is now approximately 15%.

<sup>44</sup> <http://www.valleyair.org/programs/CCAP/12-17-09/1%20CCAP%20-%20FINAL%20CEQA%20GHG%20Staff%20Report%20-%20Dec%2017%202009.pdf>.

<sup>45</sup> ESA. 2011. Economic Feasibility of Dairy Manure Digester and Co-Digester Facilities in the Central Valley of California; Prepared for the California Regional Water Quality Control Board, Central Valley Region.

dairying itself, the farmer may need to hire outside operators and/or consultants to successfully and effectively run the digester.

Due to the high capital costs and ongoing operating and maintenance costs, a digester would be cost-prohibitive for a farmer without incentives, grants, or other cost-sharing programs. Several funding opportunities have been, or are, available and have encouraged the construction of digesters. These funding opportunities include the following:

- **1603 Program:** The U.S. Federal Government established the 1603 Program as part of the American Recovery and Reinvestment Act of 2009 (Recovery Act). The 1603 Program: Payments for Specified Energy Property in Lieu of Tax Credits reimbursed eligible projects for a portion of the cost of installing specified energy properties or for the production of income. Digester projects were one of the eligible projects. Out of almost 9,800 projects nationwide, 98 digester projects received funding; 5 of these projects were in California. This program is no longer providing funding for digesters.
- **Cap-and-trade funds:** ARB has developed an investment plan to inform how cap-and-trade auction proceeds should be spent. The document identifies priority investments that are intended to further the state's GHG reduction goals. As described in this document, cap-and-trade funds have been allocated to incentivize digesters in California. Through the Dairy Digester Research & Development Program, AB 1613 allocates \$50 million from the Greenhouse Gas Reduction Fund to support voluntary dairy methane reduction projects, including digesters and alternative manure management practices, as discussed in Section 2.2.12. Although the California State Budget will allocate cap-and-trade funds every year, the status and scope of ongoing allocations for digesters and other manure management practices to reduce methane emissions cannot be assured.
- **California Energy Commission (CEC):** The CEC has awarded \$4 million each to two dairy farms to install and demonstrate dairy digesters.<sup>46</sup> In addition, CEC's Electric Program Investment Charge (EPIC) program allocates up to \$9 million a year to a competitive program for renewable energy projects including dairy digesters.
- **Digester "hubs":** An economic feasibility study was done on constructing a centralized digester project that would accept manure from a cluster of nearby dairy farms. This type of cost-sharing would encourage the construction of dairy digesters and spread the cost over multiple farms.<sup>47</sup>

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<sup>46</sup> California Energy Commission (CEC). 2015. Press release March 11, 2015. Energy Commission Approves Grants for Energy Storage, Biofuel, Efficiency and Transportation Programs. Available at: [http://www.energy.ca.gov/releases/2015\\_releases/2015-03-11\\_approved\\_grants\\_nr.html](http://www.energy.ca.gov/releases/2015_releases/2015-03-11_approved_grants_nr.html) Accessed April 2015.

<sup>47</sup> California Dairy Campaign. 2013. Economic Feasibility of Dairy Digester Clusters in California: A Case Study. Available at: <http://www.epa.gov/region9/organics/symposium/2013/cba-session2-econ-feas-dairy-digester-clusters.pdf> Accessed April 2015.



### 3 GHG Emissions Overview: Baseline and Future

As described in Section 1.2, CEQA Guidelines for GHG emissions reduction plans, such as this Dairy CAP, have been developed by OPR and adopted by the CNRA. The guidelines (CEQA Guidelines §15183.5) specify that a plan for the reduction of GHG emissions should include or address specific elements. Two of these elements include:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic range, and
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.

To address these two elements for this plan, GHG inventories were prepared using a baseline year of 2013 and a future year of 2023. The future year of 2023 is consistent with the ACFP Update and the PEIR. The inventories consist of industry-specific activity (e.g., animal emissions) and other general sources (e.g., energy, transportation). Animal-related sources include enteric fermentation and manure management. Other sources include equipment exhaust, agricultural soil management, electricity use, vehicle emissions (on-farm trucks, employee vehicles), and refrigeration. Animal-related sources were estimated using methodology developed by the Intergovernmental Panel on Climate Change (IPCC) and used by ARB for quantifying annual statewide GHG emissions. All other sources were obtained from estimates developed for the Tulare County ACFP Update EIR.<sup>48</sup> Table 2 summarizes the major assumptions that were used in this Dairy CAP.

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<sup>48</sup> See Appendix B.

<b>Table 2. Information Used in Animal-Related Inventory Calculations</b>		
<b>Data</b>	<b>Baseline (2013)</b>	<b>Future (2023)</b>
Animal head counts	Tulare County Data Data reported for 2011 <sup>[a]</sup>	Assumed annual growth of 1.5% <sup>[b]</sup>
Manure Decomposition and Enteric Fermentation methodologies	IPCC <sup>[c],[d]</sup>	IPCC <sup>[c],[d]</sup>
<p><sup>[a]</sup> Although the baseline used is 2013, animal head counts from 2011 were used, because the numbers were slightly greater in that year and to be consistent with the PEIR and the ACFP Update.</p> <p><sup>[b]</sup> The assumed annual growth rate of 1.5% is consistent with the assumptions under the PEIR, the ACFP Update, and the AB 32 Scoping Plan.</p> <p><sup>[c]</sup> 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Volume 4, Chapter 10. Available at: <a href="http://www.ipcc-nggip.iges.or.jp/public/2006gl/">http://www.ipcc-nggip.iges.or.jp/public/2006gl/</a>. Accessed May 2014.</p> <p><sup>[d]</sup> Manure decomposition emissions were calculated using the methodology developed by IPCC. Statewide enteric fermentation emissions were obtained from ARB and prorated by the animal head counts assumed in Tulare. Because ARB uses the IPCC methodology as implemented in the Cattle Enteric Fermentation Model (CEFM), this approach and the emissions are consistent with IPCC and ARB methodologies.</p>		

The baseline year used in this Dairy CAP is 2013, consistent with the ACFP Update and PEIR (as described above), and includes emissions estimates from all activities at the facilities based on known data. The future year, 2023, estimates are projected from the baseline by estimating the impacts of future growth and projected increases in production. It should be noted that most dairies likely already incorporate several GHG reduction strategies as part of their standard operations and therefore, baseline emissions would reflect those reductions to the extent that the current emissions estimation methodology reflects those strategies.

<b>Table 3. Baseline and Projected Emissions in Metric Tons CO<sub>2</sub>e/year</b>		
<b>Source<sup>[a][b]</sup></b>	<b>Baseline (2013) GHG emissions<sup>[c]</sup></b>	<b>Future (2023) GHG emissions<sup>[c]</sup></b>
Farm Equipment Exhaust	38,129	52,195
Farm Agricultural Soil	812,050	1,111,838
Farm Electricity Consumption	79,480	108,763
Dairy Equipment Exhaust	99,406	135,478
Truck Trips	23,137	28,493
Dairy Employee and Visitor Trips	15,851	16,282
Dairy Electricity Consumption	145,335	171,566
Dairy Refrigeration	63,640	85,840
Dairy Manure Decomposition	3,496,077	4,057,340
Dairy Enteric Digestion	2,463,071	2,858,495
Feedlot Manure Decomposition	29,598	34,350
Feedlot Enteric Digestion	227,068	263,522
<b>Total</b>	<b>7,492,843</b>	<b>8,924,162</b>
<p><sup>[a]</sup> Emission estimates for all source categories except for manure decomposition and enteric digestion have been taken from analyses completed for the Tulare County ACFP Update EIR. See Appendix B.</p> <p><sup>[b]</sup> Details regarding the manure decomposition and enteric digestion emission estimates can be found in Appendix A.</p> <p><sup>[c]</sup> CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWPs are 1 for CO<sub>2</sub>, 25 for CH<sub>4</sub>, 298 for N<sub>2</sub>O, and 14,800 for HFC-23 (40 CFR Part 98, Table A-1).</p>		

As shown in Table 3, most of the GHG emissions at dairies and feedlots in Tulare County are animal-related emissions (i.e., manure decomposition and enteric digestion). The future year emissions estimates are based on assumptions about the future consistent with those used in related plans (see below). For example, the animal-related emissions assume a certain percentage growth in dairy and beef cattle population.

It is noted that 2023 has been utilized as the future projected year for a number of reasons. AB 32 and the AB 32 Scoping Plan establish regulations and requirements to meet the statewide reductions proscribed to be achieved by 2020, and SB 32 and SB 1383 address emissions reduction targets through 2030. To date, the AB 32 Scoping Plan meets the 2020 reduction requirements of AB 32, and the subsequent legislation and SLCP Strategy for 2030 reductions require no animal-related emissions reductions from the dairy sector prior to 2024. This Dairy CAP is

consistent with the AB 32 Scoping Plan for 2020, with the SLCP Strategy, and with the draft 2017 Scoping Plan Update to meet 2030 reduction targets as related to animal-related dairy emissions. Given the evolving nature of information concerning climate change, effective GHG emissions reduction strategies, and technological and practical advances regarding feasible emissions reductions protocols, as well as anticipated regulatory actions under SB 1383, the Dairy CAP in Section 8 provides for a post-2023 examination of the Dairy CAP to determine whether the Dairy CAP has been superseded by the enactment of state regulations that mandate emissions reductions, and to assess whether modifications are needed in order to reduce the possibility of duplication of or conflicts with state level actions. Projections for a more extended horizon (i.e., beyond 2023) are speculative at this time given the numerous variables associated with SB 1383 and SLCP Strategy's research and analysis as to the feasibility and effectiveness of animal-related emissions reductions as well as projections of manure and enteric emissions, animal herd counts, the anticipated growth of dairy operations in Tulare County, and the availability of established programs to foster feasible emissions reduction approaches.

## 4 GHG Emissions Reduction Strategies Evaluated

### 4.1 GHG Emissions Reduction Strategies

The process of identifying and evaluating GHG reduction strategies is consistent with the fourth CEQA Guideline element for climate action planning under §15183.5, as discussed in Section 1. Furthermore, a primary purpose of this Dairy CAP is to maintain the efficiency (i.e. GHG emissions/unit milk produced) achieved by California dairies over the past decades and, to the extent possible, identify approaches that could possibly be implemented at dairies to achieve additional reductions. These potential reduction strategies are discussed below. It is noted that these reduction strategies apply only to new or expanding dairies applying for discretionary county permitting that require analysis under CEQA. For expanding dairies, the measures are applicable only to the expansion, i.e., the dairy would not be required to retrofit existing equipment and/or operating procedures. As noted in Section 2.3.1 above, the County's land use authority is limited to proposed new and expanding facilities and does not extend to requiring changes to existing facilities.

As a sector, dairies and feedlots are inherently different from other industrial sectors. The majority of emissions from dairies and feedlots are animal-related emissions (i.e., manure decomposition and enteric digestion), as shown in Table 3, rather than process or combustion-related equipment typically associated with regulated industrial sectors. Under statewide legislation, including AB 32, SB 32 and SB 1383, reductions of methane emissions from dairy operations will continue

to be voluntary at least through 2023. This is due to the fact that relatively few emissions reduction strategies have been identified or accepted as feasibly reducing GHG emissions from animal-related sources. Under SB 1383, such dairy methane emissions reduction strategies are to continue to be voluntary in order to ensure that incentives, subsidies and market-based mechanisms remain available.

#### **Why the Focus on Dairies?**

Feedlot-related cattle emissions are much lower than dairies in Tulare. In contrast to dairies, beef manure is collected in feedlots. Beef animals are fed a different ration, with the focus on increasing animal bulk. As a result, some dairy emissions reduction strategies will not be applicable to beef feedlots.

However, there are some GHG reduction strategies that may have the potential to reduce emissions from the future year scenario presented in Section 2. The policies and GHG reduction strategies considered for inclusion in the Dairy CAP were drawn from GHG emission reduction guidelines completed by the California Air Pollution Control Officer's Association (CAPCOA) as well as guidance set forth by local agencies. There are currently no existing CAPs specific for the agricultural sector and thus this Dairy CAP was unable to draw on policies and reduction strategies used previously. The analysis of potential reduction strategies takes into consideration the feasibility of a given practice as to the sector overall and as to individual farms. These sources for this analysis include the following:

- CAPCOA: Quantifying Greenhouse Gas Mitigation Measures<sup>49</sup>
- SJVAPCD: Final Staff Report – Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act<sup>50</sup>
- CNRA: CEQA Guidelines, Appendix F – Energy Conservation<sup>51</sup>
- SLCP Strategy
- October 2015 Policy Memorandum submitted to ARB by the California Climate & Agriculture Network, entitled “Diversified Strategies for Reducing Methane Emissions from Dairy Operations”<sup>52</sup> also referred to as the CalCAN memo.

The feasibility of these reduction strategies is highly dependent on the management practices being used at a specific farm; a reduction strategy that is easily implemented at one dairy may be infeasible at another. Management practices are frequently chosen due to site-specific conditions that are unable to be changed. For example, a dairy in a location with crop land is unlikely (except in very specific circumstances) to adopt manure GHG reduction strategies that would require transporting the manure to an off-site facility for processing and then transporting it back to the farm. It would also be contraindicated to use any manure GHG

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<sup>49</sup> CAPCOA. 2010. Quantifying Greenhouse Gas Mitigation Measures. Available at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed April 2014.

<sup>50</sup> SJVAPCD. 2009. Final Staff Report – Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act. Available at: <http://www.valleyair.org/Programs/CCAP/12-17-09/1%20CCAP%20-%20FINAL%20CEQA%20GHG%20Staff%20Report%20-%20Dec%2017%202009.pdf>. Accessed April 2014.

<sup>51</sup> California Natural Resources Agency. 2009. CEQA Guidelines Amendments. Appendix F – Energy Conservation. Available at: [http://resources.ca.gov/ceqa/docs/Adopted\\_and\\_Transmitted\\_Text\\_of\\_SB97\\_CEQA\\_Guidelines\\_Amendments.pdf](http://resources.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendments.pdf) Accessed April 2015.

<sup>52</sup> California Climate and Agriculture Network (CalCAN). 2015. Diversified Strategies for Reducing Methane Emissions from Dairy Operations. Available at: <http://calclimateag.org/wp-content/uploads/2015/11/Diversified-Strategies-for-Methane-in-Dairies-Oct.-2015.pdf>. Accessed April 2017.

reduction strategy that would impair or limit the end-use of the manure. As such, the GHG reduction strategies discussed herein are grouped into three categories:

- Category A (In Dairy CAP)

Although there is no typical dairy or feedlot, there are practices that are common to many facilities. Reduction strategies in this category are more likely to be feasible at a greater number of facilities due to the expected commonalities at farms. However, because of the varying nature of dairies and feedlots, the actual reduction in emissions that can be achieved will also be variable and site-dependent. Note that it is possible that reduction strategies in this category may not be applicable at certain facilities due to the specific management practices used.

A new or expanding dairy implementing all applicable Category A reduction strategies would be consistent with the Dairy CAP. If a particular Category A strategy would be infeasible or impracticable based on the specifics as to their farm, a Category B strategy may be substituted, in which case the dairy project would also be consistent with the Dairy CAP.

- Category B (Optional/Substitute Strategies in Dairy CAP)

Reduction strategies in this category may be implemented on some farms, but are not necessarily expected to be practicable or feasible at the majority of facilities. In addition, the actual reduction in emissions that can be achieved will also be variable and site-dependent. Reduction strategies in this category are considered equivalent to and can be substituted for specific Category A strategies; a new or expanding dairy implementing a Category B strategy as a substitute for a Category A strategy would be consistent with the Dairy CAP.

- Category C (Rejected as infeasible)

Reduction strategies in this category were considered for dairies and feedlots but ultimately rejected. A comprehensive list of the strategies considered, along with an explanation as to why Category C strategies were rejected, is provided in Appendix C.

## 4.2 Reduction Strategies by Source

Table 4 lists Category A and Category B GHG reduction strategies, and provides references to accepted methodologies to quantify the emission reductions that can be achieved with the reduction strategies discussed below:

### Dairy Operation Strategies (designated "D")

This category of reduction strategies focuses on implementing practices designed to reduce animal- and manure-related emissions. Strategies include feed additives, ration formulation, and manure management approaches. Multiple methods exist to quantify reductions from these strategies.

Energy Conservation and Efficiency (designated "E")

Energy conservation and efficiency reduction strategies focus on decreasing the energy required during production. These strategies may include more efficient boilers and other energy systems, as well as replacing more fossil-fuel based energy sources with renewable energy.

Transportation (designated "T")

Transportation strategies include practices to reduce emissions from fossil-fuel based transportation. Strategies may reduce emissions off-site (e.g., employee trips) or on-site (e.g., farm equipment).

Water, Solid Waste, and Recycling (designated "R")

This category of reduction strategies focuses on practices designed to reduce GHG emissions related to water demand, solid waste processing, and use of other resources.

Miscellaneous (designated "M")

This category of reduction strategies represents additional reduction practices that are not otherwise included in the previous categories. These strategies range from simple practices such as planting trees (M1) to more extensive approaches such as innovative methods for reducing GHGs (M12).

**Table 4. Potential GHG Reduction Strategies<sup>53,54</sup>**

<b>Dairy CAP Strategy #</b>	<b>Quantification Reference Strategy #<sup>[1]</sup></b>	<b>Additional Details</b>
<b>Dairy Operations</b>		
D1 <sup>55</sup>	C9.1.5	<p>Implement environmentally responsible purchasing of feed additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This strategy must be consistent with total mixed ration (TMR) or other efficient feeding practices, as well as animal health and efficient milk production requirements.</p> <p>Multiple methodologies exist to calculate potential reductions from this strategy. These methodologies include, but are not limited to, a life cycle analysis of feed additives or an assessment of GHG emissions associated with the transportation of a specific feed mixture.</p>

<sup>53</sup> Table 4 includes strategies grouped as Categories A and B; thus, this table includes all strategies included in Tables 5 and 6.

<sup>54</sup> Potential reduction strategies only apply to new dairies or the new area of expanding dairies. The County land use authority does not extend to existing dairy operations, and existing dairy operations are not required to implement reduction strategies.



**Table 4. Potential GHG Reduction Strategies<sup>53,54</sup>**

<b>Dairy CAP Strategy #</b>	<b>Quantification Reference Strategy #<sup>[1]</sup></b>	<b>Additional Details</b>
D2 <sup>55</sup>	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows. Improving feed ration efficiency and advanced breeding has led to the production of milk at up to four times higher per cow than in the developing world, with much less methane produced per gallon of milk.  Multiple methodologies exist to calculate potential reductions from this practice. These methodologies include, but are not limited to, calculating enteric GHG emissions resulting from a specific feed mixture.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements. <sup>[2],[3]</sup>
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits. <sup>[2],[4]</sup>
D5 <sup>56</sup>	S9(3)	Use a digester, designed and operated per applicable strategies, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biogas as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site. The ARB provides a Cap-and-Trade offset protocol to calculate the emissions reductions potential from digesters. <sup>57</sup>
D6	O(1)	Use of scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	O(2)	Increase solids separation to reduce loading.
D8	11	Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a County-wide approach.

<sup>55</sup> Changing the diet fed to animals is not always feasible or warranted. As described in Section 1.1, Tulare County dairies average high efficiency levels in milk production per cow. Altering animal diet may have little effect on GHG emissions, particularly GHG emissions per unit of milk.

<sup>56</sup> The economic and technological feasibility of digesters are highly dependent on the number of head and location of the farm, among other factors. Thus, a digester may not be feasible for a particular dairy.

<sup>57</sup> ARB. 2014. Compliance Offset Protocol – Livestock Projects Webpage. Available at: <http://www.arb.ca.gov/cc/capandtrade/protocols/livestock/livestock.htm>. Accessed August 2015.

**Table 4. Potential GHG Reduction Strategies<sup>53,54</sup>**

<b>Dairy CAP Strategy #</b>	<b>Quantification Reference Strategy #<sup>[1]</sup></b>	<b>Additional Details</b>
<b>Energy Conservation and Efficiency</b>		
E1	C2.1.1	The facility must meet or exceed Title 24 standards in climate-controlled buildings. (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
E6	C2.3.1	Establish onsite renewable or carbon-neutral energy systems – generic
E7	C2.3.2	Establish onsite renewable energy systems - solar power
E8	C2.3.3	Establish onsite renewable energy systems - wind power
E9	C2.3.4	Utilize a combined heat and power system
E10	C2.3.6	Establish methane recovery on digester for power production
<b>Transportation [20 or more new employees]</b>		
T1	C3.2.6	Provide bike parking if requested by employees
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste [NOT Manure Management], and Recycling</b>		
R1	C4.2.2	Adopt a water conservation practice (e.g., maximizing water reuse, leak checking/fixing, low flow fixtures, etc.). The expected water reduction as compared to no action should be documented.
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)

**Table 4. Potential GHG Reduction Strategies<sup>53,54</sup>**

<b>Dairy CAP Strategy #</b>	<b>Quantification Reference Strategy #<sup>[1]</sup></b>	<b>Additional Details</b>
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)
R6	C6.1.1	Institute or extend recycling and non-manure composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-road vehicle plan
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations <sup>[2]</sup>
M9	C9.1.5	Environmentally responsible purchasing <sup>[2]</sup>
M10	C9.1.6	Implement an innovative strategy for GHG reductions <sup>[2]</sup>
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or greater extent as would have been done for the expanded portion.

**Table 4. Potential GHG Reduction Strategies<sup>53,54</sup>**

Dairy CAP Strategy #	Quantification Reference Strategy # <sup>[1]</sup>	Additional Details
<sup>[1]</sup> Reference reduction strategies beginning with “C” refer to CAPCOA’s Quantifying Greenhouse Gas Mitigation Measures, which includes detailed emission reduction methodology.		
<sup>[2]</sup> Calculated on a case-by-case basis.		
<sup>[3]</sup> An example is minimizing additional manmade fertilizer usage.		
<sup>[4]</sup> Examples of reduction strategies in air and water quality plans with GHG reduction co-benefits include: recycling flush lane water, BMPs designed to reduce water leaks (and corresponding reduction in indirect GHG emissions from water usage).		

### 4.3 Feasibility Assessment Considerations

As discussed in the above sections, reduction strategies that are feasible or practicable for one farm may be infeasible or impracticable for another farm; that is why a range of categorized strategies was included in the above tables. Although the feasibility or practicability assessment will be dependent on the specific reduction strategy and farm, there are several aspects that will likely be taken into account for all reduction strategies. These considerations include, but are not limited to, the following:

- Economics: Does implementing the reduction strategy place a financial burden on the farmer without sufficient benefits?
- Size: Does the reduction strategy make sense for the size of the farm?
- Consistency with existing management practices (expanding dairies): Is the reduction strategy consistent with the existing practices used on the farm so that animal health, efficient milk production, manure reuse potential, etc. are not compromised and that operational changes are not so burdensome as to be impracticable or infeasible?

### 4.4 Additional Considerations

Greenhouse gases are a global pollutant. As such, GHG emissions – and reductions – on a global scale must be considered; a reduction in California that results in a corresponding or greater increase elsewhere does not produce benefits on a global scale. This concept, referred to as “leakage”, refers to “a reduction in emissions of [GHGs] within the state that is offset by an increase in emissions of [GHGs] outside the state.”<sup>58</sup> One of the main considerations of AB 32, SB 32 and SB 1383 is

<sup>58</sup> AB 32. §38505(j).

minimizing leakage. In fact, the text of AB 32 commits ARB to minimize leakage when adopting regulations pursuant to the goals of the original regulation.<sup>59,60</sup>

California dairies are more efficient in terms of GHG emissions per unit of milk than average U.S. dairies elsewhere (see Section 1.1). In addition, manure management policies mandated by the SJVAPCD and the Regional Water Quality Review Board result in less time for manure to remain in anaerobic conditions that are conducive to methane formation during decomposition than most other operations outside of California. Thus, if policies or other factors encourage dairies to move out of California or increase operations outside of California, then it is likely to result in an artificial decrease in the state inventory as the associated GHG emissions would simply shift to out-of-state facilities. Any regulations, practices, or programs that force dairies to move out of the state, thereby shifting the corresponding GHG emissions out of the state, would result in leakage and would conflict with the objectives of AB 32, SB 32 and SB 1383. This same consideration applies to regulations, practices, or programs that force dairies to move out of Tulare County, thereby shifting the corresponding GHG emissions to other counties.

All currently available emissions reduction strategies have been considered and analyzed. As discussed in Section 8, the Dairy CAP provides for a post-2023 examination of the Dairy CAP, consistent with funding availability, to reflect new developments. If new feasible methods of reducing GHG emissions from dairies and feedlots become available (e.g., new offset protocols), these new emissions reduction strategies will be considered and may be incorporated into future Dairy CAP updates as appropriate.

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<sup>59</sup> AB 32. §38562(b)(8).

<sup>60</sup> SLCP Strategy, pages 64, 67, and 138. Available at: [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf). Accessed April 2017.

## 5 CEQA Implications

As discussed above in Section 2.2.5, any project that requires discretionary action in California (defined in CEQA Guidelines §15378) is required to undergo a CEQA evaluation, with the corresponding requirements to assess impacts of GHGs. Any new or expanding dairy or feedlot requiring a discretionary action will be required to demonstrate that the facility has fulfilled CEQA requirements, including the requirements related to GHGs. This section discusses the requirements of new or expanding facilities and how they can use this Dairy CAP to fulfill CEQA requirements related to GHGs.

### 5.1 Approach to Cumulatively Considerable Level Assessment

One criterion used to assess potential significance of GHG emissions from projects is whether the project would “conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of [GHGs].”<sup>61</sup> This Dairy CAP was designed specifically to reduce GHG emissions from dairies and feedlots and to be consistent with State and Federal plans, policies, and regulations. Any new or expanding facility that can demonstrate consistency with this Dairy CAP can be expected to have less than significant impacts related to GHGs. Specifically, the approach proposed by this Dairy CAP is that a facility can fulfill CEQA requirements related to GHG emissions under one of two approaches:

1. Streamlined analysis: The facility (other than a new facility) has emissions that are below the streamlined analysis level and is implementing Dairy CAP GHG emission reduction strategies consistent with the Dairy CAP. An analysis must be done to determine consistency with this Dairy CAP. If the facility can demonstrate consistency with the Dairy CAP by showing that it has implemented reduction strategies from a defined checklist of GHG reduction practices (or demonstrated why a specific applicable Category A reduction strategy would be impracticable or infeasible for the specific facility expansion and implements a substitute Category B reduction strategy), then the facility expansion does not need to undergo further analysis and the project is considered to have less than cumulatively considerable GHG impact. The proposed checklist will include reduction strategies in Category A (see Section 4).
2. Project analysis: If the facility is a new dairy OR it is facility expansion with emissions in excess of the streamlined analysis level OR the facility is a facility expansion with emissions that are less than the streamlined analysis level and does not provide justification as to why the facility expansion cannot incorporate the applicable Dairy CAP-defined GHG reduction strategies (i.e., Category A strategies) or provides a justification but does not

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<sup>61</sup> Office of Planning and Research (OPR). 2014. CEQA checklist. Section VII.b. Greenhouse Gases. Available at [http://resources.ca.gov/ceqa/docs/2014\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2014_CEQA_Statutes_and_Guidelines.pdf). Appendix G. Environmental Checklist Form. Accessed April 2014.

substitute a Category B reduction strategy for the applicable Category A strategy, then the facility expansion must perform additional individualized analyses to indicate whether the project has cumulatively significant impacts related to GHGs. All new facilities will be required to perform an individualized analysis of GHG emissions.

## **5.2 Cumulatively Considerable Streamlined Analysis Level Determination**

An element of a CAP is to establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable. The determination of a level of cumulative contribution due to GHG emissions from dairies and feedlots is informed by the statewide AB 32 Scoping Plan for 2020 and the 2017 Scoping Plan Update and the SLCP Strategy, which are designed to identify the sources of GHG emissions reductions that will achieve the reductions mandated by AB 32, SB 32 and SB 1383. SB 1383 takes into consideration the GHG emissions from the dairy sector through the year 2023 and requires no reductions in animal-related emissions prior to 2024.

