ATTACHMENT A

FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

State CEQA Guidelines Section 15091

for

City of Visalia Water Conservation Plant Upgrades Project

Final Environmental Impact Report (SCH No. 2010081057)

Lead Agency: City of Visalia

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the September 2011 Draft Environmental Impact Report (DEIR), Recirculated DEIR, and Final Environmental Impact Report (Final EIR) for the City of Visalia Water Conservation Plant Upgrades Project (project), as well as additional facts found in the complete record of proceedings. The September 2011 DEIR and Recirculated DEIR are collectively known as the Draft EIR. The Final EIR is hereby incorporated by reference and is available for review during normal business hours at 7579 Avenue 288, Visalia, California 93277.

SECTION II. FINDINGS REGARDING THE ENVIRONMENTAL EFFECTS OF THE PROJECT

The City of Visalia (City or Lead Agency) issued a notices of preparation of the September 2011 DEIR and Recirculated DEIR. Based on the initial study and notices of preparation, a determination was made that the Final EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the notice of preparation. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final EIR, the City Council finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the Final EIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the City of Visalia General Plan or other adopted regulations. The City Council finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the Final EIR were found to be "significant" but were able to be mitigated to less-than-significant levels, and others were found to be "significant and unavoidable." The City Council finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

AIR QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not conflict with or obstruct implementation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) 2007 Ozone Plan or Maintenance Plan. (Impact AQ-1 of the September 2011 DEIR)

The proposed project would not generate operational emissions in excess of SJVAPCD's significance thresholds for reactive organic gas (ROG), oxides of nitrogen (NO_X), particulate matter less than 2.5 microns (PM2.5), and particulate matter less than 10 microns (PM10). (Impact AQ-3 of the September 2011 DEIR)

The proposed project would not create objectionable odors that would affect a substantial number of people. (Impact AQ-6 of the September 2011 DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would generate construction emissions in excess of SJVAPCD's significance thresholds for ROG, NO_X, PM2.5, and PM10. (Impact AQ-2 of the September 2011 DEIR)

Description of Significant Impact

The proposed project would generate emissions of NO_X that are predicted to exceed the SJVAPCD threshold of 10 tons per year during construction in 2013; NO_X construction emissions during the other years would not exceed the SJVAPCD significance threshold. All other emissions would remain below SJVAPCD significance thresholds for all years analyzed. The proposed project would implement mitigation measures to ensure that all reasonably available and feasible air quality control measures would be implemented.

Finding

Although the proposed project would generate construction emissions in excess of SJVAPCD's significance thresholds for NO_X, mitigation measures would be implemented to minimize impacts. The selected mitigation measures would ensure that all reasonably available and feasible air quality control measures would be implemented and impacts would be less-than-significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce air quality impacts caused by the project. Implementation of Mitigation Measures MM AQ-1 and MM AQ-2 would ensure that all reasonably available and feasible air quality control measures would be implemented.

MM AQ-1: Require Diesel Oxidation Catalysts on Off-Road Construction Equipment (September 2011 DEIR)

All diesel-powered off-road construction equipment shall be equipped with diesel oxidation catalysts.

MM AQ-2: Prepare and Implement a Dust Control Plan to Comply with SJVAPCD Regulation VIII Requirements and Control Construction Emissions of PM10 (September 2011 DEIR)

To control the generation of construction-related PM10 emissions, construction contractors will prepare and submit a dust control plan to SJVAPCD for approval at least 30 days prior to any earthmoving or construction activities. Potential measures that might be included in the dust control plan could include the following:

- Pre-activity.
    - Pre-water the work site, and phase work to reduce the amount of disturbed surface area at any one time.
- Active operations.
    - Apply water to dry areas during leveling, grading, trenching, and earthmoving activities.
    - Construct and maintain wind barriers, and apply water or dust suppressants to the disturbed surface areas.
- Inactive operations, including after-work hours, weekends, and holidays.
    - Apply water or dust suppressants on disturbed surface areas to form a visible crust, and restrict vehicle access to maintain the visible crust.
- Temporary stabilization of areas that remain unused for 7 or more days.
    - Restrict vehicular access, and apply and maintain water or dust suppressants on all unvegetated areas.
    - Establish vegetation on all previously disturbed areas.
    - Apply gravel at all previously disturbed areas.
    - Pave previously disturbed areas.
    - Unpaved access and haul roads and vehicle and equipment storage areas.
    - Apply water or dust suppressants to unpaved access and haul roads.
    - Post a speed limit of not more than 15 miles per hour, using signs at each entrance and again every 500 feet.
    - Apply water or dust suppressants to vehicle and equipment storage areas.

- Wind events.
    - Use water application equipment to apply water and control fugitive dust during wind events, unless unsafe to do so.
    - Cease outdoor construction activities that disturb the soil whenever visible dust emissions cannot be effectively controlled.
- Outdoor handling of bulk materials.
    - Apply water or dust suppressants when handling bulk materials.
    - Install and maintain wind barriers with less than 50% porosity, and apply water or dust suppressants.
- Outdoor storage of bulk materials.
    - Apply water or dust suppressants to storage piles.
    - Cover storage piles with tarps, plastic, or other suitable materials, and anchor the cover in such a manner that prevents it from being removed by wind action.
    - Install and maintain wind barriers with less than 50% porosity around the storage piles, and apply water or dust suppressants.
    - Use a three-sided structure with less than 50% porosity that is at least as high as the storage piles.
- On-site transporting of bulk materials.
    - Limit vehicle speeds on the work site.
    - Load all haul trucks so that the freeboard is not less than 6 inches when transporting bulk materials across any paved public access road.
    - Apply a sufficient amount of water to the top of the load to limit visible dust emissions.
    - Cover haul trucks with a tarp or other suitable cover.
- Off-site transporting of bulk materials.
    - Perform the following practices:
        - Clean or cover the empty cargo compartments before the truck leaves the site.
        - Prevent spillage or the loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, or tailgate.
- Outdoor transport using a chute or conveyor.
    - Do not use open chutes or conveyors.

- Fully enclose chutes or conveyors.
- Use water spray equipment to wet the materials sufficiently.
- Wash or screen transported materials to remove fines (PM10 or smaller).

Significant Effect

The proposed project would result in criteria pollutant emissions that exceed the Environmental Protection Agency's (EPA's) General Conformity Rule de minimis thresholds. (Impact AQ-4 from September 2011 DEIR)

Description of Specific Impact

NO_X emissions during the peak year of construction (2013) would be 11.6 tons per year (unmitigated) and 9.94 tons per year (with implementation of Mitigation Measure MM AQ-1 of the September 2011 DEIR), which exceed the EPA's General Conformity Rule de minimis threshold for NO_X.

Finding

Although the proposed project would result in criteria pollutant emissions that exceed EPA's General Conformity Rule de minimis threshold for NO_X, mitigation measures would be implemented to minimize impacts. The selected mitigation measures would ensure that all reasonably available and feasible air quality control measures would be implemented and impacts would be less-than-significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce air quality impacts caused by the project. Implementation of Mitigation Measure MM AQ-1 above would ensure that all reasonably available and feasible air quality control measures would be implemented.

Significant Effect

The proposed project would expose sensitive receptors to substantial ambient concentrations of toxic air pollutants. (Impact AQ-5 of the September 2011 DEIR)

Description of Specific Impact

While the SJVAPCD does not consider construction-equipment diesel-related cancer risks to be a significant issue because of the short-term nature of construction activities, Mitigation Measure MM AQ-1 of the September 2011 DEIR would reduce emissions of and exposure to construction exhaust. While it is unlikely that surface soils in the project area contain naturally occurring asbestos, all project construction would be subject to a rigorous dust control plan prepared in accordance with SJVAPCD Regulation VIII (Mitigation Measure MM AQ-2 of the September 2011 DEIR) and therefore, would minimize worker exposure during site grading and pipeline installation.

Finding

Although the proposed project would expose sensitive receptors to substantial ambient concentrations of toxic air pollutants during construction, mitigation measures would be implemented to minimize impacts. The selected mitigation measures would ensure that all reasonably available and feasible air quality control measures would be implemented and impacts would be less-than-significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce air quality impacts caused by the project. Implementation of Mitigation Measures MM AQ-1 and AQ-2 of the September 2011 DEIR above would ensure that all reasonably available and feasible air quality control measures would be implemented.

