



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: January 29, 2013

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: 624-7010

SUBJECT: Approval of Environmental Documents for Earlimart Neighborhood Park Project

REQUEST(S):

That the Board of Supervisors:

- (1) Hold a Public Hearing at 9:30 a.m. on January 29, 2013, to consider certification and adoption of the proposed Negative Declaration for the Earlimart Neighborhood Park Project;
- (2) Certify and adopt the Negative Declaration as being complete, adequate and in compliance with the California Environmental Quality Act and the State California Environmental Quality Act Guidelines;
- (3) Authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination with the County Clerk; and
- (4) Authorize the Chairman of the Board of Supervisors, or designee (e.g., Environmental Assessment Officer), to sign the California Environmental Quality Act Compliance Certification Form.

SUMMARY:

On June 21, 2011, the County of Tulare and the Earlimart School District (District) entered into a Joint Powers Agreement, to clarify the potential roles in the future development of the Earlimart Neighborhood Park.

On March 26, 2012, the California State Parks Office of Grants and Local Services

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(OGALS) awarded the County and the Earlimart School District a \$2,153,900 grant for design, construction, operation, use, and maintenance of the Earlimart Neighborhood Park Project.

As part of this award, compliance with the California Environmental Quality Act (CEQA) was required; and as part of the CEQA process, Tulare County was designated the Lead Agency in the affected Joint Powers Agreement (JPA).

Specifically, Paragraph 5.g. of the JPA states as follows:

For purposes of administering any/all required activities in compliance with the California Environmental Quality Act, referred to as "CEQA", COUNTY is hereby designated as lead agency and will prepare and sign off on all necessary and appropriate documentation. The COUNTY shall obtain all required CEQA certifications within one year of PROGRAM grant award by the STATE.

For reference, a copy of the JPA is contained in Attachment "A."

As required by CEQA, the County is acting as the lead agency for the Earlimart Neighborhood Park Project, and as such, the proposed Negative Declaration must be approved before the project may proceed. See Attachment "B."

In terms of project timing, the OGALS Grant Administration Guide directs that the CEQA process be completed and submitted by or before the contract liquidation date, notably, March 25, 2013 in this case. Once the State receives the required CEQA documentation, the County will enter into the Final Contract.

Additionally, through the JPA, the County is responsible for all pre-construction activities, the design and development of project plans and specifications, and the construction of the Earlimart Neighborhood Park.

The JPA also provides that the District is responsible for the maintenance, ownership, use and operation of the completed recreational facility.

The Park will be constructed on approximately 4.5 acres of District owned property located at 949 E. School Ave. The deliverables for this Park project include the following:

- a. Construct a new pathway system and picnic facilities,
- b. Construct new multi-use event area,
- c. Construct new children's play area,
- d. Construct new open turf play area,
- e. Construct new gateway features, community art and security fencing, and

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- f. Construct new drought resistant landscaping and biofiltration swale.

The Draft Conceptual Park Plan is contained in Attachment "C."

Ultimately, construction must be completed by December 31, 2018, and, thereafter, the State will review the Final Grant Completion Packet, conduct a final site inspection, and process final payments through the State Controller's Office before June 30, 2019.

The Negative Declaration was prepared by the Environmental Planning Division of the Resource Management Agency. The findings in the Negative Declaration conclude that the Project would not result in any significant impacts to the environment.

Accordingly, your Board is being asked to certify and adopt the Negative Declaration as being complete, adequate and in compliance with the California Environmental Quality Act and the State California Environmental Quality Act Guidelines (Attachment "B"); authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination (Attachment "D"); and authorize the Chairman of the Board of Supervisors, or designee (e.g., Environmental Assessment Officer) to sign the California Environmental Quality Act Compliance Certification Form (Attachment "E").

FISCAL IMPACT/FINANCING:

Preparation of the Earlimart Neighborhood Park Project environmental review process is a grant eligible expense and will be charged to Budget No. 001-230-4358. There is no net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life Initiative to promote public health and welfare, educational opportunities, natural resource management and continued improvement of environmental quality. This grant will promote greatly needed recreational and cultural opportunities in the low income unincorporated community of Earlimart. It will further promote healthy physical activities in this small community.

ADMINISTRATIVE SIGN-OFF:

Michael C. Spata
Assistant Director - Planning

cc: Auditor-Controller

SUBJECT: Approval of Environmental Documents for Earlimart Neighborhood Park Project

DATE: January 29, 2013

County Counsel
County Administrative Office (2)

Attachments:

- "A" -- Joint Powers Agreement
- "B" -- Negative Declaration
- "C" -- Draft Conceptual Park Plan
- "D" -- Notice of Determination
- "E" -- CEQA Compliance Certification

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

IN THE MATTER OF APPROVAL OF
ENVIRONMENTAL DOCUMENTS FOR
EARLIMART NEIGHBORHOOD PARK
PROJECT

)
) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 29, 2013,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Held a Public Hearing at 9:30 a.m. on January 29, 2013, to consider certification and adoption of the proposed Negative Declaration for the Earlimart Neighborhood Park Project;
2. Certified and adopted the Negative Declaration as being complete, adequate and in compliance with the California Environmental Quality Act and the State California Environmental Quality Act Guidelines;
3. Authorized the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination with the County Clerk; and
4. Authorized the Chairman of the Board of Supervisors, or designee (e.g., Environmental Assessment Officer), to sign the California Environmental Quality Act Compliance Certification Form.

ATTACHMENT “A”

Joint Powers Agreement

**JOINT EXERCISE OF POWERS AGREEMENT FOR
CONSTRUCTION, OPERATION, USE AND MAINTENANCE OF
Earlimart Recreational Facility**

THIS AGREEMENT, made and entered into as of this 21st day of June, 2011, between the COUNTY OF TULARE, referred to as "COUNTY" and the EARLIMART SCHOOL DISTRICT, referred to as "DISTRICT";

WHEREAS, the State of California, referred to as "STATE," has released a second round of grand funding for the Statewide Park Program, referred to as "PROGRAM;" and

WHEREAS, the DISTRICT has full control and ownership of the property, which is within its DISTRICT limits, referred to as "PROPERTY," on which the recreational facility will be developed and intends to utilize the PROPERTY for this purpose; and

WHEREAS, the COUNTY will submit an application for PROGRAM grant funds on behalf of the DISTRICT to construct the Earlimart Park, hereinafter referred to as a "recreational facility" for the purposes of this Agreement, on the PROPERTY; and

WHEREAS, the COUNTY will be developing a recreational facility on the PROPERTY with PROGRAM grant funds; and

WHEREAS, COUNTY and DISTRICT each have the power and authority, individually, to undertake the development, construction, operation, and maintenance of such a recreational facility; and

WHEREAS, COUNTY and DISTRICT have determined and concluded that it is more economical and reasonable for the two said public entities to jointly develop, construct, operate, and maintain such a facility; and

WHEREAS, COUNTY and DISTRICT have each determined that it would be most beneficial to the residents and tax payers of each such public entity if they were to jointly develop such a facility; and

WHEREAS, Government Code sections 6500 et. Seq. authorize COUNTY and DISTRICT to enter a joint exercise of powers agreement; and

WHEREAS, both COUNTY and DISTRICT have a common power under section 6500 et seq. of the California Government Code, to enter into and carry out the terms and conditions of this Agreement.

WHEREAS, DISTRICT has authority under Education Code section 10900 et. seq. to organize, promote, and conduct programs of community recreation, establish systems of playgrounds and recreation, and to acquire, construct, maintain, and operate recreation centers.

NOW, THEREFORE, IT IS AGREED as follows:

1. COUNTY and DISTRICT enter into this Joint Powers Agreement for the specific purpose of developing, constructing, operating and maintaining a recreational facility to be commonly known as the Earlimart Recreational Facility, on certain real property approximately 4.5 acres in size and located at the northeast corner of the intersection of Elm Road and School Avenue more particularly identified in Exhibit "A", referred to as "PROPERTY," attached hereto and incorporated herein by this reference. The total recreation site and the specific portion to which this Agreement applies are particularly identified in said Exhibit. The specific roles of the COUNTY and DISTRICT regarding developing, constructing, operating, and maintaining are further explained in this Agreement.

2. **TERM:** This Agreement will become effective contingent upon receipt of PROGRAM grant funds by the County from the STATE and will remain in full force and effect until thirty years thereafter. This Agreement may be renewed beyond the original thirty year term as required by the STATE at the end of the current term upon written agreement by both parties.

3. **NO SEPARATE ENTITY CREATED:** There will be no separate and distinct public entity created pursuant to this Agreement, but rather the parties will jointly undertake certain activities as specified herein and will specifically designate, to one or the other of the parties, the obligations and responsibility of certain other activities pursuant to this Agreement, as more specifically set forth herein below.

4. **RECREATIONAL FACILITIES:** Said facilities shall consist, primarily, of playground apparatus area, barbeques, pavilions, sidewalks, walking path, lighting, vegetation, and needed off site improvements, but may include such additional active or passive recreational facilities as the parties may deem appropriate and necessary.

5. COUNTY AND DISTRICT RESPONSIBILITIES:

a) COUNTY shall be primarily responsible for the design and development of plans and specifications for said facilities, through the use of its own staff and employees and contract consultants. To the extent required, any construction facilities shall comply with the Field Act (California Education Code sections 17280 et. seq. and 17365 et. seq.) All such plans and specifications will be reviewed and approved by DISTRICT before being prepared in final version.

b) Upon completion of plans and specifications and their approval by COUNTY and DISTRICT, it shall be COUNTY's responsibility to undertake construction, either by its own employees or through a public bidding and construction process as is appropriate, of all said facilities. All costs associated with developing and constructing the recreational facility, including planning, engineering, inspection, administration, construction, etc., incurred by the COUNTY shall be reimbursed with PROGRAM grant funds by the STATE. The COUNTY shall not contribute locally-controlled funds to any costs associated with the development or construction of the recreational facility.

c) To the extent that construction of any of the said recreational facilities is required to be put out to public bid, the laws and regulations applicable to a public works project of the COUNTY shall apply and the COUNTY shall be responsible for the preparation and issuance of bid documents incorporating the plans and specifications, the review of bids submitted, and the award of contract. All such bid documents, shall be reviewed and approved by the DISTRICT prior to being prepared in final form. As to facilities subject to this Agreement, the COUNTY shall also provide DISTRICT with the opportunity to review all bids submitted, and a contract may be awarded only with the concurrence of the DISTRICT. All contracts let for purchase of materials, equipment and supplies for this project shall be prepared by, and issued in the name of the COUNTY, provided that the DISTRICT shall have the opportunity to review and approve all such contractual documents prior to issuance of final versions.

d) . The supervision and inspection of all construction of facilities and improvements shall be performed by COUNTY, provided that the DISTRICT may participate in oversight activities to the extent it so desires, and may participate in supervision with the consent of the COUNTY.

e) The days and hours of operation of the recreational facility shall be established and maintained by DISTRICT. DISTRICT shall adhere to all recreational use requirements as required by the STATE. DISTRICT may also utilize said facilities for school related activities, provided such use does not violate with PROGRAM requirements established by the STATE.

f) DISTRICT shall be responsible for issuing any and all recreation-use permits and collecting any and all fees for special use of the identified portion of the recreational facilities. The COUNTY shall delegate all functions of operating the recreational facility to the DISTRICT.

g) For purposes of administering any/all required activities in compliance with the California Environmental Quality Act, referred to as "CEQA," COUNTY is hereby designated as lead agency and will prepare and sign off on all necessary and appropriate documentation. The COUNTY shall obtain all required CEQA certifications within one year of PROGRAM grant award by the STATE.

h). The DISTRICT grants the COUNTY permission to operate the recreational facility. The COUNTY delegates all functions of maintenance, and operation of the recreational facility to the DISTRICT. DISTRICT shall provide and shall be responsible for the entire cost of maintenance, ownership, and operation of the recreational facility. The DISTRICT may delegate these operating roles as deemed appropriate. At no time shall the COUNTY have any responsibility for in the maintenance, ownership, or operation of the recreational facility.

i) The COUNTY and DISTRICT shall meet annually to verify that the recreational facility is being maintained and operated in accordance with this Agreement and as required by the PROGRAM.

j) The DISTRICT shall grant the COUNTY the authority to construct and develop the PROJECT site and permit the COUNTY, its contractors, or agents to access the PROPERTY for

the purposes of this Agreement. The DISTRICT shall revoke this authority upon completion of the construction and development of the PROJECT.

6. INDEPENDENT CONTRACTOR STATUS: All personnel and employees of each party who conduct activities and/or provide services under this Agreement will, at all times, remain employees of their respective public entities, and said respective public entities will be solely and completely responsible for the employment, workers' compensation coverage, supervision and discipline of such employees. Nothing in this Agreement shall be construed to constitute that either party or any of its agents, employees or officers as an agent, employee or officer of the other Party.

7. INDEMNIFICATION:

a) County shall hold harmless, defend and indemnify District, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and damage to property, including District property, arising from, or in connection with, the performance by County or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Contractor under Government Code section 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

b) District shall hold harmless, defend and indemnify County, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and damage to property, including County property, arising from, or in connection with, the performance by District or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against County by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Contractor under Government Code section 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

8. INSURANCE: Prior to approval of this Agreement by either Party, each Party shall file with the other Party evidence of the required insurance as set forth in Exhibit "B" attached.

9. COUNTY's construction of facilities shall be contingent upon and subject to the terms of the award of PROGRAM grant funds by the STATE. COUNTY shall complete construction of the facilities within the timeframe as required by the PROGRAM.

10. DELEGATION OF AUTHORITY: Authority to act under this Agreement on behalf of each party is hereby vested with the Chairman of the Board of Supervisors for

COUNTY and with the Superintendent for DISTRICT, or such designees as they may each so elect.

11. **NOTICE:** Any notice required under the terms of this Agreement will be deemed received on the date actually delivered if by personal delivery, or on the fifth business day following deposit in the United States mail, postage prepaid, addressed as follows;

COUNTY: COUNTY of TULARE
Laurie Mercer
Community Development Manager
5961 S. Mooney Blvd.
Visalia, CA 93277
(559) 624-7000
(559) 730-2591

DISTRICT: Earlimart School DISTRICT
Sandra Munoz
Superintendent
785 East Center Ave.
Earlimart, CA 93219
(661) 849-3386
(661) 849-2352 Fax

The parties to which notice is to be given may be changed, from time to time, by action of either party, provided that it gives the other party to this Agreement written notice of said change.

12. **COMPLIANCE WITH LAW:** COUNTY shall construct facilities in accordance with applicable Federal, State, and local laws, regulations and directives. With respect to COUNTY's employees, COUNTY shall comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance, and discrimination in employment.

13. **ENTIRE AGREEMENT REPRESENTED:** This Agreement represents the entire agreement between COUNTY and DISTRICT as to its subject matter and no prior oral or written understanding is to be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

14. **NO THIRD PARTY BENEFICIARY:** Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

15. **GOVERNING LAW:** This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The parties agree that this Agreement is made and shall be performed in Tulare County, California.

16. **WAIVER:** The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

17. **CONFLICTS WITH LAWS OR REGULATIONS/SEVERABILITY:** This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

18. **FURTHER ASSURANCES:** Each party agrees to execute any additional documents and to perform any further acts as may be reasonably required to effect the purposes of this Agreement.

19. **ASSURANCE OF NONDISCRIMINATION:** COUNTY and DISTRICT shall not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation. COUNTY and DISTRICT agree to provide appropriate training to its employees regarding discrimination and sexual harassment issues, and to promptly and appropriately investigate any allegations that any of its employees may have engaged in improper discrimination or harassment activities. Either Party, in its sole discretion, has the right to require the other Party to replace any employee who provides services of any kind to that Party pursuant to this Agreement with other employees where either Party is concerned that its employees or clients may have been or may be the subjects of discrimination or harassment by such employees. The right to require replacement of employees as aforesaid shall not preclude either Party from terminating this Agreement with cause as provided for in this agreement.

20. **DISPUTE RESOLUTION:** If a dispute arises out of or relating to this Agreement, or a breach of this Agreement, and if said dispute cannot be settled through negotiations, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party will bear its own costs of mediation. If mediation fails to resolve the dispute within thirty days, either party may pursue litigation to resolve the dispute.

21. **TERMINATION:**

a) The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement.

- i) This Agreement may be terminated with written consent of both parties; or
- ii) With Cause:

(1) This Agreement may be terminated by either party should the other party:

- (a) be adjudged a bankrupt, or
- (b) become insolvent or have a receiver appointed, or
- (c) make a general assignment for the benefit of creditors, or
- (d) suffer any judgment which remains unsatisfied for thirty days, and which would substantively impair the ability of the judgment debtor to perform under this Agreement, or
- (e) materially breach this Agreement.

(2) For any of the occurrences except item (3), termination may be effected upon written notice by the terminating party specifying the date of the termination.

(3) Upon material breach, the Agreement may be terminated following the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within five days of written notice specifying the breach. If the breach is not remedied within that five day period, the non-defaulting party may terminate the Agreement on further written notice specifying the date of termination.

(4) If the nature of the breach is such that it cannot be cured within a five day period, the defaulting party may, submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent shall not be unreasonably withheld, the defaulting party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate upon written notice specifying the date of termination.

b) Effects of Termination: Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities.

22. BREACH OF AGREEMENT: In the event the DISTRICT breaches the terms of this Agreement or those terms set forth in the PROGRAM grant agreement with the STATE and the COUNTY incurs damages as a result of such breach, the DISTRICT shall be responsible for reimbursing the COUNTY and all costs of said damages. In the event the COUNTY breaches the terms of this Agreement or those terms set forth in the PROGRAM grant agreement with the STATE and the DISTRICT incurs damages as a result of such breach, the COUNTY shall be responsible for reimbursing the DISTRICT and all costs of said damages.

23. CONFLICT OF INTEREST:

a. Each Party agrees at all times in performance of this Agreement to comply with the law of the State of California regarding conflicts of interest or appearance of conflicts of interest, including, but not limited to Government Code section 1090 et seq., and the Political Reform Act, Government Code section 81000 et seq. and regulations enacted regarding the Political Reform Act by the California Fair Political Practices Commission. The statutes, regulations and laws previously referenced include, but are not limited to, prohibitions against any public officer or employee, including contractors for this purpose, from making any decision on behalf of the public agency in which an officer, employee or consultant has a direct or indirect financial interest. A violation can occur if the public officer, employee or consultant participates in or influences any District or County decision which has the potential to confer any pecuniary benefit on contractor or any business firm in which contractor has an interest, with certain narrow exceptions.

b. Each Party agrees that if any facts come to its attention which raise any questions as to the applicability of conflict of interest laws, it shall immediately inform the other Party's designated representative and provide all information needed for resolution of this question.

24. CONSTRUCTION: This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 will not apply to address and interpret any uncertainty.

25. EXHIBITS AND RECITALS: The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

26. HEADINGS: Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

27. PUPIL SAFETY REQUIREMENTS:

a. During construction, the COUNTY shall provide one or more of the following methods, pursuant to Education Code § 45125.2, to ensure the safety of the pupils of the DISTRICT:

- i) The installation of a physical barrier at the worksite to limit contact with pupils;
- ii) Continual supervision and monitoring of all employees and subcontractors of the COUNTY by an employee of the COUNTY whom the Department of Justice has ascertained has not been convicted of a violent or serious felony;
- iii) Surveillance of employees or subcontractors of the COUNTY, by school personnel.

b. COUNTY shall submit a plan to the DISTRICT at least fifteen (15) days prior to the commencement of work describing how COUNTY will comply with the foregoing. Whether to approve or reject the pupil safety plan is within the sole discretion of the DISTRICT governing board. DISTRICT reserves the right to impose greater or additional safety requirements, including but not limited to, compliance with all of the fingerprinting and related requirements of California Education Code Section 45125.1. The pupil safety plan shall be

approved by DISTRICT before any agents or employees of COUNTY may enter school grounds where they may have any contact with pupils. COUNTY shall indemnify, hold harmless, and defend the DISTRICT against any and all actions, proceedings, penalties or claims arising out of the COUNTY's failure to comply with the requirements of this section.

c. If COUNTY believes that its employees will have only limited contact with pupils and should therefore be exempted from the foregoing requirements, COUNTY must contact the DISTRICT with its request for exemption at least fifteen (15) days prior to the commencement of work. The request for exemption must specify the grounds for such proposed exemption, considering the totality of circumstances, including but not limited to the length of time COUNTY will be on school grounds, whether pupils will be in proximity to the site where the COUNTY's employees or subcontractors are working, and whether the COUNTY's employees will be working by themselves or with others. Whether to grant or deny the exemption is within the sole discretion of the DISTRICT.

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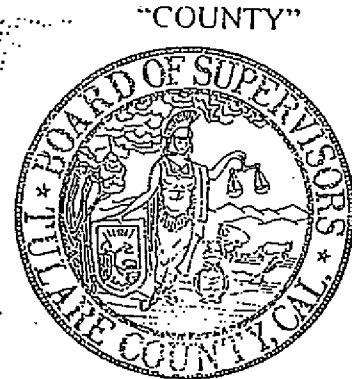
IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Dated: 6/21/11

COUNTY OF TULARE
By: Mike Egan
Chairman, Board of Supervisors

ATTEST:
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By: Debra Lybana
Deputy Clerk



Approved as to Form:

By: Debra Lybana 6/6/2011
County Counsel 2011622

Dated: _____

EARLIMART SCHOOL DISTRICT

By: Victor Mendez
President, Board of Trustees
"DISTRICT"

ATTACHMENT “B”

Negative Declaration

TULARE COUNTY RESOURCES MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

EARLIMART NEIGHBORHOOD PARK PROJECT

Initial Study and Negative Declaration

December 2012

Prepared by:

Tulare County Resources Management Agency
Planning Branch
Environmental Planning Division

INITIAL STUDY CHECKLIST

1. **Project Title:** Earlimart Neighborhood Park
2. **Lead Agency:** County of Tulare – Resource Management Agency
3. **Contact Person:** Laurie Mercer, Grants and Development Manager
4. **Project Location:** Earlimart, CA
5. **Latitude, Longitude:** SEC. 34, T 23 S. R 25 E MDB & M
6. **General Plan Designation:** Earlimart Community Plan - Quasi-Public
7. **Zoning:** Earlimart Community Plan Zoning Consistency Matrix indicates Parks and Open Space is consistent with Parks and Open Space zone designations.
8. **Description of Project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.):** The park will be constructed on approximately four acres of vacant, undeveloped land that is currently owned by the Earlimart School District. It is directly adjacent to Earlimart Elementary School and will include direct, on-site access to the existing school yard. It will consist primarily of a playground apparatus area, barbeques, pavilions, a walking path, lighting, and landscaping. Also, ornamental fencing, three gateways featuring community artwork, a multi-use event area with shade structure and sloped turf for seating, and a biofiltration swale to capture on-site drainage of storm-water. The proposed Project will include construction/installation of new sidewalks, curbs, gutters, streetlights, and street-trees along Elm Street (at the east edge of the property) and School Street (at the southern edge of the property). Specific locations of stops signs as part of the proposed Project have not yet been determined, however, they will be included as part of the final design of the entire project.
9. **Surrounding land uses and setting (Brief description):** Single-family residences to the east and south; Earlimart Elementary School to the north; and Earlimart School District administrative offices to the west and single-family residences west of the School District offices.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
Earlimart Public Utilities District
Delano-Earlimart Irrigation District
San Joaquin Valley Unified Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

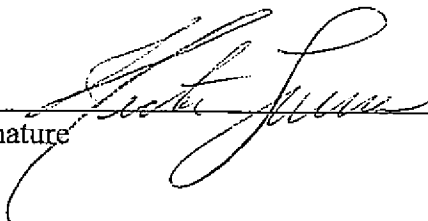
A. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" "unless mitigated" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gases | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

B. DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that a previous EIR or Negative Declaration may be utilized for this project - refer to Section E.

