



**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:** August 18, 2020 – REVISED

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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:** Approve Indemnification Agreement with CalBiogas South Tulare, LLC

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Indemnification Agreement with CalBiogas South Tulare, LLC in connection with an application for an encroachment permit to place an underground pressurized gas pipeline within County rights-of-way of Roads 96, 128, 132 and 152; Avenues 184, 192 and 208; and Spacer Drive (D134), south of the City of Tulare, for the period of August 18, 2020 to August 18, 2045; and
2. Authorize the Chair of the Board of Supervisors to sign the Indemnification Agreement; and
3. Adopt the Categorical Exemption prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures for the placement of the underground pressurized gas pipeline; and
4. Authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the County Clerk-Recorder.

**SUMMARY:**

CalBiogas South Tulare, LLC is proposing to construct 8.8 miles of a pressured underground gas pipeline within County rights-of-way of Roads 96, 128, 132 and 152; Avenues 184, 192 and 208; and Spacer Drive (D134), south of the City of Tulare.

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The intent of the project is to transport dairy biogas from participating dairies to a Southern California Gas Company mainline tie-in. This conversion of dairy biogas and efficient utilization of certain dairy byproducts will reduce greenhouse gas emissions for the connected dairies, ultimately improving overall air quality in the region and reducing the County's reliance on non-renewable energy sources.

The scope of the project consists of the installation of HDPE gas pipeline and concomitant safety equipment, a minimum of three feet below the existing ground surface (with minor trenching and backfilling) along the 8.8-mile length of the pipeline. The surface conditions shall be restored to its original state following backfilling. The pipeline installation underneath Spacer Drive shall be completed by method of jack-and-bore to minimize transportation disruption and ensure project safety.

Under the proposed indemnification agreement, CalBiogas South Tulare, LLC would be responsible for indemnifying and defending the County and its officers, agents, and employees from all claims and damages related to the pipeline and the associated encroachment permit allowing installation and use of the pipeline within County road rights-of-way.

In accordance with the California Environmental Quality Act (CEQA), the County has determined that the Categorical Exemption is applicable to the proposed action: State CEQA Guidelines (14 Cal. Code Regs.) Section 15303.

Though the County has deemed the project to be categorically exempt from CEQA, if the project is located in part, or in whole, within the jurisdictional boundary of a regulatory agency, such as the California Department of Fish and Wildlife and the California Regional Water Quality Control Boards, it shall be the responsibility of CalBiogas South Tulare, LLC to acquire the necessary permits and comply with the requirements, rules, regulations, and conditions applicable to the project.

**FISCAL IMPACT/FINANCING:**

No Net County Cost to the General Fund.

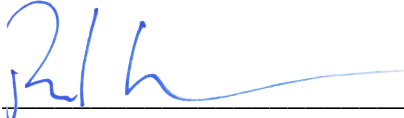
CalBiogas South Tulare, LLC will be solely responsible for the cost of installation and maintenance of the gas line. As part of the agreement, CalBiogas South Tulare, LLC or the project successors will be required to pay an annual fee to compensate the County for costs associated with monitoring the performance of the project.

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

The County's strategic business plan includes the "Quality of Life Initiative" and the "Economic Well Being Initiative". The proposed project helps the County achieve these goals by supporting the county's agriculture-based economy through the introduction of a new revenue stream from what was formerly an expense. Additionally, the proposed project will help improve the quality of life in the region by reducing greenhouse gas emissions and increasing utilization of renewable energy resources.

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**ADMINISTRATIVE SIGN-OFF:**



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Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment(s): Attachment A – Vicinity Map  
Attachment B – Indemnification Agreement  
Attachment C – Notice of Exemption

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

IN THE MATTER OF APPROVE ) Resolution No. \_\_\_\_\_  
INDEMNIFICATION AGREEMENT WITH ) Agreement No. \_\_\_\_\_  
CALBIOGAS SOUTH TULARE, LLC )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 18, 2020,  
BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved the Indemnification Agreement with CalBiogas South Tulare, LLC in connection with an application for an encroachment permit to place an underground pressurized gas pipeline within County rights-of-way of Roads 96, 128, 132 and 152; Avenues 184, 192 and 208; and Spacer Drive (D134), south of the City of Tulare, for the period of August 18, 2020 to August 18, 2045; and
2. Authorized the Chair of the Board of Supervisors to sign the Indemnification Agreement; and
3. Adopted the Categorical Exemption prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures for the placement of the underground pressurized gas pipeline; and
4. Authorized the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the County Clerk.