Significant Effect

The proposed project would result in a cumulatively considerable contribution to an air quality impact. (Impact AQ-7 of the September 2011 DEIR)

Description of Specific Impact

The State CEQA Guidelines indicate that a violation of construction or operational thresholds of significance would result in a project-level and a cumulative impact. However, SJVAPCD has determined that compliance with the dust control requirements of Regulation VIII would mitigate cumulative fugitive dust impacts. With implementation of Mitigation Measures MM AQ-1 and MM AQ-2 of the September 2011 DEIR, construction and operational emissions would not exceed SJVAPCD's significance threshold of 10 tons per year for ROG and NO_X or 15 tons per year for PM10 or PM2.5.

Finding

Although the proposed project would result in a cumulatively considerable contribution to an air quality impact, mitigation measures would be implemented to minimize impacts. The selected mitigation measures would ensure that all reasonably available and feasible air quality control measures would be implemented and impacts would be less-than-significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulatively considerable air quality impacts caused by the project. Implementation of Mitigation Measures MM AQ-1 and AQ-2 of the September 2011 DEIR above would ensure that all reasonably available and feasible air quality control measures would be implemented.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant

The proposed project would not have any environmental effects on air quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative impact on air quality.

Description of Significant Impact

SJVAPCD Rule 9510 (Indirect Source Review) was adopted to reduce impacts related to emissions from new development in SJVAPCD's jurisdictional area, which includes the Visalia area. The emissions reductions expected from the rule will allow the SJVAPCD jurisdictional area to achieve attainment status with respect to the federal air quality standards for ozone by 2023. The proposed project would be required to comply with Rule 9510.

Finding

The project's cumulative air quality impacts are considered significant, but with mitigation would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative cultural resources impact. Cumulative impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM AQ-1 and MM AQ-2 of the September 2011 DEIR above and by complying with SJVAPCD Rule 9510.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not result in any significant and unavoidable cumulative effects on air quality.

BIOLOGICAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not have environmental effects on biological resources that would result in no impact or less than significant impacts on the environment.

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would 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 by California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service (USFWS). (Impact BIO-1 of the September 2011 DEIR and Impact BIO-1 of the Recirculated DEIR)

Description of Significant Impact

It is unlikely that San Joaquin kit foxes currently reside on the project site, which appears to be only potentially suitable for foraging. While it is not possible to conclude that kit foxes would never visit the site, it is reasonable to conclude that they would be unlikely to occur there on a regular basis. However, while unlikely, it is possible that a kit fox could move onto the site prior to construction.

Although suitable nesting habitat for burrowing owls may be found at the project site in the form of ground squirrel burrows, which were observed along the margins of some roadways, on the perimeter of agricultural land, and along nearby irrigation ditches, construction of the proposed project is not expected to result in impacts on the species. However, burrowing owls could occur on the site as a resident, nesting, or over-wintering species. Should breeding or non-breeding burrowing owls be present on site, given the potential for them to inhabit small mammal burrows, construction-related activities could result in the loss of individual owls.

Given the presence of suitable foraging habitat and large trees, Swainson's hawk could forage in the agricultural fields or nest along the proposed recycled water conveyance system alignments. Several large trees were observed throughout the alignments, most notably a row of valley oaks along the Persian Ditch and another large stand of valley oak and eucalyptus trees east of Valley Oaks Golf Course. In the event that a Swainson's hawk creates a nest prior to project initiation, construction-related activities could result in the direct loss of an active nest or the abandonment of an active nest by adult birds during that year's nesting season.

Construction activities could result in the direct loss of active nests of common bird species or the abandonment of active nests by adult birds. The Migratory Bird Treaty Act and the California Fish and Game Code protect active nests of all native bird species. Although the loss or abandonment of the nests of common bird species may not be considered a significant impact under the CEQA significance criteria, the loss of active bird nests would conflict with state and federal laws.

The Recirculated DEIR concluded that the proposed project would not affect any special-status plant and wildlife species or significantly affect common wildlife species or migratory birds as a result of ceasing effluent discharge into Mill Creek.

Finding

The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by DFG or USFWS. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact, 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 DFG or USFWS. In consideration of the known and

expected use of the project sites by special-status wildlife species, impacts on special-status wildlife species would be significant. Implementation of Mitigation Measures MM BIO-1 through MM BIO-4, below, would reduce impacts to less-than-significant levels.

MM BIO-1: Implement San Joaquin Kit Fox Avoidance Measures (September 2011 DEIR)

The City shall retain a qualified biologist to conduct a preconstruction survey no more than 60 days prior to project initiation. If any evidence of site occupation by kit fox is observed, the qualified biologist shall establish a buffer that provides sufficient protection (i.e., avoids dens) and complies with applicable regulations. The recommended buffers would be 50 feet for potential dens and 100 feet for known dens. If sufficient avoidance cannot be established, the City shall contact USFWS and DFG for further guidance.

The measures listed below shall be implemented prior to and during construction at the project site.

a. If any San Joaquin kit fox dens are found during preconstruction surveys, a qualified biologist shall evaluate the status of the dens no more than 14 days prior to project initiation. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand excavated following USFWS standardized recommendations for the protection of the San Joaquin kit fox prior to or during ground disturbance. If kit fox activity is observed at a den, the den status shall change to known, per USFWS guidelines (1999), and the avoidance buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or pupping dens shall occur without prior authorization from USFWS and DFG.

b. All construction pipes, culverts, or similar objects with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until USFWS has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.

MM BIO-2: Implement Burrowing Owl Avoidance Measures (September 2011 DEIR)

A qualified biologist shall conduct a survey for burrowing owls at the project site concurrently with the San Joaquin kit fox den survey (no more than 14 days prior to the initiation of construction activities). If any burrowing owl burrows are observed, avoidance measures shall be consistent with those included in the DFG staff report on burrowing owl mitigation (California Department of Fish and Game 2012). If occupied burrowing owl burrows are observed outside of the breeding season (September 1 through January 31) and within the buffer allowances per the 2012 staff report, a passive relocation effort may be instituted. During the breeding season (February 1 through August 31), a no-construction buffer zone shall be maintained per the 2012 staff report guidance unless a biologist, in consultation with DFG, verifies through noninvasive methods that the birds have either not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and capable of independent survival.

MM BIO-3: Implement Swainson's Hawk Avoidance Measures (September 2011 DEIR)

A qualified biologist shall conduct preconstruction surveys of the proposed recycled water conveyance system alignment to identify any Swainson's hawk individuals that may be nesting within 10 miles of the project site. If a Swainson's hawk is found within 10 miles of the project site, the mitigation measures in the *Staff Report Regarding Mitigation Impacts for Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California* (California Department of Fish and Game 1994) shall be implemented during construction. If confirmed nesting trees for Swainson's hawk are felled as a result of the project, the felled trees shall be replaced at a 3:1 ratio to be protected in perpetuity.

MM BIO-3a: Implement Valley Elderberry Longhorn Beetle Avoidance Measures

A qualified biologist shall conduct preconstruction surveys of the proposed recycled water conveyance system alignment to identify elderberry trees or bushes (*Sambucus* spp.) within 100 feet of proposed construction activities. If such activities are within 100 feet of elderberry trees or bushes, then the City shall consult with USFWS about appropriate avoidance, minimization, and mitigation measures to be implemented for the protection of valley elderberry longhorn beetle.