For purposes of the Dairy CAP, a list of emissions reductions approaches has been formulated to address GHG emissions from new and expanding dairies. A streamlined climate change evaluation under CEQA would be applied to those projects (other than a new facility) with emissions below a certain level of GHG emissions and which also incorporate available feasible GHG reductions approaches consistent with the Dairy CAP. All new dairies, as well as any facility expansions that either exceed the streamlined analysis level or that fail to incorporate the applicable emissions reduction approaches, would be required to perform an individualized CEQA review.

In order to define the emissions level for purposes of performing an individualized CEQA review, a review was performed of existing CEQA significance thresholds as well as criteria for other GHG programs. Note that this streamlined analysis level is not intended to constitute a threshold for determining significance of GHGs under CEQA. Instead, this streamlined analysis level is designed to be one aspect of an approach to determining the level of analysis required under CEQA. This review and proposed definitions are discussed below.

### **5.2.1 Existing Criteria and Thresholds**

Thresholds for GHGs have been identified for significance under CEQA as well as for other programs requiring reporting. These thresholds can generally be grouped into three categories: numerical thresholds, efficiency metrics, and improvements over a Business-as-Usual (BAU) scenario.

- Numerical thresholds – This type of threshold is often referred to as a “bright-line threshold” and consists of a specific numerical threshold that applies to certain types of projects. For example, the South Coast Air Quality Management District (AQMD) has defined a numerical threshold of 10,000 MT

CO<sub>2</sub>e/year applicable for stationary source projects. Any relevant project with GHG emissions above this threshold is considered to have significant impacts from GHGs. Numerical thresholds have been defined by multiple AQMDs and considered applicable primarily to industrial stationary source projects. There are also several numerical thresholds that have been specifically defined for land use projects.

In addition to CEQA significance thresholds, there are multiple numerical thresholds used to determine inclusion in other GHG-related programs, such as ARB's Cap-and-Trade Program and Mandatory Reporting Program.

- Efficiency metrics – This type of threshold compares project emissions normalized over a service population to a defined threshold. For example, the Bay Area AQMD has defined a service population efficiency metric of 4.6 MT CO<sub>2</sub>e/service population/year. The efficiency metric is calculated by quantifying the project's annual GHG emissions and normalizing by the service population (typically residents and employees). If the project's calculated metric is greater than the defined threshold, then the project is considered to have significant impacts from GHGs. The efficiency metrics thresholds defined by AQMDs to date have only been applied to land use development projects; no efficiency metrics thresholds have been defined for industrial projects.

Because these thresholds have only been defined for land use development projects, these thresholds were rejected for purposes of this Dairy CAP.

Although these thresholds are rejected for purposes of this Dairy CAP, efficiency metrics could serve a useful role in the dairy industry. As discussed in Section 1.1, one type of efficiency metric, e.g., GHG emissions per unit of milk produced, provides useful information on how farms have improved over time. These efficiency metrics will continue to provide useful information and future Dairy CAPs may wish to consider their use. However, they are not used for purposes of this Dairy CAP.

- Improvements compared to BAU – This type of threshold requires that a project show a defined percent reduction compared to a BAU scenario for a determination of less than significant. For example, the SJVAPCD has set a 29% reduction compared to BAU as the threshold for significance for CEQA projects that do not meet other requirements. This requires that a project proponent define a BAU scenario and calculate expected emissions from this scenario. If the project emissions demonstrate a 29% reduction as compared to BAU emissions, then the project is considered to be less than significant for GHG emissions.

A BAU scenario is the set of conditions reasonably expected to occur, taking into account current laws and regulations, but in the absence of additional GHG reduction measures. In addition, as discussed in Section 3, the majority of emissions from dairies and feedlots are animal-related whereas the majority of potential reduction measures focus on other emissions sources. Livestock-



related emissions reductions strategies under the AB 32 Scoping Plan for 2020 and the 2017 Scoping Plan Update include no required reductions and are limited exclusively to voluntary, incentive-based programs through at least 2023 due to the unavailability of feasible measures to reduce these types of emissions. Because of the lack of feasible emissions reduction strategies for livestock-related emissions as well as the consequent difficulty in defining a BAU scenario for a dairy or feedlot, defined percent reduction thresholds were rejected for the purposes of this Dairy CAP.

A summary table of the existing criteria and thresholds discussed above are provided in Appendix D.

### 5.2.2 Streamlined Analysis Level

As described in Section 1.2, CEQA Guidelines for GHG emissions reduction plans, such as this Dairy CAP, have been developed by OPR and adopted by the CNRA. The guidelines (CEQA Guidelines §15183.5) specify that a plan for the reduction of GHG emissions should include or address specific elements. One of these elements includes:

- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.

As discussed above, both the efficiency metrics thresholds and BAU thresholds were rejected, and the review focused on the numerical thresholds. [The 2017 Dairy CAP chose A-streamlined analysis level of 25,000 MT CO<sub>2</sub>e/year<sup>yr</sup> was chosen as a streamlined analysis level](#) because:

- It is consistent with ARB's Cap-and-Trade program as well as with USEPA's Mandatory Reporting Rule;
- Per the USEPA's Mandatory Reporting Rule, it covers approximately 85 to 90% of emissions and the majority of large emitters;
- ARB's Mandatory Reporting Rule (10,000 MT CO<sub>2</sub>e/year) currently excludes emissions from livestock manure management (Of note, the USEPA's Mandatory Reporting Rule also currently excludes emissions from livestock manure management (Subpart JJ));
- A threshold of 10,000 MT CO<sub>2</sub>e/year has been defined as a CEQA significance threshold in other jurisdictions. As stated above, the streamlined analysis level in this Dairy CAP is not intended, nor is it meant to be used, as a significance threshold under CEQA. Using a threshold that has instead been used to determine applicability of other GHG emissions reduction programs, such as ARB's Cap-and-Trade program and USEPA's Mandatory Reporting Rule, was deemed to be more consistent with the CEQA Guidelines streamlining process.

[However, although these considerations still apply, the County has decided as of to use a streamlined analysis level of 15,000 MT CO<sub>2</sub>e/yr. consistent with the August 2, 2019, settlement of a legal challenge to the 2017 ACFP and Dairy CAP by the Sierra Club, the Association of Irrigated Residents and the Center](#)

[for Biological Diversity.](#)

### 5.3 Proposed CEQA Checklist

Table 5 lists the Category A reduction strategies, which new or expanding dairies or feedlots must (1) incorporate into their facility to the extent applicable based on the [project specifics](#) or (2) provide justification as to why the given strategy is impracticable or infeasible for the facility. [For strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1\) adequate state or other government funding, 2\) technological and economic feasibility per SB 1383, and 3\) feasibility as defined by CEQA.](#)

Table 6 lists the Category B reduction strategies, which new or expanding dairies or feedlots must consider for implementation at the facility. It is anticipated that a facility may choose to replace a reduction strategy in Table 5 with a strategy in Table 6 to provide operational flexibility in reducing GHG emissions. In addition, if expanding facilities are not able to implement Category A reduction strategies, or substitute Category B strategies, in the expansion, the facility may choose to utilize strategy M11 to implement an equal number of Category A or B strategies within the **existing** portion of the facility to the same or greater extent as would have been done for the expanded portion.

Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP		
Checklist #	Reference # (Appendix C)	Reduction Strategies
<b>Dairy Operations</b>		
D1	C9.1.5	Implement environmentally responsible purchasing of feed additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)
<a href="#">D5*</a>	<a href="#">S9(3)</a>	<a href="#">Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical</a>

		<a href="#"><i>energy use on-site or off-site.</i></a>
<a href="#"><i>D6*</i></a>	<a href="#"><i>O(1)</i></a>	<a href="#"><i>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</i></a>
<a href="#"><i>D7*</i></a>	<a href="#"><i>O(2)</i></a>	<a href="#"><i>Increase solids separation to reduce loading.</i></a>
<a href="#"><i>D8*</i></a>	<a href="#"><i>11</i></a>	<a href="#"><i>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</i></a>
<b>Energy</b>		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
<a href="#"><i>E6*</i></a>	<a href="#"><i>C2.3.1</i></a>	<a href="#"><i>Establish onsite renewable or carbon-neutral energy systems – generic</i></a>
<a href="#"><i>E7*</i></a>	<a href="#"><i>C2.3.2</i></a>	<a href="#"><i>Establish onsite renewable energy systems – solar power</i></a>
<a href="#"><i>E8*</i></a>	<a href="#"><i>C2.3.3</i></a>	<a href="#"><i>Establish onsite renewable energy systems – wind power</i></a>
<a href="#"><i>E9*</i></a>	<a href="#"><i>C2.3.4</i></a>	<a href="#"><i>Utilize a combined heat and power system</i></a>
<a href="#"><i>E10*</i></a>	<a href="#"><i>C2.3.6</i></a>	<a href="#"><i>Establish methane recovery on digester</i></a>
<b>Transportation [20 or more new employees]</b>		
T1	C3.2.6	Provide bike parking if requested by employees

<b>Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
<b>Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)</b>		
R1	C4.2.2	Adopt a water conservation strategy
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
<b>Dairy Operations</b>		
<del>D5</del>	<del>S9(3)</del>	<del>Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.</del>
<del>D6</del>	<del>O(1)</del>	<del>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</del>
<del>D7</del>	<del>O(2)</del>	<del>Increase solids separation to reduce loading.</del>
<del>D8</del>	<del>11</del>	<del>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</del>
<b>Energy</b>		
<del>E6</del>	<del>C2.3.1</del>	<del>Establish onsite renewable or carbon-neutral energy</del>

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
		systems - generic
<del>E7</del>	<del>C2.3.2</del>	<del>Establish onsite renewable energy systems → solar power</del>
<del>E8</del>	<del>C2.3.3</del>	<del>Establish onsite renewable energy systems → wind power</del>
<del>E9</del>	<del>C2.3.4</del>	<del>Utilize a combined heat and power system</del>
<del>E10</del>	<del>C2.3.6</del>	<del>Establish methane recovery on digester</del>
<b>Transportation</b>		
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste, and Recycling</b>		
R6	C6.1.1	Institute or extend recycling and composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-road vehicle plan (construction only)
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations
M9	C9.1.5	Environmentally responsible purchasing
M10	C9.1.6	Implement an innovative strategy for GHG reductions
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or greater extent as would have been done for the expanded portion.

## 6 Implementation and Monitoring

The Tulare CAP discusses implementation and monitoring, and this Dairy CAP will be subject to the relevant provisions in that document pertaining to operational activities common to any use or industry. As discussed throughout this document, because of the differences inherent in the dairy sector that have been described previously in the document, a mandated reduction target would be inconsistent with the state legislation that provides for only voluntary reductions in animal-related emissions prior to 2024. However, it is important to track the progress of the dairy industry related to the goal of this Dairy CAP, namely maintaining the efficiency of milk production and, when possible, implementing GHG emissions reduction strategies. As such, this document proposes using a voluntary benchmark to track the progress of the County's dairy sector in that regard. This approach is consistent with the continued voluntary nature of emissions reduction strategies for dairies under state law.

Voluntary benchmarks have been formulated in recognition of the voluntary reductions under state law and the availability of new funding opportunities to support and incentivize those voluntary efforts. For example, existing state subsidies and incentive-based programs (e.g., AB 1613, which allocates \$50 million to support voluntary emissions reductions projects) provide opportunities for voluntary animal-related emissions reductions for new and expanding dairies as well as existing dairies. These voluntary benchmarks have been devised based upon emissions reduction projects that may be funded through available state incentives and subsidies and are dependent on voluntary efforts by dairies and project developers.

Any numerical target for such a voluntary benchmark is difficult to project given the variables likely to affect the number and scope of emissions reduction projects within the County through 2023. Recognizing these difficulties, the voluntary benchmark target for this Dairy CAP has been based upon existing funding opportunities, the assumed percentage of funding available to Tulare County, and assumed GHG emissions reductions per dollar of funding, as described below. Monitoring progress compared to the voluntary benchmark target would be a useful measure of the effectiveness of subsidies and incentives in realizing potential reductions.

While the \$50 million earmarked under AB 1613 for projects to reduce animal-related emissions provides initial funding, it is possible that such funding for construction of dairy digester and other projects will continue in future years.<sup>62</sup> It is reasonable to assume that Tulare County dairies and project developers will compete effectively to qualify for a significant share of any such funds for specific

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<sup>62</sup> SLCP Strategy, pages 67-68. Available at: [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf). Accessed April 2017.

projects. In fact, if Tulare County's share is commensurate with its ratio of dairy cows, which is approximately 27.3% of the state's dairy cattle population according to CDFA's "California Dairy Statistics Annual 2015 Data," it could garner more than a quarter of the AB 1613 funds to reduce emissions from dairies.<sup>63</sup> This would significantly boost opportunities to see reductions in dairy GHG emissions from existing dairies (as well as dairy expansions and new dairies).

Digester projects are anticipated to compete for this funding more favorably than other methane reduction projects due to the high methane emissions reductions return on each dollar invested. Based on a 2015 analysis by Ramboll Environ, emissions reductions from dairy digesters over the first ten years of operation are estimated to occur at approximately one metric ton of carbon dioxide equivalent per \$7 of public funds invested.<sup>64</sup> Stated another way, each \$70 invested in digester projects would enable the reduction of the dairy GHG emissions inventory by one metric ton per year.

The initial benchmark target through 2023 has been projected based on the following assumptions: (a) the continuation of similar annual amounts of state funding in years 2017 to 2021, for total funding of \$300 million (including the initial \$50 million under AB 1613), which is not a certainty; (b) such state funding has a 10% administrative cost, (c) Tulare County projects receiving a 27.3% share of those funds, a ratio consistent with its share of the total statewide dairy cow population; (d) the construction, completion and operation of those funded projects by no later than 2023, and (e) each \$70 invested enables the reduction of GHG emissions by one metric ton per year.

Applying these assumptions above, the benchmark target for these voluntary emissions reductions within the County by 2023 would be approximately 1.05 million metric tons of GHG emissions per year. If those same metrics are applied solely to the initial 2016 funding of \$50 million under AB 1613, the annual emissions reductions within the County would approximate 176,000 metric tons of GHG emissions.

The initial voluntary benchmark target utilizes both of these projections. That initial voluntary benchmark target is subject to possible review to reflect the actual pace and number of voluntary projects that are initiated and implemented as these subsidy programs evolve and, as noted, may be adjusted over the course of time as these voluntary efforts progress.

Although this Dairy CAP focuses on new and expanding dairies, the County will also track the implementation of Category A and B reduction strategies on *existing*

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<sup>63</sup> California Department of Food and Agriculture. 2015. California Dairy Statistics Annual. 2015 Annual Data. Available at: [https://www.cdfa.ca.gov/dairy/pdf/Annual/2015/2015\\_Statistics\\_Annual.pdf](https://www.cdfa.ca.gov/dairy/pdf/Annual/2015/2015_Statistics_Annual.pdf). Accessed April 2017.

<sup>64</sup> "Overview of Dairy Digester Greenhouse Gas Reduction Cost-Benefit Analysis," by Ramboll Environ, December 2015, <http://dairycares.com/sites/default/files/Digester%20memo%20151216.pdf>



dairies. Often, existing, well-established dairies are in better financial condition to implement new practices that are outside the purview of “typical” operating scenarios on a dairy. It is important to account for reductions that occur at existing dairies, even if the existing dairies are not required to implement any of the reduction strategies discussed herein. Thus, monitoring will apply to existing dairies as well as new and expanding dairies.

The following are suggestions for periodic monitoring and review of the implementation of the Dairy CAP:

- Number of dairy permitting projects: A review of dairy permitting projects in Tulare County will be completed every five years, consistent with funding availability but in no event later than 2024. This review will monitor the number of new and expanding dairies that are permitted using the two possible approaches described in Section 5.1.
- Ease of permitting approaches: As part of the review described above, an evaluation of the ease of using the two possible approaches will be obtained from the perspective of the County's permitting section as well as the project applicant.
- Analysis of reduction strategies: As part of that review, Tulare County staff will enumerate the number of Category A and B strategies that have been implemented on new, expanding, and existing dairies, based upon a review of ACFP Annual Compliance Reports for existing dairies and Mitigation Monitoring and Reporting Programs for new dairies and dairy expansions. To the extent possible and subject to funding availability, staff will also estimate the potential reductions that have been achieved by using site-specific information when available from the farmer. Those estimates of quantified emissions reductions will be utilized to gauge the progress in meeting the voluntary emissions reduction benchmark targets.

In addition, consistent with the timetable established under SB 1383 and the SLCP Strategy, the County will re-examine the Dairy CAP post-2023 as provided in Section 8.

## 7 Future Project GHG and Climate Change Evaluations

This Dairy CAP is intended to serve as a GHG reduction plan for the purpose of evaluating and addressing impacts of GHG emissions and climate change from future projects (CEQA Guidelines §15183.5). Because the Dairy CAP is intended to reduce the climate change impacts from new or expanding dairies and feedlots to a less than cumulatively considerable level, consistency of a future project with the Dairy CAP may be used to evaluate a project's GHG-related impacts. Projects that are determined to be consistent or in compliance with the emissions reduction strategies and policies of the Dairy CAP, as discussed in Section 5, are presumed to have a less than significant impact on climate change. (See CEQA Guidelines §15064.4(b)(3))

Thus, a new or expanding dairy classified as requiring a project analysis (i.e., not eligible for streamlined CEQA compliance) must complete a site-specific GHG evaluation that complies with the applicable CEQA requirements, including the extent to which the project complies with Dairy CAP requirements (CEQA Guidelines section 15064.4(b)). (The project analysis would be performed consistent with the requirements of ACFP Policy 2.5.4). As described in Section 5.1, a facility is classified as requiring a project analysis if:

- The facility is a new dairy or feedlot, OR
- The facility expansion has emissions above the streamlined analysis level of ~~25,000~~ 15,000 MTCO<sub>2</sub>e, OR
- The facility expansion does not provide justification for why the facility expansion cannot incorporate the applicable Category A GHG reduction strategies based on the scope of the expansion, or provides a justification but does not implement a substitute Category B reduction strategy for each such Category A strategy.

This classification indicates that the project MAY have cumulatively considerable impacts related to GHGs and additional CEQA analysis must be done.

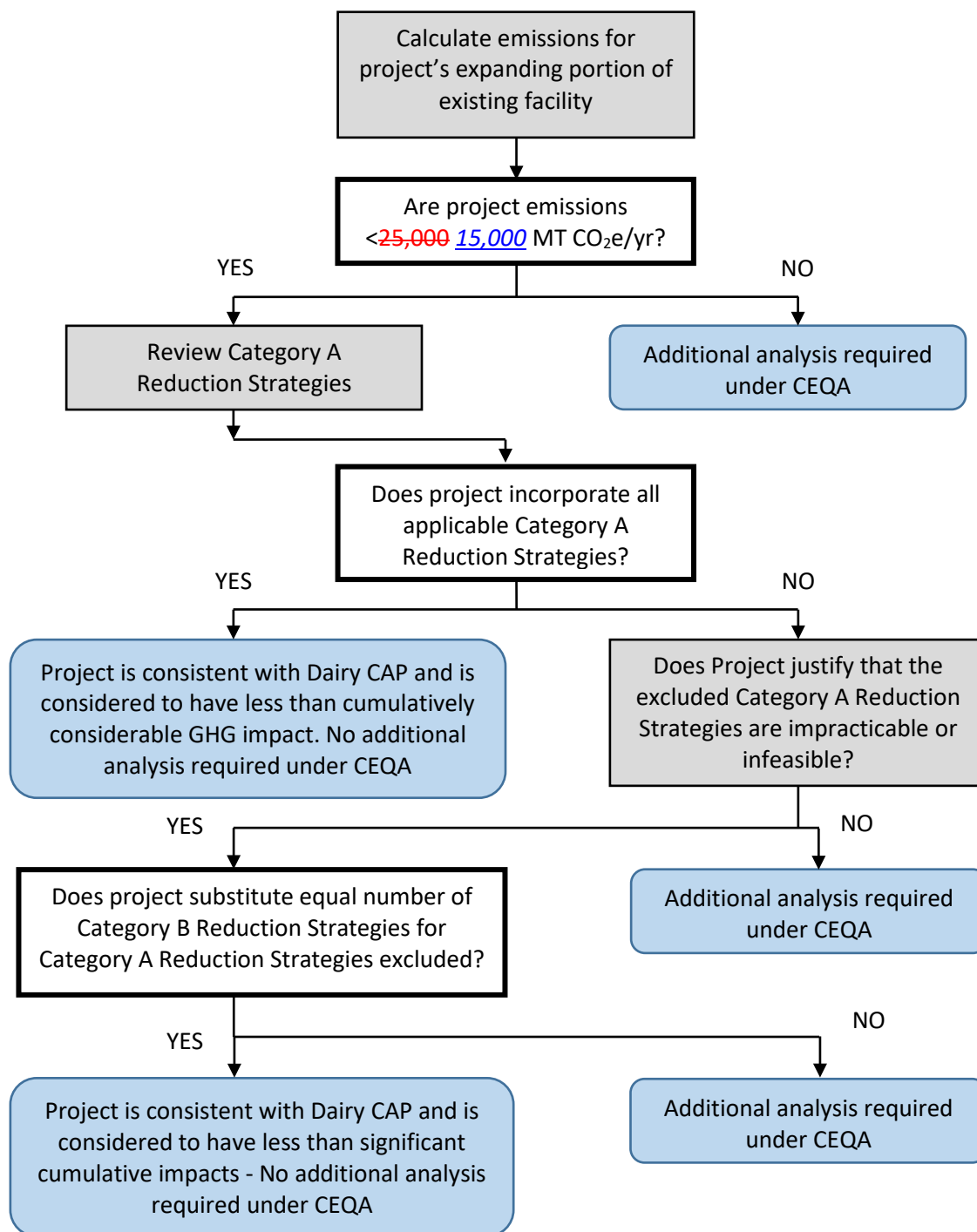
A proposed project's CEQA environmental review that utilizes this Dairy CAP for GHG emissions and climate change impact analysis for streamlined CEQA compliance must identify the requirements specified in the Dairy CAP that apply to the project. If the applicable reduction strategies are not otherwise binding and enforceable, they would be incorporated as conditions of approval for the project. (The streamlined CEQA compliance procedures would be consistent with the requirements of ACFP Policy 2.5.3.)

If Tulare County initially determines that a proposed project is not consistent with the Dairy CAP, it will be necessary to evaluate other project design and/or mitigation measures to make the project consistent with the Dairy CAP, or further

analyze climate change impacts for significance. If a project cannot be shown to be consistent with the Dairy CAP, an environmental impact report (EIR) analysis (i.e., alternatives discussion and analysis, additional mitigation assessment, etc.) may be required.

Figure 1 illustrates this approach to determining whether an expansion facility is consistent with the Dairy CAP or would require additional CEQA analysis. All new dairies will be required to perform a project analysis under CEQA.

**Figure 1. Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions.**



## 8 Future Related Actions

At this time, the feasible approaches to reducing animal-related GHG emissions are limited. The County, as the location of a significant portion of dairy production operations statewide and, indeed, nationwide, is, consistent with funding available, committed to participating at all levels in promoting and developing programs to facilitate feasible GHG emissions reductions strategies for the dairy sector.

The most promising technology for addressing animal-related GHG emissions is the implementation of digesters. Under the AB 32 Scoping Plan for 2020 reductions and the SLCP Strategy for SB 32 and AB 1383 2030 reductions, dairy digesters are identified as a voluntary approach to reduce GHG emissions until at least 2024 in large part due to economic infeasibility in the absence of significant subsidies, cooperation from local utilities in providing feasible and extended energy purchase terms, and infrastructure coordination and bundling of individual dairies. As noted in Section 6, state subsidies and incentive-based programs, including AB 1613, provide funding sources for both dairy digesters and other animal-related emissions reduction strategies.

Consistent with the funding availability, the County is committed to spearheading efforts to tap into state and federal subsidy programs, to monitor new developments at the state level relative to dairy emissions and emissions reduction strategies, to provide support and education to promote the opportunities presented by state funding and to optimize participation by dairies within the County, to establish pilot programs, to streamline permitting requirements for digester projects and other emissions reduction strategies, to track and document the GHG emissions reductions and effectiveness of digesters, and to solicit and maintain an inventory of interested dairies. Specific initiatives by the County may include the following:

- Incentivize Funding – Consideration of County policies by resolution to actively coordinate with ARB, CEC, and CDFA to encourage continued and increased availability of incentive funding (via cap-and-trade revenues, including AB 1613 funding sources) to allow construction of dairy digesters in the County, to identify appropriate incentives for dairy digester projects in the County, and to ensure that dairies within the County have maximum access to these opportunities.
- Dairy Digester Information Officer – Designate within the County's Resource Management Agency a Dairy Digester Information Officer whose duties will include:
  - Maintaining an inventory of operating dairy digesters in the County;
  - Maintaining current information on dairy digester incentive programs, opportunities, and application deadlines;
  - Distributing via email to interested parties updates on dairy digester and other emissions reduction strategies incentives; and

- Co-sponsoring with Dairy Cares, Tulare County Farm Bureau, University of California Cooperative Extension, and other organizations an annual fair or symposium for dairy farmers that provides up-to-date information on digesters and other emissions reduction strategies and related technologies and incentives, while providing access to digester developers, lenders, investors, utilities, engineering firms, and energy companies.

These efforts are designed to promote the County and its dairy sector as an optimal location for digester investment and development.

In addition, consistent with funding availability, the County will monitor the implementation of the 2016 legislation as it relates to dairy methane emissions and will conduct a post-2023 examination of the Dairy CAP to determine whether the Dairy CAP has been superseded by the enactment of state regulations that mandate emissions reductions, and to assess whether modifications are needed in order to reduce the possibility of duplication of or conflicts with state level actions. To the extent that the Dairy CAP may be superseded by state regulations, the Conformance Checklist in Appendix A of the ACFP may be modified to reflect the state regulations in order to reduce the possibility of duplication of or conflicts with state level actions, and the County may continue to implement Policies 2.5-3 and 2.5-4 of the ACFP.

## 9 References

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## **Appendix A**

### **Emission Calculations**

## Dairy and Feedlot Emissions Calculations for Manure Decomposition and Enteric Fermentation

**Table A-1. Feedlot Cattle Head counts**

Category	Total Cattle	Other Cattle <sup>[a]</sup>
California (2012) <sup>[b]</sup>	5,350,000	1,816,164
Base Year (2012) <sup>[b]</sup>	1,030,000	133,886
Future Year (2023) <sup>[c]</sup>	1,195,357	155,380

Notes:

<sup>[a]</sup> This category is assumed to include all cattle other than milking cows, replacement dairy heifers (0-24 months), and dairy calves (see Table A-3).

<sup>[b]</sup> California Agricultural Statistics for 2013. Available at:

[http://www.nass.usda.gov/Statistics\\_by\\_State/California/Publications/California\\_Ag\\_Statistics/index.asp](http://www.nass.usda.gov/Statistics_by_State/California/Publications/California_Ag_Statistics/index.asp)

<sup>[c]</sup> The Future Year population is projected from the Base Year assuming a 1.5% annual growth rate.

**Table A-2. Methane and Nitrous Oxide Emissions Beef Cattle - Enteric Digestion and Manure Management**

Source	Enteric Digestion	Manure Management	
	CO <sub>2</sub> e (MMT CO <sub>2</sub> e/yr)		
California (2012) <sup>[a]</sup>	3.1	0.40	
	CH <sub>4</sub> (MT CH <sub>4</sub> /yr)	CH <sub>4</sub> (MT CH <sub>4</sub> /yr)	N <sub>2</sub> O (MT N <sub>2</sub> O/yr)
California (2012) <sup>[a]</sup>	123,207	5,269	905
Base Year (2013) <sup>[b]</sup>	9,083	388	67
Future Year (2023) <sup>[b]</sup>	10,541	451	77
	CO <sub>2</sub> e (MT CO <sub>2</sub> e/yr) <sup>[c]</sup>	CO <sub>2</sub> e (MT CO <sub>2</sub> e/yr) <sup>[c]</sup>	
California (2012) <sup>[a]</sup>	3,080,184	401,499	
Base Year (2013) <sup>[b]</sup>	227,068	30,399	
Future Year (2023) <sup>[b]</sup>	263,522	35,279	

<sup>[a]</sup> California populations and methane emissions are from the CARB 2000-2012 GHG Inventory for the year 2012. Data available here: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_by\\_ipcc\\_00-12\\_2014-03-24.xlsx](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_by_ipcc_00-12_2014-03-24.xlsx) Accessed April 2015.