Signature 

12/18/12
Date

Hector Guerra
Printed Name

Chief Environmental Planner
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

The following checklist contains an extensive listing of the kind of environmental effects which result from development projects. Evaluation of the effects must take into account the whole of an action involved, including off-site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

A "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

A "Less Than Significant With Mitigation Incorporation" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

A "Less Than Significant Impact" means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

"No Impact" indicates that the effect does not apply to the proposed project.

Using this rating system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, discuss the project-specific factors, locally adopted standards, and/or general plan elements that support your evaluation. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., Zone C of the FEMA maps). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project specific screening analysis). The explanation of each issue should identify:


- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., "Earlier Analyses," may be cross-referenced).

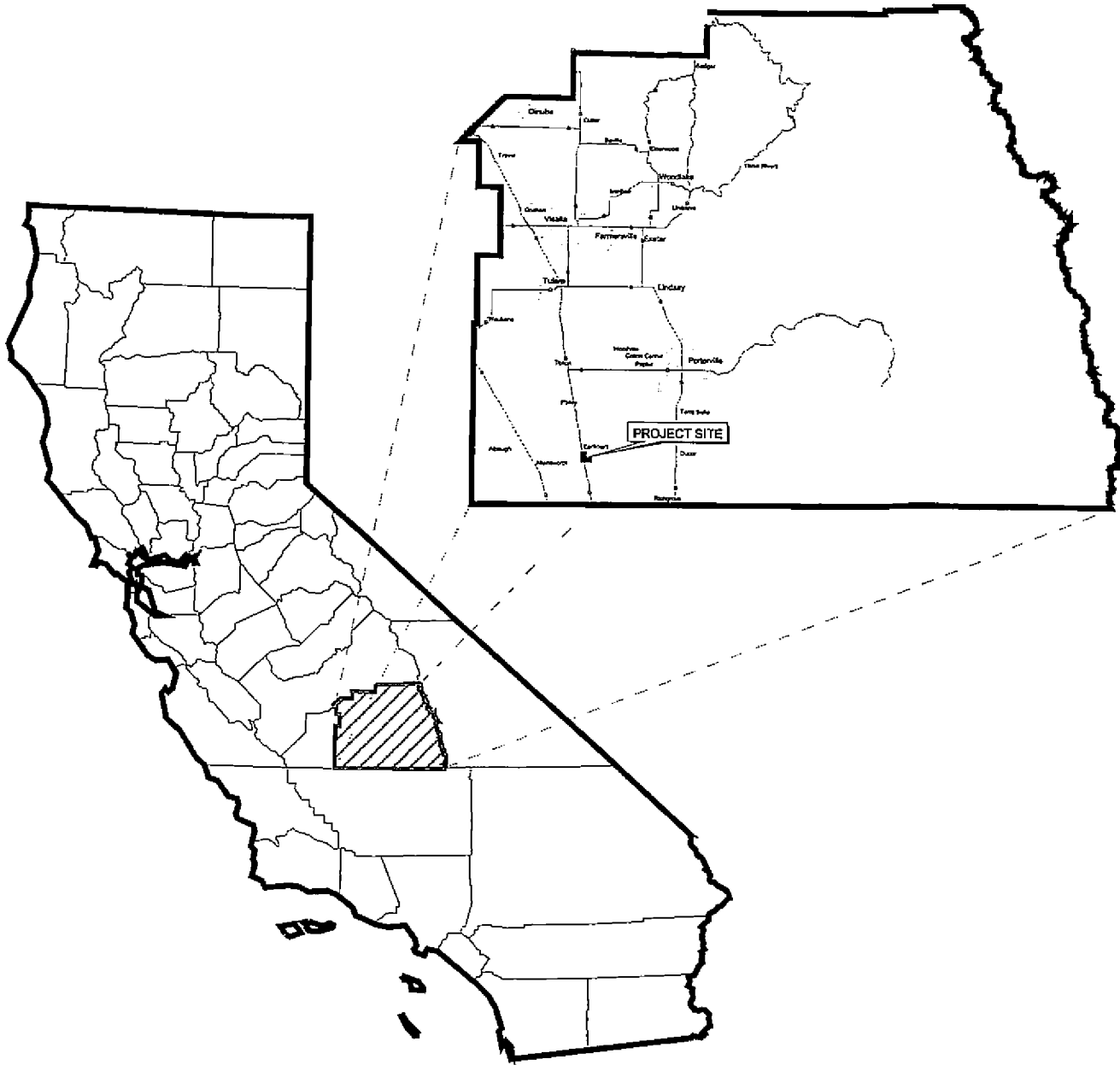
Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site- specific conditions for the project



geographic

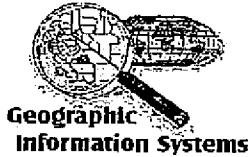
**Location Map
for
Earlimart Neighborhood Park
NEGATIVE DECLARATION**



Assessors Parcel # 318084001



County of Tulare



Aerial Photograph for Earlimart Neighborhood Park NEGATIVE DECLARATION



Applicant: COUNTY OF TULARE

150 0 150 300 450 Feet

Supervisory District #2

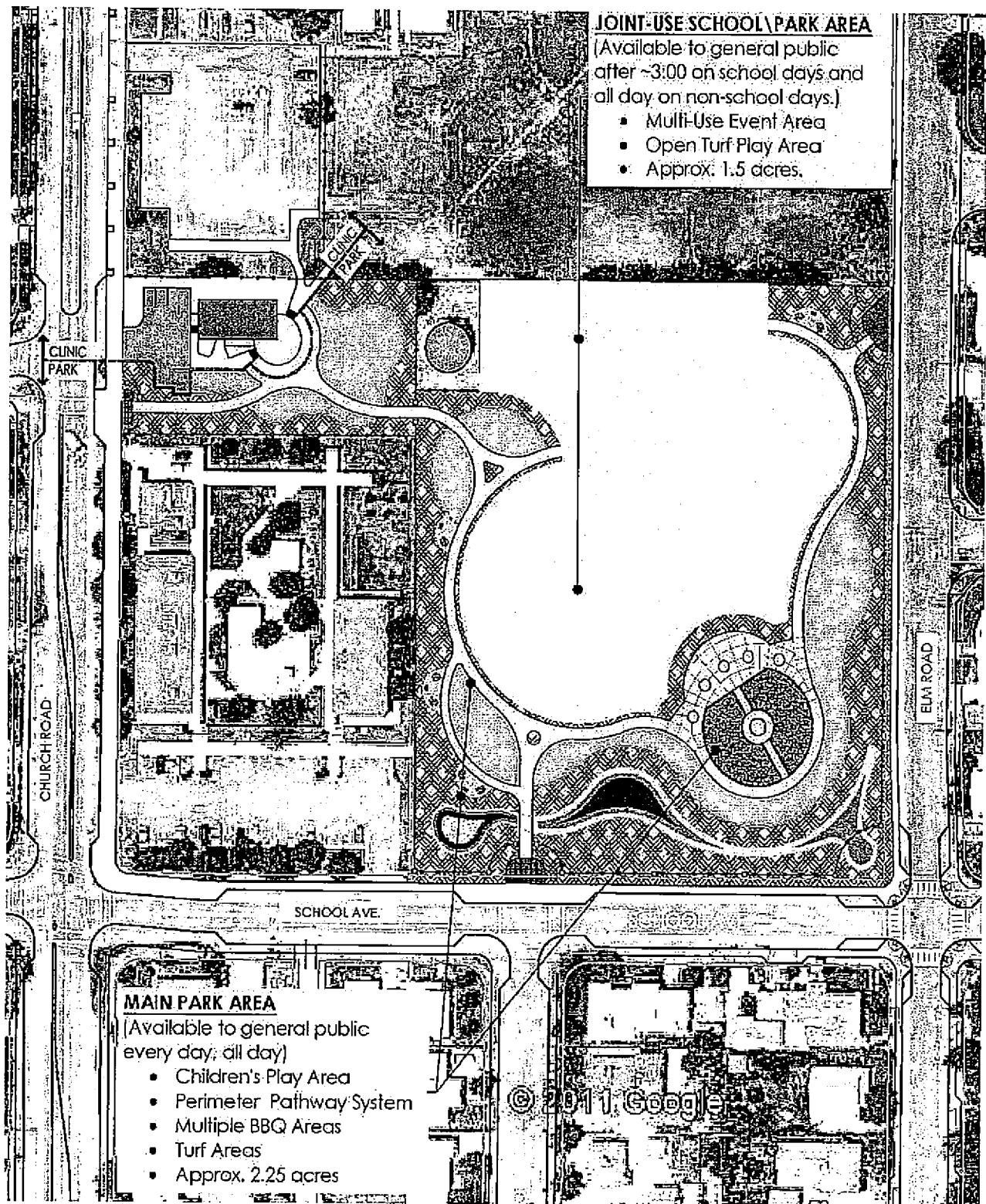
Assessors Parcel # 318084001

SITE

Project Site for NEG DEC



Draft Conceptual Park Plan



NOTE:

This plan is intended to demonstrate the general arrangement of major project scope items on the modified site. Trees are intentionally omitted for drawing clarity purposes. Trees will be planted as described in the grant application and generally as illustrated in the original concept plan.

No Scale



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Analysis:

The proposed Project site (Project or site) is predominantly vacant and devoid of any naturally occurring vegetation; however, there are eight mature Modesto Ash trees that were planted on the site. These trees are diseased and will be removed as part of the Project. A large water tank is located at the northwest corner of the site which is used to store water dedicated for fire suppression purposes at the school and a series of water valves are located at the southwest corner of the site. Thus, the site has no naturally occurring or man-made aesthetic value. The site is adjacent to single-family residential uses to the east and south, school play areas to the north, and school administration buildings to the west. The proposed Project will not contain any structures other than a shade structure for the multi-use events area. Although the multi-use events area's location has not been finalized, the design will consider potential visual impacts to the surrounding areas and set-back and building height limitations contained in the Tulare County Zone Ordinance will also prevent any adverse impacts to a scenic vista. The proposed park's landscaping, including more than one hundred trees, various shrubs/bushes, and turf areas, will enhance the vista to surrounding land uses as it will replace the vacant lot currently located on the site.

a) The proposed Project will not adversely affect any scenic vista. Other than the multi-use events area noted above, it will not include any other structure which might substantially impact a scenic vista. There will be **No Impact** to this resource.

b) The proposed Project site is completely surrounded by existing single-family residences, an elementary school, and school administration buildings. As such it will not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road. There will be **No Impact** to this resource.

c) As noted above, the proposed Project site is predominantly vacant and devoid of any naturally occurring

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>vegetation. The proposed park will substantially improve the visual character and quality of the site and its surroundings which are open to public view as the site will be improved with the landscaping, including more than one hundred trees, turf areas, and other vegetation which will replace the existing vacant lot. Over time, as the park's trees mature, the vista to the surrounding uses and the public view will be enhanced. There will be No Impact to this resource.</p> <p>d) The proposed Project will not result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The conceptual plan for the proposed Project contains a desire to include some evening hour lighting for safety; however the specific locations cannot be determined until the design of the proposed park is finalized. Street lights along Elm Road and School Street are included as part of the proposed Project, however this type of lighting will not be intrusive to adjacent uses. Street lights are typically spaced between 300 to 500 feet apart and although sufficient in illuminating segments of sidewalk and roadway areas, they are not so bright as to result in substantial light or glare. The impacts to this resource is Less Than Significant</p>				
<p>2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
nature, could result in conversion of Farmland, to non-agricultural use?				
<p>Analysis:</p> <p>a - e) As the proposed 4.0 acre Project site is located within predominantly vacant, unused school grounds, and is completely surrounded by residential uses, it will not result in any impacts to resources a. – e., The site is within the Earlimart Development Boundary (UDB), as such the proposed Project will not result in the Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, it will not convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use; it will not conflict with existing zoning for agriculture use, or a Williamson Act contract; it will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code 12220(g) or timberland (as defined in Public Resource Code section 4526); it will not result in the loss of forest land or conversion of forest land to non-forest use, nor will it involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. There will be No Impacts to these resources.</p>				
3. AIR QUALITY -- Where available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>Analysis:</p> <p>The proposed Project is located in the San Joaquin Valley Air Basin (SJVAB), a continuous inter-mountain air basin. The Sierra Nevada Range forms the eastern boundary; the Coast Range forms the western boundary; and the Tehachapi Mountains form the southern boundary. These topographic features restrict air movement through and beyond the SJVAB. The SJVAB is comprised of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and the valley portion of Kern County; it is approximately 25,000 square miles in area. Tulare County lies within the southern portion of the SJVAB. The SJVAB is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District).</p> <p>Both the federal government (through the United State Environmental Protection Agency (EPA)) and the State of California (through the California Air Resources Board (ARB)) have established health-based ambient air quality standards (AAQS) for six air pollutants, commonly referred to as "criteria pollutants." The six criteria pollutants are: carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5), and lead (Pb).</p> <p>National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for each criteria pollutant to protect the public health and welfare. The federal and state standards were developed independently with differing purposes and methods, although both processes are intended to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent.</p> <p>The Federal Clean Air Act requires EPA to set NAAQS for the six criteria pollutants, noted above, that occur throughout the United States. Of the six pollutants, particle pollution and ground-level ozone are the most widespread health threats. EPA regulates the criteria pollutants by developing human health-based and/or environmentally-based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health is called primary standards. Another set of limits intended to prevent environmental and property damage is called secondary standards.</p> <p>EPA is required to designate areas as meeting (attainment) or not meeting (nonattainment) the air pollutant standards. The Federal Clean Air Act (CAA) further classifies nonattainment areas based on the severity of the nonattainment problem, with marginal, moderate, serious, severe, and extreme nonattainment classifications for ozone. Nonattainment classifications for PM range from marginal to serious. The Federal CAA requires areas with air quality violating the NAAQS to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures that states will use to attain the NAAQS. The Federal CAA amendments of 1990 require states containing areas that violate the NAAQS to revise their SIP to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, rules, and regulations of Air Basins as reported by the agencies with jurisdiction over them. The EPA reviews SIPs to determine if they conform to the mandates of the Federal CAA amendments and will achieve air quality goals when implemented. If the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and impose additional control measures.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>The SJVAB is designated non-attainment of state and federal health based air quality standards for ozone and respirable particulate matter (PM). The federal classification for the SJVAB is extreme non-attainment for the 8-hour ozone standard. To meet Federal Clean Air Act requirements, the District adopted the 2007 Ozone Plan on April 30, 2007. The ARB approved the Plan on June 14, 2007, while the EPA approved the Plan effective April 30, 2012. The Plan projects that the Valley will achieve the 8-hour ozone standard for all areas of the SJVAB no later than 2023. The PM10 standard was been achieved and the US EPA re-classified the Air District as in attainment on September 25, 2008. Even after achieving the PM10 standard, the Air District is currently a PM10 Maintenance Area and all rules and regulations are still in effect. The SJVAB is designated non-attainment for the new state and federal PM2.5 (particulate matter less than 2.5 micrometers in diameter) annual standard. The District's federal PM2.5 attainment plan was due April 5, 2008. Measures contained in the 2007 PM10 Maintenance Plan will also help reduce PM2.5 levels and will provide progress toward attainment until new measures are implemented for the PM2.5 Plan, if needed. The State does not have an attainment deadline for the ozone standards; however, it does require implementation of all feasible measures to achieve attainment at the earliest date possible. State PM10 and PM2.5 standards have no attainment planning requirements, but must demonstrate that all measures feasible for the area have been adopted.</p> <p>a) Air quality plans (also known as attainment plans) and subsequent rules are used to bring the applicable air basin into attainment with federal ambient air quality standards designed to protect the health and safety of residents within that air basin. The proposed Project does not conflict with or obstruct implementation of any applicable air quality plan or rule. There will be No Impact to this resource.</p> <p>b) As noted in item a., above, the proposed Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. There will be No Impact as a result of this Project.</p> <p>c) The net increase in criteria pollutant emissions from the proposed Project is negligible as the Project's emissions individually are below the Air District's threshold of significance and compliance with Air District Rule 9510 (Indirect Source Review) will ensure that cumulative growth does not result in an overall increase in emissions in the air basin and would not jeopardize attainment plan deadlines. The Air District provided a comment letter indicating that the Project complies with Rule 9510 and is not subject to off-site mitigation fees. (see Attachment A). The proposed park will provide a community benefit as it will provide a local recreation opportunity for community residents. Its proximity to the entire community and the adjacent school will provide a walkable option to residents and school children thereby avoiding potential vehicle-based pollutant emissions. Therefore, the cumulative net increase in criteria pollutants is Less Than Significant.</p> <p>d) The proposed Project has the potential to temporarily expose sensitive receptors to substantial pollutant concentrations during the short-term construction phase. The proximity of single-family residences and the potential presence of children during school hours may result in a temporary, short-term exposure of air pollutants caused by diesel powered construction equipment emissions. Particulate emissions from diesel powered construction equipment are considered a toxic air contaminant. However, construction emissions are temporary and the short-term nature of construction-related emissions would not exceed District short term acute toxic risk thresholds. The Valley Air District staff conducted an Urban Emissions Model (Urbemis) analysis to determine potential emissions during the construction and operational phases of the proposed Project. The model indicates that construction and operations-related emissions will not exceed any Air District air pollutant thresholds. The Model output and an Air District e-mail are included in this Initial Study, also as part</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
of Attachment A. Also, temporary, short-term fugitive dust will be generated during construction-related earthmoving operations. The use of fugitive dust reduction measures during earthmoving operations with the potential to generate dust required by Air District Regulation VIII (Fugitive PM10 Prohibitions) will substantially reduce PM10 fugitive dust impacts. Therefore, the impact to this resource is Less Than Significant .				
e) Potential odor sources associated with the proposed Project would originate from diesel exhaust from construction equipment during the construction period and possibly if paint is applied to the multi-use events shade structure. These odors, if perceptible, would dissipate rapidly as they mix with the surrounding air and would be of very limited duration. Therefore, any potential odor impacts would be considered as Less Than Significant .				
4. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

The subject site is predominantly vacant and devoid of any naturally occurring vegetation making it unlikely that biological resources will be impacted as a result of the proposed Project. The School District regularly disks the site to prevent weed growth that would pose a fire hazard to the nearby school and administration buildings. As such, regular disking would have changed the suitability of any potential habitat (such as dens, nesting sites, or foraging grounds). A biological evaluation was prepared by Mr. Robert Hansen, a qualified biological consultant, and is contained as Appendix A of this IS/ND. In summary, the evaluation concluded that no impact will occur as a result of this Project.

a) According to information contained in the California Natural Diversity Database (CNDDB), the proposed Project site is within the historic ranges of three listed species: Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*), and San Joaquin kit fox (*Vulpes macrotis mutica*). The Tipton Kangaroo rat is listed as "Endangered" status by federal and state wildlife agencies, San Joaquin kit fox are federally listed as "Endangered" while the state lists it as "Threatened" status, and Swainson's hawk does not have a federally listed status but is listed as "Threatened" by the state. The subject site is predominantly vacant and devoid of any naturally occurring vegetation. As noted earlier, there are seven mature White Mulberry trees planted on the site that are diseased and will be removed as part of the Project. A comprehensive biological survey was conducted that assessed the trees as potential habitat and/or nesting sites. Based upon the recommendations contained in the biological evaluation, appropriate measures will be taken to ensure that an accidental take does not occur prior to the planned removal of the trees.