MM BIO-4: Implement Special-Status and Common Bird Avoidance Measures (September 2011 DEIR)

A qualified biologist, one who is experienced with the nesting behavior of regional bird species, shall conduct pre-disturbance surveys within 30 days of ground-disturbing activities associated with construction or grading during the nesting/breeding season (typically February through September in the project area). The surveys shall be conducted to determine if active nests of bird species protected under the MBTA or the California Fish and Game Code are present in the project area. The surveys shall evaluate the construction zone, including suitable areas within 300 feet (500 feet for raptors) of the construction zone. The surveys shall be timed so that the last survey is concluded no more than 1 week prior to the initiation of ground clearance. If ground-disturbing activities are delayed, then the additional pre-disturbance surveys shall be conducted so that no more than 1 week elapses between the last survey and the commencement of ground-disturbing activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the juveniles have fledged, the nest is vacant, and there is no evidence of a subsequent attempt at nesting. To avoid an active nest, the limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall receive instructions regarding the sensitivity of nest areas. The biologist shall serve as a construction monitor when construction activities occur near active nests to ensure that no inadvertent impacts occur. The results of the survey, as well as information regarding any avoidance measures that were taken, shall be submitted to DFG within 30 days of completion of the pre-disturbance surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

<u>Significant Effect</u>

The proposed project would have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS. (Impact BIO-2 of the September 2011 DEIR and Impact BIO-2 of the Recirculated DEIR)

Description of Significant Impact

Two crossings at Mill Creek, which is an intermittent drainage, are proposed as part of the proposed project, and Mill Creek is designated as a water of the United States. These two crossings (near Plaza Drive and Road 68) would occur at jurisdictional waters, thereby requiring permits from U.S. Army Corps of Engineers (USACE), DFG, and the Central Valley Regional Water Quality Control Board (RWQCB) prior to placing a trench and pipeline across Mill Creek. USACE Nationwide Permit Number 12 is available for utility line crossings and could be used for these crossings, to be verified by USACE, to be in compliance with the Clean Water Act (CWA) Section 404. Preparation of a water quality certification would also be required. This would need approval from the RWQCB. A Lake and Streambed Alternation Agreement (LSAA) would also be prepared. This would need approval from DFG.

The Recirculated DEIR concluded that ceasing effluent discharges into Mill Creek would not significantly affect riparian habitat downstream of the current discharge point.

Finding

The proposed project would have a substantial adverse impact on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by DFG or USFWS. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measure described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by DFG or USFWS. In consideration of the need to cross waters of the United States at two points for the project, impacts would be significant. Implementation of Mitigation Measure MM BIO-5 of the September 2011 DEIR, below, would reduce impacts to less-than-significant levels.

MM BIO-5: Mitigate for Permanent or Temporary Impacts on Mill Creek and Obtain CWA Nationwide Permit Number 12 (USACE), Water Quality Certification (RWQCB), and an LSAA (DFG) (September 2011 DEIR)

If it is determined by the City's Engineering Division that the Mill Creek crossings must be trenched and backfilled or cannot be avoided, prior to the issuance of grading or building permits, the City shall mitigate all temporary impacts by returning the crossings to pre-project function and conditions. If permanent impacts on Mill Creek occur, another portion of Mill Creek shall be restored or mitigation bank credits shall be purchased to offset the impacts. Additionally, if permits from USACE, the RWQCB, or DFG are required, the specified conditions of USACE Nationwide Permit 12, a RWQCB water quality certification, and a DFG LSAA shall be followed.

Significant Effect

The proposed project would have adverse effect on wetlands through direct removal, filling, trenching, hydrological interruption, or other means. (Impact BIO-3 of the September 2011 DEIR)

Description of Significant Impact

During the January 10, 2011 survey, a wetland plant fringe along Mill Creek at the Plaza Drive crossing was observed. The wetland was composed of emergent and woody vegetation. Depending on engineering constraints, this wetland area may or may not be avoided.

Finding

The proposed project would have a substantial adverse impact on federally protected wetlands, if the wetlands cannot be avoided. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure MM BIO-6 of the September 2011 DEIR.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact on federally protected wetlands. In consideration of the occurrence of wetlands and wetland habitat within the project area, impacts on federally protected wetlands would be significant. Implementation of Mitigation Measure MM BIO-6 of the September 2011 DEIR would reduce impacts to a less-than-significant level.

MM BIO-6: Avoid Wetland Area near Plaza Drive Mill Creek Crossing or Perform Wetland Delineation and Revegetate Disturbance Area

If it is determined by the City's Engineering Division that the small wetland area near the Plaza Drive Mill Creek crossing cannot be avoided, prior to issuance of grading or building permits, the City shall have a qualified wetlands delineator perform a wetland delineation using the established protocols outlined in the USACE *Wetlands Delineation Manual* (U.S. Army Corps of Engineers 1987). The results of the wetlands delineation shall be presented to USACE and DFG for review and approval. Once the proposed crossing has been completed, the disturbance area shall be revegetated with native wetland plant species approved by USACE and DFG or as specified in the conditions of USACE Nationwide Permit 12, a RWQCB water quality certification, and a DFG LSAA.

Significant Effect

The proposed project would 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. (Impact BIO-4 of the September 2011 DEIR)

Description of Significant Impact

The plant communities on the project site provide limited foraging and breeding habitat (i.e., nursery sites) for small mammals, reptiles, and invertebrates, which represent prey for a variety of common and special-status birds (including passerines and both local and wintering raptors) and mammal species. Given the mobility of most of the wildlife species known to occur in the project area or with the potential to occur, as well as the defined nature of the project site, with its nearby open space and agricultural production areas, the loss of foraging and nesting habitat is not expected to result in significant impacts on common wildlife species. The loss of habitat for special-status wildlife species was addressed above.

Finding

The proposed project would have an adverse impact on nursery sites. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure MM BIO-4 of the September 2011 DEIR described above.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact on nursery sites. In consideration of the presence of species within the project area, impacts on nursery sites would be significant. Implementation of Mitigation Measure BIO-4, above, would reduce impacts to less-than-significant levels.

Significant Effect

The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Impact BIO-5 of the September 2011 DEIR)

Description of Significant Impact

The City has developed goals, policies, and measures pertaining to valley oaks and their protection. The oak tree policy was developed pursuant to Visalia Municipal Code Section 12.24.010 et seq. Valley oaks can be found along the irrigation ditches in the City. The Persian Ditch is lined with several valley oaks between SR 99 and West Walnut Avenue. Currently, it is not known if the proposed project would affect these trees because the pipeline alignments have not been finalized. The proposed project could have a significant impact on these oak trees.

Finding

The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure MM BIO-7 of the September 2011 DEIR.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Conflicts with local policies and ordinances would be a significant impact. Implementation of Mitigation Measure MM BIO-7 of the September 2011 DEIR would reduce impacts to a less-than-significant level.

MM BIO-7: Comply with Oak Tree Ordinance (September 2011 DEIR)

The City Oak Tree Ordinance shall be followed, and any encroachment into the crown drip-line of a valley oak shall be approved by the city manager and made in accordance with any special construction techniques determined necessary by the city manager. Such techniques may include erecting exclusionary fencing outside the drip-line of the affected oak trees. If fencing is approved by the city manager, a qualified biologist shall be required to provide guidance as to the proper area

for fencing. Regardless of the special techniques chosen by the city manager, all work shall be conducted outside the drip-line to preserve the integrity of valley oaks.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.

Significant Effect

The project would result in a cumulative impact on biological resources.

Description of Significant Impact

Special-status wildlife species are present in the project area. The proposed project would not reduce the amount habitat or cause a loss of habitat because the proposed improvements within the water conservation plant (WCP) fence line would occur in an area that has already been developed for a wastewater treatment plant. Therefore, the baseline condition reflects an area that already contains no suitable habitat for special-status species. The proposed recycled water conveyance system would be located underground. Any ground disturbed during construction of the system would be returned to its baseline contours and allowed to revegetate. Furthermore, after disturbing the bed and bank of Mill Creek during construction of the system, the bed and bank at the crossings would be restored and revegetated with native wetland plant species. In areas downstream of the plant where effluent is currently discharged into Mill Creek, the bed and bank are routinely mowed and dredged for maintenance purposes. The cessation of effluent discharges would not affect wetland or riparian habitat because such habitat is not present as a result of disturbance from ongoing maintenance activities in the channelized intermittent stream. Therefore, the proposed project would not permanently affect habitats on the ground, and no permanent habitat loss would occur. Considered alone, the project area is small relative to the scale of habitat resources in the Visalia area.

The Recirculated DEIR concluded that the ceasing of effluent discharge into Mill Creek would not contribute to a cumulatively considerable impact on biological resources.

Finding

The project's cumulative biological resources impacts are considered significant, but with mitigation would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative cultural resources impact. Cumulative impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM BIO-1 through MM BIO-6 of the September 2011 DEIR.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not result in any significant and unavoidable cumulative effects on biological resources.

CULTURAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5. (Impact CUL-1 of the September 2011 DEIR)

The proposed project would not disturb any human remains, including those interred outside of formal cemeteries. (Impact CUL-4 of the September 2011 DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Impact CUL-2 of the September 2011 DEIR)

Description of Significant Impact

Because significant buried cultural resources may exist within the project area and archaeological materials could be unearthed during project excavation, construction of the proposed project may have the potential to disturb and destroy an archaeological resource.