<sup>[b]</sup> CARB uses the same methodology that EPA uses to estimate emissions from enteric fermentation and manure management. As such, this table assumes that Tulare emissions are proportional to the California emissions based on population.

<sup>[c]</sup> CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWP is 25 for CH<sub>4</sub> and 298 for N<sub>2</sub>O (Table A-1, 40 CFR Part 98).

Abbreviations:

CFR - Code of Federal Regulations

CH<sub>4</sub> - methane

CO<sub>2</sub>e - carbon dioxide equivalents

GWP - global warming potential

IPCC - Intergovernmental Panel on Climate Change

lbs - pounds

MT - metric tonne

yr - year

## 2020 Dairy CAP Amendment

**Table A-3. Dairy Cattle Head Counts**

Category	Dairy Cows	Dairy Heifers 0-12 mo	Dairy Heifers 12-24 mo	Dairy Calves
California (2012) <sup>[a]</sup>	1,780,000	245,322	588,161	920,353
Base Year (2013) <sup>[b]</sup>	543,431	137,985	148,928	65,770
Future Year (2023) <sup>[b]</sup>	630,674	160,137	172,837	76,329

Notes:

<sup>[a]</sup> California populations and methane emissions are from the CARB 2000-2012 GHG Inventory.

<sup>[b]</sup> The Base Year cattle populations are assumed to be the 2011 Tulare cattle populations. The Future Year cattle populations are projected assuming a 1.5% annual growth rate.

**Table A-4. Methane Emissions from Enteric Fermentation - Dairy Cattle**

Category	Dairy Cows	Dairy Heifers 0-12 mo	Dairy Heifers 12-24 mo	Dairy Calves
<b>CO<sub>2</sub>e (MMT CO<sub>2</sub>e/yr)</b>				
California (2012) <sup>[a]</sup>	6.641	0.281	1.017	0.282
<b>CH<sub>4</sub> (kg CH<sub>4</sub>/yr)</b>				
California (2012) <sup>[a]</sup>	265,623,543	11,240,117	40,681,265	11,270,084
Base Year (2013) <sup>[b]</sup>	81,094,420	6,322,171	10,300,886	805,379
Future Year (2023) <sup>[b]</sup>	94,113,385	7,337,137	11,954,599	934,676
<b>CO<sub>2</sub>e (MT CO<sub>2</sub>e/yr)<sup>[c]</sup></b>				
California (2012)	6,640,589	281,003	1,017,032	281,752
Baseline (2013)	2,027,360	158,054	257,522	20,134
Future Year (2023)	2,352,835	183,428	298,865	23,367

Notes:

<sup>[a]</sup> California populations and methane emissions are from the CARB 2000-2012 GHG Inventory for the year 2012. Data available here: [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_by\\_ipcc\\_00-12\\_2014-03-24.xlsx](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_by_ipcc_00-12_2014-03-24.xlsx) Accessed April 2015.

<sup>[b]</sup> CARB uses the same methodology that EPA uses to estimate emissions from enteric fermentation. As such, this table assumes that Tulare methane emissions are proportional to the California methane emissions based on population.

<sup>[c]</sup> CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWP is 25 for CH<sub>4</sub> (Table A-1, 40 CFR Part 98).

Abbreviations:

CARB - California Air Resources Board

CFR - Code of Federal Regulations

CH<sub>4</sub> - methane

CO<sub>2</sub>e - carbon dioxide equivalents

GHG - greenhouse gas

GWP - global warming potential

kg - kilogram

mo - months old

MT - metric tonne

yr - year

Table A-5. Dairy Cattle Head Counts

Category	Dairy Cows	Dairy Heifers
Base Year (2013) <sup>[a]</sup>	534,633	352,683
Future Year (2023) <sup>[a]</sup>	620,463	409,303

Notes:

<sup>[a]</sup> The Base Year cattle populations are assumed to be the 2011 Tulare cattle populations. The Future Year cattle populations are projected assuming a 1.5% annual growth rate.

Table A-6. Methane Emissions from Manure Management - Dairy Cows

	Base Year (2013)			Future Year (2023)						
	CH <sub>4,man</sub> (kg CH <sub>4</sub> /yr) <sup>[a]</sup>	V <sub>ex</sub> (kg/yr) <sup>[b]</sup>	WMS*N <sub>animals</sub> (animal) <sup>[c]</sup>	CH <sub>4,man</sub> (kg CH <sub>4</sub> /yr) <sup>[a]</sup>	V <sub>ex</sub> (kg/yr) <sup>[b]</sup>	WMS*N <sub>animals</sub> (animal) <sup>[c]</sup>	VS (kg VS/animal/yr) <sup>[d]</sup>	B <sub>0</sub> (m <sup>3</sup> CH <sub>4</sub> /kg VS) <sup>[e]</sup>	MCF (%) <sup>[f]</sup>	c <sub>1</sub> (kg/m <sup>3</sup> ) <sup>[g]</sup>
Anaerobic digester	519,273	18,057,107	6,374	602,638	20,956,010	7,397	2,833	0.24	0.181	0.662
Anaerobic lagoon	104,734,878	881,293,371	311,081	121,549,102	1,022,776,936	361,023	2,833	0.24	0.748	0.662
Daily spread	126,968	159,828,502	56,417	147,351	185,487,502	65,474	2,833	0.24	0.005	0.662
Deep pit	82,721	1,568,222	554	96,001	1,819,986	642	2,833	0.24	0.332	0.662
Dry lot	0	0	0	0	0	0	2,833	0.24	0.015	0.662
Liquid/slurry	16,133,214	305,853,583	107,961	18,723,253	354,955,570	125,293	2,833	0.24	0.332	0.662
Pasture	24,229	10,166,642	3,589	28,119	11,798,804	4,165	2,833	0.24	0.015	0.662
Solid storage	876,051	137,847,860	48,658	1,016,693	159,978,070	56,469	2,833	0.24	0.04	0.662
Total	122,497,334	--	534,633	142,163,157	--	620,463	--	--	--	--
Total (MMT CO <sub>2</sub> e/yr) <sup>[h]</sup>	3.1			3.6						

Table A-7. Methane Emissions from Manure Management - Dairy Heifers

	Base Year (2013)			Future Year (2023)						
	CH <sub>4,man</sub> (kg CH <sub>4</sub> /yr) <sup>[a]</sup>	V <sub>ex</sub> (kg/yr) <sup>[b]</sup>	WMS*N <sub>animals</sub> (animal) <sup>[c]</sup>	CH <sub>4,man</sub> (kg CH <sub>4</sub> /yr) <sup>[a]</sup>	V <sub>ex</sub> (kg/yr) <sup>[b]</sup>	WMS*N <sub>animals</sub> (animal) <sup>[c]</sup>	VS (kg VS/animal/yr) <sup>[d]</sup>	B <sub>0</sub> (m <sup>3</sup> CH <sub>4</sub> /kg VS) <sup>[e]</sup>	MCF (%) <sup>[f]</sup>	c <sub>1</sub> (kg/m <sup>3</sup> ) <sup>[g]</sup>
Anaerobic digester	0	0	0	0	0	0	1,255	0.17	0.181	0.662
Anaerobic lagoon	0	0	0	0	0	0	1,255	0.17	0.748	0.662
Daily spread	26,903	47,811,006	38,096	31,222	55,486,624	44,212	1,255	0.17	0.005	0.662
Deep pit	0	0	0	0	0	0	1,255	0.17	0.332	0.662
Dry lot	653,028	386,842,083	308,241	757,866	448,946,030	357,726	1,255	0.17	0.015	0.662
Liquid/slurry	144,546	3,868,660	3,083	167,751	4,489,738	3,577	1,255	0.17	0.332	0.662
Pasture	6,913	4,095,416	3,263	8,023	4,752,897	3,787	1,255	0.17	0.015	0.662
Solid storage	0	0	0	0	0	0	1,255	0.17	0.04	0.662
Total	831,391	--	352,683	964,863	--	409,303	--	--	--	--
Total (MMT CO <sub>2</sub> e/yr) <sup>[h]</sup>	0.02			0.02						

Notes:

<sup>[a]</sup> Methane emissions estimated using Equation 1 (see below).

Equation 1 
$$CH_{4,man} = V_{ex} \times B_0 \times MWCN \times c_1$$

<sup>[b]</sup> Volatile solids excreted estimated using Equation 2 (see below).

Equation 2 
$$V_{ex} = V_{VS} \times (W_{VS} \times N_{animals})$$

<sup>[c]</sup> Number of animals per waste management system. Assumes Tulare has the same distribution of waste management systems as California does (CARB Annex III.B.)

<sup>[d]</sup> Volatile solids excreted per animal (CARB Annex III.B.)

<sup>[e]</sup> Maximum methane producing capacity (CARB Annex III.B.)

<sup>[f]</sup> Methane conversion factor (CARB Annex III.B.)

<sup>[g]</sup> Conversion factor representing density of methane at 25°C (CARB Annex III.B.)

<sup>[h]</sup> CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWP is 25 for CH<sub>4</sub>(Table A-1, 40 CFR Part 98).

Abbreviations:

B<sub>0</sub> - maximum methane producing capacity

c<sub>1</sub> - density of methane at 25°C

CARB - California Air Resources Board

CFR - Code of Federal Regulations

CH<sub>4,man</sub> - methane emissions from manure management

CO<sub>2</sub>e - carbon dioxide equivalents

GWP - global warming potential

kg - kilogram

m<sup>3</sup> - cubic meters

MCF - methane conversion factor

MMT - million metric tonnes

N<sub>animals</sub> - animal population

V<sub>ex</sub> - amount of volatile solids excreted in each WMS

VS - volatile solids production rate

WMS - waste management system

yr - year

**Table A-8. Nitrous Oxide Emissions from Manure Management - Dairy Cows**

	Dairy Cow Parameters						Base Year (2013)		Future Year (2023)	
	N <sub>ex</sub> (g/yr) <sup>[a]</sup>	Direct N as N <sub>2</sub> O (g N <sub>2</sub> O-N/g) <sup>[b]</sup>	Volatilization fraction <sup>[c]</sup> (fraction)	Indirect N as N <sub>2</sub> O, volatilized <sup>[d]</sup> (g N <sub>2</sub> O-N/g)	Runoff fraction <sup>[e]</sup> (fraction)	Indirect N as N <sub>2</sub> O, runoff <sup>[f]</sup> (g N <sub>2</sub> O-N/g)	WMS*N <sub>animals</sub> (animal) <sup>[g]</sup>	N <sub>2</sub> O <sub>man</sub> <sup>[h]</sup> (kg N <sub>2</sub> O/yr)	WMS*N <sub>animals</sub> (animal) <sup>[g]</sup>	N <sub>2</sub> O <sub>man</sub> <sup>[h]</sup> (kg N <sub>2</sub> O/yr)
Anaerobic digester	157,605	0	0.43	0.01	0.008	0.0075	6,374	6,881	7,397	7,986
Anaerobic lagoon	157,605	0	0.43	0.01	0.008	0.0075	311,081	335,841	361,023	389,758
Daily spread	157,605	0	0.10	0.01	0	0.0075	56,417	13,970	65,474	16,212
Deep pit	157,605	0.002	0.24	0.01	0	0.0075	554	603	642	700
Dry lot <sup>[i]</sup>	157,605	0.02	0.15	0.01	0.02	0.0075	0	0	0	0
Liquid/slurry	157,605	0.005	0.26	0.01	0.008	0.0075	107,961	204,772	125,293	237,646
Pasture	157,605	0	0.00	0.01	0	0.0075	3,589	0	4,165	0
Solid storage	157,605	0.005	0.27	0.01	0	0.0075	48,658	92,772	56,469	107,666
Total	--	--	--	--	--	--	534,633	654,839	620,463	759,967
Total (MMT CO <sub>2</sub> e/yr) <sup>[j]</sup>								0.20		0.23

**Table A-9. Nitrous Oxide Emissions from Manure Management - Dairy Heifers**

	Dairy Heifer Parameters						Base Year (2013)		Future Year (2023)	
	N <sub>ex</sub> (g/yr) <sup>[a]</sup>	Direct N as N <sub>2</sub> O (g N <sub>2</sub> O-N/g) <sup>[b]</sup>	Volatilization fraction <sup>[c]</sup> (fraction)	Indirect N as N <sub>2</sub> O, volatilized <sup>[d]</sup> (g N <sub>2</sub> O-N/g)	Runoff fraction <sup>[e]</sup> (fraction)	Indirect N as N <sub>2</sub> O, runoff <sup>[f]</sup> (g N <sub>2</sub> O-N/g)	WMS*N <sub>animals</sub> (animal) <sup>[g]</sup>	N <sub>2</sub> O <sub>man</sub> <sup>[h]</sup> (kg N <sub>2</sub> O/yr)	WMS*N <sub>animals</sub> (animal) <sup>[g]</sup>	N <sub>2</sub> O <sub>man</sub> <sup>[h]</sup> (kg N <sub>2</sub> O/yr)
Anaerobic digester <sup>[k]</sup>	69,044	0	0.43	0.01	0.008	0.0075	0	0	0	0
Anaerobic lagoon <sup>[k]</sup>	69,044	0	0.43	0.01	0.008	0.0075	0	0	0	0
Daily spread	69,044	0	0.10	0.01	0	0.0075	38,096	4,133	44,212	4,796
Deep pit <sup>[k]</sup>	69,044	0.002	0.24	0.01	0	0.0075	0	0	0	0
Dry lot	69,044	0.02	0.15	0.01	0.02	0.0075	308,241	723,898	357,726	840,114
Liquid/slurry	69,044	0.005	0.26	0.01	0.008	0.0075	3,083	2,561	3,577	2,973
Pasture	69,044	0	0.00	0.01	0	0.0075	3,263	0	3,787	0
Solid storage <sup>[k]</sup>	69,044	0.005	0.27	0.01	0	0.0075	0	0	0	0
Total	--	--	--	--	--	--	352,683	730,592	409,303	847,882
Total (MMT CO <sub>2</sub> e/yr) <sup>[j]</sup>								0.22		0.25

Notes:

<sup>[a]</sup> Nitrogen excreted per animal (CARB Annex III.B.)

<sup>[b]</sup> Emission factor representing direct nitrogen as N<sub>2</sub>O-N for the particular waste management system (CARB Annex III.B.)

<sup>[c]</sup> Volatilization fraction of N for the animal group (CARB Annex III.B.)

<sup>[d]</sup> Emission factor representing indirect nitrogen as N<sub>2</sub>O-N for re-deposited volatilized N (CARB Annex III.B.)

<sup>[e]</sup> Runoff fraction of N for the animal group (CARB Annex III.B.)

<sup>[f]</sup> Emission factor representing indirect nitrogen as N<sub>2</sub>O-N for runoff N (CARB Annex III.B.)

<sup>[g]</sup> Number of animals per waste management system. Assumes Tulare has the same distribution of waste management systems as California does (CARB Annex III.B.)

<sup>[h]</sup> N<sub>2</sub>O emissions estimated using Equation 1 (see below).

$$\text{Equation 1 } N_{2O} = \frac{WMS}{1000} \times N_{ex} \times EF_{direct} \times EF_{volatilized} \times EF_{runoff} + \left( \frac{WMS}{1000} \times EF_{volatilized} \times EF_{runoff} \right) \times 1.5711$$

<sup>[i]</sup> Data were not provided for dairy cows: dry lot; instead the data for heifers: dry lot were used.

<sup>[j]</sup> CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWP is 25 for CH<sub>4</sub> and 298 for N<sub>2</sub>O (Table A-1, 40 CFR Part 98).

<sup>[k]</sup> Data were not provided for dairy heifers: anaerobic digester, anaerobic lagoon, deep pit, or solid storage; instead the corresponding data for dairy cows were used.

Abbreviations:

CARB - California Air Resources Board	GWP - global warming potential	N <sub>2</sub> O - nitrous oxide	WMS - waste management system
CFR - Code of Federal Regulations	kg - kilogram	N <sub>2</sub> O <sub>man</sub> - nitrous oxide emissions from manure management	yr - year
CO <sub>2</sub> e - carbon dioxide equivalents	MMT - million metric tonnes	N <sub>animals</sub> - animal population	
g - gram	N - nitrogen	N <sub>ex</sub> - nitrogen excreted per animal	

## **Appendix B**

### **Values Extracted from Analyses Completed for the Tulare County ACFP Update EIR**

## 2020 Dairy CAP Amendment

**Table B-1. Project Level GHG Emissions without Mitigation (Metric Tons/Year)**

Source	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	HFC-23	CO <sub>2</sub> e
Farm Equipment Exhaust	38,054	3	0	0.0	38,129
Farm Agricultural Soil	0	0	2,725	0.0	812,050
Farm Electricity Consumption	79,107	3	1	0.0	79,480
Dairy Equipment Exhaust	99,106	12	0	0.0	99,406
Truck Trips	23,137	0	0	0.0	23,137
Dairy Employee and Visitor Trips	14,882	3	3	0.0	15,851
Dairy Electricity Consumption	144,792	6	1	0.0	145,335
Dairy Refrigeration	0	0	0	4.3	63,640
<b>Total</b>	<b>399,078</b>	<b>27</b>	<b>2,730</b>	<b>4.3</b>	<b>1,277,028</b>

Notes:

1. Project level conditions represent existing conditions relative to a zero baseline. Existing conditions are from 2013 for Dairy Electricity Consumption and 2009 for all other sources.
2. Dairy emissions include support stock at heifer and calf ranches.
3. Farm emissions are associated with dairy and cattle ranch support crops.
4. Metric Ton = 1,000 kg = 1.1 short tons
5. CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWPs are 1 for CO<sub>2</sub>, 25 for CH<sub>4</sub>, 298 for N<sub>2</sub>O, and 14,800 for HFC-23 (Table A-1, 40 CFR Part 98).

**Table B-2. Cumulative GHG Emissions without Mitigation (Metric Tons/Year)**

Source	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	HFC-23	CO <sub>2</sub> e
Farm Equipment Exhaust	52,145	2	0	0.0	52,195
Farm Agricultural Soil	0	0	3731	0.0	1,111,838
Farm Electricity Consumption	108,340	5	1	0.0	108,763
Dairy Equipment Exhaust	135,303	7	0	0.0	135,478
Truck Trips	28,493	0	0	0.0	28,493
Dairy Employee and Visitor Trips	14,692	4	5	0.0	16,282
Dairy Electricity Consumption	170,925	7	2	0.0	171,566
Dairy Refrigeration	0	0	0	5.8	85,840
<b>Total</b>	<b>509,898</b>	<b>25</b>	<b>3,739</b>	<b>5.8</b>	<b>1,710,455</b>

Notes:

1. Cumulative conditions represent (10 year horizon) build out conditions with a 1.5% growth rate relative to a zero baseline.
2. Dairy emissions include support stock at heifer and calf ranches.
3. Farm emissions are associated with dairy and cattle ranch support crops.
4. Metric Ton = 1,000 kg = 1.1 short tons
5. CO<sub>2</sub>e = carbon dioxide equivalent emissions, which is the sum of all emissions after multiplying by their global warming potentials (GWPs). GWPs are 1 for CO<sub>2</sub>, 25 for CH<sub>4</sub>, 298 for N<sub>2</sub>O, and 14,800 for HFC-23 (Table A-1, 40 CFR Part 98).

Abbreviations:

CH<sub>4</sub> - methane

CO<sub>2</sub> - carbon dioxide

CO<sub>2</sub>e - carbon dioxide equivalents

GHG - greenhouse gas

GWP - global warming potential

HFC-23 - fluoroform

kg - kilogram

N<sub>2</sub>O - nitrous oxide

## **Appendix C**

### **Summary of Potential Emissions Reduction Strategies**



## 2020 Dairy CAP Amendment

Pursuant to Board of Supervisors Resolution \_\_\_\_\_, Strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10 are Category A, rather than Category Bin the "Category" column of this table. Implementation of these strategies is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.

### Appendix C: Potential Reduction Strategies

Categorization		<b>A: Likely feasible, variable efficacy</b> <b>B: To be considered, variable efficacy</b> <b>C: Rejected as Infeasible</b>		
Strategies		Category	Notes	Checklist #
<b>California Air Pollution Control Officers Association (CAPCOA)<sup>[1]</sup></b>				
<b>2.0 Energy<sup>[2]</sup></b>				
2.1 Building Energy Use				
	2.1.1 Buildings Exceed Title 24 Building Envelope Energy Efficiency Standards By X%	A	See details in checklist	E1
	2.1.2 Install Programmable Thermostat Timers	C	This strategy is applicable to residences, not dairies/feedlots, and is rejected.	NA
	2.1.3 Obtain Third-party HVAC Commissioning and Verification of Energy Savings	A	See details in checklist	E2
	2.1.4 Install Energy Efficient Appliances	A	See details in checklist	E4
	2.1.5 Install Energy Efficient Boilers	A	See details in checklist	E3
2.2 Lighting				
	2.2.1 Install Higher Efficacy Public Street and Area Lighting	A	See details in checklist	E5
	2.2.2 Limit Outdoor Lighting Requirements	C	Outdoor lighting at dairies/feedlots is based on operational needs. Because of the lack of flexibility, this is rejected.	NA
	2.2.3 Replace Traffic Lights with LED Traffic Lights	C	This strategy is related to public infrastructure and is rejected.	NA
2.3 Alternative Energy Generation				
	2.3.1 Establish Onsite Renewable or Carbon-Neutral Energy Systems-Generic	B	See details in checklist	E6
	2.3.2 Establish Onsite Renewable Energy Systems-Solar Power	B	See details in checklist	E7
	2.3.3 Establish Onsite Renewable Energy Systems-Wind Power	B	See details in checklist	E8
	2.3.4 Utilize a Combined Heat and Power System	B	See details in checklist	E9
	2.3.5 Establish Methane Recovery in Landfills	C	Dairies/feedlots will not have a landfill and this strategy is rejected.	NA
	2.3.6 Establish Methane Recovery in Wastewater Treatment Plants	B	See details in checklist	E10
<b>3.0 Transportation</b>				
3.1 Land Use/Location				
	3.1.1 Increase Density	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.1.2 Increase Location Efficiency	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.1.3 Increase Diversity of Urban and Suburban Developments (Mixed Use)	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.1.4 Increase Destination Accessibility	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.1.5 Increase Transit Accessibility	B	See details in checklist	T4

## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
	3.1.6 Integrate Affordable and Below Market Rate Housing	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and primarily "[a]ppropriate for residential and mixed-use projects". This strategy is rejected.	NA
	3.1.7 Orient Project Toward Non-Auto Corridor	C	This strategy is expected to be applicable in an "[u]rban and suburban context". This strategy is rejected.	NA
	3.1.8 Locate Project near Bike Path/Bike Lane	C	This strategy is expected to be applicable in an "[u]rban and suburban context". This strategy is rejected.	NA
	3.1.9 Improve Design of Development	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
3.2 Neighborhood/Site Enhancements				
	3.2.1 Provide Pedestrian Network Improvements	C	Dairies/feedlots have very limited pedestrian traffic and this strategy is rejected.	NA
	3.2.2 Provide Traffic Calming Strategies	C	Dairies/feedlots have very limited pedestrian traffic and this strategy is rejected.	NA
	3.2.3 Implement a Neighborhood Electric Vehicle (NEV) Network	C	This strategy is primarily "[a]ppropriate for mixed-use projects" and is rejected.	NA
	3.2.4 Create Urban Non-Motorized Zones	C	This strategy is expected to be applicable in an "[u]rban context". This strategy is rejected.	NA
	3.2.5 Incorporate Bike Lane Street Design (on-site)	C	This strategy is expected to be applicable in an "[u]rban and suburban context". This strategy is rejected.	NA
	3.2.6 Provide Bike Parking in Non-Residential Projects	A	See details in checklist	T1
	3.2.7 Provide Bike Parking with Multi-Unit Residential Projects	C	This strategy is "[a]ppropriate for residential projects" and is rejected.	NA
	3.2.8 Provide Electric Vehicle Parking	C	This strategy would have only a negligible effect and is rejected as infeasible.	NA
	3.2.9 Dedicate Land for Bike Trails	C	This strategy is unrealistic, as dairies/feedlots are unlikely to be part of an adopted bikeway plan. This strategy is rejected.	NA
3.3 Parking Policy/Pricing				
	3.3.1 Limit Parking Supply	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.3.2 Unbundle Parking Costs from Property Cost	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.3.3 Implement Market Price Public Parking (On-Street)	C	This strategy is expected to have a "[n]egligible impact in a rural context" and is rejected.	NA
	3.3.4 Require Residential Area Parking Permits	C	This strategy is expected to be applicable in an "[u]rban context". This strategy is rejected.	NA

## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
3.4 Commute Trip Reduction Programs				
	3.4.1 Implement Commute Trip Reduction Program - Voluntary	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	Implement Commute Trip Reduction Program – Required	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.2 Implementation/Monitoring	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.3 Provide Ride-Sharing Programs	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.4 Implement Subsidized or Discounted Transit Program	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.5 Provide End of Trip Facilities	A	See details in checklist	T2
	3.4.6 Encourage Telecommuting and Alternative Work Schedules	C	Typical operations at dairies/feedlots do not allow for telecommuting or alternative work schedule. This strategy is rejected.	NA
	3.4.7 Implement Commute Trip Reduction Marketing	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.8 Implement Preferential Parking Permit Program	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and is rejected.	NA
	3.4.9 Implement Car-Sharing Program	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.10 Implement a School Pool Program	C	This strategy is "[a]ppropriate for residential and mixed-use projects" and is rejected for dairies/feedlots.	NA
	3.4.11 Provide Employer-Sponsored Vanpool/Shuttle	B	See details in checklist	T3
	3.4.12 Implement Bike-Sharing Programs	B	See details in checklist	T5
	3.4.13 Implement School Bus Program	C	This strategy is primarily "[a]ppropriate for residential and mixed-use projects" and is rejected.	NA
	3.4.14 Price Workplace Parking	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA
	3.4.15 Implement Employee Parking “Cash-Out”	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". This strategy is rejected.	NA

## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
3.5 Transit System Improvements				
	3.5.1 Provide a Bus Rapid Transit System	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and to be "[n]eligible in a rural context". It is "[a]ppropriate for specific or general plans" and is rejected.	NA
	3.5.2 Implement Transit Access Improvements	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and is rejected.	NA
	3.5.3 Expand Transit Network	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and is "[a]ppropriate for specific or general plans". This strategy is rejected.	NA
	3.5.4 Increase Transit Service Frequency/Speed	C	"Urban and suburban context" "Appropriate for specific or general plans"	NA
	3.5.5 Provide Bike Parking Near Transit	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and is rejected.	NA
	3.5.6 Provide Local Shuttles	C	This strategy is expected to be applicable in an "[u]rban and suburban context" and is rejected.	NA
3.6 Road Pricing/Management				
	3.6.1 Implement Area or Cordon Pricing	C	This strategy is applicable in a "[c]entral business district or urban center only" and is rejected for dairies/feedlots.	NA
	3.6.2 Improve Traffic Flow	C	Dairies/feedlots are primarily located in rural areas and do not impact the overall traffic flow. This strategy is not applicable for an individual facility and is rejected.	NA
	3.6.3 Required Project Contributions to Transportation Infrastructure Improvement Projects	C	Dairies/feedlots are primarily located in rural areas and do not impact large sections of the transportation infrastructure. This strategy is not applicable for an individual facility and is rejected.	NA
	3.6.4 Install Park-and-Ride Lots	C	Dairies/feedlots are primarily located in rural areas and do not require sufficient employees to justify a park-and-ride lot. This strategy is not applicable for an individual facility and is rejected.	NA
3.7 Vehicles				
	3.7.1 Electrify Loading Docks and/or Require Idling-Reduction Systems	C	Dairies/feedlots require the use of multiple delivery vehicles (e.g., animal feed, milk transportation, etc.). However, an individual facility often does not purchase or operate these vehicles and has no control over the selection of electric vehicles and thus the use of electrified loading docks. This strategy is not applicable for an individual facility and is rejected.	NA
	3.7.2 Utilize Alternative Fueled Vehicles	B	See details in checklist	T6
	3.7.3 Utilize Electric or Hybrid Vehicles	B	See details in checklist	T7

## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
<b>4.0 Water</b>				
4.1 Water Supply				
	4.1.1 Use Reclaimed Water	C		NA
	4.1.2 Use Gray Water	C	Dairies/feedlots do not produce a large quantity of gray water and this strategy is rejected.	NA
	4.1.3 Use Locally Sourced Water Supply	B	See details in checklist	R7
4.2 Water Use				
	4.2.1 Install Low-Flow Water Fixtures	B	See details in checklist	R8
	4.2.2 Adopt a Water Conservation Strategy	A	See details in checklist	R1
	4.2.3 Design Water-Efficient Landscapes	A	See details in checklist	R2
	4.2.4 Use Water-Efficient Landscape Irrigation Systems	A	See details in checklist	R3
	4.2.5 Reduce Turf in Landscapes and Lawns	A	See details in checklist	R4
	4.2.6 Plant Native or Drought-Resistant Trees and Vegetation	A	See details in checklist	R5
<b>5.0 Area Landscaping</b>				
5.1 Landscaping Equipment				
	5.1.1 Prohibit Gas Powered Landscape Equipment	C	The equipment needed for landscaping at dairies/feedlots is minimal and this strategy is rejected.	NA
	5.1.2 Implement Lawnmower Exchange Program	C	This strategy is not applicable for an individual facility and is rejected.	NA
	5.1.3 Electric Yard Equipment Compatibility	C	The equipment needed for landscaping at dairies/feedlots is minimal and this strategy is rejected.	NA
<b>6.0 Solid Waste</b>				
6.1 Solid Waste				
	6.1.1 Institute or Extend Recycling and Composting Services	B	See details in checklist	R6
	6.1.2 Recycle Demolished Construction Material	B	See details in checklist	R9
<b>7.0 Vegetation</b>				
7.1 Vegetation				
	7.1.1 Urban Tree Planting	B	See details in checklist	M1
	7.1.2 Create New Vegetated Open Space	C		NA

## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
<b>8.0 Construction</b>				
8.1 Construction				
	8.1.1 Use Alternative Fuels for Construction Equipment	B	See details in checklist	M2
	8.1.2 Use Electric and Hybrid Construction Equipment	B	See details in checklist	M3
	8.1.3 Limit Construction Equipment Idling beyond Regulation Requirements	B	See details in checklist	M4
	8.1.4 Institute a Heavy-Duty Off-Road Vehicle Plan	B	See details in checklist	M5
	8.1.5 Implement a Construction Vehicle Inventory Tracking System	B	See details in checklist	M6
<b>9.0 Miscellaneous</b>				
9.1 Miscellaneous				
	9.1.1 Establish a Carbon Sequestration Project	C	This strategy is not applicable for an individual facility and is rejected.	NA
	9.1.2 Establish Off-Site Mitigation	C		NA
	9.1.3 Use Local and Sustainable Building Materials	B	See details in checklist	M7
	9.1.4 Require Best Management Practices in Agriculture and Animal Operations	A/B	See details in checklist	D3, D4, M8
	9.1.5 Require Environmentally Responsible Purchasing	A/B	See details in checklist	D1, D2, M9
	9.1.6 Implement an Innovative Strategy for GHG Mitigation	B	See details in checklist	M10
	9.1.7 Implement a Category A or Category B strategy within existing portion of expansion project	B	See details in checklist	M11
<b>10.0 General Plans</b>				
10.1 General Plans				
	10.1.1 Fund Incentives for Energy Efficiency	C	This strategy is at the General Plan level and is not applicable to an individual facility. This strategy is rejected.	NA
	10.1.2 Establish a Local Farmer's Market	C	This strategy is at the General Plan level and is not applicable to an individual facility. This strategy is rejected.	NA
	10.1.3 Establish Community Gardens	C	This strategy is at the General Plan level and is not applicable to an individual facility. This strategy is rejected.	NA
	10.1.4 Plant Urban Shade Trees	C	This strategy is at the General Plan level and is not applicable to an individual facility. This strategy is rejected.	NA
	10.1.5 Implement Strategies to Reduce Urban Heat-Island Effect	C	This strategy is at the General Plan level and is not applicable to an individual facility. This strategy is rejected.	NA



## 2020 Dairy CAP Amendment

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Strategies		Category	Notes	Checklist #
<b>San Joaquin Valley Air Pollution Control District (SJVAPCD)<sup>[3], [4]</sup></b>				
9(1)	All ruminant animal feed shall include at least 6% cottonseed, or, upon District approval, based on sufficient demonstration that use of cottonseed is not feasible, an equivalent substitute	C	The SJVAPCD specifies "that these examples of BPS are for illustrative purposes only, and should not be used by any lead agency as District-approved or sanctioned standards." In addition, this strategy is not feasible in practice and would create a fixed market for cotton seed. This strategy is rejected.	NA
9(2)	Manure from animal housing areas for mature cows shall be removed and transferred into appropriate treatment facilities at least four times a day...	C	Increasing the frequency at which barns are flushed or scraped has the potential to increase energy use by farm equipment. It also transports organic materials into treatment facilities (i.e. lagoons) more quickly, where they are more likely to produce methane sooner. This strategy is rejected.	NA
9(3) <sup>[2]</sup>	Collected manure shall be treated anaerobically in digesters or covered lagoons, designed and operated per NRCS standards, with captured methane used for energy recovery in a method that displaces current or required fossil fuel use...	B	See details in the checklist.	D5
<b>Additional Measures<sup>[5]</sup></b>				
O(1)	Conversion of manure handling to scrape system.	B	Scrape systems divert manure from lagoons to another type of storage system, which can potentially reduce GHG emissions.	D6
O(2)	Increase solids separation	B	Mechanical separation of the solids from the manure has the potential to reduce GHG emissions.	D7
O(3)	Pasture-based management practices	B	See details in checklist	D8

### Notes:

<sup>[1]</sup> CAPCOA. 2010. Quantifying Greenhouse Gas Mitigation Measures. August. Accessed at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>. Accessed on December 12, 2013.

<sup>[2]</sup> This strategy is also consistent with CEQA, Appendix F: Energy Conservation.

<sup>[3]</sup> SJVAPCD. 2009. Final Staff Report - Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act. December 17. Accessed at: <http://www.valleyair.org/programs/CCAP/12-17-09/1%20CCAP%20-%20FINAL%20CEQA%20GHG%20Staff%20Report%20-%20Dec%2017%202009.pdf>. Accessed on December 12, 2013.

<sup>[4]</sup> Note that the staff report states "that these examples of BPS are for illustrative purposes only, and should not be used by any lead agency as District-approved or sanctioned standards."

<sup>[5]</sup> The additional measures are based on recent advances in the scientific understanding of methods to reduce GHGs on dairies.

## **Appendix D**

### **Summary of Significance Thresholds**



Appendix D: Summary of Potential CEQA Significance Thresholds

Category	Jurisdictional Body	Bright-Line Limit (MT CO <sub>2</sub> e/yr)	Service Population Efficiency Metric (MT CO <sub>2</sub> e/sp/yr)	Improvement Over BAU Conditions	Significance for Threshold Basis	References
State	ARB (Cap & Trade)	25,000	N/A	N/A	<p>This applicability threshold is primarily for large industrial source categories. [§ 95811]</p> <p>The threshold of 25,000 MT CO<sub>2</sub>e/yr is designed to 1) be consistent with USEPA's Mandatory Reporting Rule (which covers approximately 85-90% of emissions) and 2) cover the majority of large emitters.</p>	17 CCR §§ 95810-95814
State	ARB (Mandatory Reporting)	10,000	N/A	N/A	<p>This threshold applies to specific industrial source categories. Note that some industrial source categories must report regardless of emissions level.</p> <p>The following emission source is listed as an exclusion, "Fugitive methane and fugitive nitrous oxide emissions from livestock manure management systems described in 40 CFR Part 98, Subpart JJ, regardless of the magnitude of emissions produced." [§ 95101]. This exclusion is consistent with US EPA's current exclusion of manure management from mandatory reporting.</p>	17 CCR § 95101
Air District	Antelope Valley	100,000	N/A	N/A	Doesn't specify.	2011. Antelope Valley AQMD. California Environmental Quality Act (CEQA) and Federal Conformity Guidelines. August. Accessed online at: <a href="http://www.avaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=2908">http://www.avaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=2908</a> .
Air District	Bay Area	1,100 - land use development projects  10,000 - stationary source projects	4.6 - land use development projects	N/A	<p>Thresholds were removed from the 2012 updated CEQA Guidelines. Thresholds listed here are from the 2010 draft CEQA Guidelines.</p> <p>Excerpt from BAAQMD's website dated January 16, 2014 and checked on August 13, 2015, "...the Air District has been ordered to set aside the Thresholds and is no longer recommending that these Thresholds be used as a general measure of a project's significant air quality impacts."</p> <p>The Alameda County Superior Court issued a writ of mandate ordering BAAQMD to set aside these Thresholds. The writ and decision was overturned by the Court of Appeal of the State of California, although an appeal of the Court of Appeals decision is currently pending in the California Supreme Court. There is no ruling as of yet. In the interim, many Bay Area agencies continue to use the 2014 draft guidelines.</p>	<p>2012. Bay Area AQMD. California Environmental Quality Act Air Quality Guidelines. May. Accessed online at: <a href="http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en">http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en</a>.</p> <p>2010. Bay Area AQMD. California Environmental Quality Act Air Quality Guidelines. May. Accessed online at: <a href="http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx?la=en">http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx?la=en</a>.</p> <p>Excerpt: <a href="http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines">http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines</a></p>

2020 Dairy CAP Amendment

Category	Jurisdictional Body	Bright-Line Limit (MT CO <sub>2</sub> e/yr)	Service Population Efficiency Metric (MT CO <sub>2</sub> e/sp/yr)	Improvement Over BAU Conditions	Significance for Threshold Basis	References
Air District	Eastern Kern	25,000 - stationary source projects	N/A	20%	Thresholds apply to stationary source projects. [page 4]	2012. Eastern Kern APCD. Eastern Kern Air Pollution Control District Policy. Addendum to CEQA Guidelines Addressing GHG Emission Impacts for Stationary Source Projects when Serving as Lead CEQA Agency. March 8. Accessed online at: <a href="http://www.kernair.org/Documents/CEQA/EKAPCD%20CEQA%20GHG%20Policy%20Adopted%203-8-12.pdf">http://www.kernair.org/Documents/CEQA/EKAPCD%20CEQA%20GHG%20Policy%20Adopted%203-8-12.pdf</a> .
Air District	San Diego County	2,500 - land use development projects  10,000 - stationary source projects	4.32 - land use development projects	16% (updated for recession, but including RPS and Pavley in the BAU)	Per Table 4 in the guidelines, agriculture projects have the option of using the land use development threshold or the performance threshold. The stationary source threshold should be used for the portions of the project that involve stationary source emissions.	2013. San Diego County. County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements. Climate Change. November 7. Accessed online at: <a href="http://www.sdcounty.ca.gov/pds/advance/Guidelines_for_Determining_Significance_Climate_Change.pdf">http://www.sdcounty.ca.gov/pds/advance/Guidelines_for_Determining_Significance_Climate_Change.pdf</a> .
Air District	San Joaquin Valley	N/A	N/A	29% (based upon a point system)	Performance threshold applies to both stationary source and land use development projects. The District's approach relies on the use of performance based standards (Best Performance Standards [BPS]) to determine the significance of project specific GHG emission impacts.  Note that no BPS have been defined specific to dairies.	2009. San Joaquin Valley APCD. District Policy. Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA when Serving as the Lead Agency. December 17. Accessed online at: <a href="http://www.valleyair.org/Programs/CCAP/12-17-09/2%20CCAP%20-%20FINAL%20District%20Policy%20CEQA%20GHG%20-%20Dec%2017%202009.pdf">http://www.valleyair.org/Programs/CCAP/12-17-09/2%20CCAP%20-%20FINAL%20District%20Policy%20CEQA%20GHG%20-%20Dec%2017%202009.pdf</a> .  2009. San Joaquin Valley APCD. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. December 17. Accessed online at: <a href="http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf">http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf</a> .
Air District	San Luis Obispo	1,150 - land use development projects  10,000 - stationary source projects	4.9 - land use development projects	N/A	Land use development includes the following project types: residential, commercial, and public land uses and facilities. Stationary source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require a permit to operate. [page 3-6]	2012. San Luis Obispo APCD. CEQA Air Quality Handbook. A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review. April. Accessed online at: <a href="http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf">http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf</a> .
Air District	Santa Barbara	10,000 - stationary source projects	N/A	N/A	Threshold is for stationary source projects. [page 1]	Santa Barbara County APCD. CEQA Significance Thresholds for GHGs - Questions and Answers. Accessed online at: <a href="http://www.sbcapcd.org/apcd/ceqa-ghg-faq.pdf">http://www.sbcapcd.org/apcd/ceqa-ghg-faq.pdf</a> .
Air District	South Coast (draft)	3,000 - mixed use residential/commercial 10,000 - industrial projects (FINAL)	2020 Target: 4.8 2035 Target: 3.0	No recommendation as of September 2010	3,000 MT CO <sub>2</sub> e/yr for mixed use (3,500 MT CO <sub>2</sub> e/yr for residential; 1,400 MT CO <sub>2</sub> e/yr for commercial). 10,000 MT CO <sub>2</sub> e/yr for mixed use.	2008. South Coast AQMD. Draft Guidance Document - Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October. Accessed online at: <a href="http://www.aqmd.gov/hb/2008/December/081231a.htm">http://www.aqmd.gov/hb/2008/December/081231a.htm</a> .
Air District	Tehama	900 - land use development projects	N/A	25%	From the CAPCOA CEQA and Climate Change document. Based on general land use projects such as residential and commercial projects. [page 3-8]	2009. Tehama County APCD. Planning & Permitting Air Quality Handbook. Guidelines for Assessing Air Quality Impacts. December. Accessed online at: <a href="http://www.tehcoapcd.net/PDF/CEQA%20Handbook%20Dec%2009.pdf">http://www.tehcoapcd.net/PDF/CEQA%20Handbook%20Dec%2009.pdf</a>

# **Attachment “5”**

**Consulting Agencies List and Comments Received for GPA 20-009 the Amendment of the 2017 ACFP and 2017 Dairy CAP**

**PROJECT NO. GPA 20-009 (Tulare County)**  
**CONSULTING AGENCY LIST**

**County Departments**

- ☒ All Tulare County Board of Supervisors (9 copies)
- ☒ All Tulare County Planning Commission (7 copies)
- ☒ Tulare Co. CAO
- ☒ Tulare Co. Environmental Health (Ted Martin)
- ☒ Tulare County Agricultural Commissioner (Tom Tucker)
- ☒ Tulare County Counsel
- ☒ U.C. Cooperative Extension Service (Noelia Silva-del-Rio)

**Cities/Counties**

- ☒ Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, Kingsburg, Delano
- ☒ Counties of Kings, Kern, Fresno, Inyo

**Other Organizations/Agencies/State Government/Federal Government**

- ☒ Tulare County Office of Education, 6200 S. Mooney Blvd., Visalia, CA 93277
- ☒ Tulare County LAFCO, 210 N. Church Street, Suite B, Visalia, CA 93291
- ☒ California Water Service, 216 North Valley Oaks Drive, Visalia, CA 93292
- ☒ San Joaquin Valley Unified Air Pollution Control District
- ☒ CA Historical Resources Information System (Bakersfield Information Center)
- ☒ CA Regional Water Quality Control Board, Central Valley (Fresno - Dale Essary)
- ☒ California Department of Fish and Wildlife, District 4
- ☒ Native American Heritage Commission
- ☒ Air Resources Board (Patrick Gaffney)
- ☒ State of California Reclamation Board
- ☒ CA Department of Water Resources
- ☒ CA Water Resources Control Board
- ☒ State of California Department of Conservation
- ☒ California Department of Food and Agriculture
- ☒ CA State Department of Health
- ☒ California Department of Transportation (District 06)
- ☒ California Department of Parks & Recreation
- ☒ U.S. Fish and Wildlife Service
- ☒ U.S. Environmental Protection Agency
- ☒ USDA Natural Resource Conservation Service (Laurana Strong)
- ☒ US Bureau Land Management
- ☒ Southern California Gas
- ☒ Southern California Edison
- ☒ PG&E
- ☒ Sierra Club, Kern-Kaweah Chapter (Attn: Vice-Chair Gordon Nipp, P.O. Box 3357, Bakersfield, CA 93385)
- ☒ Babak Naficy (Law Offices of Babak Naficy, 1504 Marsh Street, San Luis Obispo, CA 93407)
- ☒ Association of Irrigated Residents (Attn: Tom Frantz, President, 29389 Fresno Avenue, Shafter, CA 93263)
- ☒ Center for Biological Diversity (Attn: Jonathan Evans, 1212 Broadway, Suite 800, Oakland, CA 94612)
- ☒ Community Alliance for Responsible Environmental Stewardship (J.P. Cativiela)

## **Tulare County Groundwater Sustainability Agencies**

- ☒ East Kaweah GSA (Attn: Michael Hagman), 315 E. Lindmore Street, Lindsay, CA 93247
- ☒ Greater Kaweah GSA (Attn: Eric Osterling), Email: [info@greaterkaweahgsa.org](mailto:info@greaterkaweahgsa.org)
- ☒ Middle Kaweah GSA (Attn: Paul Hendrix), 144 S. L Street. Suite N, Tulare, CA 93274
- ☒ Central Kings GSA (Attn: Phillip Desatoff), P.O. Box 209, Selma, CA 93552
- ☒ Kings River East GSA (Attn: Chad Wegley), 289 North L Street, Dinuba, CA 93618
- ☒ Eastern Tule GSA (Attn: Bryce McAteer), 881 W. Morton Ave, Suite D, Porterville, CA 93257
- ☒ Delano/Earlimart Irrigation District GSA (Attn: Dale Brogan), 14181 Avenue 24, Delano, CA 93201
- ☒ Alpaugh GSA (Attn: Bruce Howart), 5458 Road 38, Alpaugh, CA 93201
- ☒ Lower Tule River Irrigation District GSA (Attn: Dan Vink or Eric Limas), 357 E. Olive Avenue, Tipton, CA 93272
- ☒ Pixley Irrigation District GSA (Attn: Dan Vink or Eric Limas), 357 E. Olive Avenue, Tipton, CA 93272
- ☒ Tri-County Water Authority GSA (Attn: Matt Hurley), 944 Whitley Ave, Suite E, Corcoran, CA 93212

# **Attachment “6”**

**Response to June 4, 2020, letter from Center for Biological  
Diversity commenting on GPA 20-009**



*via email*

Sandy Roper, Project Planner  
Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA. 93277  
(559) 624-7101  
[sroper@co.tulare.ca.us](mailto:sroper@co.tulare.ca.us)

RE: **General Plan Amendment No. GPA 20-009:  
Animal Confinement Facilities Plan, Dairy and Feedlot Climate Action Plan**

Dear Ms. Roper,

These comments are submitted on behalf of the Center for Biological Diversity, Kern-Kaweah chapter of the Sierra Club, and Association of Irrigated Residents regarding the General Plan Amendment No. GPA 20-009, Animal Confinement Facilities Plan (“ACFP”), Dairy and Feedlot Climate Action Plan (“Dairy CAP”), and Stipulated Settlement (“Settlement”) in the case *Sierra Club et al v. County of Tulare et al.* (Tulare County case No. 272380).

As parties to the Settlement we appreciate the County of Tulare (“County”) moving forward with amendment to the General Plan to accord with the obligations of the Settlement. In particular, we note that the Proposed 2020 ACFP Amendment from GPA 20-009 mirrors the Settlement, Attachment 1 - 2019 ACFP Amendment (Settlement at 27-28 of .pdf), and the Proposed 2020 Dairy and Feedlot CAP Amendment from GPA 20-009 mirrors the Settlement, Attachment 2- 2019 Dairy CAP Amendment (Settlement at 29-49 of .pdf).

As part of the Settlement, the County committed to several further steps to address greenhouse gas emissions from dairy and feedlot operations (Settlement at 3-7 of .pdf) including the following:

- providing an annual report due May 1, 2020, including a public meeting on the annual report;
- hiring at least one full-time equivalent person for the fiscal years 2019-2024, dedicated to monitoring and enforcing the ACFP;
- developing and maintaining list of ACFPs;
- tracking existing dairies' compliance with the ACFP, greenhouse gas reduction measures, mitigation measures, and any permit conditions required by the San Joaquin Valley Air Pollution Control District and/or Central Valley Regional Water Quality Control Board by their regulations specified in Permits to Operate and Waste Discharge Requirements that are applicable to GHG reductions;
- tracking estimated GHG emission reductions;

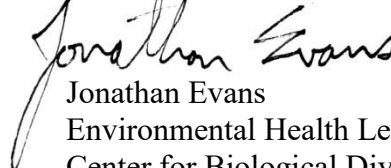
- forwarding noncompliance with the ACFP to the San Joaquin Valley Air Pollution Control District and/or Central Valley Regional Water Quality Control Board;
- initiating Code Enforcement actions for dairies out of compliance with the ACFP;
- performing site inspections of at least 15 % of dairies every fiscal year;
- reporting all enforcement and inspection actions as well as any reports of noncompliance with applicable County permits, rules and regulations from the prior year to the County Board as part of Annual, Interim, and Final Reports;
- developing and updating of an ACFP/Dairy and Feedlot CAP implementation webpage to publicly post relevant information including annual reporting and updates to the ACFP and Dairy CAP;
- establishing a Dairy Mitigation Education Program by March 1, 2020, that includes the following: identifying and promoting methods to reduce greenhouse gas emissions from dairy and livestock operations in the County; outreach to dairy industry, including co-sponsoring events regarding; ACFP compliance and greenhouse gas emissions reductions; and conduct two noticed training meetings for dairies on annual compliance report requirements.

We understand that the County has already met some of these requirements. For example, we understand that the County has already hired a full-time equivalent staff to specifically address administrative issues related to dairies and their compliance with applicable rules and regulations. In other instances, however, it appears that the County has not fulfilled its obligations. For example, it would appear the County has failed to prepare and consider an annual report on dairy and feedlot GHG emissions, among other tasks.

Accordingly, we request that the County provide a detailed update to the Board of Supervisors and public regarding the implementation of other substantive requirements of the Settlement and more generally regarding the status of the County's implementation of the Dairy and Feedlot Climate Action Plan and Animal Confinement Facilities Plan. (See Settlement at 3-7 of .pdf).

This letter also serves as a Right to Cure notice as outlined in section VI(B) of the Settlement. We appreciate the opportunity to comment on the implementation of the ACFP and Dairy CAP and the County's obligations to reduce the greenhouse gas emissions associated with the dairy and feedlot operations.

Sincerely,



Jonathan Evans  
Environmental Health Legal Director  
Center for Biological Diversity

cc:

Jeffrey Kuhl, [JKuhn@co.tulare.ca.us](mailto:JKuhn@co.tulare.ca.us)  
Margaret Sohagi, [msohagi@sohagi.com](mailto:msohagi@sohagi.com)  
Al Herson, [aherson@sohagi.com](mailto:aherson@sohagi.com)



Enclosure:

Stipulated Settlement, *Sierra Club et al v. County of Tulare et al.* (Tulare County case No. 272380).

## STIPULATED SETTLEMENT

This Stipulated Settlement (“Settlement”) is entered into by the parties set forth below for the purpose of completely resolving Case No. 272380 – Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Superior Court, State of California, County of Tulare, Visalia Division, challenging the certification by the County of Tulare of the Environmental Impact Report for the Animal Facilities Confinement Plan and related General Plan Amendments Zone Changes, and Dairy and Feedlot Climate Action Plan.

This Settlement is made and effective this 2<sup>nd</sup> day of August 2019 (the “Date of Execution”) by and among all parties to Case No. 272380, namely the Sierra Club, Association of Irrigated Residents and Center for Biological Diversity (collectively “Petitioners” or “Plaintiffs”) and the County of Tulare, a political subdivision of the State of California and the Board of Supervisors of the County of Tulare (collectively “County”).

Sierra Club, Association of Irrigated Residents and Center for Biological Diversity and County are collectively referred to herein as the “Parties” and individually as a “Party.” This Settlement is intended to resolve the outstanding legal disputes between the Parties without further litigation and serve in lieu of any determination by the Court as to the merits of Petitioners’ allegations in the case.

## RECITALS

**WHEREAS**, Sierra Club is a California non-profit environmental organization;

**WHEREAS**, Association of Irrigated Residents is a California non-profit, public interest corporation;

**WHEREAS**, Center for Biological Diversity is a California non- profit, public interest corporation;

**WHEREAS**, the County of Tulare is a political subdivision of the State of California and a public entity organized and existing under the laws of the State of California, and the Tulare County Board of Supervisors (“County Board”) is the governing body of the County;

**WHEREAS**, Petitioners filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in Superior Court, Visalia Division in the State of California Superior Court, County of Tulare against County on January 11, 2018, which Petition is designated as Case No. 272380 (“Litigation”) generally challenging the certification by the County of Tulare of the Environmental Impact Report (“EIR”) for the Animal Confinement Facilities Plan and related General Plan Amendments and Zone Changes (collectively “ACFP”), and Dairy and Feedlot Climate Action Plan (“Petition”);

**WHEREAS**, on December 12, 2017, the County Board certified the EIR (State Clearinghouse No. 20111111078) prepared by the County under the California Environmental Quality Act (“CEQA,” Public Resources Code Section 21000 et seq.), which analyzed the environmental impacts of the ACFP, Dairy and Feedlot Climate Action Plan (“Dairy and Feedlot

CAP”) and related zoning ordinance amendment and criteria/standards resolution implementing the ACFP;

**WHEREAS**, on December 12, 2017, County Board adopted Resolution 2017-1061/Ordinance No. 3522 certifying the ACFP EIR and adopting the CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the ACFP, Dairy and Feedlot CAP;

**WHEREAS**, on December 12, 2017, County Board also adopted Resolution No. 2017-1062/Ordinance No. 3522 adopting General Plan Amendment No. 10-002 and Zoning ordinance amendment No. PZC 17-040 for the ACFP, and Dairy and Feedlot CAP;

**WHEREAS**, on December 12, 2017, County Board also adopted Resolution No. 2017-1063/Ordinance No. 3522 adopting the criteria and standards to be used in the administrative review and approval of special use permits pertaining to certain compliant bovine facilities;

**WHEREAS**, the County and dairy and feedlot operators in the County have been participating in the implementation of Senate Bill 1383 “Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills” (“SB 1383”) focused on reducing short lived climate pollutants, including greenhouse gases associated with methane emissions from dairy and feedlot operations, and based on initial data collected and analyzed by the County are understood to have achieved greenhouse reductions since initiation of this Litigation, and seek to continue to do so through the implementation of the Dairy and Feedlot CAP and SB 1383;

**WHEREAS**, by entering into this Settlement Petitioners are not endorsing digesters as the appropriate means of reducing greenhouse gas emissions associated with dairy and feedlot operations and maintain concerns regarding the environmental impacts of digesters for dairy and feedlot operations;

**WHEREAS**, the Parties have mutually agreed that settlement is the most efficient and practical way to resolve the Litigation. Without any Party admitting or denying the truthfulness of any of the allegations or claims raised between and among the Parties and without accepting any liability arising out of such claims, the Parties now intend to settle the Litigation in its entirety on the terms and conditions set forth in this Settlement;

**WHEREAS**, the Parties have negotiated in good faith and agreed to the terms of this Settlement, including the Attachments attached hereto.

### **STIPULATED SETTLEMENT PROVISIONS**

**NOW, THEREFORE**, in consideration of the mutual benefits of this Settlement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

#### **I. INCORPORATED BY REFERENCE**

(1) The recitals set forth above are true and correct and incorporated by this reference as if set out in full.

(2) The attachments referred to in and attached to this Settlement are incorporated by this reference as if set out in full.

## **II. PURPOSE**

(1) This Settlement is intended to completely settle the Litigation, as provided herein.

## **III. SETTLEMENT OVERVIEW**

### **A. No Admission of Liability**

(1) This Settlement is entered into by the Parties without any admission of liability by any Party.