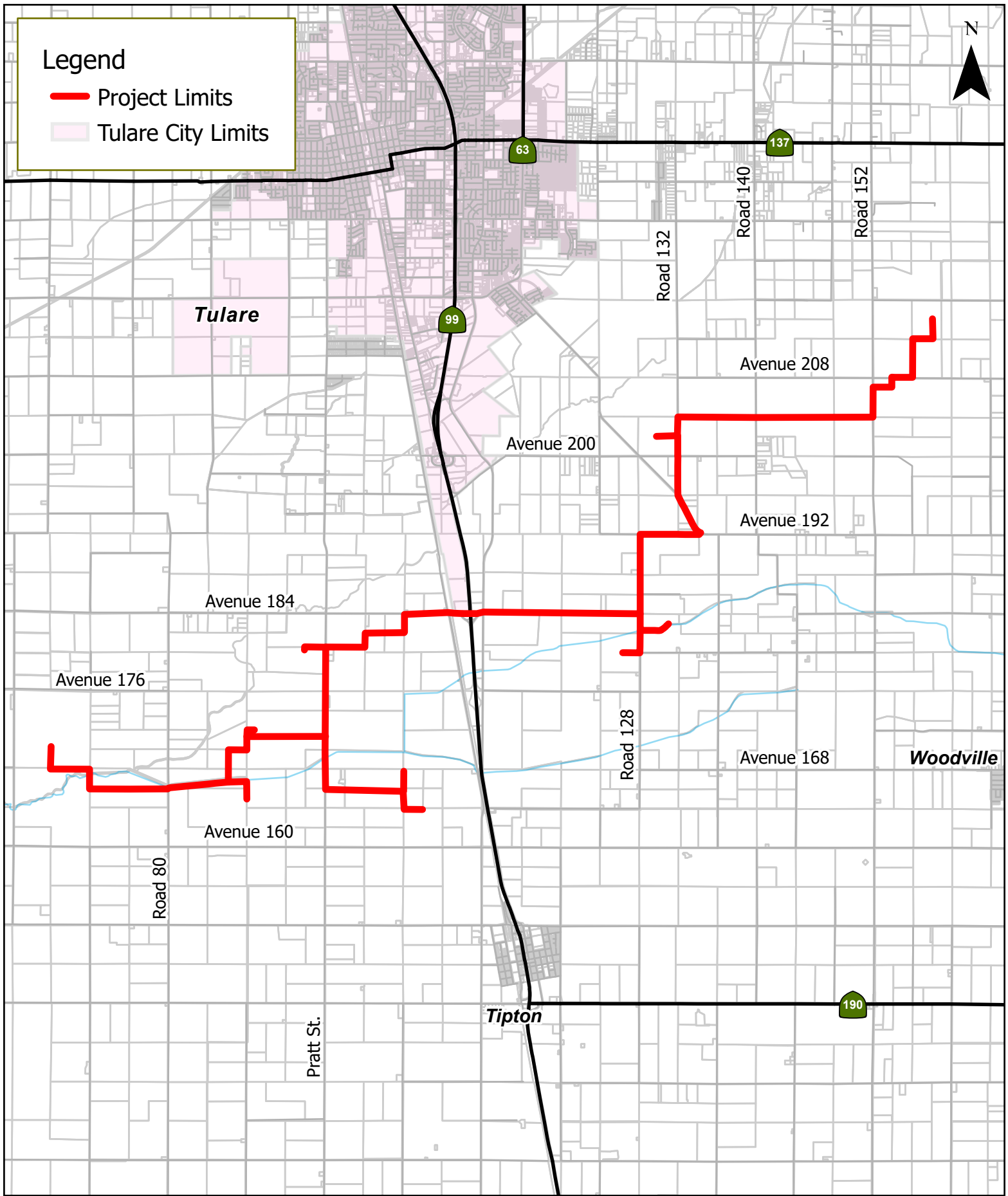
# Attachment A

## Vicinity Map

**Legend**

 Project Limits

 Tulare City Limits



# Attachment C

## Notice of Exemption

# NOTICE OF EXEMPTION

**To:**  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Tulare County Clerk  
Room 105, Courthouse  
221 South Mooney Blvd.  
Visalia, CA 93291