Finding

The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 if such previously unknown resources are uncovered. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measure described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would cause a substantial adverse change in the significance of an archaeological resource. The project impacts are considered significant but would be reduced to a less-than-significant level with implementation of Mitigation Measure MM CUL-1 of the September 2011 DEIR.

MM CUL-1: Implement Treatment Measures for Previously Unknown Archaeological Resources, if Necessary (September 2011 DEIR)

In the event that cultural resources are discovered in the project area during ground-disturbing activities, project plans shall specify that work shall stop in that area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop

appropriate treatment measures. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation. The qualified archaeologist shall retain the option to reduce or eliminate monitoring if, in his or her professional opinion, the sediments being excavated have been previously disturbed or are unlikely to contain significant cultural materials. A report of findings, with an appended itemized inventory of any specimens, shall be prepared, signifying completion of the program to mitigate impacts on cultural resources.

Significant Effect

The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Impact CUL-3 of the September 2011 DEIR)

Description of Significant Impact

It is likely that any paleontological resources that were present near the surface have been destroyed because of agricultural and other ground-disturbing activities. However, deeper excavations (i.e., those that extend below 5 feet) could disturb Pleistocene epoch (about 1.8 million to 18,000 years ago) marine deposits, which could contain significant fossil resources.

Finding

The project's potential to directly or indirectly destroy a unique paleontological resource is considered significant in the event paleontological resources are uncovered; however, adverse effects caused by the project could be mitigated to a less-than-significant level with implementation of mitigation measure described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The project impacts are considered significant but would be reduced to a less-than-significant level with implementation of Mitigation Measure MM CUL-2 of the September 2011 DEIR.

MM CUL-2: Implement Treatment Measures for Previously Unknown Paleontological Resources, If Necessary (September 2011 DEIR)

Project plans shall specify that that a qualified paleontologist shall be contacted in the event that paleontological resources are discovered during construction of the proposed project. If paleontological resources are discovered, treatment measures may include monitoring by a qualified paleontologist during construction-related ground-disturbing activities. The qualified paleontological monitor shall retain the option to reduce monitoring if, in his or her professional opinion, the sediments being monitored have been previously disturbed. The monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A

report of findings, with an appended itemized inventory of specimens, shall be prepared, signifying completion of the program to mitigate impacts on paleontological resources.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on cultural resources that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative impact on cultural resources.

Description of Significant Impact

The project would not affect historic or Native American cultural resources because such resources do not exist in the project area. This Draft EIR contains mitigation to protect previously unknown cultural resources, including archeological and paleontological resources, in the event that such resources are accidently unearthed as a result of project-related ground disturbance. Similar to this project, future projects in the Visalia area would be evaluated for their potential to affect cultural resources, in accordance with CEQA, and required to implement similar site-specific mitigation in accordance with their CEQA analyses.

Finding

The project's cumulative cultural resource impacts are considered significant, but with mitigation would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative cultural resources impact. Cumulative impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM CUL-1 through MM CUL-2 of the September 2011 DEIR above.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not result in any significant and unavoidable cumulative effects on cultural resources.

GEOLOGY AND SOILS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not have any environmental effects on geology and soils that would result in no impact or a less-than-significant impact on the environment.

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking or seismically related ground failure, including liquefaction. (Impact GEO-1 of the September 2011 DEIR)

Description of Significant Impact

Even though the project area may be underlain by semi-consolidated and unconsolidated sediments, because high groundwater levels are not known to exist in the area, the likelihood of seismically related liquefaction or lateral spreading is low. Furthermore, project components, including the administration building and parking lot, recycled water conveyance system pipelines, and regulating basins, would conform to City-mandated structural design requirements (i.e., the CBC criteria for building standards in the City) as required by Visalia Municipal Code Section 15.08.010. These requirements protect against and prevent impacts from any additional geologic conditions that may be present on site.

Finding

The project's potential to expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking or seismically related ground failure, including liquefaction is considered significant; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking or seismically related ground failure, including liquefaction. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measure MM GEO-1 of the September 2011 DEIR below.

MM GEO-1: Prepare Geotechnical Study and Include Recommendations in Final Design Plans (September 2011 DEIR)

Prior to the issuance of grading permits, the City shall retain a qualified geotechnical engineer. The engineer shall design project facilities to withstand probable seismically induced ground shaking and seismically related ground failure. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried pipelines. The final structural design shall be subject to approval and follow-up inspection by the City Engineering Division. Final design

requirements shall be provided to the on-site construction supervisor and the City building inspector to ensure compliance.

Significant Effect

The proposed project would result in substantial soil erosion or the loss of topsoil. (Impact GEO-2 of the September 2011 DEIR)

Description of Significant Impact

Excavation and grading would be required to construct the administration building and parking lot, install the recycled water pipelines, and construct the regulating basins. Ground-disturbing activities associated with project construction would expose soils to the erosional forces of wind and water during storm events, resulting in erosion and sedimentation on and off site. The greatest potential for erosion exists during rare periods of flooding. However, with impounded Kaweah River water at Terminus Dam and various irrigation ditches and canals surrounding the project site, the likelihood of substantial erosion caused by flooding is reduced. It should be noted that construction activities have the potential to create localized erosion during storm events.

Finding

The project's potential to result in substantial soil erosion or the loss of topsoil is considered significant; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would result in substantial soil erosion or the loss of topsoil. The project impacts are considered significant, but would be reduced to less-than-significant level with implementation Mitigation Measures MM HYD-1 and MM HYD-2 of the September 2011 DEIR below.

Significant Effect

The proposed project would be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Impact GEO-3 of the September 2011 DEIR)

Description of Significant Impact

The likelihood for liquefaction, including liquefaction-induced lateral spreading, is considered low because high groundwater levels are not known to exist in the project area. Additionally, because the project site is relatively flat, with the nearest mountains located more than 20 miles to the east, landslides would not occur on site. In addition, no unstable conditions that would result in landslide, lateral spreading, subsidence, or liquefaction are known to be present on the project site. The project components, including the administration building and parking lot, recycled water pipelines, and regulating basins, would conform to City-mandated structural design requirements (i.e., CBC criteria for building standards in the City) as required by Visalia Municipal Code Section 15.08.010 and according to where the feature is located.

Finding

The project's potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse is considered significant; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. The project impacts are considered significant, but would be reduced to a less-than-significant level with implementation of Mitigation Measure MM GEO-1 of the September 2011 DEIR above.

Significant Effect

The proposed project would be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. (Impact GEO-4 of the September 2011 DEIR)

Description of Significant Impact

The project site is not located in an area that is known to have highly expansive soils. All soils within the project site have a low shrink-swell potential, with a linear extensibility of 1.5%, except for Colpien loam, which has a moderate shrink-swell potential and a linear extensibility of 4.2%. Furthermore, all of the soils have a relatively low clay content (less than 25%), usually indicating a low shrink-swell potential. Accordingly, the soils are not considered to be highly expansive.

Finding

The project's potential to be located on expansive soils, creating substantial risks to life or property is considered significant; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would occur due to the project's potential to be located on expansive soils, creating substantial risks to life or property. The project impacts are considered significant, but would be reduced to a less-than-significant with implementation of Mitigation Measure MM GEO-1 of the September 2011 DEIR above.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The proposed project would not have any environmental effects on geology and soils that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative geology and soils impact.

Description of Significant Impact

For this project, the geographic scope for the consideration of cumulative impacts on geology and soils is the extent of the project site. Geology and soils impacts are site specific; no off-site geologic features would affect or be affected by the proposed project. As discussed in the analysis above, impacts associated with seismically related ground failure (such as liquefaction), unstable geologic units or soils, soil erosion, and expansive soils were determined to be less than significant. The new project components, including the administration building and parking lot, recycled water pipelines, and regulation basins, would conform to the City's mandated structural design requirements, which are intended to protect structures from unstable soil conditions and prevent related impacts. Soil erosion impacts were determined to be significant because ground-disturbing activities associated with project construction and operations could expose soils to the erosional forces of wind and water during storm events. However, with implementation of MM HYD-1 and MM HYD-2 of the September 2011 DEIR (which require the preparation of a SWPPP and a drainage plan, respectively), coupled with MM GEO-1 of the September 2011 DEIR (which requires the preparation of a geotechnical study and implementation of its recommendations), erosion-related impacts would be reduced to a less-than-significant level. Therefore, the proposed project would not result in significant changes to the existing geological environment of the project site. Other projects in the surrounding area would be subject to similar City requirements and required to adhere to applicable regulations, standards, and procedures.