The immediate surrounding area is urbanized and is not likely to contain habitat for Swainson's hawk, Tipton kangaroo rat, or kit fox. This was verified by the aforementioned biological evaluation. The biological evaluation contains a recommendation that appropriate avoidance and minimization mitigation measures are implemented to avoid or reduce potential impacts to Special Status species such as San Joaquin kit fox, Swainson's hawk, and burrowing owl). In the unlikely event of discovery of the above noted species on the site, protocols established by the U.S. Fish and Wildlife Service (USFW) or California Department of Fish and Game (DFG) will be implemented before any construction activities are allowed to commence. If discovery occurs during construction activities, all activities will be immediately ceased until a qualified biologist determines which course of action to implement per USFW or DFG protocols. There will be **No Impact** as a result of the proposed Project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>b) As noted in item a., above, the proposed Project site is predominantly vacant and devoid of any natural occurring vegetation. No riparian habitat or other sensitive natural communities were observed during a visual inspection by RMA staff. Also as noted in item a., above, a biological survey will be conducted prior to commencement of construction-related activities to document the absence of riparian habitat or other natural communities. The proposed Project will add an aquatic feature on the project site in the form of a storm-water retention swale; however, it should be noted that the primary function of the swale is for storm-water retention with biofiltration to capture and detain runoff from the site to facilitate cleansing and partial infiltration prior to discharge and not as potential habitat. The nearest riparian or other natural sensitive community is the Pixley National Wildlife Refuge located approximately two miles northwest of the proposed Project site. As no riparian habitat or other natural communities exist on the site there will be No Impact as a result of the proposed Project.</p> <p>c) No wetlands are located on or near the project site. The nearest bodies of water are Deer Creek, which is approximately two miles north of the proposed Project site, and the White River which is approximately 1.75 miles south of the proposed Project site. There will be No Impact as a result of the proposed Project.</p> <p>d) The subject site is not identified in the Environmental Resources Management Element as being a migration corridor or wildlife nursery for any wildlife species. There will be No Impact as a result of the proposed Project.</p> <p>e) The proposed Project site is predominantly vacant and devoid of any naturally occurring vegetation. The Environmental Resources Management Element of the Tulare County General Plan contains policies that new development be designed in a manner which minimizes disturbance of natural vegetation. There will be No Impact as a result of the proposed Project.</p> <p>f) The Environmental Resources Management Element indicates that no habitat conservation plans overlay the proposed Project site. There will be No Impact as a result of the proposed Project.</p>				
5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb unique architectural features or the character of surrounding buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>Analysis:</p> <p>a, b, and d) A cultural resources records search (RS #12-213) was conducted on July 6, 2012 for Tulare County RMA by the California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield. The records search included an examination of the National Register of Historic Places, The History Property Data File (April 4, 2012), California Historic Landmarks, The California Register, The California Inventory of Historic Resources, and The California Points of Historic Interest (Attachment B). Although no cultural resources surveys have been conducted within the current Project area, eight surveys (TU-1002, 379, 422, 1025, 1122, 1324, 1380, and 1469) have been conducted within ½ mile of the proposed Project site; however, the CHRIS did not indicate the results of those surveys. There are no known/recorded cultural resources within a one-half mile radius and it is not known if any exists on the proposed Project site. No formal cemeteries or other places of human internment are known to exist on the proposed Project site; however, in accordance with State Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98, if human remains are unearthed during project construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition of such remains. If the remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 48 hours of the Coroner's determination. The NAHC will then identify the person(s) thought to be the most likely descendent of the deceased Native American, who will then assist in determining what course of action shall be taken in handling the remains. The proposed Project would not result in a substantial adverse change in the significance of an historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines. The impact to this resource is Less Than Significant.</p> <p>c) No paleontological resources are known to exist within the proposed Project area, nor are there any known geologic features in the proposed Project area. Project construction is not expected to disturb any paleontological resources not previously disturbed; however, the measures discussed in item a., above, will ensure proper investigation and handling of any discovery. If, in the course of Project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall immediately cease. A qualified archaeologist shall be contacted and advise the County of Tulare of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate measures shall be required prior to any resumption of work in the affected area of the proposed Project area. The impact to this resource is Less Than Significant.</p> <p>e) The proposed park will not disturb unique architectural features or the character of surrounding buildings. The site is located adjacent to single-family residences to the east and south, school administration buildings to the west, and school playgrounds to the north. As such, these uses do not have unique architectural features or characteristics that will be adversely impacted by the proposed park. There will be No Impact to this resource</p>				
6. GEOLOGY AND SOILS -- Would the project:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Subsidence?				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>The Official Maps of Earthquake Fault Zones delineated by the California Geological Survey, State of California Department of Conservation, through December 2010 under the Alquist-Priolo Earthquake Fault Zoning Act, indicate that there are no substantial faults known to occur in Tulare County. The nearest known fault likely to affect the proposed Project site is the San Andreas Fault (approximately 60 miles to the west)</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>According to the Five County Seismic Safety Element (FCSSE), the Project site is located in the V-1 zone, characterized as a moderately thick section of marine and continental sedimentary deposits overlying the granitic basement complex. The FCSSE further states that, "The requirements of the Uniform Building Code Zone II should be adequate for normal facilities." Amplification of shaking that would affect low to medium-rise structures is relatively high but the distance to either of the fault systems that are expected sources of the shaking is sufficiently great that the effect would be minimal.</p> <p>a.i.) Other than the multi-use events shaded structure, there are no other structures that will be constructed as part of the proposed Project thus the risk of injury to persons caused by seismic activity is very minimal. There will be a Less Than Significant Impact.</p> <p>a.ii.) Any potential impacts regarding strong seismic ground shaking have been discussed in Impact VI. a.i. There will be No Impact.</p> <p>a.iii.) According to the Five County Seismic Safety Element the V-1 zone the Project site has a low risk of liquefaction. No subsidence-prone soils or oil or gas production is involved with the Project. There will be No Impact.</p> <p>a.iv.) According to the Five County Seismic Safety Element the V-1 zone the Project site would have a minimal risk of landslides. No geologic landforms exist on or near the site that would result in a landslide event. There will be No Impact.</p> <p>a.v.) The proposed Project does not contain any activity that will result in result subsidence. However, according to the Five County Seismic Safety Element the V-1 zone the proposed Project site inhabits has a low to moderate risk of subsidence. The impact would be Less Than Significant.</p> <p>b) Site construction activities would involve earthmoving activities to shape the park, trenching for landscaping irrigation purposes, pouring concrete for sidewalks, curbs, and gutters, and constructing the multi-use events shaded structure. These activities could expose soils to erosion processes. The extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions.</p> <p>To prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) will be developed for the Project as required for all projects which disturb more than one acre in size. As part of the SWPPP, the applicant would be required to provide erosion control measures to protect the topsoil. Any stockpiled soils would be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated. The impact would be Less Than Significant.</p> <p>c) Substantial grade change would not occur in the topography to the point where the proposed Project would expose people or structures to potential substantial adverse effects on, or offsite, such as landslides, lateral spreading, liquefaction or collapse. According to the Five County Seismic Safety Element the V-1 zone the proposed Project site inhabits has a low to moderate risk of subsidence. The impact would be Less Than Significant Impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>d) According to the USDA, NRCS, and the Soil Survey of Tulare County, the proposed Project site consists of Hesperia Sandy Loam on the northern 1/3 of the site, while the southern 2/3 contains Hesperia Loam soil. These soils have a slight-to-low swelling potential. Shrink-swell potential refers to the change in volume of the soil material that results from a change in moisture content. Shrinking and swelling of soils as they become dry or wet can affect building foundations, roads, and other structures. Unless preventative or corrective measures are taken to reduce shrink-swell potential the soil is less suitable for buildings, roads, and other structures. As noted earlier, the only structure planned for construction is the multi-use events shade structure. Engineering and design features of the proposed Project will ensure that proper preventative measure will be taken to eliminate any adverse shrink-swell impacts on the proposed Project. This impact would be Less Than Significant.</p> <p>e) The proposed Project will not include the use of a septic system. The proposed Project does not include restrooms thus eliminating the need for a septic system or connection to a sewerage system. If sewer service is ever needed for the proposed Project site, the Earlimart Public Utility District (EPUD) is available for sewer service connection. There will be No Impact.</p>				
7. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Analysis:</p> <p>This Initial Study/Negative Declaration is relying on the guidance and expertise of the Valley Air District in addressing GHG emissions. The following is an excerpt contained in the San Joaquin Valley Air Pollution Control District's Draft Guidance for Assessing and Mitigating Air Quality Impacts – 2012:</p> <p>“By enacting SB 97 in 2007, California’s lawmakers expressly recognized the need to analyze greenhouse gas emissions as a part of the CEQA process. SB 97 required OPR to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions. It is widely recognized that no single project could generate enough GHG emissions to noticeably change the global climate temperature. However, the combination of GHG emissions from past, present and future projects could contribute substantially to global climate change. Thus, project specific GHG emissions should be evaluated in terms of whether or not they would result in a cumulatively significant impact on global climate change.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>On December 17, 2009, the District's Governing Board adopted the District Policy: <i>Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency</i>. The District's Governing Board also approved the guidance document: <i>Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA</i>. In support of the policy and guidance document, District staff prepared a staff report: <i>Addressing Greenhouse Gas Emissions Under the California Environmental Quality Act</i>. These documents and the supporting staff report are available on-line at the District's website at www.valleyair.org.</p> <p>In summary, the staff report evaluates different approaches for assessing significance of GHG emission impacts. As presented in the report, District staff reviewed the relevant scientific information and concluded that the existing science is inadequate to support quantification of the extent to which project specific GHG emissions would impact global climate features such as average air temperature, average rainfall, or average annual snow pack. In other words, the District was not able to determine a specific quantitative level of GHG emissions increase, above which a project would have a significant impact on the environment, and below which would have an insignificant impact. This is readily understood, when one considers that global climate change is the result of the sum total of GHG emissions, both manmade and natural that occurred in the past; that is occurring now; and will occur in the future.</p> <p>In the absence of scientific evidence supporting establishment of a numerical threshold, the District policy applies performance based standards to assess project specific GHG emission impacts on global climate change. The determination is founded on the principal that projects whose emissions have been reduced or mitigated consistent with the California Global Warming Solutions Act of 2006, commonly referred to as "AB 32", should be considered to have a less than significant impact on global climate change. For a detailed discussion of the District's establishment of thresholds of significance for GHG emissions, and the District's application of said thresholds, the reader is referred to the above referenced staff report, District Policy, and District Guidance documents."</p> <p>a and b) Although the Air District provides guidance for development projects, a park does not fall within the three categories (commercial, residential, and mixed-uses) for calculating GHG emissions. The proposed Project will result in very nominal and short term GHG emissions from earthmoving equipment to shape the park during the construction stage and from operational emissions from motorized lawn care or other park maintenance equipment (for example, weeding, edging, and pruning). Conversely, the proposed Project will provide many GHG emission reduction benefits as approximately 34% of Earlimart's residents will have access to a community park within a reasonable walking distance (that is, within a ½ mile), residents will not have to travel outside of their community to enjoy a recreational option thus avoiding GHG emissions caused by vehicle travel, and the park will be planted with more than one hundred trees that will sequester GHG emissions throughout the life of the trees. Thus, the proposed Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance, nor will the proposed Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The impacts will be Less Than Significant.</p>				
8. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people to existing or potential hazards and health hazards other than those	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
set forth above?				
<p>Analysis:</p> <p>a-d) The proposed Project will not involve any hazards or hazardous materials. There will be No Impact.</p> <p>e-f) The nearest airport, Harmon Field (located in Pixley, CA), is approximately 5.5 miles northwest of the proposed Project site. As such, the airport would pose no safety hazard to persons utilizing the park. There will be No Impact</p> <p>g) The proposed Project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. It is possible that the future park could be used as additional assembly areas for students and staff evacuating from an emergency situation occurring at the adjacent school thus resulting in a beneficial effect. There will be No adverse Impact</p> <p>h) As the proposed Project is located outside of any wildland areas, the proposed site will not result in any exposure to people or structures to a significant risk of loss, injury or death from wildland fires. As the proposed project is located outside of any wildland areas, the proposed site will not result in any exposure to people or structures to a significant risk of loss, injury or death from wildland fires. There will be No Impact.</p> <p>i) Tulare County Environmental Health Services Agency conducted a records search for any hazardous spills or materials, or any other environmental concern to the Agency for the proposed Project site. Their search indicated that there are no files for the proposed site. The site does not contain nor will it result in any hazard; nor will the proposed Project result in any potential hazards or health hazards other than those set forth in this resource. There will be No Impact.</p>				
9. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
river, in a manner which would result in substantial erosion or siltation on-or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

a) The proposed Project contains site grading and drainage concepts that incorporate a swale system with biofiltration to capture and detain runoff from the site to facilitate cleansing and partial infiltration prior to discharge. Impacts to water quality and waste discharge will be **Less Than Significant**.

b) Numerous water conservation techniques will be implemented to minimize the usage of water at the proposed Project site. The irrigation system will incorporate drip irrigation in planter areas and low precipitation and uniform spray irrigation for turf areas. Additionally, the irrigation control system will incorporate soil moisture sensors and rain sensors linked to an automatic control system which will enable the system to match the water use to the actual need for irrigation. The irrigation system will be controlled by a control system that is connected to an evapotranspiration sensor. This sensor calculates site-specific evapotranspiration rates and signals the controller to adjust the rate of water application to match the needs of the plans in each specific

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>watering zone. In order to minimize water waste, the irrigation control system will incorporate a flow sensor which will shut down irrigation water when unexpected flows occur. This will minimize water waste in the event of broken pipes, malfunctioning valves, or broken irrigation heads. Also, very low and low water use, drought resistant plants will be specified except in areas where drainage patterns will yield wetter conditions and medium water use plants are more appropriate due to the micro-climate of the specific planter area. The proposed Project will not deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts to groundwater supplies will be Less Than Significant.</p> <p>c - f) The majority of construction activity for the proposed Project will be in the form of landshaping of the proposed park. As there are no streams or rivers located on the proposed Project site, the project will not result in direct on- or off-site erosion. The nearest bodies of water are Deer Creek, approximately two miles north of the proposed Project site, and the White River, approximately 1.75 miles south of the proposed Project site. As noted in the analysis of item 6. b. of the Geology/Soils discussion, to prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) will be developed for the Project as required for all projects which disturb more than one acre in size. As part of the SWPPP, erosion control measures will be required to protect the topsoil. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated. The proposed Project will include an on-site storm-water retention swale with biofiltration to capture and detain any potential runoff from the site to facilitate cleansing and partial infiltration prior to discharge. Thus, the proposed Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. There will be No Impact as a result of the proposed Project.</p> <p>g - h) According to information provided in the 2009 National Flood Insurance Rate Map prepared for the Federal Emergency Management Agency, the northern half of the proposed Project lies within Flood Zone X (areas of 0.2% annual chance of flood; areas of 2% annual chance flood with average depths of less than one foot or with drainage areas less than 1 square mile and areas protected by levees from 1% annual chance flood). The southern half of the proposed Project lies within a slight variation of Flood Zone X where areas are determined to be outside the 0.2% annual chance flood plain. The only structure that will be constructed within the proposed park is the multi-use events shade structure, no other structure nor housing will be located within a 100-year flood hazard area. There will be No Impact.</p> <p>i) The only structure to be constructed within the proposed park is the multi-use events shade structure, thus the proposed Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow. There will be No Impact.</p>				
10. LAND USE PLANNING -- Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>a) The proposed Project is essentially an in-fill project. Developing the proposed park on vacant land currently owned by the Earlimart School District and directly abutting an existing elementary school will not result in physically dividing an established community. Currently, the area is fenced off to discourage pedestrians from traveling across the site, that is, "taking a short-cut", rather than walking a circuitous route along School Avenue or Elm Road. Depending upon the time of the year, the vacant site's condition ranges from barren-to-weed filled-to dusty, often with litter scattered throughout. When completed, the park's benefits include extensive lawn areas, trees, shrubs, and other amenities that will be inviting to community members wishing to take a "short-cut" through their park. There will be No Impact to this resource.</p> <p>b) The Tulare County General Plan 2030 Update (August 2012) contains numerous policies supporting the development of community parks. Key policies include the following:</p> <ul style="list-style-type: none"> • <u>Policy LU-6.1</u> encourages the development of centrally located public activity centers, including parks; • <u>Housing Policy 3.12</u> supports locally initiated programs to provide neighborhood parks and recreational facilities for residential areas within unincorporated communities; • <u>Policy ERM-5.2</u> states that the County shall provide a broad range of active and passive recreational opportunities within community parks; • <u>Policy HS-9</u>, states that "the County shall require where feasible the development of parks, open space, sidewalks and walking and biking paths that promote physical activity..." <p>Based on the above policies, the proposed neighborhood park is clearly compatible with policies in the Tulare County General Plan.</p> <p>The adopted 1988 Earlimart Community Plan contains policy at sections 8.1, 8.2, and 8.11 supporting development of a park for the community. Policy 8.2 specifically indicates that a new park should be considered for construction in conjunction with a school site while Policy 8.11 emphasizes a cooperative effort between the County of Tulare, Earlimart School District, and EPUD to meet the recreational needs of the community. There will be No Impact to this resource.</p>				
11. MINERALS AND OTHER NATURAL RESOURCES -- Would the project:				
a) Result in a loss of availability of a known mineral or other natural resource (timber,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
oil, gas, water, etc.) that would be of value to the region and the residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

a) According to the CA Department of Conservation, the only three areas within Tulare County that produce gas and oil are the Deer Creek, North; Deer Creek; and Terra Bella fields located in the eastern Valley portion Tulare County. No gas or oil fields are within or near the proposed Project area. Timber and water resources are also absent within and near the proposed Project area. The proposed Project will result in **No Impact** to this resource.

b) The Tulare County Environmental Resources Management Element (ERME) states, "The most important contributors to the economics of Tulare County's mineral production are clay, sand, gravel, and crushed rock as well as natural gas." The ERME also notes that, "Three streams have been major sources of sand and gravel in Tulare County – the Kaweah River, Lewis Creek, and the Tule River." These sources are located in the eastern Valley portion of Tulare County, thus they are neither within nor near the proposed Project area. The proposed Project will result in **No Impact** to this resource.

12. NOISE -- Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been or public use airport, would the adopted, within two miles of a public airport project expose people residing or working in the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

The Noise Element of the Tulare County General Plan (1988) recognizes areas that are potentially noise-impacted for existing (1986) and future (2010) conditions. Figure 3 of the Tulare County Noise Element establishes noise level criteria for typical land uses throughout Tulare County. Exterior noise levels in the range of 50-65 dB Ldn or Community Noise Equivalent Level (CNEL) or below, are generally considered acceptable for residential land uses and 50-75 dB Ldn (or CNEL), or below are considered acceptable for industrial, manufacturing utilities, and agriculture land uses.

The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in CEQA documents and local noise ordinances, which generally acknowledge that short-term noise from construction-related activities is inevitable and cannot be mitigated beyond a certain level. The Tulare County Noise Element does not identify short-term, construction-noise-level thresholds. It does, however, limit noise generating activities such as construction to hours of normal business operation unless specific County approval is given. Thus, local agencies consent to short-term noise at levels that they would not accept from permanent noise sources.

a) Proposed Project construction-related activity would involve temporary noise sources from earthmoving equipment operations which is anticipated to last approximately three months. Typical construction equipment would include a grader, trencher, and other miscellaneous equipment. During the construction phase, noise from construction activities would contribute to the noise environment in the immediate proposed Project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in the table below, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers, well maintained equipment, shielding noisier equipment parts, and/or time and activity constraints) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. The nearest residences are located approximately 60 feet east and south of the proposed Project site. However, during the landshaping phase of the proposed park, earthmoving equipment will circulate throughout the site which is approximately 415 feet from north to south and 586 feet from east to west thus dispersing both volume and frequency of noise exposure at variable distances resulting in dissipated dBA. The majority of earthmoving operations will occur beyond 50 feet in distance to the nearest residences. Although the noise generated from earthmoving equipment may exceed the 65 dB Ldn during earthmoving operations, the impact is short-term, temporary, and will only occur during normal business hours, typically from 8:00 a.m.-5:00 p.m. The impact is **Less Than Significant**.

Typical Construction Noise Levels

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Excavator	88		80	
Scraper	88		80	
Front End Loader	79		75	
Backhoe	85		75	
Grader	85		75	
Truck	91		75	

Source: U.S. Department of Transportation, Federal Transit Administration. 2006.

¹ Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds operating in accordance with manufacturers specifications.

b) Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. Similar to airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (FTA 2006).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The vibration velocity level is reported in decibels relative to a level of 1×10^{-6} inches per second and is denoted as VdB. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006).

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day (FTA 2006). The table below describes the typical construction equipment vibration levels.

Typical Construction Vibration Levels

Equipment	VdB at 25 ft ²
Small Bulldozer	58
Jackhammer	79

Source: U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment. 2006.

Vibration from construction activities would be temporary and not exceed the FTA threshold for the nearest residences, approximately 60 feet east and south of the proposed Project. The impact would be **Less Than Significant**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Proposed Project construction-related activity would involve temporary noise sources from earthmoving equipment operations which is anticipated to last approximately three months thus avoiding a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The impact is Less Than Significant .				
d) Proposed Project construction-related activity would involve temporary noise sources from earthmoving equipment operations which is anticipated to last approximately three months resulting in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. The impact is Less Than Significant .				
e and f) The proposed Project is not located within an airport land use plan or, where such a plan has not been or public use airport, would the adopted, within two miles of a public airport project nor is it within the vicinity of a private airstrip. There is no possibility of exposing people residing or working in the project area to excessive noise levels in or near an existing airport public or private airstrip. There will be No Impact .				
13. POPULATION AND HOUSING -- Would the project:				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially change the demographics in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the location, distribution, or density of the area's population?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted housing elements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>a - g) The proposed Project is construction of a public park on currently vacant land owned by the Earlimart School District. It will not result in demographic or population changes; it will not induce growth; it will not alter the location, distribution, or density of the area's population; it will not displace any housing or people; nor will it conflict with the adopted housing element. There will be No Impact to these resources.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
14. PUBLIC OR UTILITY SERVICES -- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government and public services facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Electrical power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Communication?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other public or utility services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

a) Fire protection services to the Project site are provided by the Tulare County Fire Department substation in Earlimart. The Fire Department substation is manned 24 hours a day, 365 day per year by one full-time staff person and also has an additional engine resulting in two "units" which responds to fires, medical emergencies, motor vehicle accidents, technical rescue, and other life-threatening or dangerous situations. Additional fire protection resources are available if needed from Fire Department substations in the communities of Alpaugh, Pixley, and Richgrove. As noted earlier, there is a large water tank located at the northwest corner of the site used to store water dedicated for fire suppression purposes at the school. As the proposed Project does not involve any structures designed for human occupancy that could contribute to a need for expanded fire protection or other emergency services, impacts to fire protection will be **Less Than Significant**.

b) Police services to the project site, which is located in unincorporated Tulare County, are provided by the County of Tulare Sheriff's Office. The project site is served by the Pixley Substation located in Pixley, CA (approximately 2 miles north of Earlimart) and additional Sheriff resources are available as needed via dispatch from the main Sheriff's Office in Visalia, CA. Currently, there are three full-time deputies providing established

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>beat area patrols, one each in Earlimart, Tipton, and Pixley. The substation provides patrol services 24-hours per day, 365 per year. In addition to the deputies, the Sheriff's Office also provides one full-time Community Based Officer (CBO) per day and if needed can assign an additional three CBOs to Earlimart. Lastly, the Sheriff's Office provides a School Resource Officer to Earlimart Elementary School one day per week.</p> <p>The proposed Project will not include new residential uses that might lead to an increase in demand for law enforcement services. Calls to law enforcement can not be predicted; however, activities at the proposed Park are not anticipated to result in an increase in demand for law enforcement services resulting in the need for the expansion of law enforcement facilities. The proposed park location falls within an established beat patrol area. Impacts to police services will be Less Than Significant.</p> <p>c) The proposed Project will not result in the need for expanded school facilities as it will not result in population growth of school-aged children. There will be No Impact.</p> <p>d) The proposed Project will provide a benefit as there are currently no parks within the community. Also, the proposed Project is consistent with the Earlimart Community Plan regarding recreational/park needs. There will be No adverse Impact to this resource.</p> <p>e) The proposed Project will result in very minimal electricity needs for streetlights and possibly other lighting. No extension of natural gas services will be need. The impact will be Less Than Significant.</p> <p>f) The proposed Project will not result in the need for additional communication services. There will be No Impact.</p> <p>g) The proposed Project will not result in need for increased demand for other public services causing a need for the expansion of public facilities that will cause adverse physical environmental effects. There will be No Impact.</p>				
15. RECREATION -- Would the project?:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis: As noted in discussion item 10. Land Use and Planning, the adopted 1988 Earlimart Community Plan contains policy at sections 8.1, 8.2, and 8.11 supporting development of a park for the community. Policy 8.2</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>specifically indicates that a new park should be considered for construction in conjunction with a school site while Policy 8.11 emphasizes a cooperative effort between the County of Tulare, Earlimart School District, and EPUD to meet the recreational needs of the community. The only recreational facilities currently accessible to the general public and the community are the school grounds when they are not in use by students or during school hours. The proposed Project will be the community's first public park.</p> <p>a) As there are currently no existing neighborhood or regional parks and other recreational facilities within the community of Earlimart, the proposed Project will not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated. There will be No Impact to this resource.</p> <p>b) The proposed Project will include recreational facilities and the construction of a new park; however, the construction of the new park and any ancillary recreational facilities will not result in the expansion of recreational facilities which might have an adverse physical effect on the environment. There will be No Impact to this resource.</p>				
16. TRANSPORTATION/TRANSIT -- Would the project?:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Analysis:</p> <p>a and b) The proposed Project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system nor will it conflict with an applicable congestion management program. The development of the proposed park is essentially an in-fill project that will not result in an increase in population nor corresponding to an increase in vehicle travel; therefore new intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit will not be required. There will be No Impact.</p> <p>c) The proposed Project is not near an airport and will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. There will be No Impact.</p> <p>d) The proposed Project will be developed adjacent to existing streets; as such it will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). There will be No Impact.</p> <p>e) As there will be no changes to any streets directly adjacent to or in proximity of the proposed Project site that could be used for emergency access, there will be No Impact.</p> <p>f) The proposed Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Public transit is currently available within the community with transit stops located approximately ¼ north of the site and another within ½ northeast of the site. Planned construction of sidewalks adjacent to the proposed park along Elm and School Streets will enhance pedestrian safety and walkability. There will be No Impact to this resource.</p>				
17. UTILITIES AND SERVICE SYSTEMS – Would the project?:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies, including fire flow available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

a, b, and e) The proposed Project does not include any restroom facilities that would require wastewater treatment. Drinking fountains will be included; however, it is not anticipated that water originating from this source will be substantial. As such the proposed Project will not require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. There will be **No Impact**.