**Lead Agency:** Tulare County Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
(559) 624-7000  
Attn: [hguerra@co.tulare.ca.us](mailto:hguerra@co.tulare.ca.us)

**Applicant(s):** CalBioGas South Tulare LLC  
324 S. Santa Fe St.  
Visalia, CA 93292  
559-667-9560

**Project Title:** So. Tulare Biogas Gathering Line

**Project Location - Specific:** Various Locations, see attached map (Phase 1)

**Project Location- Section, Township, Range:** Section Various, Township 21 and 20 S, Range 24 and 25 E of the Lake View School, Tipton, Tulare, and Cairn's Corner USGS 7 1/2 minute quadrangles

**Project Location - City:** See Attached Memo

**Project Location - County:** Tulare

**Description of Nature, Purpose, and Beneficiaries of Project:** CalBioGas South Tulare LLC proposes to construct 8.8 miles of a pressurized underground gas pipeline within portions of the County of Tulare rights-of-way of Roads 96, 128, 132 and 152; Avenues 184, 192 and 208; and Spacer Drive D134), south of the City of Tulare. The intent of the project is to transport dairy biogas from participating dairies to a Southern California Gas Company mainline tie-in facility. The scope of the project consists of the installation of HDPE PE4710 SDR 11 gas pipeline and concomitant safety equipment along the 8.8-mile alignment. On August 18, 2020, the Tulare County Board of Supervisors approved an indemnification agreement to allow some segments of the underground pipeline to utilize County rights-of-way within easements along or across public roadways. All of Tulare County will benefit as the Project would recover manure methane at dairies and using the methane as a renewable source of natural gas thereby reducing greenhouse gas emissions.

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- General Rule: CEQA guidelines 15061(b)(3)
- Categorical Exemption: Categorical Exemption: State CEQA Guidelines Section 15301 Existing Facilities (Class 1 Exemption); and Section 15303 New Construction or Conversation of Small Structures (Class 3 Exemption);
- Statutory Exemptions:

**Reasons why project is exempt:** The Project will not involve any new developments or changes to existing land uses, nor are any proposed, there will be no additional vehicular trips generated as a result of the proposed Activity/Project. The Activity/Project will result in no adverse impact to the environment including aesthetics, air quality, agriculture, biology, cultural, greenhouse gases, hazards/hazardous materials, land use/planning, noise, public services, traffic, or utilities/service systems. Furthermore, the proposed Project site will be required to comply with applicable San Joaquin Valley Unified Air District rules and regulations, including but not limited to, Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and Rule 9510 (indirect Source Review). The Activity/Project will result in reduction of methane-related GHG by using methane gas emissions from the dairies as an alternative/renewable fuel source, is consistent with draft Tulare County Dairy Climate Action Plan (which incorporates strategies to promote the use of renewable energy sources, including digesters for energy-production), and is also consistent with and implements the California Environmental Protection Agency Air Resources Board's Short-Lived Climate Pollutant Reduction Strategy March 2017; Methane Emissions Reductions from Dairy Manure. As the equipment modification will occur at an existing site and pipelines for this

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK



Activity/Project will remain within County of Tulare Rights-of-Way, this action is consistent with 14 Cal. Code Regs. Section 15301(b) Existing facilities or both investor and public owned utilities used to provide electric power, natural gas, sewerage, or other public utility services and; 14 Cal. Code Regs. Section 15303(d) Water main, sewage, electrical gas, and other utility extensions, including street improvements, or reasonable length to serve such construction. Therefore, the use of CEQA Guidelines Sections 15301(b) and 15303(d), as noted above, are applicable and appropriate for this Activity/Project.

**Name of Public Agency Approving Project:** Tulare County, RMA – Economic Development and Planning Branch

**Project Planner/Representative:** \_\_\_\_\_ **Area Code/Telephone:** 559-624-7000

By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Chief Environmental Planner  
Hector Guerra

By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Environmental Assessment Officer  
Reed Schenke, P.E. RMA Director

Signed by Lead Agency

Date Received for filing at OPR: \_\_\_\_