Finding

The proposed project's cumulative geology and soils impacts are considered significant but with mitigation would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative geology and soils impact. Cumulative impacts are considered significant but would be reduced to a less-than-significant level with implementation of Mitigation Measures MM GEO-1 of the September 2011 DEIR above and MM HYD-1 and MM HYD-2 of the September 2011 DEIR below.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on geology and soils that would have a significant and unavoidable impact.

GREENHOUSE GAS EMISSIONS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would satisfy the SJVAPCD greenhouse gas (GHG) emissions guideline of achieving a 29% reduction in future GHG emissions increases compared with future business as usual (BAU) conditions. (Impact GHG-1 of the September 2011 DEIR)

The proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (Impact GHG-2 of the September 2011 DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

The proposed project would not have any environmental effects related to GHG emissions that are significant but that can mitigated to less-than-significant levels.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The proposed project would not have any environmental effects on GHG emissions that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on GHG emissions that would have a less-than-significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative GHG emissions impact.

Description of Significant Impact

With regard to climate change and project-related GHG emissions, the amounts of construction- and operations-related GHG emissions that would result from development of the proposed project have been quantified. Although the proposed project would reduce GHG emissions by 37% compared with a "business as usual" scenario through the development of a new solar photovoltaic system and use of microturbine electrical generators, the project would still increase annual emissions of carbon dioxide equivalent (CO2e) by 7,980 tons compared with the existing condition at the plant. Because of this increase, the City conservatively assumes that the overall increase in GHG emissions would be considered cumulatively considerable. Implementation of the proposed project would contribute to global climate change impacts resulting from global development.

Finding

The project's cumulative GHG emissions impacts are considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative GHG emissions impact. Cumulative impacts are considered significant, and there is no reasonable and feasible mitigation to reduce the impact to a less-than-significant level.

HYDROLOGY AND WATER QUALITY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would 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. (Impact HYD-6 of the September 2011 DEIR)

The project would not violate any water quality standards or waste discharge requirements. (Impact HYD-1 of the Recirculated DEIR)

The project would not otherwise substantially degrade water quality. (Impact HYD-2 of the Recirculated DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site. (Impact HYD-2 of the September 2011 DEIR)

Description of Significant Impact

Impacts on water quality arising from erosion and sedimentation are expected to be localized and temporary, occurring only during construction. The City would implement measures to minimize and contain erosion and sedimentation in accordance with City regulations and submit a grading plan to the Engineering Division prior to construction. In addition, because the proposed project would disturb more than 1 acre, the City would be required to obtain and comply with the National Pollutant Discharge Elimination System (NPDES) general permit. Under this permit, the City would develop a storm water pollution prevention plan (SWPPP) and comply with any regional requirements regarding state water quality objectives. Pending revision, the NPDES permitting process may require development of a rain event action plan prior to permit approval.

Operation of the recycled water conveyance system would not permanently affect existing drainage patterns. However, the WCP's footprint is within the Federal Emergency Management Agency's (FEMA's) Flood Zone A, which means that the plant is within a 100-year flood zone. Encroachment

into a floodplain, including FEMA-designated flood hazard areas, could result in damage to plant upgrades from erosion, including increased erosion on adjacent property. Construction in areas with special flood hazards or flood-related erosion hazards within the jurisdiction of the City and County would be required to comply with the City's SWMP, Water Conservation Ordinance, and Engineering Division standards as well as the Tulare County Drainage Ordinance, as discussed above in the Regulatory Setting section.

Project compliance with the requirements and construction design specifications of the City and County and implementation of mitigation measures during construction would minimize the potential for operation of the proposed project to alter drainage patterns permanently. Operation of the proposed project would be required to comply with an approved drainage plan, which could include post-construction structural and nonstructural best management practices (BMPs). Routine structural BMPs are intended to address water quality impacts related to drainage, which are inherent in development. These need not be related to any identified water quality problem. Examples of routine structural BMPs include filtration, runoff-minimizing landscaping for common areas, energy dissipaters, inlet trash racks, and water quality inlets.

Finding

The project would substantially alter the existing drainage pattern of a site or area in a manner that would result in substantial erosion or siltation on site for offsite; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would substantially alter the existing drainage pattern of a site or area in a manner that would result in substantial erosion or siltation on site for off site. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM HYD-1 and MM HYD-2 of the September 2011 DEIR.

MM HYD-1: Prepare and Implement a Stormwater Pollution Prevention Plan (September 2011 DEIR)

Prior to issuance of grading permits, the City shall prepare a SWPPP that specifies BMPs to prevent all construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving off site and into receiving waters. A SWPPP that details grading and erosion control BMPs shall be prepared by a California-registered civil engineer and submitted to the City Public Works Department for approval prior to issuance of grading permits. The plan shall comply with the drainage and erosion standard adopted by the City, Tulare County, and the California Building Code. The plan shall include information regarding the site-specific grading proposed for the new development and be reviewed and approved by the City Public Works Department.

The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil properly.
- Protecting existing storm drain inlets and stabilizing disturbed areas.

- Implementing erosion controls.
- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.

MM HYD-2: Prepare and Implement a Drainage Plan (September 2011 DEIR)

Prior to issuance of grading permits, the City shall prepare a drainage plan for the proposed project (to be approved by the City's Engineering Division) that identifies post-construction treatment, control, and design measures to minimize runoff and surface water pollution. The drainage plan shall be prepared in accordance with the City's SWMP, Water Conservation Ordinance, and Engineering Division standards as well as the Tulare County Drainage Ordinance (7-01-1375), when applicable.

Significant Effect

The proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. (Impact HYD-3 of the September 2011 DEIR)

Description of Significant Impact

Although grading would be required, it would not alter overall topography within the WCP's footprint appreciably given that the area is relatively flat and already graded for the existing plant. Furthermore, after construction of the recycled water conveyance system, any disturbed ground would be recontoured to replicate the original grade. Although a small area with impervious surfaces would be created within the WCP's footprint (i.e., the area for the proposed parking lot and other facilities), the rate or amount of surface runoff resulting from project construction would not increase appreciably relative to existing conditions. Runoff patterns and concentrations could be altered by grading associated with the proposed project, and improper design could alter drainage patterns and cause flooding on or off site.

Operation of the recycled water conveyance system would not permanently affect existing drainage patterns. However, the WCP's footprint is within FEMA's Flood Zone A, which means that the plant is within a 100-year flood zone. Encroachment into a floodplain, including FEMA-designated flood hazard areas, could result in damage to WCP upgrades from flooding on adjacent property. Construction in areas with special flood hazards or flood-related erosion hazards within the jurisdiction of the City and County would be required to comply with the City's SWMP, Water Conservation Ordinance, and Engineering Division standards as well as the Tulare County Drainage Ordinance, as discussed above in the Regulatory Setting section. Operation of the proposed project would alter the existing drainage pattern within the plant footprint. Because drainage would be altered and new impermeable surfaces would be added, the rate and volume of runoff could change, thereby resulting in flooding off site.

Finding

The proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate

or amount of surface runoff in a manner that would result in flooding on site or off site, but would be mitigated to less-than-significant levels with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM HYD-1 and MM HYD-2 of the September 2011 DEIR above.

Significant Effect

The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. (Impact HYD-4 of the September 2011 DEIR)

Description of Significant Impact

Development of the proposed project would add a small amount of impervious surfaces in the area. However, this change would not substantially increase the amount of stormwater runoff. SWPPP permit requirements and compliance with City and County regulations would minimize the amount of stormwater runoff at the project site during construction and operation.

Finding

The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, but would be mitigated to less-than-significant levels with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM HYD-1 and MM HYD-2 of the September 2011 DEIR above.