### **B. Mutual Consideration**

(1) The commitment by Petitioners to abide by the terms of this Settlement is consideration for County's commitment to abide by the terms of this Settlement. County's commitment to abide by the terms of this Settlement is consideration for the commitment by Petitioners to abide by the terms of this Settlement.

## **IV. TERMS**

### **A. Existing Dairies**

(1) County shall hire at least one Full-Time Equivalent ("FTE") person(s) for FY 2019 through FY 2024 (July 1, 2019 through June 30, 2025) dedicated to monitoring and enforcing the ACFP. Work tasks shall include the following:

- (a) Develop and maintain ACFP list.
- (b) Track existing dairies' compliance with the ACFP, Greenhouse Gas ("GHG") reduction measures, mitigation measures, and any permit conditions required by the San Joaquin Valley Air Pollution Control District ("SJVAPCD") and/or Central Valley Regional Water Quality Control Board ("CVRWQCB") by their regulations specified in Permits to Operate ("PTO") and Waste Discharge Requirements ("WDR"), respectively, applicable to GHG reductions.
- (c) Track estimated GHG emission reductions achieved during reporting period.
- (d) If any dairy is found to be out of compliance with the ACFP, then the FTE will forward the noncompliance information to SJVAPCD and/or CVRWQCB.
- (e) Initiate Code Enforcement actions for dairies out of compliance with the ACFP including, as necessary: 1) Initial notice, 2) subsequent warning, 3) preparation of informal or formal Corrective Action Plans to achieve compliance with County regulations and/or conditions of approval and if necessary, 4) seek administrative

penalties pursuant to the Ordinance Code of Tulare County (“TCOC”), Part I, Chapter 23 and/or a public nuisance abatement pursuant to TCOC, Part IV, Chapter 1.

(f) Perform site inspections of at least 15 % of dairies every fiscal year, on a rolling basis, with the inspection focused on status of GHG reduction measures in place.

(g) Report all enforcement and inspection actions as well as any reports of noncompliance with applicable County permits, rules and regulations from the prior year to the County Board as part of Annual, Interim, and Final Reports pursuant to Sections IV.B.1 through IV.B.3, respectively, below.

(h) The above provisions in this section will automatically expire upon the State’s implementation of SB 1383 regulations or by May 1, 2025, whichever occurs first.

## **B. Existing Dairies Plus New and Expanding Dairies**

### **1. Annual Report**

(1) County shall prepare an Annual Report of total dairy GHG emissions from FY2019-FY2024, except as provided in Section IV.B.2 (“Interim Report”) and Section IV.B.3 (“Final Report”) below. The Annual Report shall include:

(a) Total estimated dairy GHG emissions reduced to date compared to the 1.05 million metric tons/yr by 2023 Dairy and Feedlot CAP reduction goal as exemplified on Attachment B (Figures 1 and 2, and Table 1), and the total dairy GHG emissions reduced to date compared to the maximum projected SB 1383 potential target as exemplified on Attachment B (Figures 3 and 4, and Table 2). GHG emissions shall be represented as graphical figures substantially similar to those provided in Attachment B.

(b) Report on the State’s measures pursuant to SB 1383, including but not limited to digester funding and the Alternative Manure Management Program (“AMMP”).

(c) To the extent information is available in County files or from information provided on the California Air Resources Board’s (“ARB”), California Department of Food and Agriculture’s (“CDFA”), or United States Environmental Protection Agency AgSTAR (“EPA AgSTAR”) websites, an Updated Digester Project list for digesters within the County that lists: the operation name; project title; total project cost; CDFA funding award; additional Federal or State public funding awards; project description; project construction stage; location; GHG emission reductions over ten years; and how captured methane is being used. The report shall also include any reported problems with completed digesters within the County to the extent such information is available in County files or information provided on ARB’s, CDFA’s, or EPA AgSTAR’s website.

(2) The Annual Report shall be completed by May 1 each year, beginning in 2020, and made available to the public (through the County website). The County shall hold a public meeting on the Annual Report and the County Board shall provide the Annual Report to the

public not less than ten (10) calendar days prior to a duly-noticed public meeting, where the report is considered by the Board following a staff presentation and opportunity for public comments.

(3) The above provisions in this section will automatically expire upon the State's implementation of SB 1383 regulations or by May 1, 2025, whichever occurs first.

## **2. Interim Report**

(1) County shall prepare an Interim Report (in lieu of an Annual Report) for 2021. The Interim Report shall include:

(a) Total number of permitted dairies and feedlots in the County, number and type of animal waste management system, number of permitted cows provided on the ACFP list, total estimated dairy GHG emissions in 2020 and GHG reductions achieved since 2013.

(b) Total estimated dairy GHG emissions reduced to date compared to the 1.05 million metric tons/yr by 2023 Dairy and Feedlot CAP reduction goal as exemplified on Attachment B (Figures 1 and 2, and Table 1), and the total dairy GHG emissions reduced to date compared to the maximum projected SB 1383 potential target as exemplified on Attachment B (Figures 3 and 4, and Table 2).

(c) Summary of the State's GHG-reduction recommendations or required measures pursuant to SB 1383 including but not limited to digester and AMMP funding.

(d) Staff recommendations regarding additional, different or modified measures or programs ("adaptive management") to further reduce GHG emissions, especially if the data analyzed in Section IV.B.2.b suggests the County is not in line to meet reduction target of 1.05 million metric tons/yr by 2023 Dairy and Feedlot CAP or SB 1383 reduction targets.

(e) Information required in the Annual Report not otherwise listed in this section.

(2) The Interim Report shall be completed by May 1, 2022 and be made available to the public (through the County website). The County shall hold a public meeting on the Interim Report and the County Board shall provide the Interim Report to the public not less than ten (10) calendar days prior to a duly-noticed public meeting, where the Board shall consider the Interim Report following a staff report and opportunity for public comments.

## **3. Final Report**

(1) County shall prepare a Final Report (in lieu of an Annual Report) after the State issues its final SB 1383 report, should the State issue such a report.

(a) The Final Report shall include the State's "final" report prepared pursuant to SB 1383 or the State's most recent SB 1383 annual report, updated items provided in the County's Interim Report, any recommendations resulting from SB 1383 regulatory process, and information required in the Annual and Interim Report not otherwise listed in this paragraph.

(b) County Board shall consider any post-2024 recommendations from the State's "final" report prepared pursuant to SB 1383 at a public hearing with advance notice to the public to allow at least thirty (30) calendar days for the public to submit written comments.

(c) County shall complete and make available for public review the Final Report within one year after the State issues its "final report" or by May 1, 2025, whichever is earlier. County shall present the Final Report to the public and County Board at a public hearing.

#### **4. ACFP/CAP Implementation Webpage**

(1) County shall develop and update an ACFP/Dairy and Feedlot CAP implementation webpage to publicly post relevant information including, but not limited to:

(a) ACFP and Dairy and Feedlot CAP and any amendments thereto, and associated planning and environmental review documents pertaining to the ACFP and Dairy and Feedlot CAP.

(b) Annual, Interim and Final Reports outlined in this Settlement.

(c) The County Resource Management Agency website will also provide a link to the ACFP/ Dairy and Feedlot CAP implementation webpage.

(d) The above provisions in this section will automatically expire upon the State's implementation of SB 1383 regulations or by May 1, 2025, whichever occurs first.

#### **C. New and Expanding Dairies**

##### **1. Streamlining Expanding Dairies**

(1) Amendment to Dairy and Feedlot CAP and ACFP:

(a) County Board shall consider adoption of an amendment to the Dairy and Feedlot CAP and ACFP as set forth in Attachment A within 12 months of executing this Settlement.

##### **2. If a dairy project does not qualify for streamlining, or is a newly proposed dairy (collectively "Project"), then the following applies:**

(1) CEQA review:

(a) If County prepares an EIR for the Project, then County shall include a GHG emissions reduction trajectory as informational item only in the EIR.

(b) If County prepares an EIR or Mitigated Negative Declaration for the Project, then estimated GHG emissions shall be quantified, mitigation measures proposed to reduce GHG emissions shall be quantified, and GHG emissions reduced to the extent feasible pursuant to CEQA.

**D. Additional County Efforts**

**1. Dairy Mitigation Education Program**

(1) County shall establish a Dairy Mitigation Education Program (“Program”) by March 1, 2020. The Program’s work program shall include:

(a) Identify and promote methods to reduce GHG emissions from dairy and livestock operations in the County.

(b) Outreach to dairy industry, including co-sponsoring events regarding ACFP compliance and GHG emissions reductions.

(c) Conduct two noticed training meetings for dairies on Annual Compliance Report requirements.

(d) The above provisions in this section will automatically expire upon the State’s implementation of SB 1383 regulations or by May 1, 2025, whichever occurs first.

**V. COUNTY PROCESSING AND CONSIDERATION OF PROPOSED ACTIONS**

**A. Proposed Actions**

(1) The processing, consideration, adoption, effectuation and/or establishment, if any, of each and every obligation or action contemplated in the Settlement including Attachment A (“Proposed Actions”) shall be in accordance with applicable law, including but not limited to, the Government Code and the Public Resources Code.

(2) Nothing in this Settlement shall be construed as a waiver of the County’s police powers or third parties’ due process rights, if any.

**VI. ENFORCEMENT OF SETTLEMENT**

**A. Mutual Desire to Avoid Further Litigation and Jurisdiction to Enforce Settlement**

(1) The Parties have entered into this Settlement to avoid litigation. Action to enforce this Settlement is to be brought solely through the procedures set forth in this Section, which are



designed to avoid resorting to court enforcement in the first instance, and, if court enforcement is necessary, then to provide a simple, straight forward and predictable method of enforcement.

(2) In order to provide a simple, straightforward and predictable method of enforcement of this Settlement, the Parties shall request that the Tulare County Superior Court, Visalia Division ("Judicial Officer") retain jurisdiction of this case solely for the limited purpose of enforcing the mutual promises of the Settlement pursuant to the procedure set forth in this Section.

#### **B. Preliminary Enforcement Procedures**

(1) Right to Cure. If any Party believes another Party has not substantially performed one or more of its obligations under this Settlement (also referred to as "default"), then the Party shall provide written notice to the other Party of the alleged default within thirty (30) calendar days of the alleged default; offer to meet and confer in a good faith effort to resolve the issue; and provide the other Party ninety (90) days to cure the alleged default commencing at the time of receipt of the notice of a properly detailed written default notice ("Notice to Cure Default"). The 90-day period to cure shall be tolled if resolution of the issue triggers the need for CEQA compliance or a public hearing. A Notice to Cure Default given pursuant to this Section shall specify in reasonable detail the nature of the alleged default and, where appropriate, the manner in which the alleged default satisfactorily can be cured. In the event the Party providing Notice to Cure Default does not believe the alleged default has been cured pursuant to the cure timeframe above, then that Party shall provide a Supplemental Notice of Default, setting forth in reasonable detail the outstanding basis of the default. The other Party shall have an additional thirty (30) days to cure. The Parties may mutually agree to longer periods of time to cure.

#### **C. Judicial Enforcement of Settlement**

(1) Judicial Officer Determination: Subject to the restrictions otherwise set forth in this Settlement, after expiration of the cure period provided in Section VI.B. any Party may request that the Judicial Officer determine whether one Party has not substantially performed its obligations under this Settlement.

(2) Judicial Remedies:

(a) In the event one or more Petitioner(s) allege(s) County has not substantially performed one or more of its obligations under the Settlement and the Judicial Officer concurs, then Petitioner(s) sole remedy is specific performance by County.

(b) In the event County alleges one or more Petitioner(s) have not substantially performed its one or more of its obligations under the Settlement and the Judicial Officer concurs, then County's sole remedy is specific performance by Petitioner(s).

## **VII. ATTORNEY'S FEES FOR JUDICIAL ENFORCEMENT**

(1) If, following exhaustion of the procedures set forth in Section VI above, the Judicial Officer concurs with Petitioner(s) contention that the County has failed to substantially fulfill one or more of its obligations under the terms of this Settlement, then Petitioner(s) shall be entitled to reasonable attorney's fees. The amount of attorneys' fees shall be decided by the Judicial Officer, based on the total number of hours required to unsuccessfully mediate the issue and the attorney time necessary to litigate the issue before the court. No multiplier shall be awarded.

## **VIII. EFFECT OF MODIFICATION OF PARTY'S POWERS**

(1) In addition to the specific provisions of this Settlement, the County shall not be deemed to be in default if the County's powers are modified by State or Federal legislation, or otherwise in any way that precludes the County from performing its obligations under this Settlement.

## **IX. ATTORNEY'S FEES AND COSTS**

(1) Petitioners have incurred attorneys' fees and costs in litigating and drafting this Settlement.

(a) County will pay to Sierra Club and Association of Irrigated Residents \$82,882.50 total for such fees and costs incurred.

(b) County will pay to Center for Biological Diversity \$42,297.50 total for such fees and costs incurred.

(c) Sierra Club, Association of Irrigated Residents, and Center for Biological Diversity have submitted records documenting time and expenses and costs incurred on the Litigation and settlement sufficient to demonstrate that the award is reasonable and no multiplier has been applied.

(d) County shall pay said fees and costs to Petitioners in the amount specified above, within sixty (60) days from the date Petitioners file a Request for Dismissal with prejudice pursuant to Section X below.

## **X. DISPOSITION OF THE LITIGATION**

(1) Petitioners shall file in Tulare County Superior Court a Request for Dismissal with prejudice, in a form in substantial compliance with Attachment C, within ten (10) days after the County Board adopts amendments pursuant to Section IV above, including amendments substantially conforming to Attachment A.

(2) Notwithstanding any other provision of this Settlement, Petitioners may dismiss the Litigation with prejudice at any time.

## **XI. THIRD PARTY LAWSUITS**

(1) By entering into this Settlement, all Parties acknowledge it is in their best interest to ensure that the ACFP EIR, ACFP and Dairy and Feedlot CAP and all provisions of this Settlement are upheld against legal challenge by any other party. The County agrees to notify Petitioners within ten (10) business days of being served with any legal challenge to this Settlement, including any legal challenge to any Attachment or related CEQA compliance document to this Settlement. Under all circumstances, the County retains the right to exercise its own discretion and judgment in the defense of a legal challenge. In the event a court of competent jurisdiction rules any part of this Settlement, including any of the Proposed Actions, invalid, then the County shall be relieved of fulfilling its obligations as to that portion or portions of the Settlement, including any of the Proposed Actions, held to be invalid.

## **XII. RELEASE OF CLAIMS**

(1) The Parties intend and agree that this Settlement shall, when fully implemented in accordance with the provisions thereof, be effective as a full and final accord and satisfaction and general release of and from all claims in the Litigation.

Upon execution of this Settlement, and consistent with this Settlement, Petitioners shall be conclusively deemed to have waived and released County, administrators, successors, assigns, agents, employees, officers, partners, directors, consultants, and legal counsel (the "County Released Parties") from all rights, actions, claims, debts, demands, costs, contracts, allegations, liabilities, obligations, and causes of action, whether known or unknown, including the Litigation, at law or in equity, which Petitioners had, or now has as of the Date of Execution of this Settlement, against County Released Parties, or any of them, relating to the certification of the ACFP EIR and approval of the ACFP and related General Plan Amendments, Zone Changes and Dairy and Feedlot CAP as adopted by the County Board on December 12, 2017, including, without limitation, all costs and fees incurred by Petitioners in, or arising from, such actions (the "County Released Claims"). Petitioners shall conclusively be deemed to have waived and relinquished to the fullest extent that they may lawfully do so, all rights and benefits afforded by Section 1542 of the Civil Code of the State of California ("Section 1542"), which states as follows: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR." This release shall not be construed to limit the rights of Petitioners to institute legal action to seek specific performance of this Settlement or to enforce the Settlement as otherwise specifically called out in the Settlement.

(a) The Parties, by executing this Settlement, assume the risk that they may be mistaken as to relevant facts, and acknowledge that they may discover facts in addition to or different from those that they now know or believe to be true concerning the County Released Claims and other matters contained in or concerning this Settlement. The Parties nevertheless agree and intend this Settlement to be a complete release of the County Released Claims, and to settle all disputes related to the County Released Claims, known or unknown, suspected or unsuspected, that have existed, now exist, or may now

exist between or among the Parties, unless otherwise specifically provided in this Settlement. Unless otherwise specified in this Settlement, the Parties waive any and all rights under California Civil Code Section 1542 and/or any successor section to it with respect to the County Released Claims. The Parties hereby acknowledge and represent that (1) they understand the significance and the consequences of such specific waiver of unknown claims and hereby assume full responsibility for any injuries, damages, lawsuit or liabilities that they may incur, both now and hereafter, from the waiver of said unknown claims, (2) they may discover facts different from, or in addition to, those facts that they now know or believe to be true, and agree that the Settlement and the releases contained herein shall be and remain effective in all respects notwithstanding any subsequent discovery of different or additional facts, (3) they have undertaken their own independent investigation of all the facts relating to the matters being released herein, and in entering into this Settlement and granting the releases contained herein, are not relying on any representation, warranty, or statement of any other Party except as expressly provided herein, and (4) this waiver is an essential and material term of this Settlement.

(2) Petitioners, understanding the above and the provisions of this Settlement, intend by this Settlement, and with and upon the advice of their own independently selected counsel, to release fully, finally and forever all County Released Claims, unless as otherwise specified in this Settlement.

(3) Petitioners will not file, prosecute, bring, or fund any suit, claim or legal action of any kind against County Released Parties based upon any County Released Claims, including Proposed Actions in Section IV and Attachment A. Petitioners covenant against filing any administrative proceedings and to dismiss or cause to be dismissed any administrative proceedings and/or appeals already brought as of the date of this Settlement based upon County Released Claims, including Proposed Actions in Section IV and Attachment A.

(4) Petitioners explicitly retain the right to bring future claims related to projects or actions that may rely upon the ACFP EIR and related General Plan Amendments, Zone Changes and Dairy and Feedlot CAP as adopted by the County Board, including claims related to greenhouse gas emissions.

(5) This Settlement may be pleaded as a defense to and may be used as the basis for an order of specific performance ordering the dismissal by Petitioners of any County Released Claims in any judicial or administrative proceeding against County or a County Released Party.

### **XIII. REPRESENTATIONS AND WARRANTIES**

(1) Each of the Parties represents, warrants, and agrees as follows:

(a) The individuals signing and executing the Settlement on behalf of the Parties have the right, power, legal capacity, and authority to do so, and no further approval or consent of any person, office, board, or other person or entity is necessary.

(b) Each of the Parties has received independent legal advice from its attorneys with respect to the advisability of making the settlement provided for herein and with respect to the advisability of executing this Settlement. Each Party's attorney

has reviewed the Settlement, made any desired changes, and signed the Settlement to indicate that the attorney approved the Settlement as to form. Each of the Parties has been fully advised by its attorneys with respect to its rights and obligations under this Settlement and understands those rights and obligations.

(c) Except for the statements expressly set forth in this Settlement, no Party, or representative or attorney of or for any Party, has made any statement or representation to any other Party regarding a fact relied upon by the other Party in entering into this Settlement, and no Party has relied upon any statement, representation, or promise, written or oral, of any other Party, or of any representative or attorney for any other Party, in executing this Settlement or in making the settlement provided for herein.

(d) Each of the Parties, or a Party representative, has carefully read the Settlement, knows and fully understands the contents thereof, and has made such investigation of the facts pertaining to the settlement and this Settlement and of all matters pertaining hereto as it deems necessary or desirable.

(e) Except as otherwise expressly represented, warranted or provided in this Settlement, each of the Parties expressly assumes the risk that (i) it may hereafter discover facts in addition to or contrary to those it believed to exist or relied upon in entering into this Settlement, including, without limitation, unknown or unanticipated claims which, if known by any Party on the date of execution, may have materially affected the Party's decision to execute this Settlement, (ii) it may have misunderstood matters relevant to negotiating and entering into this Settlement, and (iii) another Party may have negligently misrepresented or negligently failed to disclose facts pertinent to the Settlement. The Parties agree that, should unknown or unanticipated claims, misunderstandings, mistakes, unintentional misrepresentations, or nondisclosures exist, then the Parties nevertheless intend that this Settlement shall thereafter continue in full force and effect and shall not be subject to rescission or rejection for any reason, except as specifically provided in this Settlement.

(f) This Settlement is contractual, the result of negotiations between the Parties, and intended to be final and binding as between the Parties, and is further intended to be effective as full and final accord and satisfaction between the Parties. Each of the Parties hereto relies on the finality of this Settlement as a material factor inducing that Party's execution of this Settlement.

(g) The Parties shall, together and/or individually, execute all such further and additional documents as shall be reasonable, convenient, necessary or desirable to carry out the provisions of this Settlement.

(h) Each of the Parties to this Settlement agrees that such Party will not take any action that would interfere with the performance of this Settlement by any of the Parties, or that would adversely affect the rights, or interfere with the obligations, provided for herein.

#### **XIV. GENERAL PROVISIONS**

(1) **No Admission.** The Parties explicitly acknowledge and covenant that this Settlement represents a settlement of disputed rights and claims and that, by entering into this Settlement, no Party hereto admits or acknowledges the existence of any liability or wrongdoing, all such liability being expressly denied. Neither this Settlement, nor any provision contained herein, nor any provision of any related document, shall be construed as any admission or concession of liability, of any wrongdoing, or of any preexisting liability.

(2) **Governing Law.** This Settlement shall be governed by and interpreted and construed in accordance with the laws of the State of California.

(3) **Construction.** This Settlement shall be construed according to the fair and plain meaning of its terms. Nothing in this Settlement shall be construed to limit or restrict County's constitutional police power or land use authority in any way with respect to future legislative, administrative, or other actions by County or County Board.

(4) **Integration.** This Settlement constitutes a single integrated written contract, and represents and expresses the entire agreement and understanding of the Parties with respect to the subject matter contained herein. All prior and contemporaneous discussions and negotiations, oral or written, between the Parties are merged and integrated into, and are superseded by, this Settlement. No covenants, agreements, representations, or warranties of any kind whatsoever, whether express or implied in law or fact, have been made by any Party hereto, except as specifically set forth in this Settlement or in any amendment, contemporaneous or subsequent written agreement between the Parties.

(5) **Severability.** Should any provision of this Settlement be held or found void, voidable, unlawful or, for any reason, unenforceable by a court of competent jurisdiction, then the Parties shall work together to determine whether any other provisions remain binding and enforceable. If the Parties cannot agree on which provisions remain binding and enforceable, then any Party may request mediation to resolve the dispute or institute a legal action to reform the Settlement. Such a remedy may not provide additional opportunities to reopen the Litigation unless voluntarily agreed to by the County.

(6) **No Waiver.** The failure of any Party hereto to enforce the rights conferred or reserved to it in this Settlement, or insist on performance of any of the terms and conditions of this Settlement shall not void any of the rights, terms or conditions, constitute a waiver or modification of any rights, terms or conditions, nor be construed as a waiver or relinquishment by any Party of the performance of any such rights, terms or conditions. No custom or practice which exists or arises between or among the Parties in the course of administration of this Settlement will be construed to waive or modify any Party's rights to (1) insist upon the performance by any other Party of any covenant and/or promise in this Settlement, or (2) exercise any rights given to it on account of any breach of such covenant and/or promise.

(7) **Amendment.** This Settlement may be modified or amended only by written amendment executed by all of the Parties. The Parties acknowledge that, due to the nature of the actions and obligations provided in this Settlement, it may be necessary for the Parties, from time

to time, to execute additional or supplemental documentation to clarify and implement the provisions of this Settlement. The Parties agree to cooperate in good faith, and to negotiate and enter into such additional or supplemental documentation, as may be determined to be reasonably necessary and/or appropriate by the Parties. Modifications to the terms of this Settlement are permissible, so long as such actions are agreed to by all of the Parties. Any amendment, modification, additional or supplemental documentation to the Settlement must be in writing and executed by the Parties, or individuals with authority to execute such documentation on behalf of the Parties. Any amendment, modification, additional or supplemental documentation deemed necessary by the Parties shall be executed in either an original document with all signatures, or by counterparts, in the manner proscribed in Subsection (9), below.

(8) **Computation of Time.** The time in which any act is to be done under this Settlement is computed by excluding the first day, and including the last day, unless the last day is a holiday or a Saturday or Sunday, and then that day is also excluded. The term "holiday" shall mean all holidays as specified in Section 6700 and 6701 of the California Government Code.

(9) **Counterparts.** This Settlement may be executed in counterparts and by facsimile or electronic signatures, which, when joined together, shall constitute a full Settlement and shall be binding on the Parties, even though all signatures may not be on one original document or the same counterpart.

(10) **Successors and Assigns.** This Settlement shall inure to the benefit of and shall be binding upon the successors and assigns of the Parties, including, but not limited to, their respective heirs, administrators, agents, employees, officers, and boards. This Settlement does not, expressly or impliedly confer upon any person other than the Parties, their successors or assigns, any rights or benefits under or by reason of this Settlement.

(11) **Third Party Beneficiary.** This Settlement shall not create any right of action in any third party.

(12) **Headings.** The descriptive headings used in this Settlement are for convenience only. They are not part of the Settlement, and should not be construed to affect the meaning of any provision of this Settlement.

(13) **Good Faith Clause.** The Parties agree to cooperate fully, reasonably, and in good faith in the implementation of this Settlement. The Parties also agree to execute any and all supplemental documents, and to take all additional lawful and reasonable actions, which may be necessary or appropriate to give full force and effect to the basic terms and to fully implement the goals and intent of this Settlement.

(14) **Term of Settlement.** This Settlement shall be operative from the Date of Execution through December 31, 2025 or for a lesser period of time should Federal, State or regional law or regulations make such County obligations invalid, illegal, preempted, unnecessary or otherwise redundant.

(15) **The Parties.** Having read and considered the above provisions indicate their Settlement by their authorized signatures below.

(16) **Notices.** Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by overnight delivery or first-class mail, postage prepaid and addressed as set forth below. Notice sent by electronic mail shall not serve as adequate notice pursuant to this section.

(a) Notice personally delivered or sent by overnight mail is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after the date of mailing. Any Party may change the above address by giving written notice pursuant to this paragraph.

**COUNTY:**

County Administrative Officer  
2800 W. Burrell Ave.  
Visalia, CA 93291  
Phone: (559) 636-5005  
Fax: (559) 733-6318

**with a copy to:**

County Counsel  
2900 W. Burrell Ave.  
Visalia, CA 93291  
Phone: (559) 636-4950  
Fax: (559) 737-4319

**SIERRA CLUB:**

Sierra Club  
Kern-Kaweah Chapter  
P.O. Box 3357  
Bakersfield, CA 93385  
Attn: Vice-Chair Gordon Nipp  
[gnipp@bak.rr.com](mailto:gnipp@bak.rr.com)

**with a copy to:**

Babak Naficy  
Law Offices of Babak Naficy  
1504 Marsh Street  
San Luis Obispo, CA 93407  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)  
Phone: (805) 593-0926  
Fax: (805) 593-0946



**ASSOCIATION OF IRRITATED  
RESIDENTS:**

Association of Irritated Residents  
29389 Fresno Ave  
Shafter, CA. 93263  
Attn: Tom Frantz, President  
[tom.frantz49@gmail.com](mailto:tom.frantz49@gmail.com)

**CENTER FOR BIOLOGICAL  
DIVERSITY:**

Jonathan Evans  
Center for Biological Diversity  
1212 Broadway, Suite 800  
Oakland, CA 94612  
[jevans@biologicaldiversity.org](mailto:jevans@biologicaldiversity.org)  
Phone: (510) 844-7118


**with a copy to:**

Babak Naficy  
Law Offices of Babak Naficy  
1504 Marsh Street  
San Luis Obispo, CA 93407  
Phone: (805) 593-0926  
Fax: (805) 593-0946

**THE PARTIES**, having read and considered the above provisions, indicate their Settlement by their authorized signatures below.

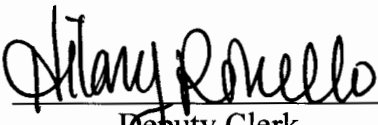
**COUNTY OF TULARE**

Date: Aug. 2, 2019

By:   
Chairman, Board of Supervisors

“County”

ATTEST: Jason T. Britt,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

By:   
Deputy Clerk



**SIERRA CLUB**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSOCIATION OF IRRIGATED  
RESIDENTS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE PARTIES**, having read and considered the above provisions, indicate their Settlement by their authorized signatures below.