c) As noted in Item 9 **Hydrology and Water Quality**, c-f, above, a swale will be included as part of the proposed Project for storm-water retention with biofiltration to capture and detain runoff from the site to facilitate cleansing and partial infiltration prior to discharge; and the proposed Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Thus, the proposed Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects. There will be a **Less Than Significant Impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>d) Earlimart Elementary School currently receives potable (drinking) water from the Earlimart Public Utilities District (EPUD). As the proposed park will be a component of the existing school, it is anticipated that existing drinking water service will be extended to the park. The only use of drinking water at the proposed park will be from the water fountains, as such there will be sufficient water supplies to accommodate this need. The only structure proposed for the Project is the multi-use events area shade structure. There will be no habitable structures constructed for human occupancy or of substantive economic value, as such, sufficient fire flow will be available to serve the project if needed. As the site is currently vacant and considered part of the existing elementary school site, no existing entitlements and resources or new or expanded entitlements will be needed. The Earlimart Public Utilities District (EPUD) and the Delano-Earlimart Irrigation District (DEID) both provide water services for the existing elementary school. EPUD provides drinking water while DEID provides water to irrigate the existing landscaped areas. The Earlimart School District currently uses DEID as the supplier of water for irrigation purposes and will be requesting additional water supplies to irrigate the proposed park. The specific water provider for irrigating purposes will be determined following completion of design and engineering plans. By incorporating the water conservation measures noted in Item 9 Hydrology and Water Quality, b, above, the use of water for irrigating will be maximized to the extent feasible and practicable. The impact will be a Less Than Significant.</p> <p>f) As the proposed park will be a component of the existing school, it is anticipated that existing solid waste service will be extended to the park. The proposed Project will not generate solid waste in quantities that will potentially impact a landfill in an adverse manner, as such, it will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. There will be No Impact.</p> <p>g) All applicable federal, state, and local statutes and regulations related to solid waste will be strictly adhered to. There will be No Impact.</p>				
18. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
considerable” means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis:

a) As discussed in Item 4 Biological Resources, the proposed Project site is predominantly vacant and devoid of any naturally occurring vegetation. No riparian habitat or other sensitive natural communities were observed during a visual inspection by RMA staff, however, a biological survey will be conducted prior to commencement of construction-related activities to document the absence of riparian habitat or other natural communities. The proposed Project will add an aquatic feature on the Project site in the form of a storm-water retention swale; however, it has been noted that the primary function of the swale is for storm-water retention with biofiltration to capture and detain runoff from the site to facilitate cleansing and partial infiltration prior to discharge and not as potential habitat. The site does not contain any riparian habitat or other natural communities nor are there any wetlands on or in proximity of the site. As noted earlier, there are eight mature Modesto Ash trees planted on the site that are diseased and will be removed as part of the Project. The biological survey will assess the trees as potential habitat or nesting sites. Based upon the recommendations contained in the biological survey, appropriate measures will be taken to ensure that an accidental take does not occur prior to the planned removal of the trees. As noted in item 5. Cultural Resources, a cultural resources records search was conducted on July 6, 2012 for Tulare County RMA staff by the Southern San Joaquin Valley (SSJVIC) Historical Resources Information Center (HRIC), California State University, Bakersfield (RS #12-213) indicating that no cultural resources surveys have been conducted within the proposed Project area. Also, there is no evidence or documentation of any archaeological or historical sites having been recorded within the proposed Project area. No formal cemeteries or other places of human internment are known to exist on the Project site. Therefore, the proposed Project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory. There will be **No Impact** to this resource.

b) The proposed Project will result in the community's first public park. It is not growth inducing therefore it will not impact resources such as air quality, noise, Greenhouse Gas Emissions, hazard or hazardous materials, hydrology and water quality, population and housing, public services, transportation/traffic, or utilities and service systems. The proposed Project will not result in environmental impacts that are individually limited nor cumulatively considerable. There will be **No adverse Impact** to this resource.

c) The proposed Project will allow the community to realize its first public park, is consistent with the Earlimart

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Community Plan, and will provide recreational benefits to school children and the general public. The proposed Project will not result in environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. There will be No adverse Impact to this resource.				

REFERENCES

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5. San Joaquin Valley Unified Air Pollution Control District Draft 2012 Guidelines for Assessing and Mitigating Air Quality Impacts, April 2012.
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7. San Joaquin Valley Unified Air Pollution Control District, Air Impact Assessment, Rule 9510, Urbemis Model Results, via e-mail dated August 1, 2012.
8. San Joaquin Valley Unified Air Pollution Control District, Air Impact Assessment Rule 9510, via letter dated August 9, 2012.
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http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp
10. County of Tulare Environmental Resources Management Element of the Tulare County General Plan, 1972.
11. State of California Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7050.5-7055> and <http://www.nahc.ca.gov/cpr.html#5097.98>
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23. U.S. Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06; May, 2006.
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24. Telephone conversation between Lt. Alfred Galafati, Tulare County Sheriff's Office, Pixley Sub-Station, and Hector Guerra, Chief Environmental Planner, RMA, Planning Branch, July 9, 2012.
25. Telephone conversation between Dennis Keller, Keller-Wegley Engineering, consulting engineers for the Earlimart Public Utilities District, and Hector Guerra, Chief Environmental Planner, RMA, Planning Branch, July 6, 2012.
26. Telephone conversation between Mike Fernandez, Director of Maintenance and Operations, Earlimart School District, and Hector Guerra, Chief Environmental Planner, RMA, Planning Branch, July 9, 2012.
27. Telephone conversation between Ted Mendoza, Fire Chief, Tulare County Fire Department, and Hector Guerra, Chief Environmental Planner, RMA, Planning Branch, July 16, 2012.

APPENDIX A

Biological Evaluation of Potential Impacts to Special Status Species
(Endangered, Threatened, and Candidate Species and Species of Special
Concern) and Natural Habitat Areas

Earlimart Neighborhood Park, Tulare County, California

Hansen's Biological Consulting

**Biological Evaluation of Potential Impacts to Special Status Species
(Endangered, Threatened, and Candidate Species and Species of
Special Concern) and Natural Habitat Areas on Approximately 4
Acres of Property Under Consideration as the Earlimart
Neighborhood Park**

**Located at 949 East School Avenue, Earlimart, Tulare County,
California (Tulare County APN 381-084-01)**

Prepared for:

Diana Poole: Grants Specialist

County of Tulare: Resource Management Agency

5961 South Mooney Boulevard

Visalia, CA 93277

Prepared by:

Robert B. Hansen

HANSEN'S BIOLOGICAL CONSULTING

5448 W. Sunnyview Avenue Visalia, California 93291

November 14, 2012

ENVIRONMENTAL CHECKLIST FORM: BIOLOGICAL RESOURCES

Will the proposed Earlimart Neighborhood Park Project:	Potentially Significant Impact	Less Than Significant Impact (by virtue of Mitigation)	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either Directly or through habitat modifications, on any Species identified as a candidate, sensitive, or special status species in local or regional plans, Policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any Riparian habitat or other sensitive natural community identified in local or regional plans, Policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) though direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife Species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as tree protection ordinances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL CHECKLIST FORM: BIOLOGICAL RESOURCES (continued)

Will the proposed Earlimart Neighborhood Park Project:	Potentially Significant Impact	Less Than Significant Impact (by virtue of Mitigation)	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Reduce substantially the habitat of a fish or Wildlife species, including causing a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate an animal community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Result in the degradation of water quality in seasonal creeks, reservoirs, and downstream waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Disturb any active raptor nests during project implementation or construction activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

1.0 Summary

Tulare County (in collaboration with the Earlimart School District) proposes to create Earlimart Neighborhood Park in the County of Tulare through development of a 4-acre vacant parcel in the southeastern portion of Earlimart in southwestern Tulare County, California (Figure 1).

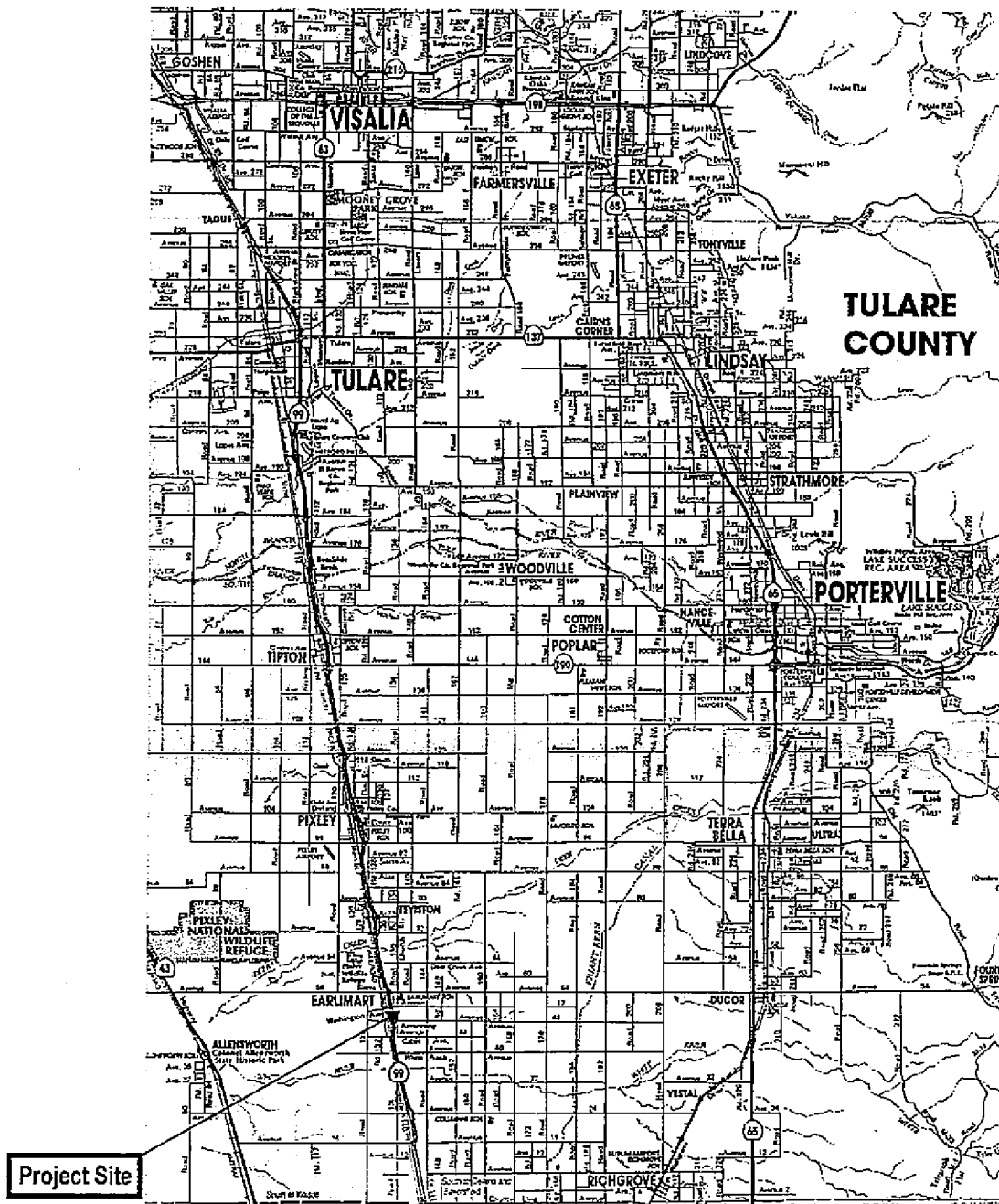


Figure 1. Earlimart Neighborhood Park - Project Vicinity Map (source: Compass Maps, 2003)

The polygon-shaped parcel where the park will be developed is located just northwest of the intersection of School Avenue and Elm Road in the Community of Earlimart (Figure 2).

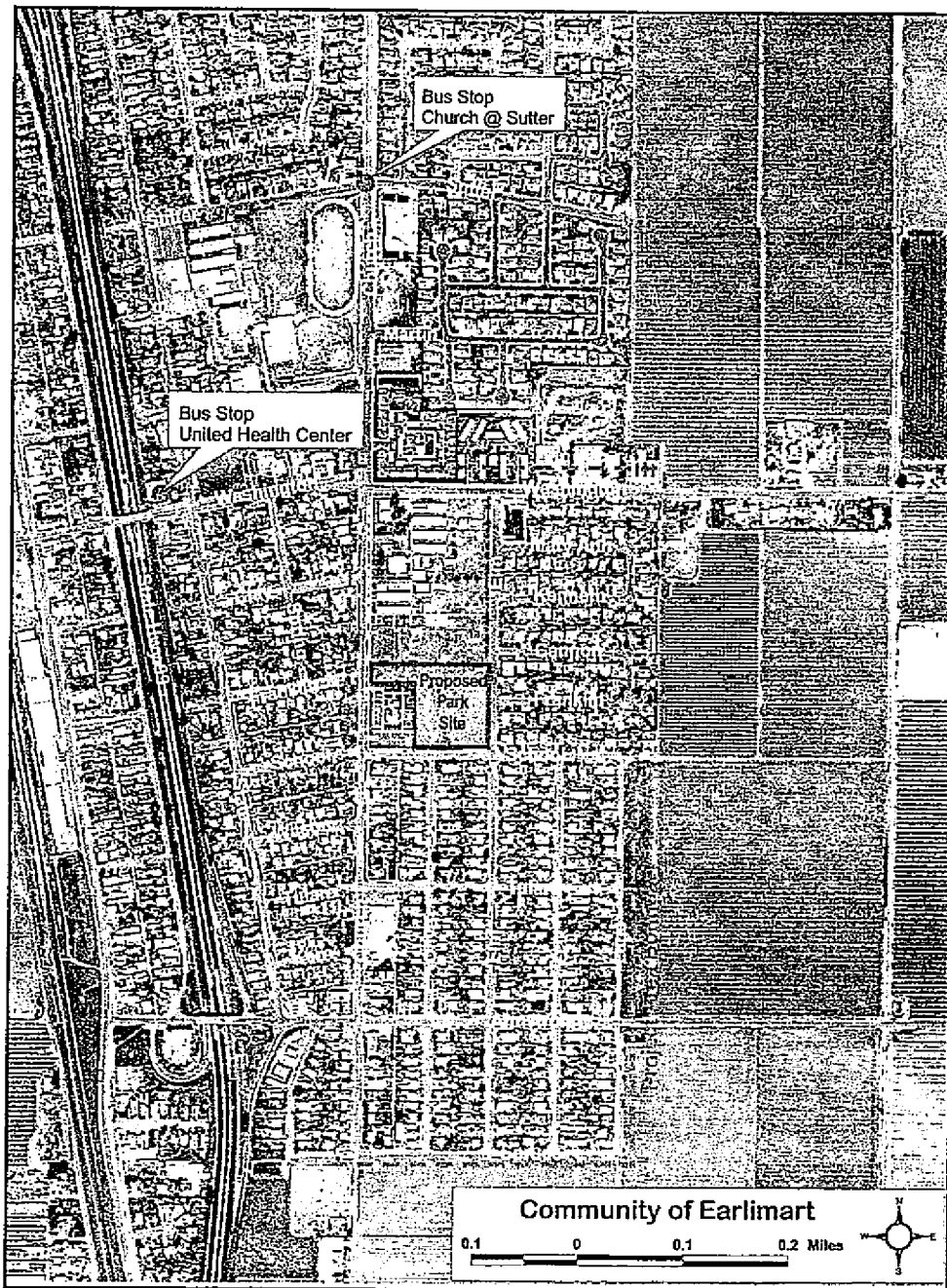


Figure 2. Community of Earlimart (showing proposed Earlimart Neighborhood Park site outlined in green). Source: Tulare County Resource Management Agency (2012).

The proposed Earlimart Neighborhood Park site is located in the northwest ¼ of the southwest ¼ of Section 34, Township 23 South, Range 25 East, MDB&M (Figure 3) approximately 1.8 miles north of the White River channel and just under 2.0 miles south of Deer Creek.

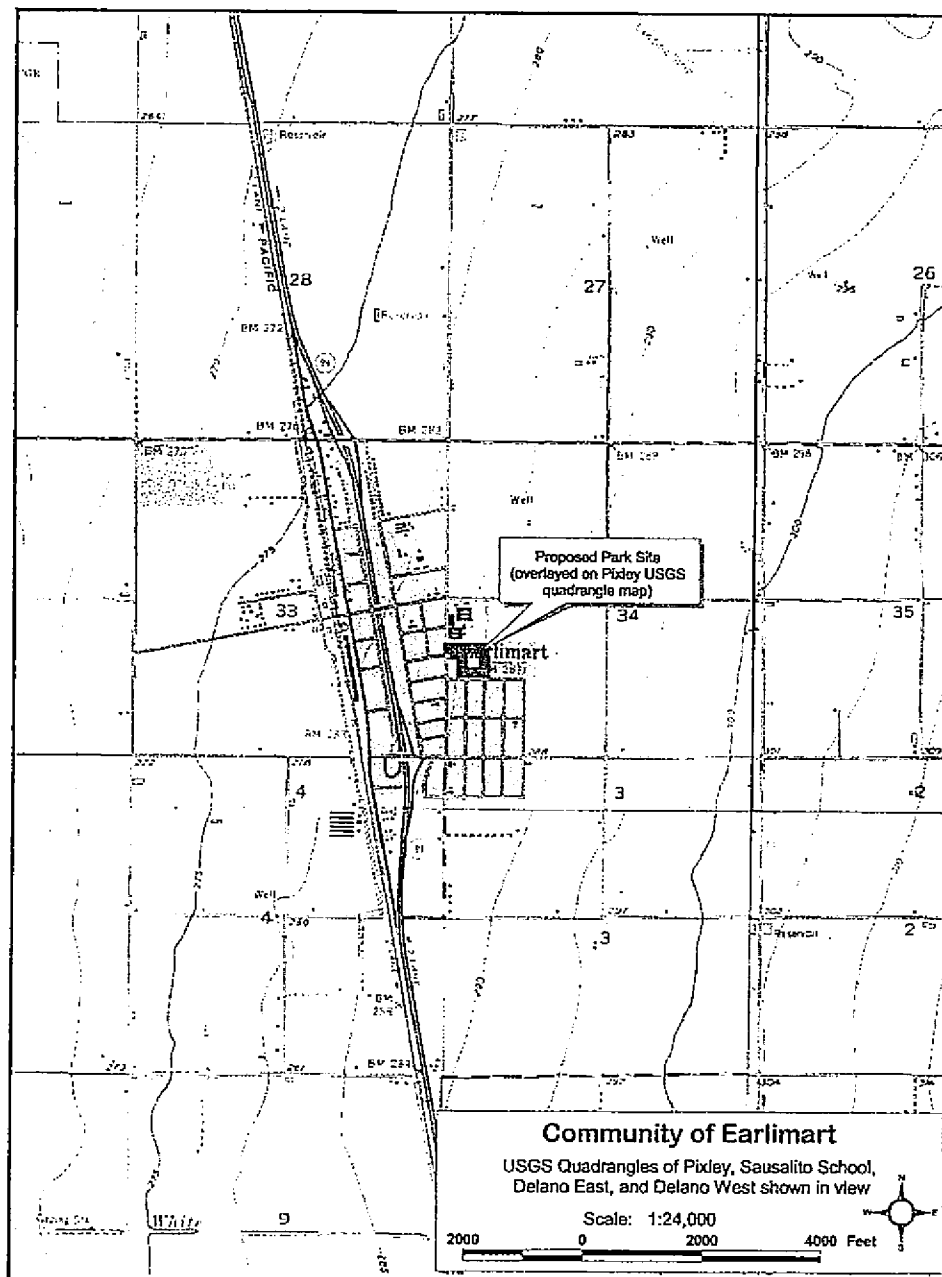


Figure 3. Proposed Earlimart Neighborhood Park site overlaid on USGS Composite map (using portions of the Pixley, Sausalito School, Delano East, and Delano West Quadrangle maps). Source: Tulare County Resource Management Agency (2012).

Tulare County Resource Management Agency (Tulare County RMA) contacted Robert Hansen of Hansen's Biological Consulting (HBC) on July 6, 2012 to request a proposal for conducting a Biological Walk-Thru or Survey on the proposed Earlimart Neighborhood Park Project site. On

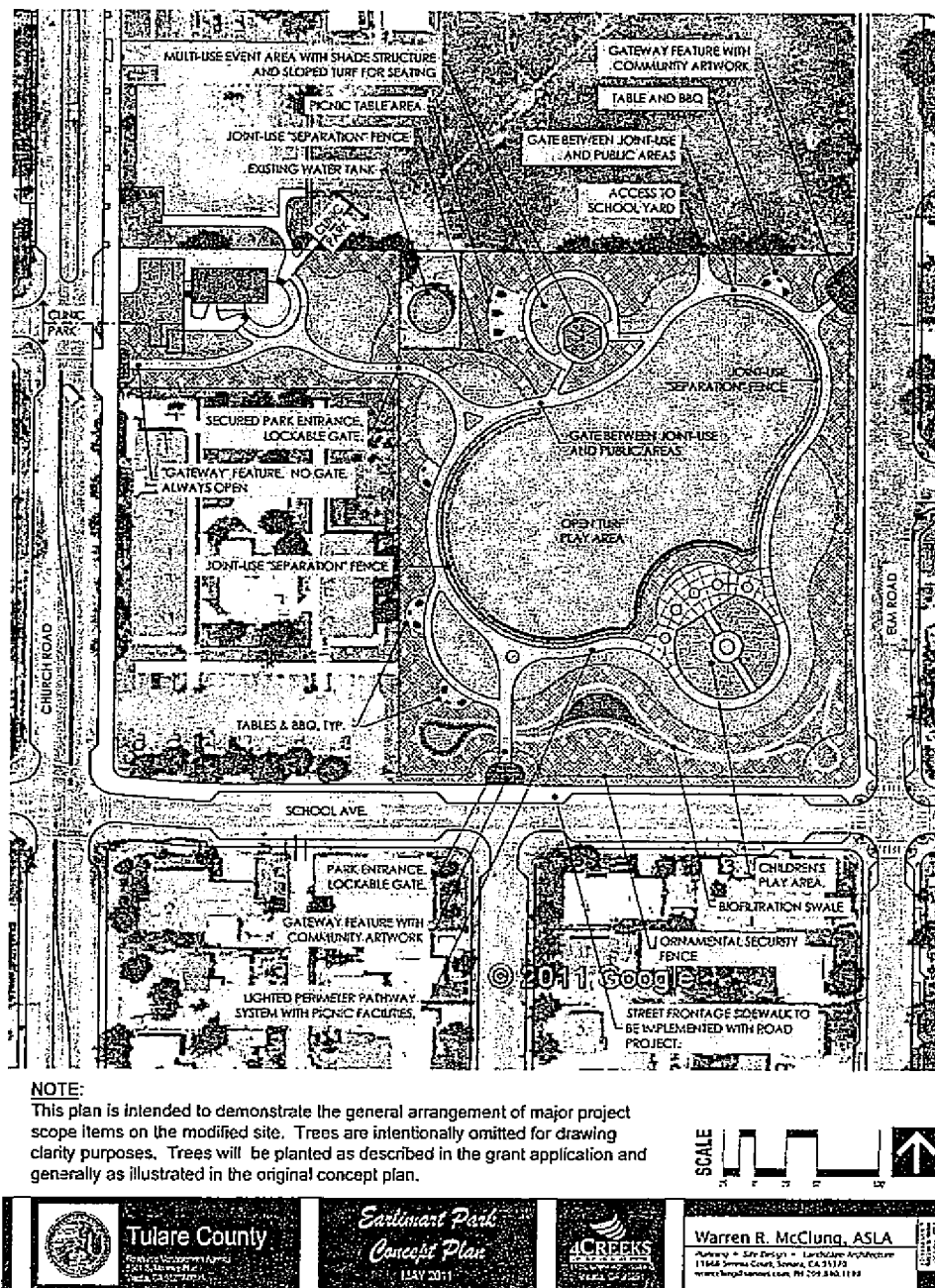


Figure 4. Proposed Earlimart Neighborhood Park Concept Plan (showing location of major project components). Source: Tulare Co. Resource Management Agency (May 2012).