Significant Effect

The proposed project would place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Impact HYD-5 of the September 2011 DEIR)

Description of Significant Impact

The plant footprint and proposed recycled water conveyance system are currently mapped by FEMA as being in Flood Zone A and, accordingly, within the 100-year flood zone (annual flood risk of 1%). Any construction that takes place in areas with special flood hazards or areas with flood-

related erosion hazards would have to comply with the City's SWMP, Water Conservation Ordinance, and Engineering Division standards as well as the Tulare County Drainage Ordinance, as discussed above in the Regulatory Setting section.

Finding

The proposed project would place structures within a 100-year flood hazard area that would impede or redirect flood flows, but would be mitigated to less-than-significant levels with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would place structures within a 100-year flood hazard area that would impede or redirect flood flows. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM HYD-1 and MM HYD-2 of the September 2011 DEIR above.

C. *Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.*

Significant Effect

The proposed project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table. (Impact HYD-1 of the September 2011 DEIR)

Description of Significant Impact

Model runs for two scenarios were performed for the project to determine the effect of ceasing discharge of treated effluent into Mill Creek on the groundwater table downstream of the current discharge point.

For Scenario No. 1, the model assumed a 25-year time frame, from 2014 to 2038. The scenario assumes that plant effluent would flow to Tulare Irrigation District (TID) Basin No. 3, Plaza Park, Valley Oaks Golf Course, City-owned farmland, City Basin No. 4, and the recycled water conveyance system. Effluent would be delivered to TID Basin No. 3 year-round during the 25-year time frame; effluent would be delivered to Plaza Park and Valley Oaks Golf Course for irrigation as needed. City-owned farmland would receive available treated water when not needed for TID Basin No. 3, the park, or the golf course. The recycled water conveyance system would receive no water at first. Later, the volume would increase incrementally. Scenario No. 1 would eliminate the plant's percolation ponds, cease discharges to Mill Creek, and route effluent, which had previously flowed to City Basin No. 4, to TID Basin No. 3, the recycled water conveyance system, or City-owned farmland. City Basin No. 4 would receive excess water (i.e., water that is not needed for other purposes). It is assumed that all effluent will be needed once the recycled water conveyance system is built (over a 15-year period).

Scenario No. 2 assumes that effluent would flow to Plaza Park, Valley Oaks Golf Course, City-owned farmland, City Basin No. 4, and the recycled water conveyance system. Effluent would be delivered to Plaza Park and Valley Oaks Golf Course for irrigation when needed. City-owned farmland would receive irrigation water after the park and the golf course receive treated water. The recycled water

conveyance system would receive no water at first. Later, the volume would increase incrementally. City Basin No. 4 would receive excess water (i.e., water that is not needed for other purposes). Scenario No. 2 would eliminate the plant's percolation ponds, cease discharges to Mill Creek, and, as the recycled water conveyance system is phased in, gradually decrease effluent discharges to City Basin No. 4 during the irrigation season.

The main difference between the two scenarios is that Scenario No. 2 would not convey effluent to TID Basin No. 3. In addition, under Scenario No. 2, discharges to City Basin No. 4 would continue during the winter months.

For Scenario No. 1, the model determined that, compared with the baseline condition, the local groundwater level west of the current effluent discharge point to Mill Creek would drop by an additional 19 feet as a result of the project. In addition, farmers along the Basin No. 4 alignment would have to use groundwater for irrigation to make up for the loss of surface water. This scenario would immediately increase the cost of irrigation because pumping costs would increase. For Scenario No. 2, the model determined that, compared with the baseline condition, the local groundwater level would drop by an additional 5 feet as a result of the project. Farmers would have to phase in more groundwater, which would supplement the decreased supply of surface water. The cost of irrigation would gradually increase because pumping costs would increase.

The project would result in significant changes to the perched water table west of the WCP's current discharge point to Mill Creek (e.g., substantial localized depletion of groundwater supplies). Furthermore, it would interfere substantially with groundwater recharge for the perched aquifer, resulting in a lowering of the local groundwater table but not a net deficit in overall aquifer volume.

Finding

The proposed project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table. This project-level impact is significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table. The project impacts are considered significant, and there is no reasonable and feasible mitigation to reduce the impact to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on hydrology and water quality that would have a less-than-significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative hydrology and water quality impact.

Description of Significant Impact

Development patterns associated with other projects in the Visalia area could alter drainage patterns in the region. The majority of the other projects would occur on existing vacant or agricultural land, which currently allows stormwater and irrigation water to percolate into the ground or run off into drainage sumps and nearby canals. Implementation of the other projects may not necessarily affect surface waters because few exist in the area, but there is still the possibility that, similar to the proposed project's effect on Mill Creek downstream of the plant, the other projects could affect surface waters. In addition, the other projects could include hardscape areas (e.g., parking lots, building pads, concrete walkways) that would increase runoff and decrease percolation. However, similar to the project, the other projects would be required to implement a SWPPP to ensure that they do not affect the quality of surface water or groundwater or cause erosion on or off site during their respective construction periods. Furthermore, during the operational period for the other projects, the City would require and approve drainage designs for the capture and discharge of stormwater from the various project sites. Such designs would inhibit flooding and erosion on and off site. Other projects in the area would be required to convey stormwater to retention facilities or other facilities, either developed as part of a project or already existing. The stormwater would likely percolate back into groundwater aquifers.

The other projects may also increase the amount of urban pollutants, which could ultimately affect surface water and groundwater. Urban uses are associated with a number of stormwater pollutants, such as grease, oil, rubber, silt, pesticides, fertilizers, and general debris. As part of new development projects, these types of uses would be subject to the stringent requirements of the CWA, which are implemented by the City through its Stormwater Management Plan, Water Conservation Ordinance, and Engineering Division. Water quality standards are achieved through the implementation of BMPs during design, construction, and post-construction operations. The proposed project as well as other projects would be subject to these requirements, which would reduce stormwater and water quality impacts to levels that would be less than cumulatively considerable during both construction and operation.

Because the project would allow treated effluent to percolate into the ground from two basins, a park, existing farmland, and a golf course and because the Kaweah River watershed in the Visalia area is a contained basin, the proposed project would not result in a net deficit in aquifer volume within the Kaweah River Hydrologic Unit (No. 558.10). However, the proposed project would alter local groundwater levels within the basin because the current effluent discharges into Mill Creek downstream of the plant would cease. This effluent would instead be conveyed through the proposed recycled water conveyance system to other areas within the basin (i.e., the two basins, park, farmland, and golf course). The result would be a lowering of the local groundwater table downstream of the plant, with the level rising in other areas of the basin. Therefore, the project would contribute to a cumulatively considerable impact on local groundwater levels.

The Recirculated DEIR concluded that the proposed water exchange would alter local groundwater levels because current effluent discharges into Mill Creek downstream of the treatment plant would cease and therefore, would result in a cumulatively considerable contribution to a localized cumulative hydrology impact.

Finding

The project's cumulative hydrology and water quality impacts are considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative hydrology and water quality impact. Cumulative impacts are considered significant, and there is no reasonable and feasible mitigation to reduce the impact to a less-than-significant level.

NOISE

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. (Impact NOI-2 of the September 2011 DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. (Impact NOI-1 of the September 2011 DEIR)

Description of Significant Impact

Because of the distance that separates the WCP from sensitive noise receptors, construction noise generated at the facility would be attenuated to a level below the City's established noise threshold. However, given the distances between residences and recycled water pipeline alignments (some residences would be less than 100 feet from the noise-generating construction equipment that would be used on the pipeline alignments) and the types of construction equipment that would be used (e.g., trucks, compactors, excavator, roller, paver, tractor/loader/backhoe, jackhammer, generator [sometimes with several pieces of construction equipment operating simultaneously]), construction of the proposed project would be expected to generate noise levels that would be noticeable above ambient levels in the surrounding environment.

Finding

The project would expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM NOI-1 and MM NOI-2 of the September 2011 DEIR below.

MM NOI-1: Limit Construction Hours (September 2011 DEIR)

Construction plans shall limit construction to the hours specified in the City's Noise Ordinance to the greatest extent possible. The City's maximum acceptable exterior CNEL is 70 dBA at any time between the hours of 6 a.m. and 7 p.m. No construction activities are permitted outside of these hours on weekdays or between the hours of 7 p.m. and 9 a.m. on weekends. The only exceptions shall be for activities that must be conducted outside the construction hours established by the City's Noise Ordinance (e.g., cement work during cool weather or shut downs and tie ins during low-flow periods). All deviations from the City's Noise Ordinance must be approved by the City's Engineering Division.