**COUNTY OF TULARE**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

“County”

ATTEST: Jason T. Britt,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

{Reserved for County Seal}

By: \_\_\_\_\_  
Deputy Clerk

**SIERRA CLUB**

Date: 7/30/2019

By: Donna L. Hipp  
Title: Vice-Chair, Kern-Kaweah Chapter

**ASSOCIATION OF IRRITATED  
RESIDENTS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE PARTIES**, having read and considered the above provisions, indicate their Settlement by their authorized signatures below.

**COUNTY OF TULARE**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman, Board of Supervisors

"County"

ATTEST: Jason T. Britt,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

{Reserved for County Seal}

By: \_\_\_\_\_  
Deputy Clerk

**SIERRA CLUB**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSOCIATION OF IRRITATED  
RESIDENTS**

Date: 07.30.19

By: *Abunty*  
Title: President

**CENTER FOR BIOLOGICAL  
DIVERSITY**

Date: 7/30/19

By: 

Title: Director, Environmental Health Program  
Lori Ann Burd

Approved as to Form  
**County Counsel**

By: \_\_\_\_\_  
Chief Deputy

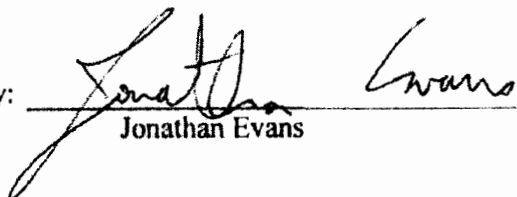
Approved as to Form  
**Counsel for Sierra Club**

By: \_\_\_\_\_  
Babak Naficy

Approved as to Form  
**Counsel for Association of Irrigated Residents**

By: \_\_\_\_\_  
Babak Naficy

Approved as to Form  
**Counsel for Center for Biological Diversity**

By:   
Jonathan Evans

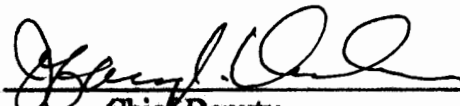
WAC\362100199\01528758.DOCX

**CENTER FOR BIOLOGICAL  
DIVERSITY**


Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: Director, Environmental Health Program  
Lori Ann Burd

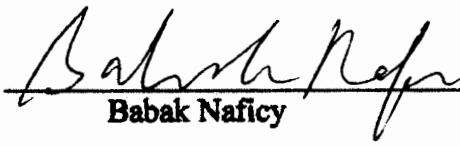
**Approved as to Form  
County Counsel**

By:   
Chief Deputy  
Matter # 2018275

**Approved as to Form  
Counsel for Sierra Club**

By:   
Babak Naficy

**Approved as to Form  
Counsel for Association of Irrigated Residents**

By:   
Babak Naficy

**Approved as to Form  
Counsel for Center for Biological Diversity**

By:   
Jonathan Evans

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**ATTACHMENT A**

Attachment A – Part I

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

IN THE MATTER OF General Plan )  
Amendment (GPA) No. 2019-00#, Amending ) Resolution No. \_\_\_\_\_  
the 2017 Tulare County Animal Confinement )  
Facilities Plan set out in Chapter 12 of the )  
Tulare County 2030 General Plan Update, )  
and An Action Amending the 2017 Dairy and )  
Feedlot Climate Action Plan )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

Resolution of the Board of Supervisors of the County of Tulare ("Board") accepting the Tulare County Planning Commission ("Planning Commission") recommendations and adopting General Plan Amendment No. 2019-00# for the proposed first Amendment ("2019 ACFP Amendment") to the 2017 Animal Confinement Facilities Plan ("2017 ACFP") set out in Chapter 12 of the Tulare County General Plan 2030 Update, and approving an amendment ("2019 Dairy CAP Amendment") to the 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP").



WHEREAS, on December 12, 2017, after notice and hearing, this Board adopted the 2017 ACFP as the updated Chapter 12 of the Tulare County 2030 General Plan Update, approved and adopted the 2017 Dairy CAP, and approved and certified a Final Environmental Impact Report ("2017 FEIR") pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Sierra Club, Association of Irrigated Residents and the Center for Biological Diversity ("Petitioners") challenged the adoption proceeding in Court; and

WHEREAS, after mediation and considered negotiations, the County of Tulare (the "County") and Petitioners determined that it was in the best interest of the parties and the people of Tulare County to resolve this litigation through a stipulated settlement agreement ("Settlement Agreement") without further court proceedings; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 ACFP to allow any dairy to use the 2017 ACFP "streamlining" provisions for expansions (Policy 2.5-3 of the 2017 ACFP) no more than once every five years; and

WHEREAS, parties to the Settlement Agreement agreed that the County consider amendments to the 2017 ACFP and 2017 Dairy CAP to reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the 2017 ACFP from 25,000 MT CO<sub>2</sub>e per year to 15,000 MT CO<sub>2</sub>e per year; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A as those Categories were established in the 2017 Dairy CAP for environmental review purposes under CEQA; and

WHEREAS, in order to comply with the Settlement Agreement, the Board on [date] initiated an action (General Plan Initiation No. GPI 2019-#) to amend the 2017 ACFP pursuant to Title 7, Chapter 3, Articles 5 and 6, of the California Government Code; and

WHEREAS, the County has given notice of the 2019 ACFP Amendment as provided in Government Code sections 65353, 65355 and 65090, and included the 2019 Dairy CAP Amendment, on [date]; and

WHEREAS, the County has complied with SB 18 (adopted in 2004) by notifying Native American tribes identified by the Native American Heritage Commission of the opportunity to consult on the proposed General Plan amendment by sending consultation notification letters to [number] tribal contacts on record at the time, on [date], for pre-consultation and [say "no" or the number of] requests for consultation were received as a result of these notifications; and

WHEREAS, pursuant to Government Code section 65352, the County referred the proposed 2019 ACFP, and included the 2019 Dairy CAP Amendment, to the required government entities on [date] and provided a forty-five (45) day comment period that expired on [date]; and

WHEREAS, County staff has made such investigation of facts bearing upon the 2019 ACFP Amendment and 2019 Dairy CAP Amendment to assure action consistent with the procedures and purposes set forth in the Government Code and other elements of the Tulare County General Plan; and

WHEREAS, the County staff recommended that, as provided for in the State CEQA Guidelines Sections 15164, an Addendum to the 2017 FEIR regarding the 2017 ACFP and 2017 Dairy CAP ("Addendum to the 2017 FEIR") should be considered for the environmental review of the proposed 2019 ACFP and Dairy CAP Amendments; and

WHEREAS, the County prepared such an Addendum to the 2017 FEIR in compliance with State CEQA Guidelines Section 15164; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2019 ACFP Amendment and 2019 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Planning Commission at its regular meeting on [date] was published in the [name of newspaper] on [date]; and

WHEREAS, the Planning Commission held the noticed public hearing at its regular meeting on [dated] and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2019 ACFP Amendment, 2019 Dairy CAP Amendment, and the proposed Addendum to the 2017 FEIR to the Planning Commission and answered Planning Commission questions on the matter, and during that public hearing the Planning Commission provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Planning Commission reviewed the proposed 2019 ACFP and Dairy CAP Amendments and found them consistent with the Tulare County General Plan 2030 Update; and

WHEREAS, the Planning Commission is an advisory body to the Board with respect to the adoption of the 2019 ACFP and Dairy CAP Amendments, and after its noticed public hearing, by its Resolution No. [#] recommended that (a) the Board approve the proposed Addendum to the 2017 FEIR, (b) adopt the proposed 2019 ACFP Amendment, and (c) adopt the proposed 2019 Dairy CAP Amendment, all as presented; and

WHEREAS, the Board is the decision-making body for the adoption of the 2019 ACFP and Dairy CAP Amendments; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2019 ACFP Amendment and 2019 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Board at its regular meeting on [date] was published in the [name of newspaper] on [date]; and

WHEREAS, this Board held the noticed public hearing on the proposed 2019 ACFP and Dairy CAP Amendments and the proposed Addendum to the 2017 FEIR, at its regular meeting held on [dated] and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2019 ACFP and Dairy CAP Amendments and the Addendum to the 2017 FEIR and answered Board questions on this matter, and during that public hearing the Board provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Board, by separate resolution on this same date, approved the Addendum to the 2017 FEIR, finding that none of the conditions set forth in Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 would require preparation of a Subsequent or Supplemental EIR with respect to the adoption of the proposed 2019 ACFP and Dairy CAP Amendments.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby accepts the Planning Commission recommendations and amends the 2017 ACFP as shown in Attachment 1.
2. The Board hereby accepts the Planning Commission recommendations and amends the 2017 Dairy CAP as shown in Attachment 2.
3. All other terms and provisions of the 2017 ACFP and 2017 Dairy CAP shall remain unchanged and in full force and effect.

Attachment 1  
2019 ACFP Amendment

(A) The first sentence in the last paragraph of Section 1.2 *ACFP Update* of the 2017 ACFP is amended to read:

“This updated ACFP also establishes a Conformance Checklist Review Procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions no more than once every five years for a given facility.”

(B) The following definition is added to Section 2 of the 2017 ACFP in the definitions under “Introduction” to read:

“Expansion: A dairy expansion is defined as a net increase above the ACFP List permitted herd sizes.”

(C) The first sentence of Policy 2.5-3 in Section 2.5 *Permitting Requirements – Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP is amended to read:

“Bovine facility expansions may be permitted once every five years through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4).”

(D) The following is added to the end of 2.6.1 Application Contents in Section 2.6 *Applications – New Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP:

“6. For a bovine facility expansion, whether the bovine facility has previously used the streamlined Conformance Checklist Review Procedure, and if so, dates of previous expansion approval.”

(E) The following sentence in Subsection (a) of Item No. 2 in the Conformance Checklist set out in Appendix A to the 2017 ACFP is amended to read:

“(a) generate less than 15,000 metric tons per year of net Greenhouse Gas (GHG) Emissions, as set forth in the amended Dairy and Feedlot Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP?” For the purpose of calculating the expected emissions from the proposed expansion, each application for expansion, at a minimum, must account for all emission sources relied upon in the ACFP and Dairy CAP Environmental Impact Report and disclose how many of each of the following categories of animals would

be added to the existing herd: Dairy Cows, Dairy Heifers 0-12 months, Dairy Heifers 12-24 months, Dairy Calves.

Attachment 2  
2019 Dairy CAP Amendment

(A) The following sentence in the introductory section of the second sentence in the second paragraph of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP is amended to read:

“The 2017 Dairy CAP chose 25,000 MT CO<sub>2</sub>e/yr as a streamlined analysis level because ...”

(B) The following paragraph is added to the end of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP:

“However, although these considerations still apply, the County has decided as of [date of adoption] to use a streamlined analysis level of 15,000 MT CO<sub>2</sub>e/yr consistent with the [date] settlement of a legal challenge to the 2017 ACFP and Dairy CAP by the Sierra Club, the Associated of Irrigated Residents and the Center for Biological Diversity.”

(C) The first paragraph of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read:

“Table 5 lists the Category A reduction strategies, which new or expanding dairies or feedlots must (1) incorporate into their facility to the extent applicable based on the project specifics or (2) provide justification as to why the given strategy is impracticable or infeasible for the facility. For strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.”

(D) Table 5 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
<b>Dairy Operations</b>		
D1	C9.1.5	Implement environmentally responsible purchasing of feed

**Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

Checklist #	Reference # (Appendix C)	Reduction Strategies
		additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)
<u>D5*</u>	<u>S9(3)</u>	<u>Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.</u>
<u>D6*</u>	<u>O(1)</u>	<u>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</u>
<u>D7*</u>	<u>O(2)</u>	<u>Increase solids separation to reduce loading.</u>
<u>D8*</u>	<u>11</u>	<u>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</u>
<b>Energy</b>		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers

**Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
<u>E6*</u>	<u>C2.3.1</u>	<u>Establish onsite renewable or carbon-neutral energy systems – generic</u>
<u>E7*</u>	<u>C2.3.2</u>	<u>Establish onsite renewable energy systems – solar power</u>
<u>E8*</u>	<u>C2.3.3</u>	<u>Establish onsite renewable energy systems – wind power</u>
<u>E9*</u>	<u>C2.3.4</u>	<u>Utilize a combined heat and power system</u>
<u>E10*</u>	<u>C2.3.6</u>	<u>Establish methane recovery on digester</u>
<b>Transportation [20 or more new employees]</b>		
T1	C3.2.6	Provide bike parking if requested by employees
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
<b>Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)</b>		
R1	C4.2.2	Adopt a water conservation strategy
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

\*For measures D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.



(E) Table 6 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
<b>Dairy Operations</b>		
D5	S9(3)	Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
D6	Ø(1)	Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	Ø(2)	Increase solids separation to reduce loading.
D8	11	Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.
<b>Energy</b>		
E6	C2.3.1	Establish onsite renewable or carbon neutral energy systems—generic
E7	C2.3.2	Establish onsite renewable energy systems—solar power
E8	C2.3.3	Establish onsite renewable energy systems—wind power
E9	C2.3.4	Utilize a combined heat and power system
E10	C2.3.6	Establish methane recovery on digester
<b>Transportation</b>		
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing

**Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)**

<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste, and Recycling</b>		
R6	C6.1.1	Institute or extend recycling and composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-Road vehicle plan (construction only)
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations
M9	C9.1.5	Environmentally responsible purchasing
M10	C9.1.6	Implement an innovative strategy for GHG reductions
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or

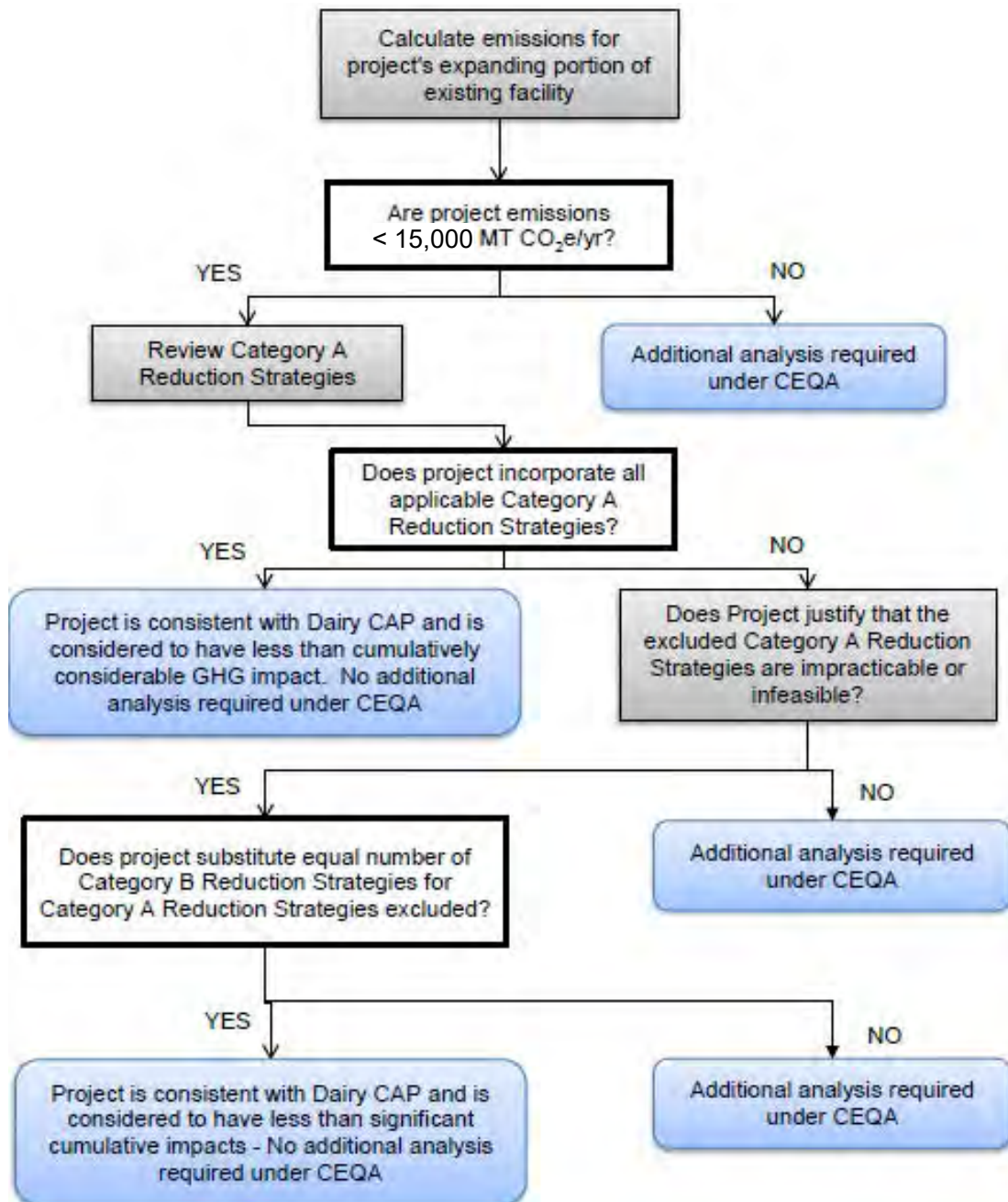
<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
		greater extent as would have been done for the expanded portion

(F) The second bullet point in second paragraph of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read:

- “The facility expansion has emissions above the streamlining analysis level of 15,000 MTCO<sub>2</sub>e, OR”

(G) Figure 1 of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read as set out below:

**Figure 1. Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions.**



(H) The following sentence is added to the top of each page of Appendix C Summary of Potential Emissions Reduction Strategies to the 2017 Dairy CAP:

“Pursuant to Board of Supervisors Resolution [XXX], Strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10 are Category A, rather than Category B in the “Category” column of this table. Implementation of these strategies is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.”

Attachment A – Part II

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

IN THE MATTER OF THE APPROVAL AND )  
ADOPTION OF AN ADDENDUM TO THE ) Resolution No. \_\_\_\_\_  
FINAL ENVIRONMENTAL IMPACT )  
REPORT CERTIFIED ON DECEMBER 12, )  
2017, FOR THE 2017 ANIMAL )  
CONFINEMENT FACILITIES PLAN AND )  
DAIRY AND FEEDLOT CLIMATE ACTION )  
PLAN FOR THE PURPOSE OF )  
CONSIDERING THE 2019 AMENDMENTS )  
TO THE 2017 ANIMAL CONFINEMENT )  
FACILITIES PLAN AND DAIRY AND )  
FEEDLOT CLIMATE ACTION PLAN )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

Resolution of the Board of Supervisors ("Board") of the County of Tulare accepting the recommendations of the Tulare County Planning Commission (Planning Commission) and approving an the Addendum to the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 Animal Confinement Facilities Plan ("2017

ACFP”) and the 2017 Dairy and Feedlot Climate Action Plan (“2017 Dairy CAP”) for the purpose of the considering the proposed 2019 Amendments to the 2017 ACFP and 2017 Dairy CAP.

WHEREAS, the Tulare County Planning Commission recommends by its Resolution No. [insert] that the Board consider and approve an Addendum (“2019 Addendum”) (Attachment 1) to the 2017 FEIR in compliance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines for the purposes of review of the proposed 2019 Amendments to the 2017 ACFP and 2017 Dairy CAP (“2019 Amendments”); and

WHEREAS, the County completed an initial CEQA Checklist as part of the preparation of the proposed 2019 Addendum to the 2017 FEIR and determined that none of the conditions set forth in Public Resources Code Section 21166 and CEQA Guideline Section 15162 would require the preparation of a Subsequent or Supplemental Environmental Impact Report with respect to the adoption of the proposed 2019 Amendments; and

WHEREAS, at a duly noticed Planning Commission hearing on [date], which hearing was recorded, County staff presented evidence regarding the 2019 Addendum and proposed 2019 Amendments to the Planning Commission and answered Planning Commission questions on the matter;

WHEREAS, at said Planning Commission hearing, public testimony was received and considered regarding the 2019 Addendum and proposed 2019 Amendments; and

WHEREAS, the Planning Commission is the advisory body to the Board with respect to the 2019 Addendum and proposed 2019 Amendments, and adopted its Resolution No. [insert] recommending approval and adoption of said Addendum and proposed Amendments; and

WHEREAS, the Board is the decision-making body for the 2019 Addendum and proposed 2019 Amendments; and

WHEREAS, the Board held a duly noticed public hearing on [date] to consider the proposed 2019 Addendum and proposed 2019 Amendments, which public hearing was recorded; and

WHEREAS, County staff presented evidence at the public hearing, which was recorded, and during that public hearing the Board provided an opportunity for, received, and considered public testimony on the matter at such hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board, pursuant to the above findings and based on a thorough review of the proposed 2019 Addendum, the 2017 Final EIR, and evidence received to date, finds and determines as follows:

1. That the 2019 Addendum to the 2017 EIR was prepared in compliance with CEQA, the CEQA Guidelines, and Tulare County local CEQA procedures.

2. That based on substantial evidence in light of the whole record, none of the conditions set forth in Public Resources Code Section 21166 and CEQA Guidelines Section 15162, including adoption of the proposed 2019 Amendments, have occurred that would require preparation of a Subsequent or Supplemental EIR, in that

(a) no substantial changes are proposed in the Project described in the 2017 Final EIR that will require major revisions of the 2017 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) no substantial changes have occurred with respect to the circumstances under which the Project described in the 2017 Final EIR is being undertaken which will require major revisions in the 2017 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(c) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2017 FEIR was certified as complete, has become available or shows; any of the following:

i. the Project described in the 2017 Final EIR will have one or more significant effects not discussed in the 2017 FEIR;

ii. significant effects previously examined will be substantially more severe than shown in the 2017 FEIR;

iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or

iv. mitigation measures or alternatives which are considerably different from those analyzed in the 2017 FEIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

3. In connection with the Board's review of the 2019 Amendments and the 2019 Addendum, the Board has considered the 2017 FEIR, has independently



reviewed the 2019 Addendum, and has exercised its independent judgment in making the findings in this Resolution.

4. The Board approves and adopts the 2019 Addendum to the 2017 FEIR.

Attachment 1

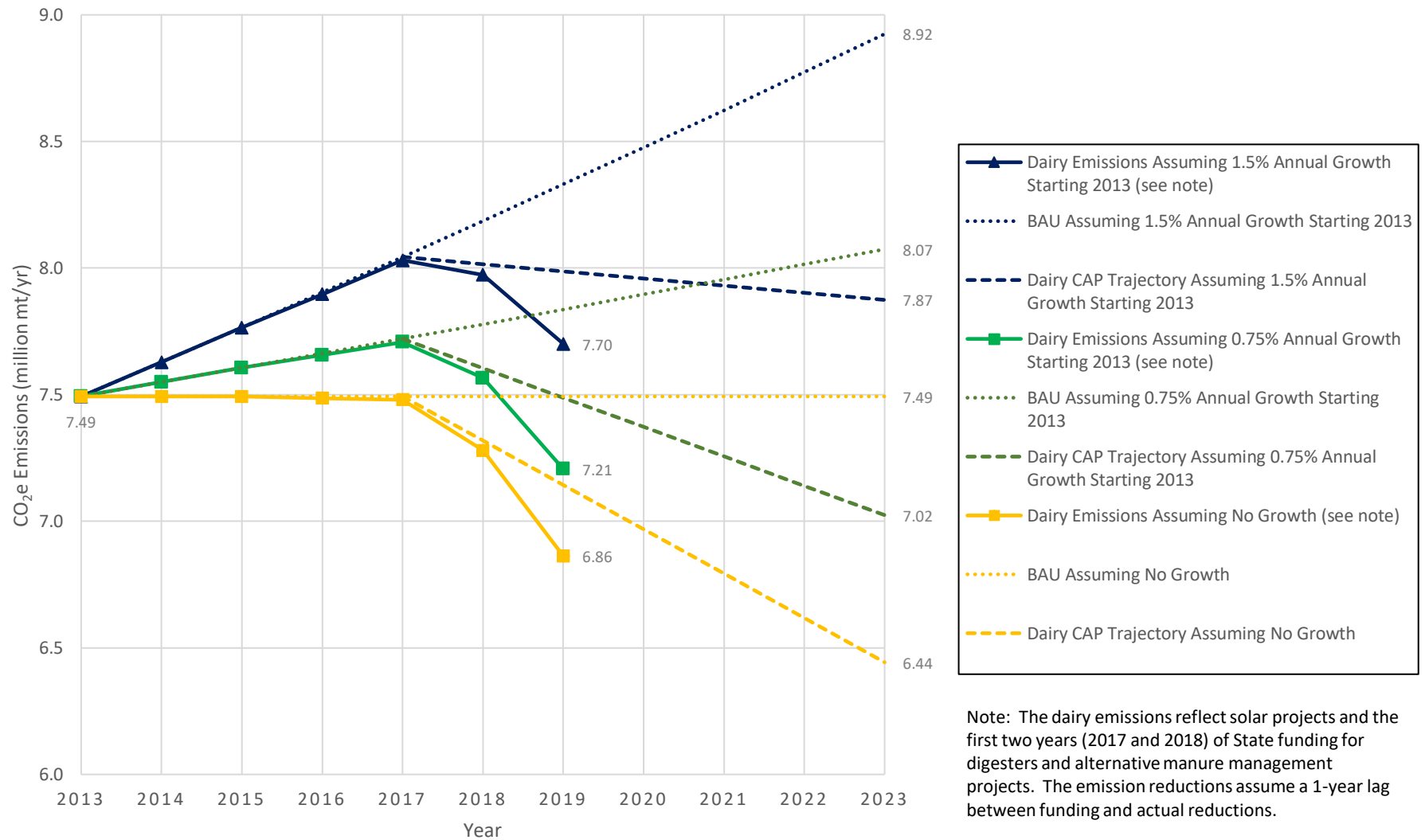
2019 Addendum to 2017 FEIR

(To be inserted before hearing)

**ATTACHMENT B**

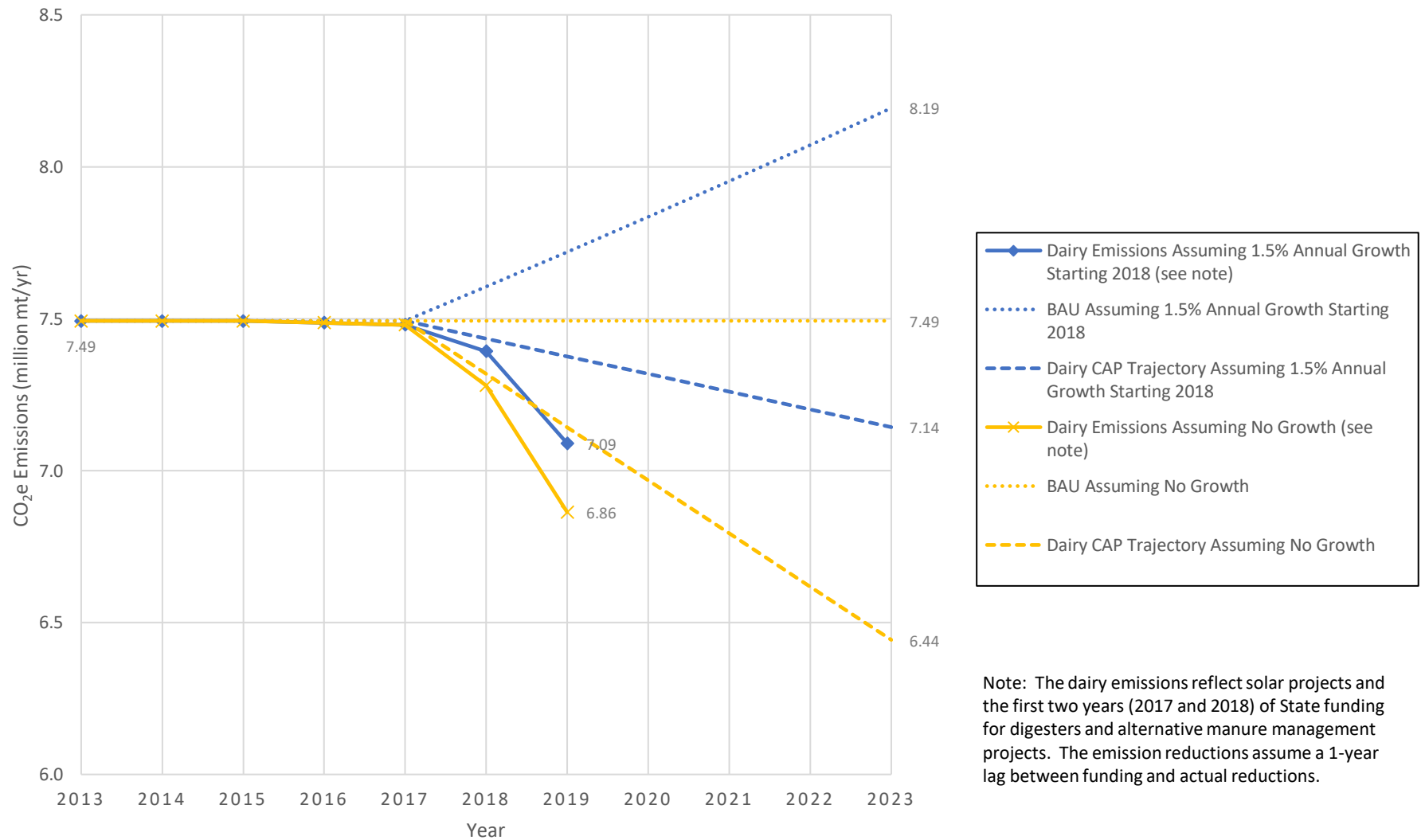
## Attachment B

**Figure 1. Estimated Dairy GHG Emissions  
in Relation to the Dairy CAP 1.05 MT Benchmark;  
for Assumed Growth Starting in 2013**