July 11, 2012 Robert Hansen presented Tulare County RMA with a time line, scope of work and cost estimate to perform this desktop analysis and field survey. Once all of the Tulare County RMA contract and insurance paperwork was completed (after August 10, 2012), the field survey was conducted (and all photographs in this report were taken) on August 24, 2012 (Table 1).

Field Survey Date	Biologist(s) in the Field	Field Hours
August 24, 2012	Robert Hansen	4:33 - 6:52 PM (2.33 hours)

Table 1. Field Survey Dates, Personnel, and Hours

2.0 Background

2.1 Survey Purpose

The study area for this proposed project would normally have included the approximately 4-acre Project Site along with an approximately 500-foot wide buffer area as specified in the survey protocols for most Special Status Species, including survey protocol for burrowing owl (CDFG 1995) but, because the Project Site is surrounded by paved residential roads, private residential property, and developed/paved/landscaped school and child-care facilities, it was not possible to survey a standard buffer area. The purpose of the study was to survey the Project Site (Figure 4) and characterize habitat potential for all flora and fauna. Additionally, the survey was conducted to document presence of species with legal protection or that elicit particular concern about their population status. Such species include plants and animals listed as threatened or endangered by either the state of California or the federal government, as well as those species identified otherwise as being of elevated conservation concern, owing to uncertainty about their true status, or a lack of recent information on their population trend. State and federal laws have given the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS) a mechanism for conserving and protecting the diversity of plant and animal species native to the state. Other species have been designated as “species of special concern” by CDFG. The California Native Plant Society (CNPS) has also developed its own lists of native plants considered rare, threatened, or endangered (CNPS 2008). Collectively, these plants and animals are referred to herein as “special-status species.” Nine of the 69 Special Status species that could occur in the survey area (Table 2) are the following plants and animals which are listed as threatened or endangered by either the state of California or the federal government: California jewel-flower (*Caulanthus californicus*), vernal pool fairy shrimp (*Branchinecta lynchi*), blunt-nosed leopard lizard (*Gambelia sila*), Swainson's hawk (*Buteo swainsoni*), greater sandhill crane (*Grus canadensis tabida*), least Bell's vireo (*Vireo belli pusillus*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*), and San Joaquin kit fox (*Vulpes macrotis mutica*). Furthermore, there are 30 animal species potentially found in the surrounding region that are classified as California Species of Special Concern (Table 2). In addition to documenting the biological species present, the potential for impacts to special-status species associated with development of the proposed neighborhood park was evaluated. This document provides results of the desktop and field studies documenting species presence and habitat condition. The potential for each of the identified Special Status species to occur is discussed in detail in Section 3.0.

2.2 Project Description

Tulare County (in collaboration with the Earlimart School District) proposes to create Earlimart Neighborhood Park through development of a 4-acre vacant parcel. In Figure 4 (see above), the larger portion of the proposed park site (Tulare County APN 381-084-01) is a rectangular plot of ground measuring approximately 365 feet E-W by 420 feet N-S centered at approximately these coordinates: 35°52'54.14"N, 119°15'59.98"W (fide GoogleEarth). This approximately 3.5-acre plot is located just east of the Earlimart Child Development Center (northeast of the intersection of School Avenue and Church Street). The smaller portion of the proposed park site is a rectangular plot of ground measuring approximately 225 feet E-W by 110 feet N-S centered at approximately these coordinates: 35°52'55.66"N, 119°16'03.51"W (fide GoogleEarth). This approximately 0.5-acre plot (which extends west to Church Street between the Earlimart Child Development Center and Earlimart Elementary School) currently contains a 0.15-acre storm water basin that measures approximately 95 feet E-W by 70 feet N-S. The 4-acre Earlimart Park Concept Plan (Figure 4) includes the following major project scope components: 1) a large open turf play area; 2) a multi-use event area with shade structure and sloped turf for seating; 3) a children's play area; 4) a biofiltration swale; 5) a lighted perimeter pathway system with picnic facilities; 6) tables and barbecue facilities; 7) street frontage sidewalk; 8) 2 gateway features with community artwork (one each on the School Avenue and Elm Road sides of the park); 9) a "gateway" feature with no gate (always open) on the Church Road Park entrance; and 10) an ornamental security fence.

2.3 Existing Setting

The majority of the acreage on the parcel under consideration for this proposed community park is currently uncultivated, frequently disked vacant land. The park site is bounded on the east and south by paved two-lane residential streets. Single-family residences are located east of Elm Road and south of School Avenue (Figure 5 and Figure 6). Earlimart Child Development Center

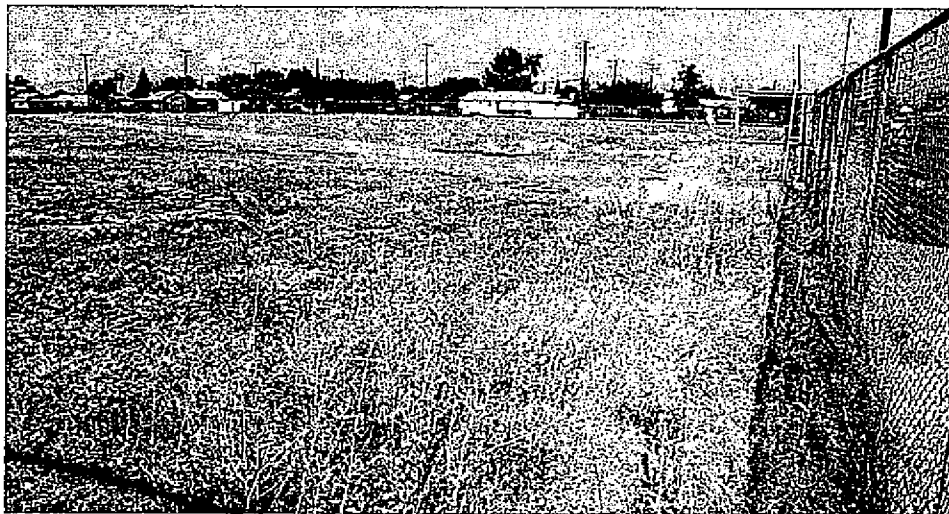


Figure 5. View due east along southern boundary of the proposed park showing private residential property east of Elm Road. School Avenue is located just south of the chain-link perimeter fence.

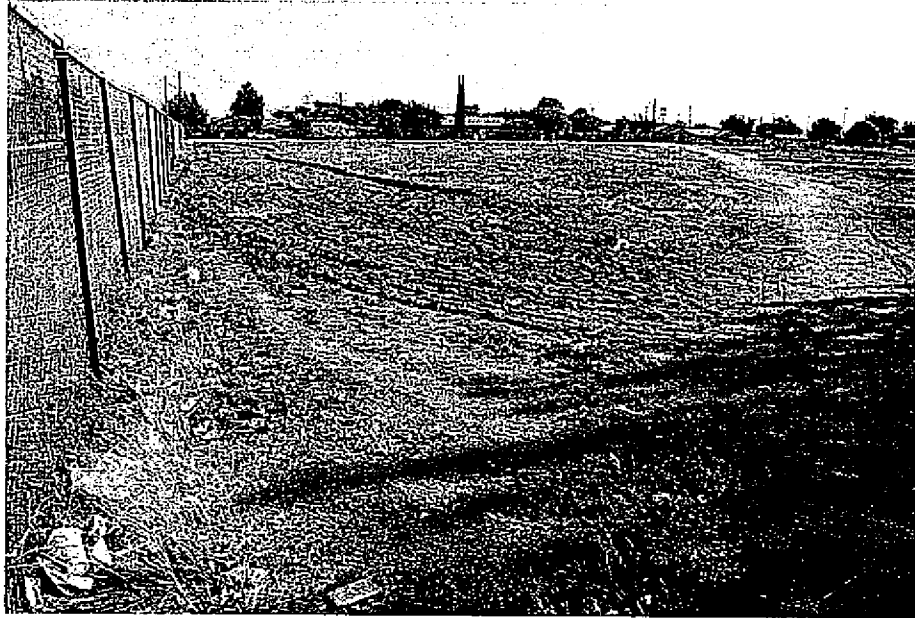


Figure 6. View due south along eastern boundary of proposed park showing private residential property south of School Avenue. South Elm Road is located just east of the chain-link perimeter fence.

(located northeast of the intersection of School Avenue and Church Street) is bounded on the north and east by portions of the proposed park (Figure 7 and Figure 8). The proposed park is



Figure 7. In this view to the west of the Project Site, the parking lot of the Earlimart Child Development Center (located northeast of the intersection of School Avenue and Church Street) is visible just west of the proposed park's western boundary fence.

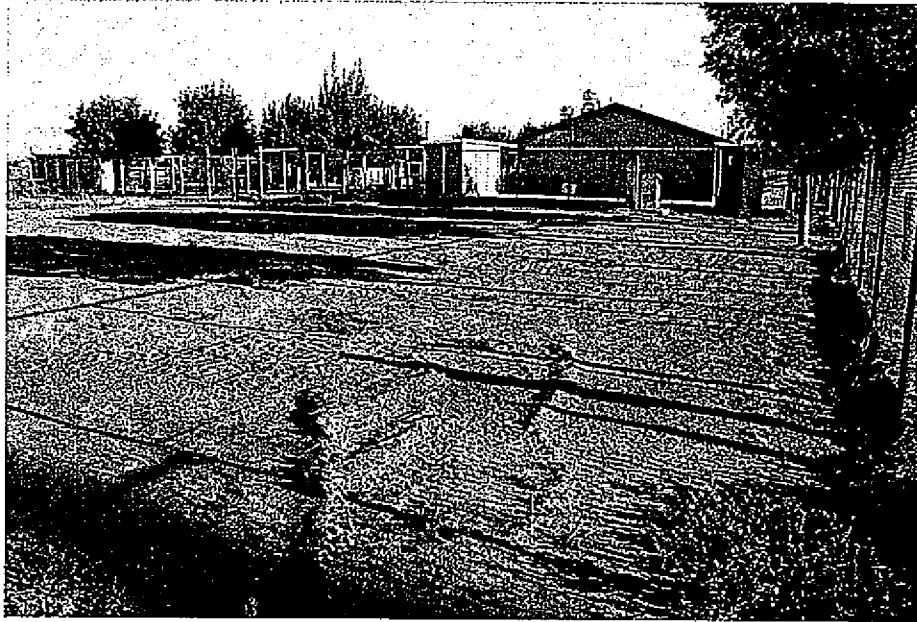


Figure 8. This is a view south across the smaller (0.5-acre) rectangular portion of the proposed park site that extends west to Church Street along the northern edge of the Earlimart Child Development Center (the buildings, play area, and landscaping located just south of the fence in this photo).

bordered on the north by the Earlimart Elementary School playground and parking lot (Figure 9 and Figure 10).



Figure 9. This is a view northeast from just east of the water tank (see location in Figure 4) towards the Earlimart Elementary School playground (located just west of South Elm Road north of the Project Site).

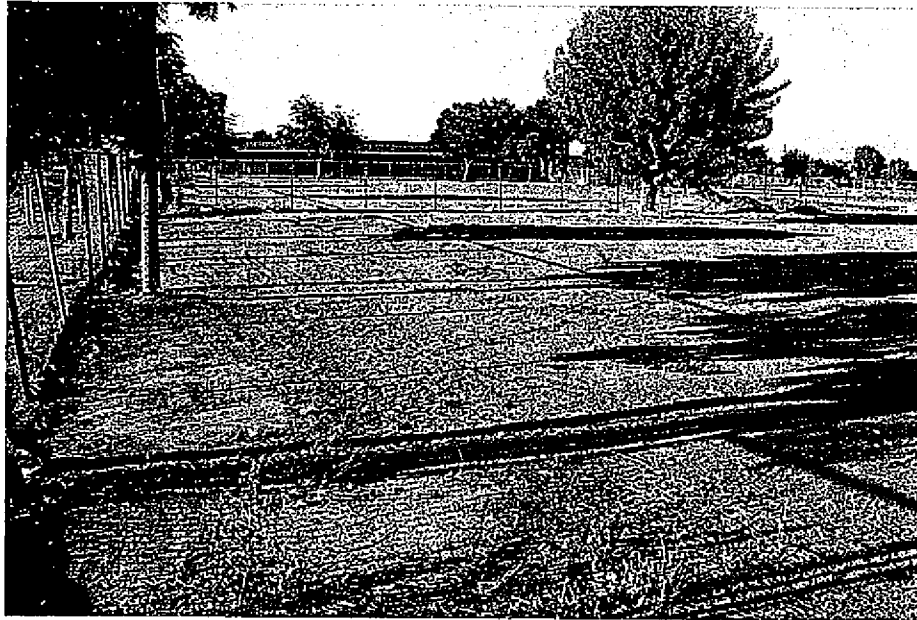


Figure 10. This is a view north across the nearly vegetation-free smaller (0.5-acre) rectangular portion of the proposed park site that extends west to Church Street just south of the Earlimart Elementary School parking lot (located just north of the fence in this photo).

While there are no residences on the Project Site, a large water tank stands in a fenced area just west of the center of the proposed park's northern border (Figure 11). A chain-link fence



Figure 11. In this view (from just east of Church Street) east across the nearly vegetation-free smaller (0.5-acre) rectangular portion of the proposed park site, the water tank stands in a small fenced enclosure at the northwest corner of the larger (3.5-acre) portion of the Project Site.

surrounds the entire proposed park site (except for openings along the south edge near the southwest corner and just south of the northeast corner of the 3.5-acre portion of the proposed parcel). Those two gaps in the fence are connected by a 515-foot long dirt pedestrian pathway that extends northeast from School Avenue to the Elm Road side of the property (Figure 12). Mounded soil (fill dirt) has been stockpiled in the portion of the property just south of the water tank (Figure 13).

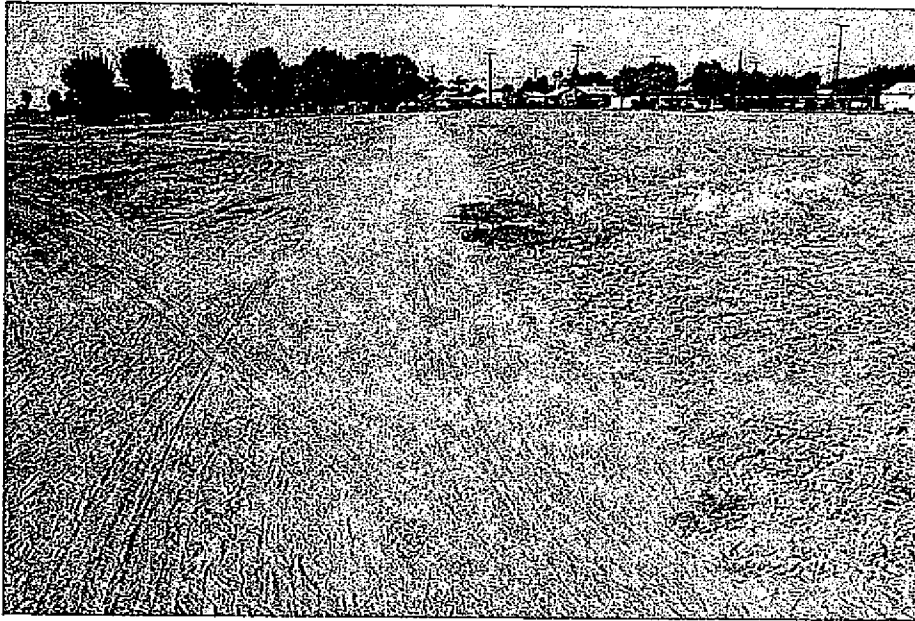


Figure 12. A pedestrian pathway extends 515 feet northeast across the predominantly vegetation-free Project Site from an opening in the perimeter chain-link fence just east of the parcel's southwest corner (on the north side of School Avenue) to another gap in the perimeter fence just south of the parcel's northeast corner (on the west side of South Elm Road).

The Project Site is located on flat Valley floor land with minimal topographic relief. The elevations on the Project Site trend gently down-gradient E-W from an elevation of approximately 289 feet above mean sea level along the east edge of the Project Site (along South Elm Road) to an elevation of approximately 287 feet above mean sea level along the west edge of the Project Site (along South Church Street). All of the soils in the 4-acre proposed park site comprise one soil unit: Hanford sandy loam, 0 to 2 percent slopes (USDA NRCS 2011). This soil mapping unit, verified on the NRCS Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov>), is described as follows:

- **Hanford sandy loam, 0 to 2 percent slopes (Map Unit Symbol HbA).** This is a very deep, well drained soil. Slope is 0 to 2 percent. This soil type covers the entire 4-acre proposed Neighborhood Park site survey area. This soil, to a depth of 0 to 30 inches, consists of a pale brown sandy loam. This soil is well drained, slope is 0 to 2 percent, and



Figure 13. Mounded soil (fill dirt) has been stockpiled on this portion of the Project Site just south of the water tank and just east of the fence that separates the proposed Neighborhood Park site from the Earlimart Child Development Center.

suitable land uses include irrigated crops and building site development. This soil meets the criteria for prime farmland as outlined in the USDA Land Inventory and Monitoring (LIM) Project for the Soil Survey of Tulare County, California, Western Part, 2003.

Native plant communities, named for the dominant species found, indicate plant species present and habitat types and animal species that may also be found. Although six plant series (native plant communities) that are described by Sawyer-Keeler-Wolf (2009) and Holland (1986) or are listed by the CDFG in its *List of California Terrestrial Natural Communities* (September 2003) occur in southwestern Tulare County in the vicinity of the Project Site:

1. Valley Sink Scrub (CNDDDB Element Code 36210);
2. Valley Saltbush Scrub (CNDDDB Element Code 36220);
3. Valley Sacaton Grassland (CNDDDB Element Code 42120) and Non-Native Grassland (CNDDDB Element Code 42200);
4. Northern Claypan Vernal Pool (CNDDDB Element Code 44120);
5. Cismontane Alkali Marsh (CNDDDB Element Code 52310) and Coastal and Valley Freshwater Marsh (CNDDDB Element Code 52410); and
6. Great Valley Willow Scrub (CNDDDB Element Code 63410)

none of these plant communities actually occur on or in the vicinity of the proposed Earlimart Neighborhood Park site. Currently the most widespread native plant community on the Valley floor in this portion of southwestern Tulare County is California Annual Grassland Series

(Sawyer & Keeler-Wolf 1995 p. 4; 42.040.00) which is also known as Non-native Grassland (CNDDDB Element Code 42200). This grassland is dominated by introduced (non-native) Mediterranean annual grasses and native and non-native forbs.

Most of the Project Site acreage had been disked earlier this year (as is typical on such vacant urban property where weed control is done to minimize fire hazard) and was devoid of vegetation on the field survey day (August 24, 2012). Except on those portions of the Project Site where there are scattered stands of ruderal (weedy) vegetation (especially in the 0.15-acre storm water basin between Earlimart Elementary School and the Earlimart Child Development Center), there is little to no vegetation anywhere on the proposed Neighborhood Park site and none of the areas supporting vegetation qualify as non-native grassland (or any other natural plant community). The term “ruderal” refers to highly disturbed areas supporting predominantly non-native vegetation or areas where most plants once native to grassland and other natural communities are now absent. This association of plant species is not among those listed by Holland (1986) as a native plant community but is a recognizable assemblage of plants that occurs on vacant ground and similar areas where the soil surface has been altered due to clearing by excavation, bulldozing, disking, herbicide application, grazing or any other physical process. Unlike mowing or burning where the soil and its seed bank are not seriously altered, these forms of physical disturbance tend to create conditions where opportunistic colonizers (“weeds”) can become established. Relatively few native plants are found in ruderal habitat. The only trees (or woody shrubs) on the Project Site are 7 white mulberry (*Morus alba*) trees located east of and 4 more mulberry trees located just west of the existing water tank along the northern border of the proposed park (Figures 9, 10, 11, and 12 above and Figure 14) and a few seedling Chinese



Figure 14. Four white mulberry trees grow west of the water tank along the north boundary of the nearly vegetation-free smaller (0.5-acre) rectangular portion of the proposed park site. This is a view west from the east-most of those 4 mulberry trees. The approximately 0.15-acre storm water basin is the low-lying, ruderal area just south of the 3 trees.

pistache (*Pistacia chinensis*) trees. Although cultivated, irrigated agricultural land (a vineyard) is located just 0.15 mile east of the Project Site at the east end of School Avenue (on the east side of Lane Road), the closest remnant parcels of relatively undisturbed *natural* habitat (uncultivated alkaline annual grassland) are located approximately 1.5 miles west-southwest, 1.7 miles north-northeast, and 2.6 miles northeast of the Project Site. Other trees that formerly stood just north of School Avenue and just west of South Elm Street (until at least December 30, 2005) had been removed by August 4, 2006 (fide GoogleEarth historical imagery).

Desktop Analysis

A 2012 California Natural Diversity Data Base (CNDDDB) "Rarefind" printout was consulted to generate a list of all Element Occurrences (occurrences of all Special Status species in the CNDDDB files) on the Pixley Quad (where the Project Site is located) and the surrounding eight Quads: Allensworth, Alpaugh, Delano East, Delano West, Sausalito School, Taylor Weir, Tipton, and Woodville.

A total of 25 taxa (taxonomic units, including species and subspecies) - 8 plant species and 17 animal species - were listed on this CNDDDB printout (along with 5 sensitive plant communities). An additional 44 taxa were added to the report from other sources besides the CNDDDB. Some of these additional taxa are included on the American Bird Conservancy's United States Watch List (<http://www.abcbirds.org/abcprograms/science/watchlist/WatchList.pdf>) and on the Riparian Habitat Joint Venture's list of Focal Species (<http://www.prbo.org/calpif/html/docs/riparian.html>).

There were thus 69 Special Status taxa that were addressed during this biological assessment. Records of some of the additional 44 species come primarily from personal field notes generated by Robert Hansen during 42 years of field work in this part of the San Joaquin Valley. The entire list of 69 taxa includes eight plants, a crustacean, one beetle species, one fish, one amphibian, four reptiles, forty-four birds, and nine mammal species. All 69 of the taxa addressed in this report are listed below with their legal status codes.