MM NOI-2: Implement Construction Noise Best Management Practices (September 2011 DEIR)

Noise-attenuating BMPs shall be approved by the City's Engineering Division and incorporated into construction plans. The City shall implement all or some (as deemed necessary by the City's Engineering Division) of the following BMPs to attenuate construction-related noise impacts:

1. Electrically powered equipment shall be used instead of pneumatic or internal combustion equipment where feasible.

2. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

3. Construction site and haul-road speed limits shall be established and enforced during the construction period.

4. The hours of construction, including noisy maintenance activities and all spoils and material transport, shall not occur between 7 p.m. and 6 a.m. or at any time on Sundays or federal holidays. Noise-producing project activity shall comply with local noise regulations pertaining to construction activity or exemptions shall be obtained.

5. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for warning purposes only.

6. No project-related public address or music system shall be audible at any adjacent receptor.

7. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeals process shall be established prior to construction for noise complaints that cannot be resolved by the site supervisor.

8. Construction signs shall be posted at sites where heavy construction is proposed. The signs shall provide a contact name and phone number for registering noise complaints.

9. The City shall develop an informational web site for the project to notify the public as to when and where construction shall occur.

Significant Effect

The project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project. (Impact NOI-3 of the September 2011 DEIR)

Description of Significant Impact

Construction-related activities would result in a short-term temporary increase in ambient noise levels during daytime hours. Construction would not take place during nighttime hours.

Finding

The project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM NOI-1 and MM NOI-2 of the September 2011 DEIR above.

C. ***Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.***

The project would not have any environmental effects on noise that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative noise impact.

Description of Significant Impact

By adhering to the City Noise Ordinance and implementing BMPs, the proposed project's potential to result in substantial construction-period noise impacts would be reduced. BMPs could include providing noise walls, retrofitting structures with additional insulation and noise-reducing windows, and implementing other noise-attenuating practices. Furthermore, the proposed project would not result in operational noise impacts greater than the baseline condition at the plant, and the recycled water conveyance system would create no noise because the pipelines would be underground. In addition, it has been determined that because the project's construction vibration

value would be well below the 0.2 inch-per-second peak particle velocity significance threshold, vibration impacts associated with construction would be less than significant. Other projects would also be required to follow the City Noise Ordinance and develop BMPs to attenuate noise impacts. Also, other projects would be required, on a case-by-case basis, to mitigate any significant vibration impacts.

Finding

The project's cumulative noise impacts are considered significant, but with mitigation would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative noise impact. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM NOI-1 and MM NOI-2 of the September 2011 DEIR above.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on noise that would have a significant impact.

POPULATION AND HOUSING

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The project would not induce substantial population growth in an area, either directly or indirectly. (Impact POP-1 of the September 2011 DEIR and Impact POP-1 of the Recirculated DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on population and housing that are significant, but that can be mitigated to a less-than-significant level.

C. *Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.*

The project would not have any environmental effects on population and housing that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would not result in a cumulative population and housing impacts.

Description of Significant Impact

It is not expected that a substantial number of construction workers would relocate permanently to the area surrounding the project site. However, given the vacancy rate in the County, if temporary housing is needed, it is expected that the cities of Visalia, Corcoran, Tulare, and Hanford would be able to provide adequate accommodations. Therefore, construction of the proposed project would not induce population growth.

During the operational period, the project would not require additional employees, and the current capacity of the plant would not increase. Therefore, operation of the proposed project would not directly induce population growth. Because the proposed project would convey recycled water for irrigation and groundwater recharge, and the recycled water would not be intended for urban uses (i.e., potable uses) at this time, the project would not be considered indirectly growth inducing. Furthermore, the project would not remove an impediment to growth by providing additional water for urban use.

The Recirculated DEIR concluded that the proposed water exchange would not contribute to a cumulatively considerable impact on population and housing.

Finding

The project's cumulative population and housing impact is less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative population and housing impact. Cumulative impacts are not considered significant and no mitigation is required.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on population and housing that would have a significant impact.

TRANSPORTATION AND TRAFFIC

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not 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 nonmotorized travel, and relevant components of the circulation system, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Impact TR-1 of the September 2011 DEIR)

The proposed project would not conflict with an applicable congestion management program, including level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways. (Impact TR-2 of the September 2011 DEIR)

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on transportation and traffic that are significant, but that can be mitigated to a less-than-significant level.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would not result in a cumulative transportation and traffic impact.

Description of Significant Impact

The geographic scope for cumulative transportation and traffic impacts is Tulare County as a whole, which is appropriate because of the regional nature of such impacts. Future projects in Tulare County could contribute to congestion on area roadways from construction-related traffic. These projects would generate new trips as workers travel to and from the project sites and increase the number of temporary delays. However, construction of the proposed project would result in only 78 daily trips. When combined with other projects in the County, construction of the proposed project would not degrade street conditions below an acceptable level of service (i.e., LOS D). Furthermore, no projects are planned in the project vicinity. Therefore, cumulative traffic impacts on area roadways would not be significant. Operational traffic associated with the proposed project would not increase the number of daily trips. Therefore, the contribution of the proposed project to cumulative impacts would be less than significant and not cumulatively considerable.

Finding

The project's cumulative transportation and traffic impact is less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative transportation and traffic impact. Cumulative impacts are not considered significant and no mitigation is required.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There are no cumulative impacts on transportation and traffic that would have a significant impact on the environment.

UTILITIES AND SERVICE SYSTEMS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

The proposed project would not have environmental effects on utilities and service systems that would result in no impact or less than significant impacts on the environment.

B. Environmental Effects of the Project that Are Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. (Impact UTL-2 of the September 2011 DEIR)

Description of Significant Impact

Construction of the proposed recycled water conveyance system would require the installation of below-grade pipelines. Once the pipelines are installed, the at-grade contour of the soil that was disturbed by construction would be restored to the baseline condition. No impervious surfaces would be created as a result of this construction. In addition, construction of the recycled water conveyance system would not create impervious surfaces that could impede percolation or accelerate surface flow. Therefore, the proposed recycled water conveyance system would not require stormwater drainage to be captured or new stormwater drainage facilities to be developed. After construction of the recycled water conveyance system, stormwater flows would continue to percolate into the ground, which is the same as the baseline condition.

The construction of permanent above-grade structures, as part of the upgrades within the WCP fence line (e.g., the proposed parking lot), would increase impervious surfaces at the plant and could affect drainage in the long term. However, project compliance with the requirements and the construction design specifications of the City, as well as implementation of relevant mitigation measures, would minimize the flow of stormwater during project operations.

Finding

The proposed project would require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects; however, adverse effects caused by the project could be mitigated to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. The project impacts are considered significant, but would be reduced to a level that is less than significant with implementation Mitigation Measure MM HYD-2 of the September 2011 DEIR above.

C. Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect

The project would require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. (Impact UTL-1 of the September 2011 DEIR)

Description of Significant Impact

A minimal amount of wastewater is currently generated at the WCP itself. The wastewater is conveyed through on-site infrastructure. This would not change as a result of the proposed project. Similarly, because the project would not require additional WCP employees, the amount of wastewater generated at the plant would not change from the baseline condition. In addition, the recycled water conveyance system itself would generate no wastewater. However, the project would result in a significant and unavoidable impact because it would affect local groundwater (i.e., affect the level of the water table). Effluent discharges into Mill Creek would cease or be reduced over time. As a result, the rate of groundwater recharge would decrease and, consequently, the local water table would be lower.

The proposed project would contribute to cumulatively considerable GHG emissions because it would result in a cumulatively considerable incremental contribution to the worldwide increase in GHG emissions from global development. The project would also result in significant hydrology impacts, as described above. As a result, the proposed project (i.e., the construction of wastewater treatment facilities) would result in significant cumulative and project-level environmental effects.

Finding

The proposed project would require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. This project-level impact is significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that would require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental

effects. The project impacts are considered significant, and there is no reasonable and feasible mitigation to reduce the impact to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in a cumulative utilities and service systems impact.