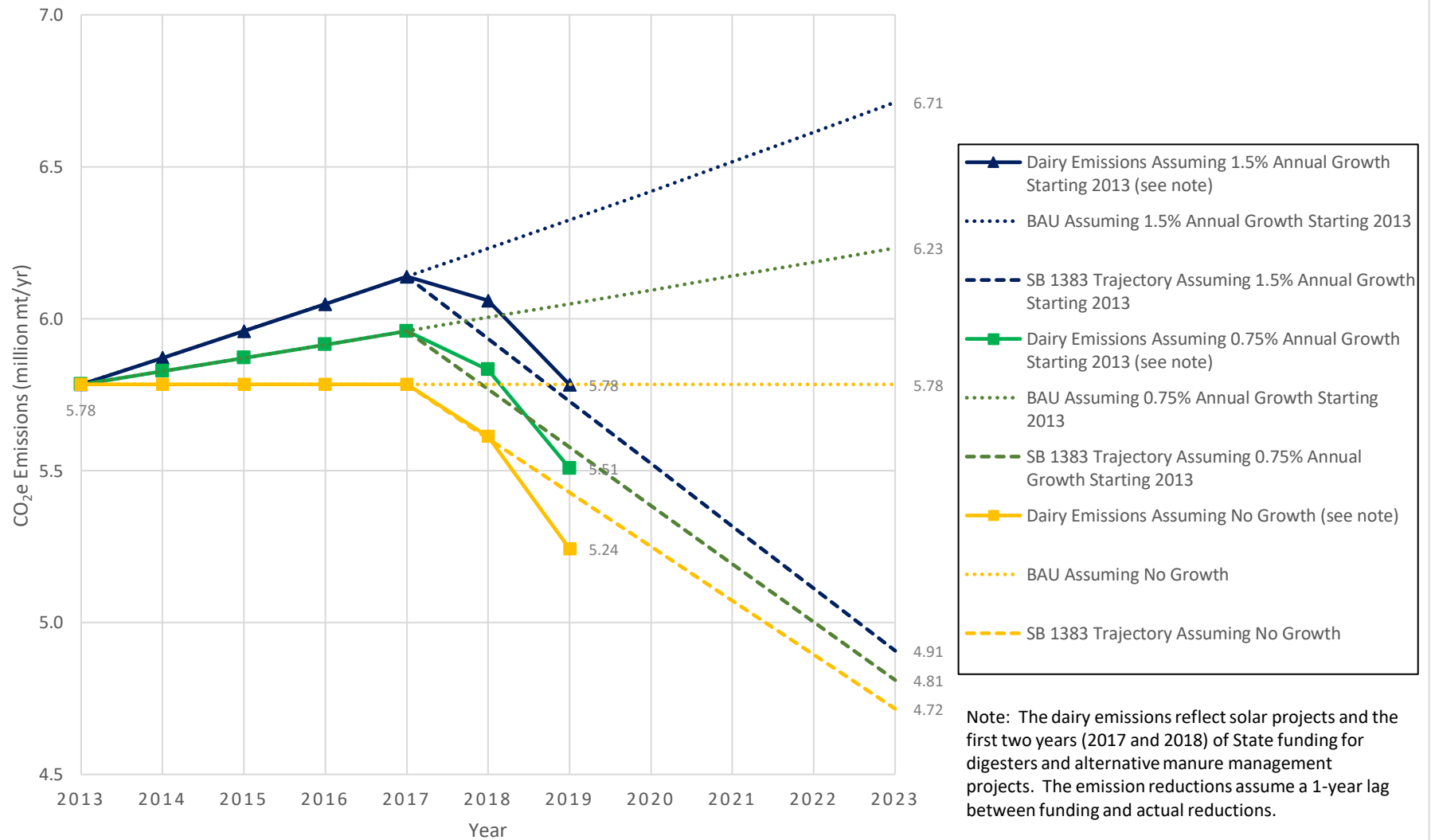
## Attachment B

**Figure 2. Estimated Dairy GHG Emissions  
in Relation to the Dairy CAP 1.05 MT Benchmark;  
for Assumed Growth Starting in 2018**



## Attachment B

**Figure 3. Estimated Dairy Methane Emissions  
in Relation to the Maximum Projected SB 1383 Potential Trajectory;  
for Assumed Growth Starting in 2013**



## Attachment B

**Figure 4. Estimated Dairy Methane Emissions  
in Relation to the Maximum Projected SB 1383 Potential Trajectory;  
for Assumed Growth Starting in 2018**

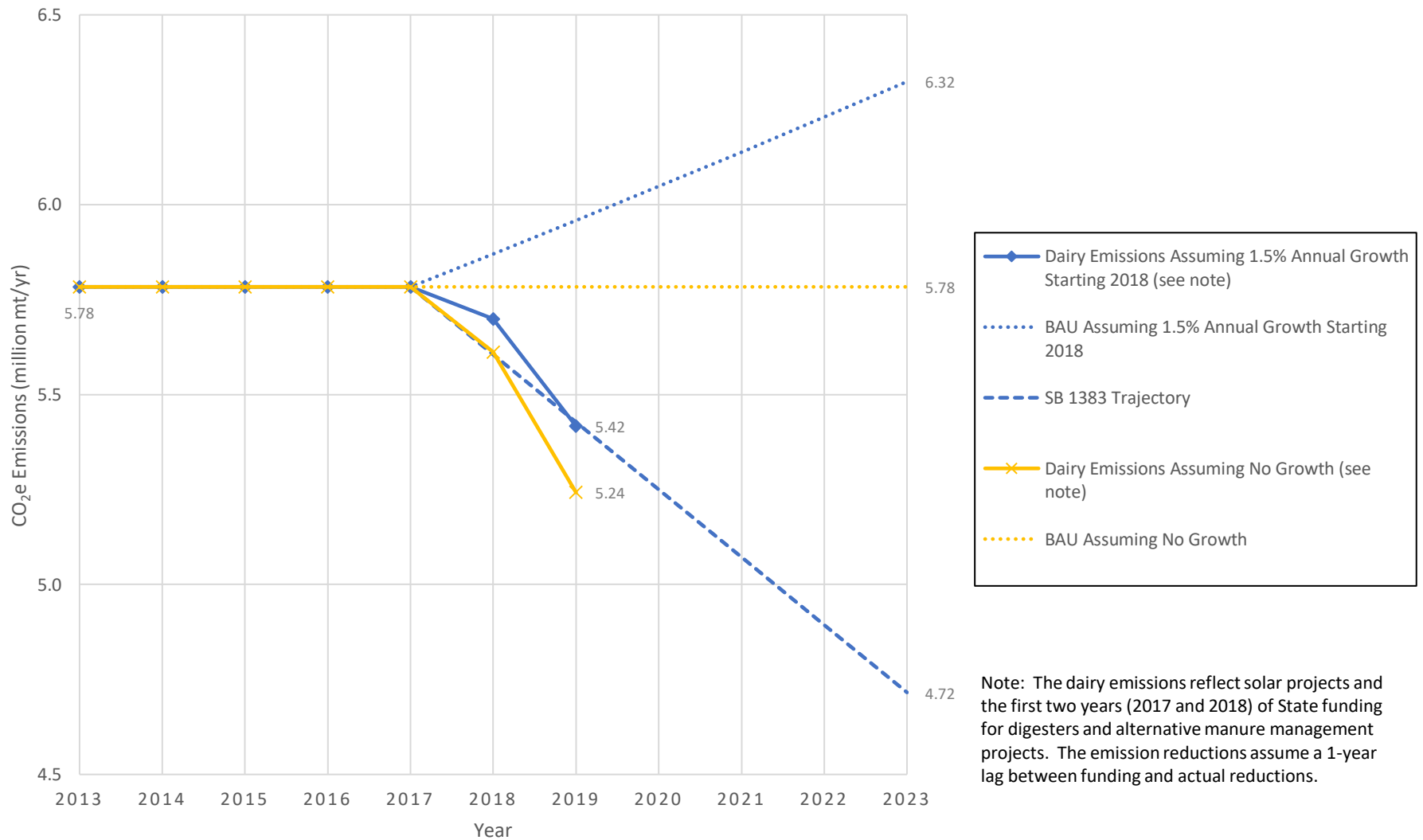


Table 1

Progress of GHG Emission Reductions in Relation to the Dairy CAP 1.05 Benchmark (million mtCO<sub>2</sub>e/yr)

Year	Emission Reductions Needed Relative to BAU <sup>1</sup>	Emission Reductions Achieved Relative to BAU <sup>2</sup>
2017	0.00	-0.01
2018	-0.18	-0.21
2019	-0.35	-0.63
2020	-0.52	
2021	-0.70	
2022	-0.88	
2023	-1.05	

Notes:

1. The emission reductions needed relative to BAU assume a linear path from 2017 to 2023.
2. The emission reductions achieved relative to BAU reflect solar projects and the first two years (2017 and 2018) of State funding for digesters and alternative manure management projects. The emission reductions assume a 1-year lag between funding and actual reductions.

Table 2

Progress of Methane Emissions in Relation to the Maximum Projected SB 1383 Potential Trajectory (million mtCO<sub>2</sub>e/yr)

Year	SB 1383 Trajectory <sup>1</sup>	Dairy Emissions Assuming 1.5% Annual Growth <sup>2,3</sup>	Dairy Emissions Assuming 0.75% Annual Growth <sup>2,3</sup>	Dairy Emissions Assuming No Growth <sup>3</sup>
2017	5.78	5.78	5.78	5.78
2018	5.61	5.70	5.66	5.61
2019	5.43	5.42	5.33	5.24
2020	5.25			
2021	5.07			
2022	4.89			
2023	4.72			

Notes:

1. The SB 1383 trajectory assumes a linear path from 2017 to 2030 (the trajectory is shown up to 2023).
2. The annual growth rate is applied starting in 2018. No growth is assumed prior to 2018.
3. The dairy emissions reflect solar projects and the first two years (2017 and 2018) of State funding for digesters and alternative manure management projects. The emission reductions assume a 1-year lag between funding and actual reductions.

**ATTACHMENT C**



## Attachment C

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Tulare STREET ADDRESS: 221 S Mooney Blvd MAILING ADDRESS: CITY AND ZIP CODE: Visalia, 93291 BRANCH NAME: Central District	
Plaintiff/Petitioner: Sierra Club, Center for Biological Diversity, Association of Irrigate Defendant/Respondent: County of Tulare, Tulare County Board of Supervisors	
<b>REQUEST FOR DISMISSAL</b>	CASE NUMBER: 272380
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

## 1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☒ With prejudice (2) ☐ Without prejudice
- b. (1) ☐ Complaint (2) ☒ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☐ Entire action of all parties and all causes of action
- (6) ☐ Other (specify):\*

on (date):

on (date):

## 2. (Complete in all cases except family law cases.)

The court ☐ did ☐ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

(SIGNATURE)

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross Complainant

## 3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

\*\* If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (f) or (j).

(SIGNATURE)

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross Complainant

(To be completed by clerk)

4. ☐ Dismissal entered as requested on (date):
5. ☐ Dismissal entered on (date): as to only (name):
6. ☐ Dismissal not entered as requested for the following reasons (specify):
7. a. ☐ Attorney or party without attorney notified on (date):
- b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
- ☐ a copy to be conformed ☐ means to return conformed copy

Date:

Clerk, by \_\_\_\_\_, Deputy

Page 1 of 2

Plaintiff/Petitioner: Sierra Club, Center for Biological Diversity, Association of Irrigate  
 Defendant/Respondent: County of Tulare, Tulare County Board of Supervisors

CASE NUMBER  
 272380

### COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

### Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name):
2. The person named in item 1 is (check one below):
  - a. ☐ not recovering anything of value by this action.
  - b. ☐ recovering less than \$10,000 in value by this action.
  - c. ☐ recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. ☐ All court fees and court costs that were waived in this action have been paid to the court (check one):      Yes      No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

(SIGNATURE)



**TULARE COUNTY  
HEALTH & HUMAN SERVICES AGENCY**

Timothy W. Lutz, MBA  
Agency Director

Nilsa Gonzalez • Public Health Branch Deputy Director • Environmental Health Director

June 3, 2020

SANDY ROPER  
RESOURCE MANAGEMENT AGENCY  
5961 SOUTH MOONEY BLVD  
VISALIA CA 93277

---

**RE: GENERAL PLAN AMENDMENT, GPA 20-009**

Dear Mr. Roper:

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project, at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Martin".

Ted Martin  
Environmental Health Specialist  
Environmental Health Services Division



**Community Development  
Department**

Sandy Roper  
Planner IV  
Tulare County Resource Management Agency  
5961 S Mooney Blvd  
Visalia, CA 93277  
Sent via email to [sroper@co.tulare.ca.us](mailto:sroper@co.tulare.ca.us)

Re: GPA 20-009 – Amendment to the Animal Confinement Facilities Plan.

The City of Porterville has no comments on the proposed amendments to the 2017 Animal Confinement Facilities Plan. Thank you for providing the consultation notice.

Respectfully,

Julie Phillips, AICP  
Community Development Manager

## General Plan Amendment No. GPA 20009

---

**From:** "Hernandez, Edgar@DOT" <Edgar.Hernandez@dot.ca.gov>  
**To:** "Sandy Roper (Tulare Co. Planning)" <stroper@co.tulare.ca.us>  
**CC:** "Deel, David@DOT" <david.deel@dot.ca.gov>  
**Date:** Wednesday - April 29, 2020 9:32 AM  
**Subject:** General Plan Amendment No. GPA 20009  
**Attachments:** TEXT.htm; Mime.822

---

Good morning Sandy,

Caltrans has a No Comment on GPA 20009 for Tulare County to amend the 2017 Animal Confinement Facilities plan & Dairy CAP. Our comments would be specific to the development or expansion of any dairy.

Regards,

**Edgar Hernandez**

Transportation Planner  
Caltrans District 6  
(559) 488-4168



## RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Aaron R. Bock

Reed Schenke

Sherman Dix

Economic Development and Planning

Public Works

Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

*via email*

June 29, 2020

Jonathan Evans  
Environmental Health Legal Director  
Center for Biological Diversity  
1212 Broadway, Suite 800  
Oakland, CA 94612  
[jevans@biologicaldiversity.org](mailto:jevans@biologicaldiversity.org)

RE: GPA 20-009 Comment Letter Dated June 4, 2020

Dear Mr. Evans,

This letter is in response to your letter dated June 4, 2020, submitted on behalf of the Center for Biological Diversity, Kern-Kaweah chapter of the Sierra Club, and Association of Irrigated Residents regarding commenting on General Plan Amendment No. 20-009 ("GPA 20-009") for the Proposed Amendment to the 2017 Animal Confinement Facilities Plan ("ACFP") and the 2017 Dairy and Feedlot Climate Action Plan ("Dairy CAP"). Your letter also inquired about the County's progress in fulfilling its obligations under the Stipulated Settlement ("Settlement") in the case *Sierra Club et al v. County of Tulare et al.* (Tulare County case No. 272380).

Although the letter recognized the County's active commitment to addressing greenhouse gas emissions from dairy and feedlot operations under the Settlement (such as hiring a full-time dairy planner, developing and maintaining a list of ACFPs, etc.), you requested a status update on tasks yet to be completed. Responses to your specific questions are discussed in detail below.

The Resource Management Agency will provide a detailed update to the Board and public regarding the implementation of the Settlement and the County's implementation of the ACFP and Dairy CAP. This update will occur on July 21, 2020, when GPA 20-009 is scheduled for a public hearing before the Board of Supervisors ("Board") and will address each of the bullets in your June 4 letter as summarized below:

- Providing an annual report due May 1, 2020, including a public meeting on the annual report; ***(Response/Status: Due to the current COVID-19 health emergency there were initial delays in securing a scope and getting an agreement in place with the Air Quality Consultant ("AQ Consultant"). However, an administrative draft of the 2019 Annual Report that covers total dairy Greenhouse Gas ("GHG") emissions for 2018 is complete and under review. The 2020 Annual Report will be finalized and presented to the Board on July 21, 2020.)***

- Hiring at least one full-time equivalent person for the fiscal years 2019-2024, dedicated to monitoring and enforcing the ACFP; *(Response/Status: This was completed when a full-time equivalent person was hired and started work for the Resource Management Agency (“RMA”) on December 9, 2019.)*
- Developing and maintaining a list of ACFPs; *(Response/Status: The ACFP list was completed on May 28, 2020, and maintaining the list is ongoing.)*
- Tracking compliance of existing dairies with the ACFP, greenhouse gas reduction measures, mitigation measures, and any permit conditions required by the San Joaquin Valley Air Pollution Control District and/or Central Valley Regional Water Quality Control Board by their regulations specified in Permits to Operate and Waste Discharge Requirements that are applicable to GHG reductions; *(Response/Status: A completed Annual Compliance Report form is required to be submitted for every dairy and feedlot located within Tulare County. The RMA sends each facility an Annual Compliance Report form in July and requires the completed forms submitted by the end of September. The Annual Compliance Report contains a section to provide information about the emission reduction strategies implemented at the facility. That information is provided to the AQ Consultant for use in preparing the Annual Report of total dairy GHG emissions for that year. Site inspections of 15 percent of the dairy facilities will occur each year to track mitigation measures and any permit conditions required by the San Joaquin Valley Air Pollution Control District (Air District) (i.e., Permits to Operate) and/or Central Valley Regional Water Quality Control Board (RWQCB) (i.e., Waste Discharge Requirements), that are applicable to GHG reductions.)*
- Tracking estimated GHG reductions; *(Response/Status: The RMA has entered into an agreement with an Air Quality Consultant who is currently preparing the 2019 Annual Report of total dairy GHG emissions for 2018. This task is ongoing and the Air Quality Consultant will continue preparing Annual Reports of total dairy GHG emissions through 2024.)*
- Forwarding noncompliance with the ACFP to the San Joaquin Valley Air Pollution Control District and/or Central Valley Regional Water Quality Control Board; *(Response/Status: Any site inspection that finds a dairy to be non-compliant with mitigation measures and/or any permit conditions required by the Air District’s Permit to Operate and/or RWQCB’s Waste Discharge Requirements that are applicable to GHG reductions will result in the County forwarding noncompliance with the ACFP to Air District and/or RWQCB, as applicable.)*
- Initiating Code Enforcement actions for dairies out of compliance with the ACFP; *(Response/Status: Failure of dairies to submit Annual Compliance Reports and site inspections that finds dairies to be out of compliance with mitigation measures and/or any permit conditions required by the Air District and/or RWQCB by their regulations specified in Permits to Operate and Waste Discharge Requirements; respectively, that are applicable to GHG reductions, will result in the initiation of Code Enforcement actions for those dairies.)*
- Performing site inspections of at least 15 percent of dairies every fiscal year; *(Response/Status: The RMA will be conducting site inspections on 15 percent of the dairies in Tulare County annually, resulting in 45 out of 296 operating dairies.)*
- Reporting all enforcement and inspection actions as well as any reports of noncompliance with applicable County permits, rules and regulations from the prior year to the County Board as part of Annual, Interim, and Final Reports; *(Response/Status:*



*All enforcement and inspection actions (as well as any reports of noncompliance with applicable County permits, rules, and regulations from the prior year), will be reported to the Board as part of Annual, Interim, and Final Reports.*

- Developing and updating of an ACFP/Dairy and Feedlot CAP implementation webpage to publicly post relevant information including annual reporting and updates to the ACFP and Dairy CAP; *(Response/Status: The website is complete and contains the Project Review Consultation Notice for GPA 20-009, the 2017 ACFP Plan, 2017 Dairy CAP, Environmental Documents for the 2017 ACFP and 2017 Dairy CAP, and Resources for State Grants & Environmental Program Links. The website can be accessed at the following link:*

*<https://tularecounty.ca.gov/rma/index.cfm/permits/dairy/>*

*Improvements are continuously made to the website and future updates will include Annual, Interim, and Final Reports as well as the ACFP and Dairy CAP Amendment.)*

- Establishing a Dairy Mitigation Education Program by March 1, 2020, that includes the following: identifying and promoting methods to reduce greenhouse gas emissions from dairy and livestock operations in the County; outreach to the dairy industry, including co-sponsoring events regarding; ACFP compliance and greenhouse gas emissions reductions; and conduct two noticed training meetings for dairies on annual compliance report requirements. *(Response/Status: A Dairy Mitigation Education Program was completed in late February of 2020. There will be updates to the Program on an ongoing basis. The Program included outreach at the Dairy Sustainability Conference, which was postponed until November 2020 by the COVID-19 crisis. RMA staff also scheduled local training for June and July 2020, prior to sending out the Annual Compliance Reporting form to dairies and feedlots. Unfortunately, these events are delayed by COVID-19. However, staff continues outreach by meeting with individual dairy owners, consultants and agents to assist in filling out forms and documentation and will proceed with larger events once past COVID-19 restrictions.)*

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,



Michael Washam  
Associate Director  
Economic Development and Planning  
Resource Management Agency

cc: Jeff Kuhn, [jkuhn@co.tulare.ca.us](mailto:jkuhn@co.tulare.ca.us)  
Sandy Roper, [sroper@co.tulare.ca.us](mailto:sroper@co.tulare.ca.us)



## Attachment No. 7

## Consultation Notice – ACFP/DAIRY CAP GENERAL PLAN AMENDMENT GPA 20-009

TRIBE CONTACTED	REQUEST TYPE			ITEMS & DOCUMENTS SUBMITTED					DELIVERY METHOD			CONSULTATION PERIOD		CONSULTATION / ACTIONS
	AB 52	SB 18	Sec 106	Map	Project Description	SLF Search Results	CHRIS Results	Other	E-mail	FedEx	Certified US Mail	Return Receipt	Period Ends	Summary
<b>SACRED LAND FILE (SLF) REQUEST</b>														
Native American Heritage Commission	X	X			X				2/21/20			2/24/20		2/24/20; NAHC responded to the SLF request and provided the tribal contact listing for the project.
<b>CONSULTATION REQUEST LETTERS</b>														
Kern Valley Indian Community Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240	X	X			X						2/21/20 7013171000 0019566870	2/25/20	3/26/20; 5/27/20	3/19/20, J.Willis sent email to Tribal representatives clarifying the original submittal, indicating a 30-day period for AB 52 and 90-day period for SB 18.
Kern Valley Indian Community Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240	X	X			X						2/21/20 7013171000 0019566887	2/25/20	3/26/20; 5/27/20	
Kern Valley Indian Community Brandi Kendricks 30741 Foxridge Court Tehachapi, CA 93561	X	X			X						2/21/20 7013171000 0019566894	2/27/20	3/28/20; 5/29/20	
Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P. O. Box 8 Lemoore, CA 93245	X	X			X						2/21/20 7013171000 0019566900	2/24/20	3/25/20; 5/26/20	3/19/20, J. Willis sent email to Tribal representatives clarifying the original submittal, indicating a 30-day period for AB 52 and 90-day period for SB 18.  3/26/20, Samantha McCarty, Cultural Specialist II, responded via email requesting more information on the project.  3/26/20, J. Willis responded to S. McCarty referring her to Sandy Roper, Planner IV, for more information.  3/26/20, S. Roper replied to S. McCarty with additional project information.
Santa Rosa Rancheria Tachi Yokut Tribe Robert Jeff, Vice-Chair P. O. Box 8 Lemoore, CA 93245	X	X			X						2/21/20 7013171000 0019566917	2/24/20	3/25/20; 5/26/20	
Santa Rosa Rancheria Tachi Yokut Tribe Bianca Arias, Admin. Assistant. P. O. Box 8 Lemoore, CA 93245	X	X			X						2/21/20 7013171000 0019566948	2/24/20	3/25/20; 5/26/20	
Santa Rosa Rancheria Cultural Department Shana Powers, Director P. O. Box 8 Lemoore, CA 93245	X	X			X						2/21/20 7013171000 0019566924	2/24/20	3/25/20; 5/26/20	

Consultation Notice – ACFP/DAIRY CAP GENERAL PLAN AMENDMENT GPA 20-009														
TRIBE CONTACTED	REQUEST TYPE			ITEMS & DOCUMENTS SUBMITTED					DELIVERY METHOD			CONSULTATION PERIOD		CONSULTATION / ACTIONS
	AB 52	SB 18	Sec 106	Map	Project Description	SLF Search Results	CHRIS Results	Other	E-mail	FedEx	Certified US Mail	Return Receipt	Period Ends	Summary
Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Greg Cuara, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X	X			X						2/21/20 7013171000 0019566931	2/24/20	3/25/20; 5/26/20	
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240	X	X			X						2/21/20 7013171000 0019566955	---	---	3/19/20, J.Willis sent email to Tribal representative clarifying the original submittal, indicating a 30-day period for AB 52 and 90-day period for SB 18.  3/19/20, Postal Service attempted to deliver on 2/20/20, 2/28/20, 3/8/20; envelope returned to RMA; label states, “Return to Sender, Unclaimed, Unable to Forward”
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X	X			X						2/21/20 7013171000 0019566962	2/25/20	3/26/20; 5/27/20	3/19/20, J.Willis sent email to Tribal representatives clarifying the original submittal, indicating a 30-day period for AB 52 and 90-day period for SB 18.
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X	X			X						2/21/20 7013171000 0019566979	2/25/20	3/26/20; 5/27/20	
Tule River Indian Tribe Dept. of Environmental Protection Felix Christman, Archaeological Monitor P. O. Box 589 Porterville, CA 93258	X	X			X						2/21/20 7013171000 0019566986	2/25/20	3/26/20; 5/27/20	
Wuksache Indian Tribe/ Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X	X			X						2/21/20 7013171000 001956 6993	2/28/20	3/29/20; 5/30/20	3/19/20, J.Willis sent email to Tribal representative clarifying the original submittal, indicating a 30-day period for AB 52 and 90-day period for SB 18.