Table 2 Taxa Present in Project Area (found through Desktop Study)		
Species/Subspecies	Scientific Name	Status Code(s)
Earlimart orache	<i>Atriplex cordulata</i> var. <i>erecticaulis</i>	CNPS 1B.2
brittlescale	<i>Atriplex depressa</i>	CNPS 1B.2
vernal pool smallscale	<i>Atriplex persistens</i>	CNPS 1B.2
subtle orache	<i>Atriplex subtilis</i>	CNPS 1B.2
alkali mariposa-lily	<i>Calochortus striatus</i>	CNPS 1B.2
California jewel-flower	<i>Caulanthus californicus</i>	FE, SE, CNPS 1B.1
recurved larkspur	<i>Delphinium recurvatum</i>	CNPS 1B.2
Coulter's goldfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	CNPS 1B.1
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FE, G3
San Joaquin tiger beetle	<i>Cicindela tranquebarica joaquinensis</i>	

Table 2 Taxa Present in Project Area (found through Desktop Study)		
Species/Subspecies	Scientific Name	Status Code(s)
Kern brook lamprey	<i>Entosphenus hubbsi</i>	CSC
western spadefoot	<i>Spea hammondi</i>	CSC, G3
western pond turtle	<i>Emys marmorata</i>	CSC, G3
coast horned lizard	<i>Phrynosoma blainvillii</i>	CSC, G4
blunt-nosed leopard lizard	<i>Gambelia sila</i>	FE, SE, SFP, G1
San Joaquin coachwhip (aka San Joaquin whipsnake)	<i>Masticophis flagellum ruddocki</i>	CSC
fulvous whistling-duck	<i>Dendrocygna bicolor</i>	CSC
redhead	<i>Aythya americana</i>	CSC
Clark's grebe	<i>Aechmophorus clarkii</i>	WL
American white pelican	<i>Pelecanus erythrorhynchos</i>	CSC
least bittern	<i>Ixobrychus exilis</i> (nesting)	G5
great blue heron	<i>Ardea herodias</i> (nesting colony)	G5
great egret	<i>Ardea alba</i> (nesting colony)	G5
snowy egret	<i>Egretta thula</i> (nesting colony)	G5
black-crowned night-heron	<i>Nycticorax nycticorax</i> (nesting colony)	G5
white-faced ibis	<i>Plegadis chihi</i> (nesting colony)	G5
white-tailed kite	<i>Elanus leucurus</i>	nesting
northern harrier	<i>Circus cyaneus</i> (nesting)	CSC, G5
Cooper's hawk	<i>Accipiter cooperii</i>	nesting
Swainson's hawk	<i>Buteo swainsoni</i> (nesting)	ST, WL, G5
ferruginous hawk	<i>Buteo regalis</i>	CSC, G4
golden eagle	<i>Aquila chrysaetos</i>	SFP (wintering)
lesser sandhill crane	<i>Grus canadensis canadensis</i>	CSC (wintering)
greater sandhill crane	<i>Grus canadensis tabida</i>	ST (nesting & wintering), SFP
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	CSC, WL
mountain plover	<i>Charadrius montanus</i>	CSC (wintering), WL
long-billed curlew	<i>Numenius americanus</i>	WL, G5
black tern	<i>Chlidonia niger</i>	CSC
Forster's tern	<i>Sterna forsteri</i>	nesting colony
burrowing owl	<i>Athene cunicularia</i>	CSC (nesting), G4
long-eared owl	<i>Asio otus</i>	CSC
short-eared owl	<i>Asio flammeus</i>	CSC

Table 2 Taxa Present in Project Area (found through Desktop Study)		
Species/Subspecies	Scientific Name	Status Code(s)
Nuttall's woodpecker	<i>Picoides nuttallii</i>	nesting, WL
merlin	<i>Falco columbarius</i>	CSC, G5
loggerhead shrike	<i>Lanius ludovicianus</i>	CSC, G4
least Bell's vireo	<i>Vireo belli pusillus</i>	FE, SE, WL
California horned lark	<i>Eremophila alpestris actia</i>	WL
tree swallow	<i>Tachycineta bicolor</i>	RJV
common yellowthroat	<i>Geothlypis trichas</i>	RJV
yellow warbler	<i>Dendroica petechia brewsteri</i>	CSC, RJV
yellow-breasted chat	<i>Icteria virens</i>	CSC
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	CSC
lark sparrow	<i>Chondestes grammacus</i>	nesting
Bell's sage sparrow	<i>Amphispiza belli belli</i>	WL
song sparrow	<i>Melospiza melodia</i>	RJV
black-headed grosbeak	<i>Pheucticus melanocephalus</i>	RJV
blue grosbeak	<i>Passerina caerulea</i>	RJV
tricolored blackbird	<i>Agelaius tricolor</i>	CSC (nesting colony), WL, G2
yellow-headed blackbird	<i>Xanthocephalus xanthocephalus</i>	CSC, G5
Lawrence's goldfinch	<i>Spinus lawrencei</i>	WL
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	CSC
spotted bat	<i>Euderma maculatum</i>	CSC
western mastiff bat	<i>Eumops perotis californicus</i>	CSC
San Joaquin antelope squirrel	<i>Ammospermophilus nelsoni</i>	FC, ST
Dulzura pocket mouse	<i>Chaetodipus californicus femoralis</i>	CSC
Tipton kangaroo rat	<i>Dipodomys nitratooides nitratooides</i>	FE, SE
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>	CSC
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE, ST, G4
American badger	<i>Taxidea taxus</i>	CSC, G5

Key:

FE Listed as endangered by the federal government
FT Listed as threatened by the federal government
RJV Riparian Habitat Joint Venture Focal Species

Table 2 Taxa Present in Project Area (found through Desktop Study)		
Species/Subspecies	Scientific Name	Status Code(s)
Key (continued):		
SE	Listed as endangered in the state of California	
ST	Listed as threatened in the state of California	
SFP	Fully protected species in the state of California	
CSC	California species of special concern	
WL	American Bird Conservancy's United States Watch List of Birds of Conservation Concern (http://www.abcbirds.org/abcprograms/science/watchlist/WatchList.pdf)	
<u>California Native Plant Society List</u>		
1B.1	Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California	
1B.2	Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California	
G1	Critically Imperiled – At very high risk of extinction due to extreme rarity, very steep declines, or other factors. Less than 6 viable occurrences (EOs) OR less than 1,000 individuals OR less than 2,000 acres.	
G2	Imperiled – At high risk of extinction due to very restricted range, very few populations, steep declines, or other factors. 6–20 element occurrences OR 1,000–3,000 individuals OR 2,000–10,000 acres.	
G3	21–100 element occurrences OR 3,000–10,000 individuals OR 10,000–50,000 acres.	
G4	Apparently secure, this rank is clearly lower than G3 but factors exist to cause some concern; e.g., there is some threat, or habitat is somewhat narrow.	
G5	Population or stand demonstrably secure to ineradicable due to being commonly found in the world.	

Field Surveys

The biological resources survey was conducted by biologist Robert Hansen, MA (Hansen's Biological Consulting). Eight, meandering walking transects (on 50-foot centers) were used to cover the Project Site (along with a perimeter transect around the entire Project Site) with special attention being paid to property borders and uncultivated areas where burrows, if present, would be undisturbed by disking or other tractor work. Transect surveys on the Project Site were used to look for any evidence (including dens, scats, prey remains, tracks, etc.) of San Joaquin kit fox, Swainson's hawk, burrowing owl, and any other Special Status species. Nesting bird potential and Special Status Species presence were surveyed for at the habitat level. Protocol surveys for Special Status Species were not performed as part of this survey. Mr. Hansen spent parts of three field survey hours walking meandering transects in order to achieve 100% visual coverage of the area, to provide a complete site reconnaissance, and to identify habitat features or indications of Special Status species. Habitat types and lists of plant and animal species observed were recorded. A list of native and non-native flora (Appendix A) and fauna (Appendix B) observed was prepared. Following the survey protocol for burrowing owl (CDFG 1995), the biologist

walked 8 parallel transects, generally at 15-meter (approximately 50-foot) intervals, maintaining 100% visual coverage, to identify burrows or other evidence of habitat potential. These transects also allowed for detection of plants, birds, and other wildlife and habitats of other Special Status species (and similarly satisfied survey protocol requirements for San Joaquin kit fox den searching). Blunt-nosed leopard lizard protocol-level surveys were not conducted because Hansen's Biological Consulting, experienced in blunt-nosed leopard lizard ecology, determined that suitable natural habitat for the lizard does not exist on this frequently disked property.

During the survey, Mr. Hansen recorded all species of vascular plants ("higher" plants with tissues that transport water, minerals, and photosynthetic materials, as distinguished from simpler plants that lack conductive tissues) primarily non-native grasses and wildflowers, and all vertebrate fauna, primarily birds, to describe the general setting and to compile a species list for the Project Site. In addition, this survey included more intensive searches for the broad list of all 70 Special Status species (Table 2).

3.0 Results

Plants

The Project Site supports a flora of only 26 (twenty-six) species of vascular plants (Appendix A). Only six of the total 26 plant species (23% of the species richness) were native species. All seven grass species on the Project Site were non-native species; predominantly Bermuda grass (*Cynodon dactylon*), Johnsongrass (*Sorghum halepense*), and scattered patches of ripgut grass (*Bromus diandrus*), wild oat (*Avena fatua*), and hare barley (*Hordeum murinum* ssp. *leporinum*), with extensive, dense stands of Italian ryegrass (*Lolium multiflorum*) and smaller numbers of watergrass (*Echinochloa crus-galli*) in the storm water basin. In Figure 7 (on page 7), note the dense stand of Bermuda grass along the Project Site's south boundary fence.

Only 5 of the 17 forbs on the Project Site (29%) are native species. The most common native forbs which comprise some of the herbaceous cover on the Project Site are small-flowered fiddleneck (*Amsinckia menziesii*), horseweed (*Conyza canadensis*), and annual fireweed (*Epilobium brachycarpum*). Of the 11 species of non-native forbs observed on the Project Site, the seven dominant species are puncture vine (*Tribulus terrestris*), prickly lettuce (*Lactuca serriola*), lamb's quarters (*Chenopodium album*), London rocket (*Sisymbrium irio*), flax-leaved fleabane (*Conyza bonariensis*), prostrate knotweed (*Polygonum aviculare*), and burclover (*Medicago polymorpha*) which was abundant in the bottom of the storm water basin.

Since the majority of the acreage on the proposed Earlimart Neighborhood Park site had been disked earlier this year (it is usually disked twice each year) most of the Project Site was devoid of vegetation on the field survey day (Figure 15). Most of the scattered stands of ruderal (weedy) vegetation were some mixture of the species (primarily non-natives) mentioned in the above 2 paragraphs. A typical "mat" of ruderal vegetation located along the west edge of the Project Site just north of School Avenue consisted of Bermuda grass, puncture vine, and prostrate amaranth (Figure 16). The storm water basin just north of the Earlimart Child Development Center contained the most extensive stands of ruderal vegetation anywhere on the property (Figure 17).



Figure 15. Because of periodic disking (note tractor tire tracks just west of the park site's east boundary fence along South Elm Street), the majority of the acreage on the Project Site resembled the bare ground in this photograph and was devoid of vegetation on the field survey day.



Figure 16. This typical "mat" of ruderal vegetation (located along the west edge of the Project Site just north of School Avenue) consists of Bermuda grass (lower left), puncture vine (upper left), and prostrate amaranth (the taller plants on the right).

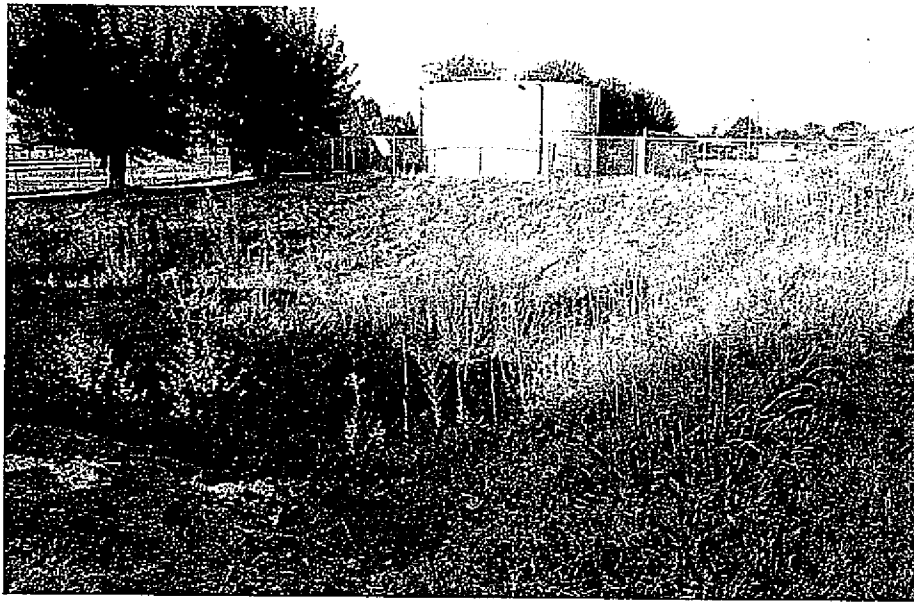


Figure 17. In this view northeast towards the water tank, it can be seen that the lowest portion of the storm water basin (the basin is in the small 0.5-acre portion of the proposed park site just north of the Earlimart Child Development Center and just west of the water tank) contains the most extensive stands of ruderal vegetation anywhere on the Project Site. Predominant ruderal vegetation here consists of lamb's quarters (gray-green plants at center left), dense green Johnsongrass and horseweed (growing at the bottom of the basin), and prickly lettuce (the tall, spindly plants growing in front of the Johnsongrass just below the center of the photograph).

The tallest stand of green annual ruderal vegetation, located near the south edge of the storm water basin, consisted primarily of Johnsongrass, Bermuda grass, prickly lettuce, and horseweed (Figure 18). The densest stand of dried, dead annual ruderal vegetation, located near the bottom of the storm water basin, consisted primarily of Italian rygrass, ripgut grass, and burclover (Figure 19). The only portion of the Project Site dominated by a native annual forb was a narrow (less than 2 meters wide), 42-foot long strip of small-flowered fiddleneck growing just east of the Earlimart Child Development Center and just south of the water tank (Figure 20).

Suitable habitat is not present for any of the 8 Special Status plant species in the survey area because there is no suitable (unaltered by regular disking) Valley Sink Scrub, Valley Saltbush Scrub, Valley Sacaton Grassland, [alkaline] Non-Native Grassland, Northern Claypan Vernal Pool, or alkali playa habitat to support these species. No individuals of these other 8 plant species (or their dried remains) were observed in the survey area.

There is no land on the Project Site that supports any typical examples of local native plant communities as described by Sawyer-Keeler-Wolf (1995) or Holland (1986). Quite the contrary, the Project Site has not been in condition to qualify as anything like natural habitat for at least 18



Figure 18. The tallest stand of green annual ruderal vegetation on the Project Site (located on the south bank of the storm water basin) was dominated by Bermuda grass (lower left), Johnsongrass (center), prickly lettuce (tall plants near the top of the bank just north of the Child Development Center fence), and horseweed (tall plants on the right).

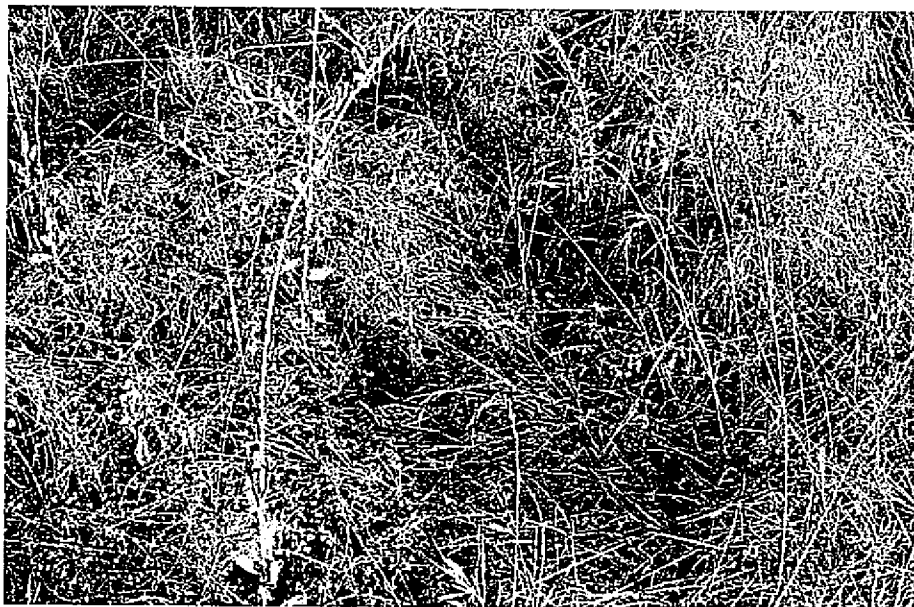


Figure 19. The densest stand of dried, dead annual ruderal vegetation (located near the bottom of the storm water basin) consisted primarily of burclover (left) and ripgut grass and Italian ryegrass (just below and just right of center).



Figure 20. The only portion of the Project Site dominated by a native annual forb on the field survey day (August 24, 2012) was this narrow (less than 2 meters wide), 42-foot long strip of small-flowered fiddleneck growing just east of the Earlimart Child Development Center fence and just south of the water tank.

years (using GoogleEarth historical imagery). During a telephone call with the Director of Maintenance and Operations for Earlimart School District (Mike Fernandez, pers. commun.) on November 14, 2012, I learned that the site is routinely disked, usually twice each year and it gets used from time to time for carnivals (sponsored by the Earlimart Twon Council) and community circus events (sponsored by the Earlimart Youth Foundation). Three GoogleEarth historical images from September 14, 2004 (Figure 21), September 22, 2009 (Figure 22), and June 15, 2011 (Figure 23) provide ample documentation of the level of soil disturbance on the site ... physical

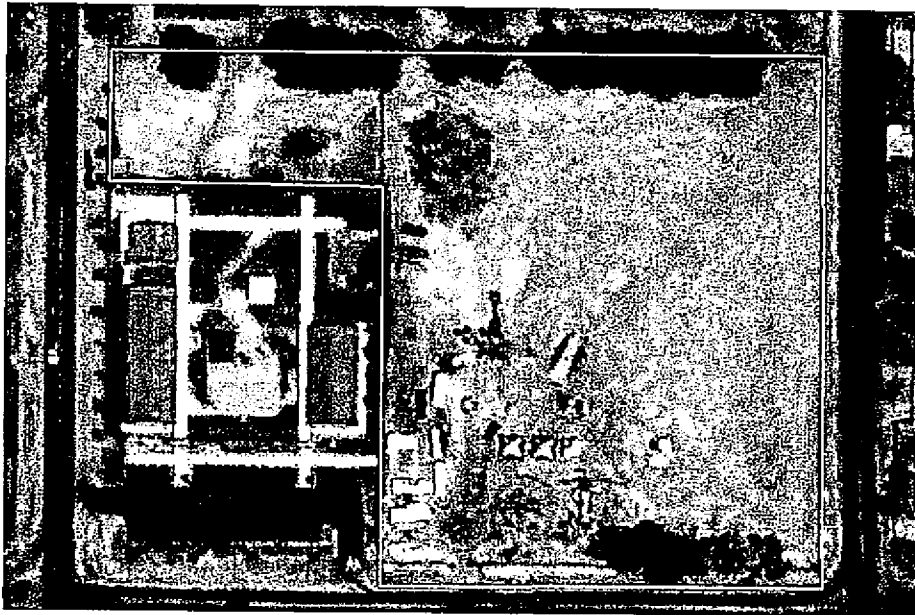


Figure 21. This September 14, 2004 GoogleEarth image of the Project Site (inside yellow border) shows some of the equipment and canopies associated with one of the annual Earlimart Youth Foundation sponsored circus events on the proposed park property.

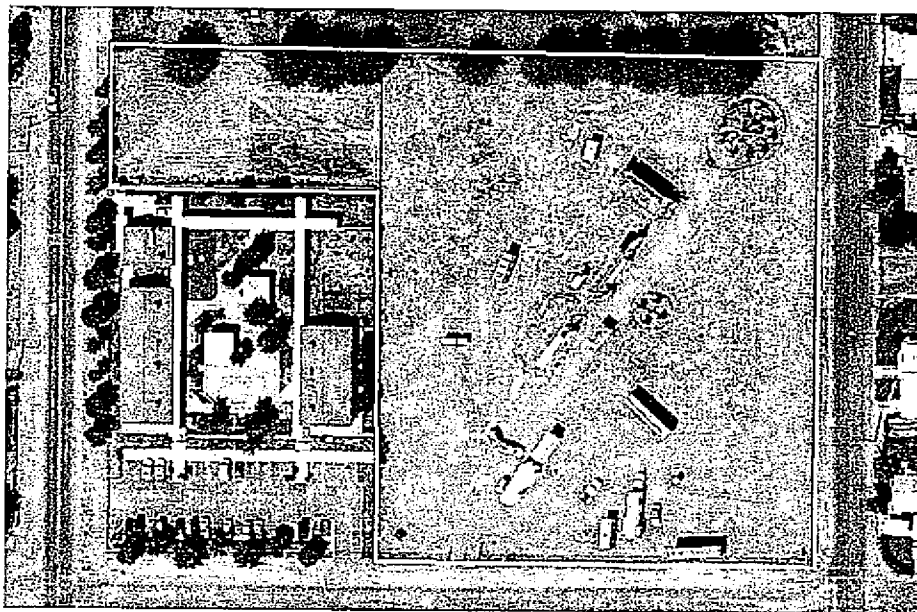


Figure 22. This September 22, 2009 GoogleEarth image of the Project Site (inside yellow border) shows some of the vehicles (including truck and trailer rigs), equipment, and amusement rides associated with that year's annual Earlimart Youth Foundation sponsored circus event on the proposed park property.

disturbance above and beyond daily pedestrian traffic across the site that leaves most of the site devoid of vegetation cover for most of the year.

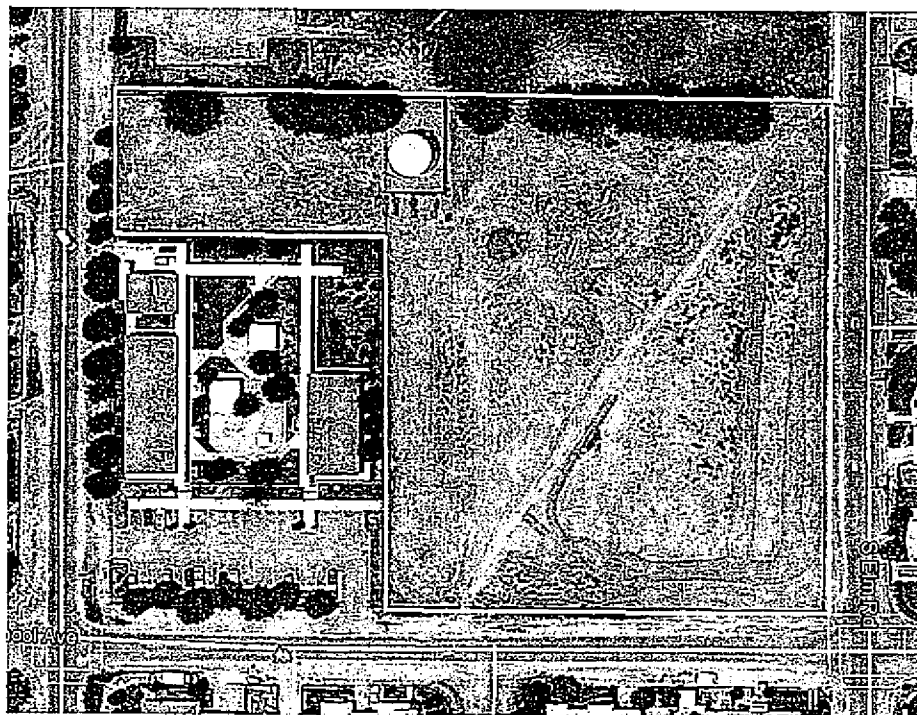


Figure 23. This June 15, 2011 GoogleEarth image of the Project Site (inside yellow border) shows, except for the 11 mulberry trees (slated for removal because of disease), how the entire 4-acre proposed Neighborhood Park site is nearly entirely devoid of vegetation and does not support examples of natural plant cover typical of any of the local native plant communities.