Description of Significant Impact

At the project level, the proposed project would result in significant and unavoidable impacts related to utilities and service systems. However, the project would not result in cumulative impacts in this area. Cumulative impacts related to utilities and service systems would occur if utility providers would be unable to provide adequate services (e.g., water, wastewater, solid waste disposal) to accommodate growth. The utility providers have adequate capacity to meet the demands of the project. Furthermore, all reasonably foreseeable future projects would be required to provide assurance with respect to the adequacy of utility services prior to approval by the City. In addition, development impact fees are assessed by the City on a project-by-project basis to mitigate increased demands on public services and utilities.

Finding

The project's cumulative utilities and service systems impacts is less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative utilities service systems. Cumulative impacts are not considered significant and no mitigation is required.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There are no cumulative impacts on utilities and service systems that would have a significant impact on the environment.

SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the CEQA Guidelines.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project.

When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project's significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives include:

- To continue to provide an average daily flow of 22 million gallons per day to meet the wastewater treatment requirements of residences, businesses, and industries within the City's service area.

- To remove wastewater constituents, such as biochemical oxygen demand, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current conditions.

- To provide the initial infrastructure to treat influent wastewater to Title 22 standards and convey the recycled water for irrigation and groundwater recharge purposes.

- To provide a basic level of odor control to reduce the potential for unpleasant odors to leave the plant property.

- To provide treated effluent to Title 22 standards for possible water exchanges with public and/or private entities for surface water.

Four alternatives to the project have been defined and analyzed. Section 15126.6 of the State CEQA Guidelines provides that alternatives do not need to be evaluated to the same level of detail as the proposed project. The Final EIR does not contain a significant level of detail regarding the alternatives.

ALTERNATIVE 1: NO-PROJECT ALTERNATIVE

If the proposed project is not approved, baseline conditions at the plant would persist. This means that the plant would continue to operate with its existing technology, at the same capacity, and with the same water quality. Treated effluent would continue to be discharged into Mill Creek. The proposed water exchanges would not be possible because a conveyance system would not be built, the effluent would not be treated to Title 22 standards, and the use of recycled water would be severely restricted The City would still be required to obtain and be in compliance with a NPDES permit because of discharges into Mill Creek, a water of the United States.

Finding

The No-Project Alternative is feasible, but it would not fulfill any of the project objectives. This alternative would also have a greater odor impact because it would not develop odor control facilities.

ALTERNATIVE 2: NO RECYCLED WATER CONVEYANCE SYSTEM ALTERNATIVE

Alternative 2 would include all of the proposed improvements to the plant (e.g., the installation of MBR technology and construction of a new administration building, odor control facilities, a new entrance, and a solar facility), but the proposed recycled water conveyance system would not be built. Instead, treated effluent would continue to be discharged into Mill Creek but not to Title 22

standards. (The City would likely begin seeking compensation for this discharge if the recycled water conveyance system is not constructed.) Possible water exchanges would likely not occur because a conveyance system would not be available to facilitate the efficient delivery of recycled water in exchange for surface water. However, it is possible that exchanges or agreements for surface water could occur between the City and entities that have control over the portion of the basin where the City currently discharges recycled water. Similar to the proposed project, this surface water could be moved to the east side of the City for groundwater recharge purposes and/or used to satisfy other existing water exchange agreements. The City would still be required to obtain and be in compliance with a NPDES permit, and it would still be subject to WDRs because of discharges into Mill Creek, a water of the United States.

Finding

The No Recycled Water Conveyance System Alternative, while feasible, would not fulfill the following project objectives:

- To provide the initial infrastructure to treat influent wastewater to Title 22 standards and convey the recycled water for irrigation and groundwater recharge purposes.

- To provide treated effluent to Title 22 standards for possible water exchanges with public and/or private entities for surface water.

The No Recycled Water Conveyance System Alternative would fulfill the following objectives:

- To continue to provide an average daily flow of 22 mgd to meet the wastewater treatment requirements of residences, businesses, and industries within the City's service area.

- To remove wastewater constituents, such as BOD, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current conditions.

- To provide a basic level of odor control to reduce the potential for unpleasant odors to leave the plant property.

ALTERNATIVE 3: LESS-THAN-TITLE 22 STANDARDS ALTERNATIVE

Alternative 3 would include improvements to the plant, in anticipation of future requirements by the Regional Water Quality Control Board, but water quality would not equal that of the proposed project or meet Title 22 standards. The improvements would likely take the form of an alternative technology to the proposed MBR technology, such as extended aeration activated sludge or sequential batch reactor technology. Odor control measures proposed under the project would also occur under this alternative, as would development of the solar facility. Because influent would not be treated to Title 22 standards, use of recycled water would be severely restricted. As a result, the recycled water conveyance system would not be developed and the water exchanges would likely not occur. Treated effluent would continue to be discharged into Mill Creek.

It is possible that exchanges or agreements for surface water could occur between the City and entities that have control over the portion of the basin where the City currently discharges recycled water. Similar to the proposed project, this surface water could be moved to the east side of the City

for groundwater recharge purposes and/or used to satisfy other existing water exchange agreements. The exchange ratio would likely be much smaller than the ratio under the proposed project because of the reduced quality (and therefore value) of the effluent generated under this alternative. The City would still be required to obtain and be in compliance with a NPDES permit, and it would still be subject to WDRs because of discharges into Mill Creek, a water of the United States.

Initial screening determined that this alternative does not meet two of project objectives:

- To provide the initial infrastructure to treat influent wastewater to Title 22 standards and convey the recycled water for irrigation and groundwater recharge purposes.

- To provide treated effluent to Title 22 standards for possible water exchanges with public and/or private entities for surface water.

Under this alternative, plant improvements would not treat effluent to Title 22 standards for irrigation or groundwater recharge purposes or water exchanges. Therefore, this alternative does not meet these project objectives.

The initial screening determined that this alternative meets the following objectives but not as fully as the proposed project:

- To remove wastewater constituents, such as BOD, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current conditions.

- To provide a basic level of odor control to reduce the potential for unpleasant odors to leave the plant property.

It is likely that the removal of wastewater constituents under this alternative would not equal the level of removal under the proposed project, but it would be greater than the existing conditions at the plant (i.e., the No Project Alternative). Although the odor control measures proposed under the project would also occur under this alternative, the effluent produced under this alternative would be reduced in quality and would likely produce more odors compared with effluent produced under the project, which would be treated to Title 22 standards. It is unknown if odor control would be better or worse under this alternative compared with the baseline condition at the plant (i.e., the No-Project Alternative).

Finding

This alternative does not meet the project objectives or does not meet them as fully the proposed project. This alternative was withdrawn from further consideration in the EIR, in compliance with State CEQA Guidelines, Section 15126.6[c]. This section allows for an alternative to be eliminated from detailed consideration if it fails to meet most of the project objectives.

ALTERNATIVE 4: NEW SITE ALTERNATIVE

Under this alternative, the existing plant would be abandoned, and a new plant would be constructed at a different site using the MBR technology proposed under the project. In addition, a

recycled water conveyance system would also occur under this alternative, thereby facilitating possible water exchanges.

Finding

Given that the existing plant is fully functional, maintained, and capable of being improved in anticipation of future water quality requirements and because of the prohibitive cost of additional engineering and construction, as well as land use considerations (e.g., possible need for conditional use permit, general plan amendment, zoning change), it has been determined, in accordance with State CEQA Guidelines Section 15126.6(c) and Section 15126(f)(2), that this alternative is not feasible and is speculative. The alternative was withdrawn from further consideration in the EIR.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The State CEQA Guidelines require the identification of an environmentally superior alternative to the project (CEQA Guidelines, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

Finding

The alternative considered by the City, aside from the No-Project Alternative (Alternative 1), was the No Recycled Water Conveyance System Alternative (Alternative 2). Many of the impacts of the project and Alternative 2 are similar. For most of the environmental issue areas where Alternative 2 has fewer impacts, the EIR determined that the project could reduce its significant impacts to a level of less than significant with mitigation. Therefore, in accordance with the State CEQA Guidelines 15126.6(c), it was determined that Alternative 2 would not avoid or substantially reduce a significant environmental effect for most of the environmental issue areas. Both the project and Alternative 2 would not reduce cumulatively considerable GHG emissions impacts to a level of less than significant, even with mitigation.

The proposed project would result in significant and unavoidable project-level and cumulatively considerable hydrology and water quality impacts because it would lower local groundwater levels downstream of the effluent discharge point into Mill Creek. Alternative 2 avoids this significant and unavoidable groundwater impact and, as a result, is the Environmentally Superior Alternative.