## NATIVE AMERICAN HERITAGE COMMISSION

February 27, 2020

Jessica Willis and Hector Guerra  
County of Tulare

Via Email to: [jwillis@co.tulare.ca.us](mailto:jwillis@co.tulare.ca.us) and [hguerra@co.tulare.ca.us](mailto:hguerra@co.tulare.ca.us)

CHAIRPERSON  
Laura Miranda  
Luiseño

VICE CHAIRPERSON  
Reginald Pagaling  
Chumash

SECRETARY  
Merri Lopez-Keifer  
Luiseño

PARLIAMENTARIAN  
Russell Attebery  
Karuk

COMMISSIONER  
Marshall McKay  
Wintun

COMMISSIONER  
William Mungary  
Paiute/White Mountain  
Apache

COMMISSIONER  
Joseph Myers  
Pomo

COMMISSIONER  
Julie Tumamait-  
Stenslie  
Chumash

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
Christina Snider  
Pomo

NAHC HEADQUARTERS  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, General Plan Amendment GPA 20-009 Project, Tulare County

Dear Ms. Willis and Mr. Guerra:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

*Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.*

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission. The request form can be found at <http://nahc.ca.gov/wp-content/uploads/2015/08/Local-Government-Tribal-Consultation-List-Request-Form-Update.pdf>.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: [Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

Attachment

# **Attachment “7”**

## **Native American Contact List**

**Native American Heritage Commission  
Native American Contacts List  
February 27, 2020**

Kern Valley Indian Community  
Julie Turner, Secretary  
P.O. Box 1010  
Lake Isabella, CA 93240  
(661) 340-0032 Cell

Kawaiisu  
Tubatulabal

Tule River Indian Tribe  
Neil Peyron, Chairperson  
P.O. Box 589  
Porterville, CA 93258  
neil.peyron@tulerivertribe-nsn.gov  
(559) 781-4271  
(559) 781-4610 Fax

Yokuts

Kern Valley Indian Community  
Robert Robinson, Chairperson  
P.O. Box 1010  
Lake Isabella, CA 93240  
bbutterbredt@gmail.com  
(760) 378-2915 Cell

Tubatulabal  
Kawaiisu

Wuksache Indian Tribe/Eshom Valley Band  
Kenneth Woodrow, Chairperson  
1179 Rock Haven Ct.  
Salinas, CA 93906  
kwood8934@aol.com  
(831) 443-9702

Foothill Yokuts  
Mono  
Wuksache

Kern Valley Indian Community  
Brandy Kendricks  
30741 Foxridge Court  
Tehachapi, CA 93561  
krazykendricks@hotmail.com  
(661) 821-1733  
(661) 972-0445

Kawaiisu  
Tubatulabal

Santa Rosa Rancheria Tachi Yokut Tribe  
Leo Sisco, Chairperson  
P.O. Box 8  
Lemoore, CA 93245  
(559) 924-1278  
(559) 924-3583 Fax

Tache  
Tachi  
Yokut

Tubatulabals of Kern Valley  
Robert L. Gomez, Jr., Tribal Chairperson  
P.O. Box 226  
Lake Isabella, CA 93240  
(760) 379-4590  
(760) 379-4592 Fax

Tubatulabal

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code, or Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans Tribes for the proposed:  
General Plan Amendment GPA 20-009 Project, Tulare County.

**Jessica Willis - RE: Project Notification Pursuant to AB 52 and SB 18 for General Plan Amendment GPA 20-009**

---

**From:** Samantha McCarty <SMcCarty@tachi-yokut-nsn.gov>  
**To:** Jessica Willis <JWillis@co.tulare.ca.us>  
**Date:** 3/26/2020 1:48 PM  
**Subject:** RE: Project Notification Pursuant to AB 52 and SB 18 for General Plan Amendment GPA 20-009  
**Cc:** Hector Guerra <HGuerra@co.tulare.ca.us>, Sandy Roper <SRoper@co.tulare.c...>

---

Thank you.

Sincerely,

*Samantha McCarty*

Santa Rosa Rancheria Tachi-Yokut Tribe

Cultural Specialist II

[SMcCarty@tachi-yokut-nsn.gov](mailto:SMcCarty@tachi-yokut-nsn.gov)

[\(559\) 924-1278 x 4091](tel:(559)924-1278x4091)

---

**From:** Jessica Willis <JWillis@co.tulare.ca.us>  
**Sent:** Thursday, March 26, 2020 1:48 PM  
**To:** Samantha McCarty <SMcCarty@tachi-yokut-nsn.gov>  
**Cc:** Hector Guerra <HGuerra@co.tulare.ca.us>; Sandy Roper <SRoper@co.tulare.ca.us>  
**Subject:** Re: Project Notification Pursuant to AB 52 and SB 18 for General Plan Amendment GPA 20-009

Good afternoon Samantha.

Thank you for your response. Mr. Sandy Roper is the project planner for this project and he is the best person to provide the information. I've copied him on this email so that you have his email address.

Jessica

>>> Samantha McCarty <[SMcCarty@tachi-yokut-nsn.gov](mailto:SMcCarty@tachi-yokut-nsn.gov)> 3/26/2020 1:40 PM >>>  
 Dear Jessica,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: Project Notification Pursuant to AB 52 and SB 18 for General Plan Amendment GPA 20-009. The Tribe is requesting more information on what aspects are being streamlined. If you have any questions or comments please contact me directly or contact the Santa Rosa Rancheria Cultural Department. Thank you.

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe  
Cultural Specialist II

[SMcCarty@tachi-yokut-nsn.gov](mailto:SMcCarty@tachi-yokut-nsn.gov)

[\(559\) 924-1278 x 4091](tel:(559)924-1278x4091)





Mail

Properties

From: **Sandy Roper**  
To: **Jessica Willis; Samantha McCarty**  
CC: **Hector Guerra**  
Subject: **Re: Project Notification Pursuant to AB 52 and SB 18 for General Plan Amendment GPA 20-009**

Thursday - March 26, 2020 2:44 PM

Samantha,

GPA 20-009 proposes to 1) reduce the 2017 Animal Confinement Facilities Plan ("ACFP") "streamlining" screening level for dairy expansions (Policy 2.5-3 of the 2017 ACFP) to no more than once every five years, 2) reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist Criteria in Appendix A to the 2017 ACFP from 25,000 Metric Tons ("MT") of CO<sub>2</sub>e per year to 15,000 MT of CO<sub>2</sub>e per year, and 3) move certain Greenhouse Gas ("GHG") emission reduction strategies from Category B to Category A in the Dairy CAP.

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:

1) Dairies would be limited to no more than one "streamlining" screening level dairy expansion every five years. Under the existing ACFP and Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.

2) Only dairy expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion, while under the 2017 ACFP and 2017 Dairy CAP dairy expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.

3) Some GHG emission reduction strategies would simply move from Category B to Category A in the Dairy CAP.

If you have any additional questions, please let me know.

Sincerely,

Sandy Roper, Planner IV  
Project Processing Division  
Economic Development & Planning Branch  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277  
(559) 624-7101  
sroper@co.tulare.ca.us

# **Attachment “8”**

## **Staff Report**

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
Economic Development & Planning Branch  
Board of Supervisors Staff Report**

**GENERAL PLAN AMENDMENT NO. GPA 20-009  
PROPOSED AMENDMENT TO THE 2017 ACFP AND 2017 DAIRY CAP  
Addendum to the 2017 Final EIR for the 2017 ACFP and 2017 Dairy CAP**

**I. GENERAL:**

**1. Background:**

Following the recommendations of its Agricultural Advisory Committee, Tulare County, on April 11, 2000, adopted its first Animal Confinement Facilities Plan (ACFP) as an Element in its General Plan. Soon after the County adopted the ACFP, it was challenged in court. The case was ultimately settled through negotiations. Among other provisions, this settlement provided that any new dairies or any expansions of existing dairies must be reviewed by using site specific Environmental Impact Reports (EIRs) under the California Environmental Quality Act (CEQA) analyzing specific, regional water and air quality impacts until a supplemental PEIR analyzing these issues is certified. In return, the ACFP remained in effect as adopted.

In December 2009, Dairy CARES (Community Alliance for Responsible Stewardship), initiated the process with the County for a General Plan Amendment (GPA) to update the existing Animal Confinement Facilities Plan (ACFP). On January 26, 2010 the BOS approved the GPI 10-001 to update the ACFP. Shortly after, Dairy CARES filed GPA 10-002 to update the ACFP.

The 2000 ACFP was retained unchanged as Chapter 12 in Part I of the County of Tulare 2030 General Plan Update when the General Plan Update (GPU) was adopted in August of 2012. The GPU Environmental Impact Report (EIR) and Climate Action Plan (CAP) explained that an update to the ACFP was proceeding on a different track, and would also involve preparation of a Dairy CAP.

In a settlement to a legal challenge to the GPU EIR, the County agreed to release a draft proposed ACFP, associated Draft EIR (DEIR), and Dairy CAP addressing greenhouse gas (GHG) emission reduction targets associated with dairies and discussing approaches for reducing dairy related GHG emissions. The County agreed to release these documents for public review by the end of 2015, reserving the right to exercise two six month extensions upon written explanation to the Sierra Club. The County exercised one extension and released the draft ACFP, DEIR and Dairy CAP on February 4, 2016.

The public review period under CEQA ended on March 21, 2016. During the public review period for the Draft EIR, seven comment letters were received. The County published a Final EIR ("FEIR") on September 8, 2017.

On December 12, 2017 the County certified the 2017 FEIR (State Clearinghouse No. 2011111078) prepared by the County under the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 et seq.), which analyzed the environmental impacts of the 2017 Animal Confinement Facilities Plan ("2017 ACFP"), 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP") and related zoning ordinance amendment and criteria/standards resolution implementing the 2017 ACFP.

On December 12, 2017, the County adopted Resolution 2017-1061/Ordinance No. 3522 certifying the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP and adopting the CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the 2017 ACFP and 2017 Dairy CAP.

On December 12, 2017, the County also adopted Resolution No. 2017-1062/Ordinance No. 3522 adopting General Plan Amendment No. 10-002 and Zoning Ordinance Amendment No. PZC 17-040 for the 2017 ACFP and 2017 Dairy CAP.

On December 12, 2017, the County also adopted Resolution No. 2017-1063/Ordinance No. 3522 adopting the criteria and standards to be used in the administrative review and approval of special use permits pertaining to certain compliant bovine facilities.

On January 11, 2018, a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in Superior Court, Visalia Division in the State of California Superior Court, County of Tulare against County was filed by the Sierra Club, Association of Irrigated Residents, and Center for Biological Diversity (collectively "Petitioners" or "Plaintiffs"), which Petition is designated as Case No. 272380 ("Litigation") generally challenging the certification by the County of Tulare of the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 ACFP and 2017 Dairy CAP.

On August 2, 2019, a Stipulated Settlement was made and became effective by and among all parties to Case No. 272380, namely the Petitioners and the County of Tulare, a political subdivision of the State of California and the Board of Supervisors of the County of Tulare (collectively "County").

## **2. Summary of Proposed Changes to 2017 ACFP**

The parties to the Settlement Agreement agreed that the County shall consider adoption of the following:

- a. An amendment to the 2017 ACFP to allow any dairy to use the 2017 ACFP "streamlining" provisions for expansions (Policy 2.5-3 of the 2017 ACFP) no more than once every five years.
- b. Amendments to the 2017 ACFP and 2017 Dairy CAP to reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the 2017 ACFP from 25,000 MT CO<sub>2</sub>e per year to 15,000 MT CO<sub>2</sub>e per year.

- c. An amendment to the 2017 Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A as those Categories were established in the 2017 Dairy CAP for environmental review purposes under CEQA.

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:

- Dairies would be limited to no more than one "streamlining" screening level dairy expansion every five years. Under the existing 2017 ACFP and 2017 Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.
- Only dairy expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion, while under the 2017 ACFP and 2017 Dairy CAP dairy expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.
- Some GHG emission reduction strategies would simply move from Category B to Category A in the 2017 Dairy CAP.

GPA 20-009 is a requirement of a Stipulated Settlement (effective August 2, 2019) completely resolving Case No. 272380 - Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Superior Court, State of California, County of Tulare, Visalia Division, challenging the certification by the County of Tulare of the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP and challenging the approval of the 2017 ACFP and 2017 Dairy CAP.

### **3. Requested Action:**

On July 8, 2020, the Planning Commission recommended that the Board of Supervisors approve the proposed ACFP and Dairy CAP through the following actions:

- a. Approve the proposed Addendum to the 2017 FEIR (SCH # 2011111078) prepared for the 2017 ACFP and the 2017 Dairy CAP.
- b. Approve General Plan Amendment No. GPA 20-009 for the proposed Amendment to the 2017 ACFP and the 2017 Dairy CAP.

### **4. Location:**

The proposed project is applicable countywide. Animal confinement facilities are located in the western, valley portion of Tulare County, in areas subject to the Rural Valley Lands Plan (RVLP) with elevations typically less than 600 feet.

## **II. COMPATIBILITY WITH EXISTING PLANS:**

### General Plan Consistency:

The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether*

*the proposed amendment would further the goals, objectives, policies of the general plan and not obstruct their attainment (Policies and Procedures 391).*

The proposed Project would amend and update the Tulare County General Plan, Chapter 12. The project is consistent with, and implements, the following applicable Tulare County General Plan Policies:

Planning Framework:

**PF-1.2 Intergovernmental Coordination:** The County shall work with Federal, State, and regional agencies; local districts; utility providers; Native American tribes; and the military to ensure that the County and the public are involved, as appropriate, throughout any planning processes and that the agency and public input is requested.

Agriculture:

**AG-1.1 Primary Land Use:** The County shall maintain agriculture as the primary land use in the valley region of the County, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation of open space and natural resources.

**AG-1.2 Coordination:** The County shall coordinate its agricultural policies and programs with State and federal regulations to preserve agricultural lands.

**AG-2.11 Energy Production:** The County shall encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, and solar or wind farms.

Land Use:

**LU-1.6 Permitting Procedures and Regulations:** The County shall continue to ensure that its permitting procedures and regulations are consistent and efficient.

**LU-2.1 Agricultural Lands:** The County shall maintain agriculturally-designated areas for agriculture use and by directing urban development away from valuable agricultural lands to cities, unincorporated communities, hamlets, and planned community areas where public facilities and infrastructure are available.

Environmental Resource Management:

**ERM-4.6 Renewable Energy:** The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation.

**III. ENVIRONMENTAL IMPACTS DISCUSSION:** (see attached CEQA Checklist and Addendum)

#### **IV. ENVIRONMENTAL DETERMINATION:**

The key milestones associated with the preparation of the Addendum are summarized below:

- On February 21, 2020, a notice was sent regarding Native American Consultation, pursuant to Senate Bill 18 (“SB 18”), Government Codes § 65352.3 and §65352.4, as well as Assembly Bill 52 (“AB 52”), Public Resources Codes §21080.1, §21080.3.1, and §21080.3.2.
- On April 20, 2020, the County circulated a Project Review – Consultation Notice (Consultation Notice), pursuant to Government Code section 65352, to the required government entities for a review period from April 20, 2020 through June 4, 2020.
- A Notice Public Hearing was published in The Sun-Gazette on June 10, 2020, setting a public hearing on General Plan Amendment No. GPA 20-009 for the proposed Amendments to the 2017 ACFP and 2017 Dairy CAP, and a proposed Addendum to the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP, before the Planning Commission at a regular meeting on July 8, 2020.
- On July 8, 2020, the Planning Commission held a public hearing; received a staff report; provided an opportunity for, heard, and considered public testimony and comment on the matter; deliberated; and recommended that the Board of Supervisors (a) approve the proposed Addendum to the 2017 FEIR, (b) adopt the proposed 2020 ACFP Amendment, and (c) adopt the proposed 2020 Dairy CAP Amendment, all as presented.
- A Notice Public Hearing was published in The Sun-Gazette on July 8, 2020, setting a public hearing on General Plan Amendment No. GPA 20-009 for the proposed Amendments to the 2017 ACFP and 2017 Dairy CAP, and a proposed Addendum to the 2017 FEIR for the 2017 ACFP and 2017 Dairy CAP, before the Board of Supervisors at a regular meeting on July 21, 2020.

#### **V. CORRESPONDENCE:**

Tulare County Environmental Health Services, Caltrans, and the City of Porterville responded to the Project Review – Consultation Notice for GPA 20-009 with no comments. The Center for Biological Diversity responded to the Project Review – Consultation Notice for GPA 20-009 with comments.

# **Attachment “9”**

## **Notice of Determination**



# Notice of Determination (Fee Exempt Per Government Code Section 1603)

Date Received For Filing

TO: ☐ Office of Planning and Research  
For U.S. Mail Street Address  
P.O. Box 3044 1400 Tenth St.  
Sacramento, CA 95812-0344 Sacramento, CA 95814

☒ Tulare County Clerk  
County Civic Center  
221 South Mooney Blvd., Room 105, Courthouse  
Visalia, CA 93291

FROM: Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011111078

Project Title: General Plan Amendment No. GPA 20-009 (Tulare County)

Project Location: Unincorporated Tulare County of Tulare

Contact Person: Sandy Roper, Project Planner Telephone: (559) 624-7101 Email: [sroper@co.tulare.ca.us](mailto:sroper@co.tulare.ca.us)

Project Description: GPA 20-009 proposes to amend the 2017 Animal Confinement Facilities Plan ("2017 ACFP") and 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP"), regulating new dairies and dairy expansions located in the unincorporated areas of Tulare County. The environmental document for GPA 20-009 is a proposed Addendum to the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 ACFP and 2017 Dairy CAP. This Addendum updates the Final Environmental Impact Report for the Tulare County Animal Confinement Facilities Plan (ACFP) and Dairy Climate Action Plan (General Plan Amendment No. GPA 10-002) and Implementing Zoning Ordinance Amendment No. PZC 17-040.

Applicant Name, Address, & Phone Number: Tulare County Board of Supervisors, 2800 West Burrell Avenue, Visalia, CA 93291, (559) 636-5000.

This is to advise that the Tulare County Board of Supervisors (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on \_\_\_\_\_, 2020 and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ An Addendum to a previously approved Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the Final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at the Tulare County Resource Management Agency, 5961 S. Mooney Blvd., Visalia, CA 93277.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Hector Guerra, Chief Environmental Planner

By: \_\_\_\_\_ Date \_\_\_\_\_  
Reed Schenke, Director and Environmental Assessment Officer

- ☒ CDFW Fees Required
- ☐ EIR
- ☒ Addendum to a previously approved EIR
- ☐ MND
- ☐ ND



State of California - Department of Fish and Wildlife

**2017 ENVIRONMENTAL FILING FEE CASH RECEIPT**

DFW 753.5a (Rev. 01/01/17) Previously DFG 753.5a

Print

Start Over

Finalize &amp; Email

RECEIPT NUMBER:

54 — 12122017 — 306

STATE CLEARINGHOUSE NUMBER (If applicable)

2011111078

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

TULARE COUNTY RMA

LEAD AGENCY EMAIL

DATE

12122017

COUNTY/STATE AGENCY OF FILING

Tulare

DOCUMENT NUMBER

GPA10-002

PROJECT TITLE

FINAL ENVIRONMENT IMPACT REPORT TULARE COUNTY ANIMAL CONFINEMENT FACILITIES PLAN (AFCP) AND DAIRY COMATE ACTION PLAN (GENERAL PLAN AMENDMENT NO GPA 10-002) AND IMPLEMENTING ZONING ORDINANCE AMENDMENT NO PZC 17-040

PROJECT APPLICANT NAME

TULARE COUNTY BOARD OF SUPERVISORS

PROJECT APPLICANT EMAIL

PHONE NUMBER

(559) 636-5000

PROJECT APPLICANT ADDRESS

2800 WEST BURREL AVENUE

CITY

VISALIA

STATE

CA

ZIP CODE

93291

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

## CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,078.25	\$	3,078.25
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,216.25	\$	0.00
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,046.50	\$	0.00

☐ Exempt from fee☐ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	58.00
<input type="checkbox"/> Other		\$	

## PAYMENT METHOD:

<input type="checkbox"/> Cash <input type="checkbox"/> Credit <input type="checkbox"/> Check <input checked="" type="checkbox"/> Other JV# 187506	TOTAL RECEIVED	\$	3,136.25
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SIGNATURE

CHELSI  
WALTERSDigitally signed by CHELSI  
WALTERS  
Date: 2017.12.12 16:20:38  
-08'00'

AGENCY OF FILING PRINTED NAME AND TITLE

TULARE COUNTY CLERK, DEPUTY

## 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

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

**Project Title:** Final Environmental Impact Report Tulare County Animal Confinement Facilities Plan (AFCP) and Dairy Comate Action Plan (General Plan Amendment No. GPA 10-002) and Implementing Zoning Ordinance Amendment No. PZC 17-040

**State Clearinghouse Number:** SCH #2011111078

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

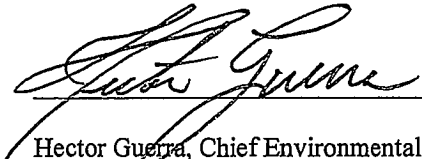
**Project Location:** Unincorporated Tulare County.

**Project Description:** See Attachment A incorporated herein by reference.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS (Lead Agency) has approved the above-described project on December 12, 2017, and has made the following determinations regarding the above-described project:

1. The project ( ☒ ) will ( ) will not have a significant adverse impact on the environment.
2. ( ☒ ) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
( ) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures ( ☒ ) were ( ) were not made a condition of approval of the project.
4. A Statement of Overriding Considerations ( ☒ ) was ( ) was not adopted for the project.
5. Findings ( ☒ ) were ( ) were not made pursuant to the provisions of CEQA.

This is to certify that the Final EIR with comments and responses, and record of project approval, is available to the General Public at: Tulare County Resource Management Agency, 5961 S Mooney Blvd., Visalia CA 93277.

By:   
Hector Guerra, Chief Environmental Planner

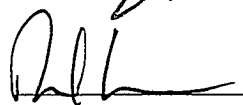
Date: Dec 12, 2017

( ☒ ) Dept. of Fish & Wildlife  
Fees Required.

( ☒ ) E.I.R.

( ) MND

( ) N.D.

By:   
Reed Schenke, Director and Environmental Assessment Officer

Date: 12/12/17

*Dated received by Tulare County Clerk*

## Attachment A

The Project (hereinafter "Program") includes a new Animal Confinement Facilities Plan (ACFP), located in Chapter 12 of the Tulare County General Plan. The 2017 ACFP modifies the way in which dairies and other bovine facilities are regulated by the County of Tulare to assure coordination and alignment with the procedures of other regulatory agencies. The Program also includes a Dairy Climate Action Plan (CAP) intended to reduce greenhouse gas (GHG) emissions from dairy and other bovine facilities. The Program also includes County adoption of a zoning ordinance amendment, and a criteria and standards resolution, to implement the ACFP.

The objective of the ACFP is to serve as the guiding document to regulate the County's bovine facilities and projected growth over the next decade as follows:

1. To continue the regulation of the County's dairy industry to protect and enhance the County's resources, assure public health and safety, and minimize environmental impacts.
2. To identify and document those existing bovine facilities which are operating under valid California Regional Water Quality Control Board (RWQCB) and the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) approvals, and to specify procedures to achieve compliance by those existing bovine facilities that are not yet in compliance.
3. To modify, as feasible, the scope of County regulatory responsibilities to avoid overlap and duplication with the water quality and air quality oversight provided by the RWQCB and the SJVAPCD.
4. To update and simplify the permitting processes for bovine facility expansions and the establishment of new bovine facilities consistent with this ACFP.

The objective of the Dairy CAP is to analyze cumulative greenhouse gas (GHG) impacts of dairy and other bovine facilities, and streamline project-specific GHG impact analysis.

The ACFP includes the following key features:

1. For existing bovine facilities:
  - An "ACFP List" process that documents each existing bovine facility, specifying a County-permitted herd size based on the maximum number of mature animals under the CVRWQCB waste discharge requirements (WDRs) and the maximum herd under the SJVAPCD Permit to Operate (PTO).
  - A process requiring those existing facilities that are not operating in compliance with valid CVRWQCB or SJVAPCD approvals to achieve compliance.
2. For proposed expansions of existing bovine facilities:
  - Use of a Conformance Checklist Review procedure. In order to qualify, the proposed expansion must meet specified criteria, including compliance with the ACFP, the ACFP EIR and the Dairy CAP. A new CEQA document would not be required for such expansions, which would use this Program EIR for CEQA compliance and be approved by a special use permit or other land use entitlement.
  - All other proposed expansions of existing facilities would require a special use permit and individual environmental review under CEQA.
  - All approvals of proposed expansions would be conditioned upon compliance with the applicable permitting and operational regulations of the CVRWQCB and the SJVAPCD, as administered by those agencies.
3. For new bovine facilities:
  - All new bovine facilities would require a special use permit and individual environmental review under CEQA.
  - County approvals of new facilities would be conditioned upon compliance with applicable permitting and operational regulations of the CVRWQCB and SJVAPCD, as administered by those agencies.
4. For both facility expansions and new facilities:
  - Design and operational standards are specified for 13 topics, including minimum acreage, site access, water wells, lagoon locations, facility setbacks, and air, water quality, and flood regulatory compliance.
  - The location, siting and separation standards of the existing ACFP have been largely retained. These are intended to achieve the goals of maintaining land use compatibility and avoiding environmental constraints.
  - The continued filing of Annual Compliance Reports is required and would be utilized to update the ACFP List for each facility.

Dairy CAP: The Dairy CAP includes the following key features:

- A summary of the regulatory setting in addressing climate change and GHG emissions from dairies and other bovine facilities.
- An emissions inventory quantifying GHG emissions from dairies and other bovine facilities, both at existing levels and at levels projected for future year 2023 based on projected growth due to expansions of existing facilities and new facilities.
- The identification and evaluation of GHG reduction strategies applicable to expansions of existing facilities and new facilities, including strategies for dairy operations, energy conservation and efficiency, transportation, water, solid waste and recycling.

- The establishment of procedures for utilizing the Dairy CAP in the County's CEQA review of proposed expansions of existing facilities and new facilities. This includes provisions for the incorporation of GHG reduction strategies in individual projects on a case-by-case basis.
- The establishment of voluntary GHG reduction measures (targets) and monitoring of emissions reductions by existing dairies in recognition of new funding opportunities to achieve GHG emissions reductions using digesters or other animal-related strategies.
- Proposed County actions to implement the Dairy CAP that reflect recent state legislation. These include a post-2023 examination of the Dairy CAP.

The zoning ordinance amendment to implement the ACFP include the following key features:

- Reaffirms the zoning districts for bovine facilities allowed by the prior ACFP.
- Implements the 2017 ACFP by allowing administrative special use permits to be issued for compliant bovine facilities. (A "compliant bovine facility" is an existing bovine facility that has obtained applicable permits from the RWQCB and SJVAPCD, and which is in compliance with the permitted herd size as provided in the ACFP List.)
- Revises the ACFP's existing bovine facilities compliance reporting and monitoring program to conform to the proposed ACFP requirements.

The criteria and standards resolution to implement the ACFP establishes criteria and standards for streamlined approval of compliant bovine facilities, via the administrative special use permit process.

# **Attachment “10”**

**Public hearing notice**

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, July 21, 2020 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing pertains to General Plan Amendment No. GPA 20-009. GPA 20-009 proposes to amend the 2017 Animal Confinement Facilities Plan ("2017 ACFP") and 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP"), regulating new dairies and dairy expansions located in the unincorporated areas of Tulare County. Pursuant to CEQA Guidelines Section 15164, an Addendum is proposed as the environmental document for GPA 20-009. The proposed Addendum updates the 2017 Final Environmental Impact Report ("2017 FEIR") for the 2017 ACFP and 2017 Dairy CAP. Pursuant to CEQA Guidelines Section 15164(c) the Addendum to the 2017 FEIR for the 2017 ACFP and the 2017 Dairy CAP does not need to be circulated for public review but can be included or attached to the FEIR. For further information regarding this project, please call Sandy Roper (559) 624-7101 or email at [sroper@co.tulare.ca.us](mailto:sroper@co.tulare.ca.us).

All interested persons may appear and be heard at said time and place.

Based on guidance from the California Department of Public Health and the California Governor's Office, to minimize the spread of the COVID-19 virus, **members of the public are encouraged to participate in the Board of Supervisors meetings in the following ways: Remote Viewing: Listen to the live audio stream of the Board of Supervisors** meetings at <http://bosagendas.co.tulare.ca.us/>. Instructions on how to participate in the live meeting can be found at the link above. If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing. Judicial review of this Board of Supervisors decision is appealable pursuant to Code of Civil Procedure Section 1094.6.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting contact Tulare County Resource Management Agency by telephone at (559) 624-7000, 48-hours in advance of this meeting.

Jason T. Britt County Administrative Officer/Clerk, Board of Supervisors

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**TO BE PUBLISHED ONLY ONCE ON JULY 8, 2020**

### **SEND BILL AND TEAR SHEET TO:**

Tulare County Resource Management  
Agency – Economic Development & Planning  
Branch  
5961 South Mooney Blvd.  
Visalia, CA 93277-9394

Send to: The Sun-Gazette