Wildlife

13 vertebrate species (11 bird species and two mammal species) were recorded on (or near) the Project Site (Appendix B). Most of the vertebrate species seen on (or near) the Project Site were birds, many of which are common and regionally abundant species. At least 7 of the 11 bird species detected were noted only as flyovers (seen in the air over or near the Project Site) and were likely present in the area because they were attracted to ornamental landscaping in adjacent residential neighborhoods or to the irrigated turfgrass on the Elementary School playground (located just north of the Project Site). There is no habitat present on the Project Site which is suitable for breeding by any of the Special Status wildlife species.

Because the Project Site is routinely disked, the survey area supports very few terrestrial vertebrates. California ground squirrel (*Otospermophilus beecheyi*), normally one of the most numerous small diurnal mammals in this part of Tulare County, appeared to be totally absent from the lands on the Project Site. The only mammals (or their sign) observed on the Project Site

included: 1) a small number of soil mounds of Botta's pocket gopher (*Thomomys bottae*); and 2) domestic dog (*Canis familiaris*) tracks on a dirt road just south of the stockpiled fill dirt (Figure 13). The only sign of Botta's pocket gopher (a species usually abundant in local grassland habitats and even commonly found in ruderal habitats in the Tulare Basin) on the Project Site was just west of the water tank perimeter fence and just south of Earlimart Elementary School's irrigated turfgrass playground area (Figure 24). There was no sign of lizards, Audubon's cottontails (*Sylvilagus audubonii*), California ground squirrels, California meadow vole (*Microtus californicus*), or coyote (*Canis latrans*) on the Project Site ... and these are all common mammal species that would be expected even in ruderal habitats in this part of the Tulare Basin. Even

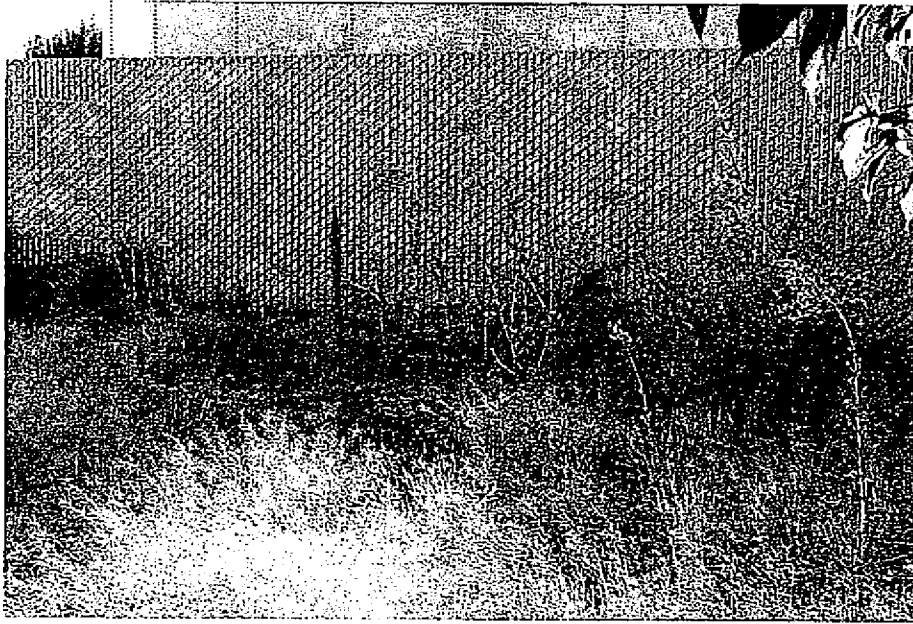


Figure 24. The only sign of Botta's pocket gopher (a fossorial rodent commonly found in ruderal habitats in the Tulare Basin) on the Project Site was here, just west of the water tank perimeter fence and just south of Earlimart Elementary School's irrigated turfgrass playground area

though 11 bird species were recorded during the field survey (visible on, in flight over, or near the Project Site), the nearly vegetation-free nature of most of the proposed park property limits the potential of the Project Site as breeding habitat to just this handful of resident bird species: killdeer (*Charadrius vociferus*), mourning dove (*Zenaida macroura*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), American robin (*Turdus migratorius*), European starling (*Sternus vulgaris*), brown-headed cowbird (*Molothrus ater*), house finch (*Carpodacus mexicanus*), and house sparrow (*Passer domesticus*). **No evidence of raptors** (diurnal and nocturnal birds of prey) **was found during the survey** and the only bird nests found were those built by house sparrows (Figure 25) inside a disconnected electrical meter box (Figure 26) just east of the Project Site's west boundary fence a short distance east of South Church Street.



Figure 25. The only bird nests found during the August 24, 2012 field survey were those built by house sparrows inside this disconnected electrical meter box just east of the Project Site's west boundary fence (South Church Street is in the background).



Figure 26. House sparrows constructed their nests inside this disconnected electrical meter box attached to a utility pole at the west edge of the smaller (0.5-acre) rectangular portion of the proposed park. This fence constitutes the western (Church Street) edge of the park site between the Earlimart Child Development Center and the Earlimart Elementary School parking lot.

No San Joaquin kit fox were observed during this field survey. No evidence of San Joaquin kit fox denning activity was found anywhere on the Project Site during this biological evaluation. No known kit fox dens (or confirmed kit fox den sign) were detected on any of the transect surveys. There was also no evidence of kit fox tracks, kit fox scat, or bones (or other remains) from potential kit fox prey species anywhere on the Project Site.

4.0 Discussion

Vertebrates

None of the 61 Special Status animal species (Table 2) were observed on, near, or in flight over the Project Site on the field survey date (August 24, 2011).

Plants

None of the 8 Special Status plant species were observed on the Project Site during this survey.

Development of the proposed Project will have little or no effect on regional populations of the 61 Special Status animal species or on regional populations of any of the 8 Special Status plant species mentioned in this report (Table 2). The proposed Neighborhood Park Project Site does not provide important intrinsic habitat values for any of the 69 Special Status species. This approximately 4-acre site does not support any functional Valley Sink Scrub, Valley Saltbush Scrub, Valley Sacaton Grassland, [alkaline] Non-Native Grassland, Northern Claypan Vernal Pool, Marsh, Riparian, or alkali playa habitat so none of the Special Status plant or animal species associated with these habitats in this part of Tulare County is expected to be impacted by this proposed Neighborhood Park project. Such habitats are available to regional wildlife populations on other nearby federally-owned, state-owned, or private lands.

Avoidance and minimization mitigation measures (A&M/MMs) are listed below to help Applicant avoid or reduce potential impacts to Special Status species (including San Joaquin kit fox and listed birds and raptors including Swainson's hawk and burrowing owl).

General A&M/MMs that can be implemented by Applicant to avoid take during construction of this proposed Neighborhood Park facilities include:

1. Even though no positive sign of San Joaquin kit fox was observed during this biological evaluation, **CDFG recommends that kit fox avoidance be performed prior to and during disturbance activities as a standard practice to help avoid or minimize impacts to this wide-ranging species.** In the event that kit fox dens are established on the Project Site subsequent to this biological evaluation (August 24, 2012) or during Project-related site preparation (staging) and development work (construction), then appropriate sections of USFWS's *Standardized Recommendations for Protection of the San Joaquin Kit Fox* (1999) should be followed. This prudent course of action (this is the responsibility of the Applicant), routinely advocated by USFWS and CDFG, is recommended to avoid impacts to any kit foxes that might disperse onto the Project Site

and establish a den(s) between the end of this biological evaluation (August 24, 2012) and the commencement of site preparation (staging) and development work (construction).

2. **If any portion of the work is scheduled during the 7-month general bird nesting season (February thru August), preconstruction nest surveys should be conducted prior to site preparation and development work.**
3. **If any portion of the work is scheduled during the February to August bird nesting season, spatial buffers and seasonal restrictions should be established to avoid impacts on nesting birds within any construction disturbance areas (should any nests be identified during the preconstruction surveys).**

By following these avoidance and minimization measures during development of the proposed Neighborhood Park site, Applicant will have little potential to significantly impact any Special Status species or their habitat that may occur on the Project Site. It is my professional opinion that this proposed Neighborhood Park project will not significantly impact any special habitat features or Special Status species. Mr. Hansen anticipates that any impacts associated with this project will be minor and of short duration.

5.0 References Cited

- Bolster, B.C., Ed. 1998. Watch List Accounts, *Terrestrial Mammal Species of Special Concern in California*, non-published document. Prepared for the California Department of Fish and Game, Sacramento, California.
- California Department of Fish and Game (CDFG). 1995. Staff Report on Burrowing Owl Mitigation.
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- California Natural Diversity Database. 2011. California Department of Fish and Game. Accessed on August 6, 2011. http://imaps.dfg.ca.gov/viuewers/CNDDDB_QuickViewer/list9quad_cnddb.asp?theServerNam
- Holland, R.F. 1986. Preliminary descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Sacramento, CA.
- Sawyer, J.O., Keeler-Wolf, T., and J.M. Evens. 2009. A Manual of California Vegetation, second edition. California Native Plant Society, Sacramento, California.
- Shuford, D., and T. Gardali, eds. 2008. California Bird Species of Special Concern. Studies of Western Birds 1. Calif. Field Ornithologists, Camarillo, CA, and Calif. Dept. Fish & Game, Sacramento.
- United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS). 2009. Soil Survey Geographic (SSURGO) Database. http://www.consrv.ca.gov/dlrp/finmp/pubs/soils/Documents/KINGS_ssurgo.pdf and for more information on the NRCS SSURGO data, see <http://soils.usda.gov/survey/geography/ssurgo/>
- _____. 2010. Web Soil Survey. Accessed November 11, 2012. <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.
- United States Fish and Wildlife Service (USFWS). June 1999. San Joaquin Kit Fox Survey Protocol for the Northern Range and Standardized Recommendations for Protection of the San Joaquin Kit Fox. Sacramento Fish and Wildlife Office, Sacramento, California.

PERSONAL COMMUNICATION

- Fernandez, Mike. Director of Maintenance and Operations. Earlimart School District. Earlimart, CA. November 14, 2012 – telephone conversation.

**APPENDIX A: ANNOTATED CHECK LIST OF NATIVE AND INTRODUCED PLANTS
SEEN ON 24 AUGUST, 2012 ON THE APPROXIMATELY 4 ACRES OF PROPERTY
(TULARE COUNTY APN 381-084-01) UNDER CONSIDERATION AS THE
EARLIMART NEIGHBORHOOD PARK LOCATED AT 949 EAST SCHOOL AVENUE,
EARLIMART, TULARE COUNTY, CALIFORNIA**

Compiled by: Robert Hansen

Taxonomic nomenclature (except for several common names) and sequence of major taxonomic groups follows Hickman (1993). Within major taxa, Family and Genus names are listed alphabetically rather than in phylogenetic sequence.

Common names are principally those used by: Calflora (2011) - <http://www.calflora.org/>, CalPhotos: Plants (2011) - <http://calphotos.berkeley.edu/flora/>, and California State University, Stanislaus. 2006. Endangered Species Recovery Program. Draft Endangered, Threatened, and Candidate Species Manual for U.S. Bureau of Reclamation (CSUS website: <http://esrp.csustan.edu/projects/lsm2/pdf/lsm096.pdf>).

1B.2 = Plants listed by California Native Plant Society List as rare, threatened, or endangered in California and elsewhere; fairly threatened in California

N = a plant species Native to California (not an introduced, invasive, non-native or exotic species)

SCIENTIFIC NAME OF FAMILY.

Common Name of Family

Scientific Name of Species

Common Name(s) of Species

<i>Amaranthaceae</i>	Amaranth Family	
<i>Amaranthus blitoides</i>	prostrate amaranth (mat amaranth)	N
<i>Anacardiaceae</i>	Cashew Family	
<i>Pistacia chinensis</i>	Chinese pistache	
<i>Asteraceae</i>	Sunflower Family	
<i>Conyza bonariensis</i>	flax-leaved fleabane	
<i>Conyza canadensis</i>	horseweed or mare's tail	N
<i>Lactuca serriola</i>	prickly lettuce	
<i>Boraginaceae</i>	Borage Family	
<i>Amsinckia menziesii</i>	small-flowered fiddleneck	N
<i>Brassicaceae</i>	Mustard Family	
<i>Sisymbrium irio</i>	London rocket	

<i>Chenopodiaceae</i>	Goosefoot Family	
<i>Bassia hyssopifolia</i>	fivehook Bassia	
<i>Chenopodium album</i>	lamb's quarters	
<i>Salsola tragus</i>	Russian thistle	
<i>Fabaceae</i>	Legume Family	
<i>Medicago polymorpha</i>	burclover	
<i>Malvaceae</i>	Mallow Family	
<i>Malva parviflora</i>	cheeseweed	
<i>Moraceae</i>	Mulberry Family	
<i>Morus alba</i>	white mulberry	
<i>Onagraceae</i>	Evening Primrose Family	
<i>Epilobium brachycarpum</i>	annual fireweed	N
<i>Oxalidaceae</i>	Wood-Sorrel Family	
<i>Oxalis pes-caprae</i>	Bermuda buttercup	
<i>Poaceae</i>	Grass Family	
<i>Avena fatua</i>	wild oat	
<i>Bromus diandrus</i>	ripgut grass	
<i>Cynodon dactylon</i>	Bermuda grass	
<i>Echinochloa crus-galli</i>	watergrass	
<i>Hordeum murinum</i> ssp. <i>leporinum</i>	hare barley	
<i>Lolium multiflorum</i>	Italian ryegrass	
<i>Sorghum halepense</i>	Johnsongrass	
<i>Polygonaceae</i>	Buckwheat Family	
<i>Polygonum aviculare</i>	prostrate knotweed	
<i>Solanaceae</i>	Nightshade Family	
<i>Solanum americanum</i>	American black nightshade	N
<i>Solanum elaeagnifolium</i>	white horse-nettle	
<i>Zygophyllaceae</i>	Caltrop Family	
<i>Tribulus terrestris</i>	puncture vine (caltrop)	

TOTAL Number of NATIVE Species (found on the surveyed property): 5
TOTAL Number of INTRODUCED Species (found on the surveyed property): 21

GRAND TOTAL OF ALL PLANT SPECIES
FOUND ON THE SURVEYED PROPERTY: 26

**APPENDIX B: ANNOTATED CHECK LIST OF NATIVE AND INTRODUCED
VERTEBRATE ANIMALS SEEN ON 24 AUGUST, 2012 ON THE APPROXIMATELY 4
ACRES OF PROPERTY (TULARE COUNTY APN 381-084-01) UNDER
CONSIDERATION AS THE EARLIMART NEIGHBORHOOD PARK LOCATED AT
949 EAST SCHOOL AVENUE, EARLIMART, TULARE COUNTY, CALIFORNIA**

Species "seen" includes species which were identified by tracks, dens, vocalizations, dead specimens, remains, and other sign.

ST = State Threatened

CSC = Calif. species of Special Concern

WL = American Bird Conservancy (and National Audubon Society) US WatchList of
Birds of Conservation Concern

RJV = Riparian Habitat Joint Venture Focal Species

B = species that are known or suspected **Breeders** on the property

F = **Flyovers** (bird species seen or heard only in distant flight over or near the property ... not foraging either on or over the property)

N = an animal species **Native** to California (not an introduced, invasive, non-native, or exotic species)

Bird families and species are listed in phylogenetic order as presented in the 7th edition American Ornithologist's Union Check-list of North American Birds, and supplements.

SCIENTIFIC NAME OF FAMILY. Common Name of Family

Scientific Name of Species Common Name of Species

Class: AVES	Birds	
Family: CHARADRIIDAE	Plovers	
<i>Charadrius vociferus</i>	killdeer	F B N
Family: COLUMBIDAE	Pigeons and Doves	
<i>Columba livia</i>	rock pigeon	F
<i>Streptopelia decaocto</i>	Eurasian collared-dove	F B
<i>Zenaida macroura</i>	mourning dove	B N
Family: CORVIDAE	Jays, Magpies, and Crows	
<i>Aphelocoma californica</i>	western scrub-jay	F B N
<i>Corvus brachyrhynchos</i>	American crow	F B N
Family: TURDIDAE	Thrushes	
<i>Turdus migratorius</i>	American robin	F B N
Family: STURNIDAE	Starlings	
<i>Sturnus vulgaris</i>	European starling	B N

Family: ICTERIDAE	Blackbirds, Orioles, and Allies	
<i>Molothrus ater</i>	brown-headed cowbird	F B N
Family: FRINGILLIDAE	Finches	
<i>Carpodacus mexicanus</i>	house finch	B N
Family: PASSERIDAE	Old World Sparrows	
<i>Passer domesticus</i>	house sparrow	B N
Class: MAMMALIA	Mammals	
Family: GEOMYIDAE	Pocket Gophers	
<i>Thomomys bottae</i>	Botta's pocket gopher	B N
Family: CANIDAE	Foxes, Wolves, and Relatives	
<i>Canis familiaris</i>	domestic dog	

VERTEBRATE SPECIES SEEN ON (or in flight over) OR FROM THE PROPERTY
(TULARE COUNTY APN 381-084-01) UNDER CONSIDERATION AS THE
EARLIMART NEIGHBORHOOD PARK (Current as of 8-24-12)

BIRDS: 11
MAMMALS: 2

TOTAL NUMBER OF VERTEBRATE SPECIES: 13

ATTACHMENT “A”

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Rule 9510 (Indirect Source Review) Analysis

And

Urbemis Model Results



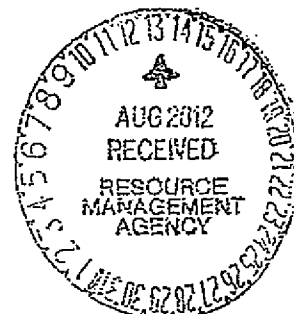
San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



AUG 09 2012

Diana Poole OR Hector Guerra
Tulare County Resource
5961 South Mooney Blvd
Visalia, CA 93277



Re: Air Impact Assessment (AIA) Application Approval
ISR Project Number: C-20120127
Land Use Agency: County of Tulare
Land Use Agency ID Number: Unknown

Dear Mr. Guerra:

The San Joaquin Air Pollution Control District (District) has approved your Air Impact Assessment (AIA) for the Earlimart Neighborhood Park project, located at 949 E. School Ave in Earlimart, California. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx and two tons PM10. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees. The determination is based on the project construction details provided with the application. Changes in the construction details may result in increased project related emissions and loss of this exemption.

To maintain this exemption you must comply with all mitigation measures identified in the enclosed Monitoring and Reporting Schedule. Please notify the District of any changes to the project as identified in the approved Air Impact Assessment for this project. If all or a portion of the project changes ownership, a completed Change in Developer form must be submitted to the District within thirty (30) days following the date of transfer.

Pursuant to District Rule 9510, Section 8.4, the District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

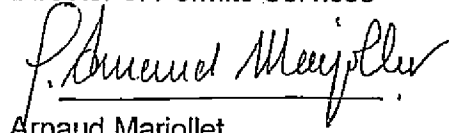
Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

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

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Patia Siong at (559) 230-5930.

Sincerely,

David Warner
Director of Permits Services

A handwritten signature in black ink, appearing to read "Arnaud Marjollet", written over a horizontal line.

Arnaud Marjollet
Permit Services Manager

DW: ps

Enclosures

cc:

Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

8/1/12
2:49 pm

Project Name:	EARLIMART NEIGHBORHOOD PARK
Applicant Name:	COUNTY OF TULARE
Project Location:	949 E. SCHOOL AVE N.E. CORNER SCHOOL AVE & ELM RD APN(s): 318-084-01
Project Description:	LAND USE: Recreation - 4 Acres - City Park Recreation - 4 Acres - City Park Recreation - 4 Acres - City Park Recreation - 4 Acres - City Park Recreation - 4 Acres - City Park ACREAGE: 4
ISR Project ID Number:	C-20120127
Applicant ID Number:	C-300830
Permitting Public Agency:	COUNTY OF TULARE
Public Agency Permit No.	

Existing Emission Reduction Measures

Enforcing Agency	Measure	Quantification	Notes
None - Existing Measure	Bus Service	1 Daily Weekday Busses within 1/4 mile of the site boundaries	
None - Existing Measure	Streets Design	65.82 Nodes/square mile	

Number of Existing Measures: 2

Non-District Enforced Emission Reduction Measures

Enforcing Agency	Measure	Specific Implementation	Source Of Requirements
TULARE COUNTY RESOURCE MANAGEMENT AGENCY	Sidewalk Coverage	50% sidewalks on both sides ; 0% sidewalks on one side	

Number of Non-District Enforced Measures: 1

District Enforced Emission Reduction Measures

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
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Indirect Source Review Complete Project Summary Sheet & Monitoring and Reporting Schedule

8/1/12

2:49 pm

(District Enforced Emission Reduction Measures Continued)

Enforcing Agency	Measure	Specific Implementation	Measure For Compliance	District Review
SJVAPCD	Construction and Operation - Recordkeeping	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.	(Compliance Dept. Review)	Ongoing
SJVAPCD	Construction and Operational Dates	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.	(Compliance Dept. Review)	Ongoing
SJVAPCD	Construction and Operation - Exempt from Off-site Mitigation Fee	For each project phase, within 30-days of issuance of the first certificate of occupancy, if applicable, submit to the District a summary report of the construction start, and end dates, and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30-days of the end of each phase of construction.	(Compliance Dept. Review)	Ongoing

Number of District Enforced Measures: 3

Applicant/Business Name:	Tulare County Resource Management Agency
Project Name:	Earlmarl Neighborhood Park
Project Location:	949 E. School Ave., Earlmarl
District Project ID No.:	20120127

Project Construction Emissions									
Project Phase Name	ISR Phase	Construction Start Date	NOx				PM10		
			Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)	Unmitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)
park construction	1	09/01/2014	0.5800	0.5600	0.0000	0.1120	0.0300	0.0000	0.0135
park construction	2	01/01/2015	0.8300	0.8300	0.0000	0.1660	0.0500	0.0000	0.0225
park construction	3	01/01/2016	0.7500	0.7500	0.0000	0.1500	0.0400	0.0000	0.0180
park construction	4	01/01/2017	0.5800	0.5600	0.0000	0.1120	0.0300	0.0000	0.0135
	5				0.0000	0.0000		0.0000	0.0000
	6				0.0000	0.0000		0.0000	0.0000
	7				0.0000	0.0000		0.0000	0.0000
	8				0.0000	0.0000		0.0000	0.0000
	9				0.0000	0.0000		0.0000	0.0000
	10				0.0000	0.0000		0.0000	0.0000
	Total		2.7000	2.7000	0.0000	0.5400	0.1500	0.0000	0.0675

Total Achieved On-Site Reductions (tons)		
ISR Phase	NOx	PM10
1	0.0000	0.0000
2	0.0000	0.0000
3	0.0000	0.0000
4	0.0000	0.0000
5	0.0000	0.0000
6	0.0000	0.0000
7	0.0000	0.0000
8	0.0000	0.0000
9	0.0000	0.0000
10	0.0000	0.0000
Total	0.0000	0.0000

Project Operations Emissions (Area + Mobile)									
Project Phase Name	ISR Phase	Operation Start Date	NOx				PM10		
			Unmitigated Baseline (TPY)	Mitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)	Unmitigated Baseline (TPY)	Achieved Onsite Reductions (tons)	Required Offsite Reductions (tons)
	1				0.0000	0.0000		0.0000	0.0000
	2				0.0000	0.0000		0.0000	0.0000
	3				0.0000	0.0000		0.0000	0.0000
	4				0.0000	0.0000		0.0000	0.0000
park operation	5	11/01/2017	0.0100	0.0100	0.0000	0.0250	0.0100	0.0000	0.0500
	6				0.0000	0.0000		0.0000	0.0000
	7				0.0000	0.0000		0.0000	0.0000
	8				0.0000	0.0000		0.0000	0.0000
	9				0.0000	0.0000		0.0000	0.0000
	10				0.0000	0.0000		0.0000	0.0000
	Total		0.0100	0.0100	0.0000	0.0250	0.0100	0.0000	0.0500

Total Required Off-Site Reductions (tons)		
ISR Phase	NOx	PM10
1	0.1120	0.0135
2	0.1660	0.0225
3	0.1500	0.0180
4	0.1120	0.0135
5	0.0250	0.0500
6	0.0000	0.0000
7	0.0000	0.0000
8	0.0000	0.0000
9	0.0000	0.0000
10	0.0000	0.0000
Total	0.5650	0.1175

Note: TPY = Tons Per Year

From: Patia Siong <Patia.Siong@valleyair.org>
To: "hguerra@co.tulare.ca.us" <hguerra@co.tulare.ca.us>
Date: 08/01/2012 4:01 PM
Subject: 5-day review: Indirect Source Review application for the Earlimart Neighborhood Park - project# 20120127
Attachments: 20120127 Urbemis Combined Annual.pdf; 20120127 fee_est_r2012 - 5 day review.xls

Good afternoon Hector,

This is regarding the Indirect Source Review Air Impact Assessment application for the project noted above. You have requested for a 5-day review period to review a draft of District's analysis of the project before it is finalized. Per your request, attached is the analysis result. The analysis shows that there is no off-site mitigation fee.

Attachments:

- (1) Project total emissions and Off-site Fee estimation
- (2) Model results

Please provide me your changes or questions on the analysis by end of August 8, 2012. If you have no changes or no comment is received on the analysis, the ISR project evaluation will be finalized pending Management's approval. Please give me a call at 559-230-5930 at your convenience if you have any questions.

Thank you,
Patia Siong
Sr. Air Quality Specialist
San Joaquin Valley Air Pollution Control District
(559) 230-5930
(559) 230-6061 Fax

Combined Annual Emissions Reports (Tons/Year)

File Name: G:\PER\ISR\PROJECTS\2012\20120120127\20120127.urb924

Project Name: 20120127

Project Location: Tulare

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	<u>NOx</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>
2014 TOTALS (tons/year unmitigated)	0.56	0.23	0.03	0.26
2014 TOTALS (tons/year mitigated)	0.56	0.23	0.03	0.26
Percent Reduction	0.00	0.00	0.00	0.00
2015 TOTALS (tons/year unmitigated)	0.83	0.00	0.05	0.05
2015 TOTALS (tons/year mitigated)	0.83	0.00	0.05	0.05
Percent Reduction	0.00	0.00	0.00	0.00
2016 TOTALS (tons/year unmitigated)	0.75	0.00	0.04	0.05
2016 TOTALS (tons/year mitigated)	0.75	0.00	0.04	0.05
Percent Reduction	0.00	0.00	0.00	0.00
2017 TOTALS (tons/year unmitigated)	0.56	0.00	0.03	0.03

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2017 TOTALS (tons/year mitigated)	0.56	0.00	0.03	0.03
Percent Reduction	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	<u>NOx</u>	<u>PM10</u>
TOTALS (tons/year, unmitigated)	0.00	0.00
TOTALS (tons/year, mitigated)	0.00	0.00
Percent Reduction	NaN	NaN

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>NOx</u>	<u>PM10</u>
TOTALS (tons/year, unmitigated)	0.01	0.01
TOTALS (tons/year, mitigated)	0.01	0.01
Percent Reduction	0.00	0.00

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>NOx</u>	<u>PM10</u>
TOTALS (tons/year, unmitigated)	0.01	0.01
TOTALS (tons/year, mitigated)	0.01	0.01
Percent Reduction	0.00	0.00

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>NOx</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>
------------	------------------	---------------------	-------------

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2014		0.56	0.23	0.03	0.26
Fine Grading 09/01/2014-10/01/2014		0.22	0.23	0.01	0.24
Fine Grading Dust		0.00	0.23	0.00	0.23
Fine Grading Off Road Diesel		0.22	0.00	0.01	0.01
Fine Grading On Road Diesel		0.00	0.00	0.00	0.00
Fine Grading Worker Trips		0.00	0.00	0.00	0.00
Asphalt 11/01/2014-12/25/2014		0.19	0.00	0.02	0.02
Paving Off-Gas		0.00	0.00	0.00	0.00
Paving Off Road Diesel		0.19	0.00	0.01	0.01
Paving On Road Diesel		0.00	0.00	0.00	0.00
Paving Worker Trips		0.00	0.00	0.00	0.00
Building 11/01/2014-10/31/2017		0.15	0.00	0.01	0.01
Building Off Road Diesel		0.14	0.00	0.01	0.01
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.01	0.00	0.00	0.00
2015		0.83	0.00	0.05	0.05
Building 11/01/2014-10/31/2017		0.83	0.00	0.05	0.05
Building Off Road Diesel		0.79	0.00	0.05	0.05
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.04	0.00	0.00	0.01

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2016						
Building 11/01/2014-10/31/2017	0.75	0.00	0.04	0.05		
Building Off Road Diesel	0.75	0.00	0.04	0.05		
Building Vendor Trips	0.72	0.00	0.04	0.04		
Building Worker Trips	0.00	0.00	0.00	0.00		
	0.03	0.00	0.00	0.01		
2017	0.56	0.00	0.03	0.03		
Building 11/01/2014-10/31/2017	0.56	0.00	0.03	0.03		
Building Off Road Diesel	0.54	0.00	0.03	0.03		
Building Vendor Trips	0.00	0.00	0.00	0.00		
Building Worker Trips	0.03	0.00	0.00	0.01		
Coating 07/14/2017-10/31/2017	0.00	0.00	0.00	0.00		
Architectural Coating	0.00	0.00	0.00	0.00		
Coating Worker Trips	0.00	0.00	0.00	0.00		

Phase Assumptions

Phase: Fine Grading 9/1/2014 - 10/1/2014 - Default Fine Site Grading Description

Total Acres Disturbed: 4

Maximum Daily Acreage Disturbed: 1

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 6 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

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Phase: Paving 11/1/2014 - 12/25/2014 - Default Paving Description

Acres to be Paved: 1

Off-Road Equipment:

4 Cement and Mortar Mixers (10 hp) operating at a 0.56 load factor for 6 hours per day

1 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

Phase: Building Construction 11/1/2014 - 10/31/2017 - Default Building Construction Description

Off-Road Equipment:

1 Cranes (399 hp) operating at a 0.43 load factor for 4 hours per day

2 Forklifts (145 hp) operating at a 0.3 load factor for 6 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day

Phase: Architectural Coating 7/14/2017 - 10/31/2017 - Default Architectural Coating Description

Rule: Residential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 130

Rule: Residential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 130

Rule: Nonresidential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Nonresidential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Annual Tons Per Year, Mitigated

NOx	PM10 Dust	PM10 Exhaust	PM10
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2014		0.56	0.23	0.03	0.26
Fine Grading 09/01/2014-10/01/2014		0.22	0.23	0.01	0.24
Fine Grading Dust		0.00	0.23	0.00	0.23
Fine Grading Off Road Diesel		0.22	0.00	0.01	0.01
Fine Grading On Road Diesel		0.00	0.00	0.00	0.00
Fine Grading Worker Trips		0.00	0.00	0.00	0.00
Asphalt 11/01/2014-12/25/2014		0.19	0.00	0.02	0.02
Paving Off-Gas		0.00	0.00	0.00	0.00
Paving Off Road Diesel		0.19	0.00	0.01	0.01
Paving On Road Diesel		0.00	0.00	0.00	0.00
Paving Worker Trips		0.00	0.00	0.00	0.00
Building 11/01/2014-10/31/2017		0.15	0.00	0.01	0.01
Building Off Road Diesel		0.14	0.00	0.01	0.01
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.01	0.00	0.00	0.00
2015		0.83	0.00	0.05	0.05
Building 11/01/2014-10/31/2017		0.83	0.00	0.05	0.05
Building Off Road Diesel		0.79	0.00	0.05	0.05
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.04	0.00	0.00	0.01

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2016		0.75	0.00	0.04	0.05
Building 11/01/2014-10/31/2017		0.75	0.00	0.04	0.05
Building Off Road Diesel		0.72	0.00	0.04	0.04
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.03	0.00	0.00	0.01
2017		0.56	0.00	0.03	0.03
Building 11/01/2014-10/31/2017		0.56	0.00	0.03	0.03
Building Off Road Diesel		0.54	0.00	0.03	0.03
Building Vendor Trips		0.00	0.00	0.00	0.00
Building Worker Trips		0.03	0.00	0.00	0.01
Coating 07/14/2017-10/31/2017		0.00	0.00	0.00	0.00
Architectural Coating		0.00	0.00	0.00	0.00
Coating Worker Trips		0.00	0.00	0.00	0.00

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Architectural Coating 7/14/2017 - 10/31/2017 - Default Architectural Coating Description
For Nonresidential Architectural Coating Measures, the Nonresidential Exterior: Use Low VOC Coatings mitigation reduces emissions by:
ROG: 45.6%

For Nonresidential Architectural Coating Measures, the Nonresidential Interior: Use Low VOC Coatings mitigation reduces emissions by:
ROG: 45.6%

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	NOx	PM10
Natural Gas	0.00	0.00
Hearth	0.00	0.00
Landscape	0.00	0.00
Consumer Products		
Architectural Coatings		
TOTALS (tons/year, unmitigated)	0.00	0.00

Area Source Mitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Mitigated

Source	NOx	PM10
Natural Gas	0.00	0.00
Hearth	0.00	0.00
Landscape	0.00	0.00
Consumer Products		
Architectural Coatings		
TOTALS (tons/year, mitigated)	0.00	0.00

Mitigation Description	Area Source Mitigation Measures Selected	Percent Reduction
For Nonresidential Interior Use Low VOC Coating		45.60
For Nonresidential Exterior Use Low VOC Coating		45.60

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	NOX	PM10
City park	0.01	0.01
TOTALS (tons/year, unmitigated)	0.01	0.01

Operational Mitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Mitigated

Source	NOX	PM10
City park	0.01	0.01
TOTALS (tons/year, mitigated)	0.01	0.01

Operational Mitigation Options Selected

Residential Mitigation Measures

Nonresidential Mitigation Measures

Non-Residential Local-Serving Retail Mitigation

Percent Reduction in Trips is 2%

Inputs Selected:

The Presence of Local-Serving Retail checkbox was selected.

Non-Residential Transit Service Mitigation

Nonresidential Mitigation Measures

Percent Reduction in Trips is 0.01%

Inputs Selected:

The Number of Daily Weekday Buses Stopping Within 1/4 Mile of Site is 1

The Number of Daily Rail or Bus Rapid Transit Stops Within 1/2 Mile of Site is 0

The Number of Dedicated Daily Shuttle Trips is 0

Non-Residential Pedestrian/Bicycle Friendliness Mitigation

Percent Reduction in Trips is 0.9%

Inputs Selected:

The Number of Intersections per Square Mile is 66

The Percent of Streets with Sidewalks on One Side is 50%

The Percent of Streets with Sidewalks on Both Sides is 0%

The Percent of Arterials/Collectors with Bike Lanes or where Suitable,

Direct Parallel Routes Exist is 0%

Operational Settings:

Includes correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2017 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
City park		1.59	acres	4.00	6.36	36.19
					6.36	36.19

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	40.5	0.2	99.8	0.0
Light Truck < 3750 lbs	14.3	0.7	95.8	3.5
Light Truck 3751-5750 lbs	21.3	0.5	99.5	0.0
Med Truck 5751-8500 lbs	12.2	0.8	99.2	0.0
Lite-Heavy Truck 8501-10,000 lbs	2.3	0.0	73.9	26.1
Lite-Heavy Truck 10,001-14,000 lbs	1.0	0.0	50.0	50.0
Med-Heavy Truck 14,001-33,000 lbs	1.3	0.0	15.4	84.6
Heavy-Heavy Truck 33,001-60,000 lbs	1.7	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.0	0.0	0.0	0.0
Motorcycle	4.1	43.9	56.1	0.0
School Bus	0.2	0.0	0.0	100.0
Motor Home	1.0	0.0	90.0	10.0

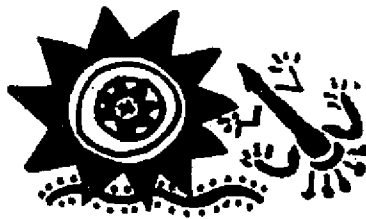
	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4

	Travel Conditions			
	Residential			Commercial
	Home-Work	Home-Shop	Home-Other	Commute
Rural Trip Length (miles)	16.8	7.1	7.9	14.7
Trip speeds (mph)	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1	
% of Trips - Commercial (by land use)				
City park				5.0
				2.5
				92.5

ATTACHMENT “B”

California Historical Resources Information Center (CHRIS), Southern
San Joaquin Valley Information Center Letter

**CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM**



**FRESNO
KERN
KINGS
MADERA
TULARE**

Southern San Joaquin Valley
Information Center
California State University, Bakersfield
Mail Stop: 46 MEC
9001 Stockdale Highway
Bakersfield, California 93311-1022
(661) 654-2289 FAX (661) 654-2415
E-mail: ssjvic@csusb.edu

TO: Diana Poole (RS# 12-213)
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

DATE: July 6, 2012

RE: Earlimart Neighborhood Parks Project, State Parks & Recreation Department
Contract No. 619.0-SW-54-004

CO: Tulare

MAP(s): Delano West & Pixley 7.5's

CULTURAL RESOURCES RECORDS SEARCH

The following are the results of a search of the cultural resources site record files at the Southern San Joaquin Valley Information Center. These files include known and recorded archaeological and historic sites, inventory and excavation reports filed with this office, and properties listed on the National Register of Historic Places, The Historic Property Data File (4/5/12) the California Historical Landmarks, The California Register, the California Inventory of Historic Resources and the California Points of Historical Interest.

**PRIOR CULTURAL RESOURCE INVENTORIES WITHIN THE PROJECT AREA AND A ONE-
HALF MILE RADIUS**

According to the information in our files there have been no previous cultural resources studies conducted within the project area. There have been eight (8) cultural resources studies conducted within a one-half mile radius, TU-102, 379, 422, 1025, 1122, 1324, 1380, and 1469

**KNOWN CULTURAL RESOURCES WITHIN THE PROJECT AREAS AND A ONE-HALF MILE
RADIUS**

There are no recorded cultural resources within the project area or within a one-half mile radius and it is not known if any exist there. Please note that no data does not mean negative data.

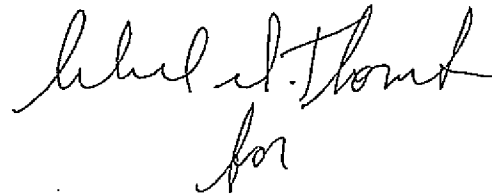
(RS# 12-213)

There are no known/recorded cultural resources within the project area or a one-half mile radius, that are listed in the National Register of Historic Places, The California Register, California State Landmarks, California Inventory of Historic Resources or the California Points of Historical Interest.

COMMENTS/RECOMMENDATIONS

We understand this project consists of development of the new Earlimart Neighborhood Park. If the subject property is currently vacant and no underground utilities are currently in place, we recommend a qualified, professional archaeologist conduct a field survey of the property, prior to ground disturbance, to determine if cultural resources are present. If the property has been developed or underground utilities are in place, no further cultural resources investigation is needed at this time. However, if cultural resources are unearthed during ground disturbance activities, all work must halt in the area of the find and a qualified, professional archaeologist should be called out to assess the findings and make the appropriate mitigation recommendations. A referral list is available at www.chrisinfo.org. If you have any questions or need additional information, please don't hesitate to contact our office at (661) 654-2289.

By

A handwritten signature in black ink, appearing to read "Brian E. Hemphill", with a smaller signature "for" written below it.

Brian E. Hemphill, Ph. D.
Coordinator

Date: July 6, 2012

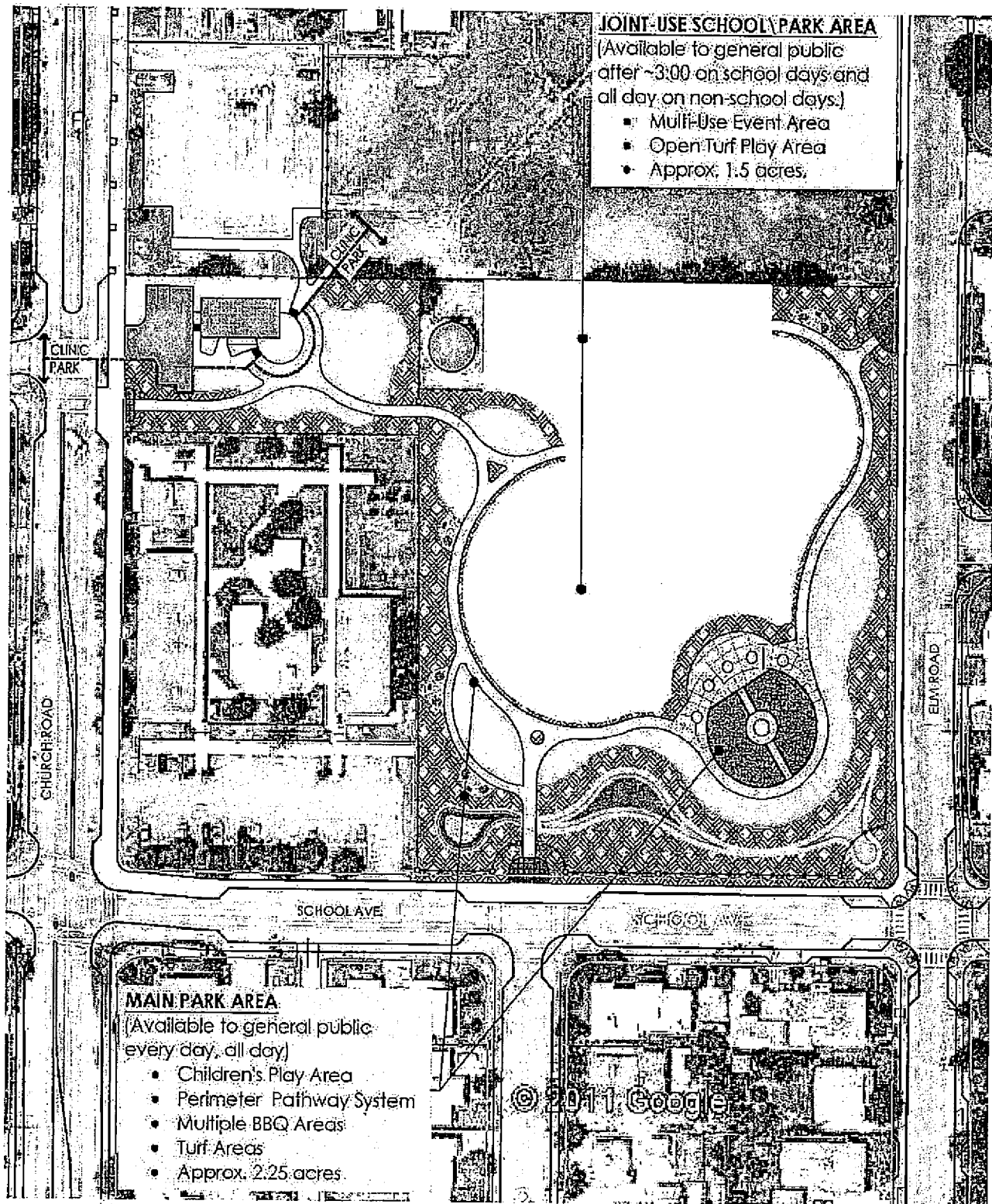
Fee: \$225.00/hr. (Priority Service)

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

ATTACHMENT “C”

Draft Conceptual Park Plan

Draft Conceptual Park Plan



NOTE:

This plan is intended to demonstrate the general arrangement of major project scope items on the modified site. Trees are intentionally omitted for drawing clarity purposes. Trees will be planted as described in the grant application and generally as illustrated in the original concept plan.

No Scale



ATTACHMENT “D”

Notice of Determination

NOTICE OF DETERMINATION

Fee Exempt Per Government Code Section 6301

To:

Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Applicant(s): County of Tulare Resource Management Agency, 5961 So. Mooney Blvd. Visalia, CA 93277 (559) 624-7000

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

Project Title: Earlimart Neighborhood Park

State Clearinghouse Number: 2012121044

Contact Person: Diana Poole

Telephone Number: 559-624-7000

Project Location: Northeast corner of Church Road and School Avenue in the unincorporated community of Earlimart, APN: 318-084-001, Section 34, Township 23 S, Range 25 E, MDB&M

Project Description/Case File No: A neighborhood park on an 8.46-acre portion of APN: 318-084-001 in the R-1 (Single Family Residential) Zone.

This is to advise that the TULARE COUNTY PLANNING COMMISSION has approved the above-described project on September 12, 2012 and has made the following determinations regarding the above-described project:

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

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

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

By:

Hector Guerra
Chief Environmental Planner

By:

Michael C. Spata
Environmental Assessment Officer
Assistant Director - Planning

(X) Dept of Fish & Game Fees Req'd
() E.I.R.
() MND
(X) N.D.

Filed with the Tulare County Clerk on _____, 2012.

cc: California. Dept. of Fish & Game, 1416 Ninth St., 12th Floor, Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

ATTACHMENT “E”

CEQA Compliance Certification



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
Compliance Certification Form

Grantee/Applicant: County of Tulare **Project Name:** Earlimart Neighborhood Park

Project Address: 949 E. School Ave., Earlimart, CA 93219

When was CEQA analysis completed for this project? Date 01/29/2013

What document(s) was filed for this project's CEQA analysis: (check all that apply)

☐ Initial Study ☐ Notice of Exemption ☒ Negative Declaration ☐ Mitigated Negative Declaration

☐ Environmental Impact Report ☒ Other: Notice of Determination

Please attach the Notice of Exemption or the Notice of Determination as appropriate. If these forms were not completed please attach a letter from the Lead Agency explaining why, certifying the project has complied with CEQA and noting the date that the project was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name: County of Tulare- Resource Management Agency **Contact Person:** Diana Poole

Mailing Address: 5961 S. Mooney Blvd., Visalia, CA 93277

Phone: (559) 624-7074 **Email:** dpoole@co.tulare.ca.us

Certification:

I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the project identified above and that the project is described in adequate and sufficient detail to allow the project's construction or acquisition.

I certify that the CEQA analysis for this project encompasses all aspects of the work to be completed with grant funds.

Authorized Representative
(Signature)

Date

Michael C. Spata
Environmental Assessment Officer
Authorized Representative
(Printed Name and Title)