

Appendix A NOP Comments

Appendices

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Tulare County Office of Education

Committed to Students, Support & Service

Tim A. Hire
*County
Superintendent
of Schools*

P.O. Box 5091
Visalia, California
93278-5091

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tcoe.org

Administration
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fax (559) 627-5219

Business Services
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Human Resources
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Instructional Services
(559)302-3633
fax(559)739-0310

Special Services
(559)730-2910
fax (559) 730-2511

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

NOTICE OF PREPARATION NOTICE OF PUBLIC SCOPING MEETING

Performing Arts Theater, AcCEL Center, and Library Project Preparation of Environmental Impact Report and Public Scoping Meeting

Lead Agency: Tulare County Office of Education

Project Applicant: Tulare County Office of Education

Notice of Preparation Review Period: Wednesday, April 23, 2025, to Friday, May 23, 2025 (30 days)

Scoping Meeting: Thursday, May 15, 2025, from 6:00 pm to 7:00 pm

The purpose of this Notice of Preparation (NOP) is to (1) serve as a public notice pursuant to CEQA Guidelines Section 15082 that an EIR will be prepared; (2) advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared; and (3) provide notice of the public scoping meeting. The COE is seeking your input regarding the scope and content of the EIR, including input on potentially significant environmental effects, mitigation measures, or project alternatives that should be explored in the EIR. If you represent a public agency, the COE seeks input as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project.

Due to time limits mandated by state law, public agencies, members of the public, or any other interested parties are requested to respond to this NOP in writing no later than 30 days from the date of this NOP. The COE will accept written comments regarding this NOP through **5:00 p.m. on Friday, May 23, 2025**. Please send all written comments, including emailed comments, to Jeff Ramsay at the address below.

Project Location: The project site consists of approximately 15.63 acres located near the southwest corner of Avenue 264/Liberty Road and N Mooney Boulevard in unincorporated Tulare County (36°16'01.9"N 119°18'57.4"W) (see Figure 1, *Regional Location*). It should be noted that the project site lies within the Urban Area Boundary (UAB) for the City of Tulare.¹ The project site is owned by the COE and consists of a portion of two parcels with Assessor's Parcel Numbers (APN) 149-030-005 and 149-030-008.

¹ UABs establish areas around incorporated cities where the County and cities may coordinate plans and policies relating to street and highway construction, public utility systems, and future right of way preservation, affecting the orderly development of urban fringe areas.

The project site has an associated address 26487 N Mooney Boulevard, Tulare, CA, 93274 (see Figure 2, *Local Vicinity*). Regional access to the project site is provided by California State Route 99 (SR-99) and California State Route (SR-198). SR-99 runs south to northeast, and SR-198 runs west to east. Public transit access to the project site is provided by the Tulare County Regional Transit Agency (TCRTA) which provides bus transit services. TCRTA route C40 is the nearest route to the project site. The nearest TCRTA transit stop is located at the corner of Avenue 264/Liberty Road and N Mooney Boulevard.

Existing Conditions: The project site currently includes a fallow agricultural field on parcel 149-030-005 (15.23 acres) and a paved driveway and parking area, disturbed land, fencing, and landscaping/grass turf on parcel 149-030-008 (0.4 acres) for a total of approximately 15.63 acres (See Figure 3, *Aerial Photograph*). The project site has a Tulare County General Plan land use designation of “Valley Agriculture” and has a zoning designation of Exclusive Agricultural Zone – 20 Acre Minimum (AE-20).

The project site is bordered by Avenue 264/Liberty Road to the north, an existing COE campus and S Mooney Boulevard to the east, farmland to the south, and farmland and commercial to the west. Residential uses are to the north across Avenue 264/Liberty Road and commercial and agricultural uses are to the east across Mooney Boulevard. The COE campus to the east includes the Bright Start Program, Hearing Center, Behavioral Health Services, Visually Impaired Program, Alternative Achievement Program, and Planetarium & Science Center.

Description of Proposed Project: The proposed project would consist of three main components which would include a new performing arts theater, an AcCEL Center, and a library.

The AcCEL Center and library would be built in the northwest corner of the project site. The AcCEL Center would provide direct instruction to students who generally have multiple or profound disabilities, and/or are able to function best in a more sheltered environment. The AcCEL Center and library would be bordered by Liberty Road to the north, existing COE campus to the east, farmland to the south, and farmland and commercial uses to the west (see Figure 4, *Conceptual Site Plan*). The AcCEL Center and library would be served by two ingress and egress driveways that would provide access to a shared parking lot consisting of 70 parking spaces which include 8 Americans with Disabilities Act (ADA) parking spaces. A trash storage area would be located on the eastern side of the parking lot. The AcCEL Center and library would be fenced.

The AcCEL Center would consist of one building, consisting of approximately 24,442 square feet, and include a shade structure, landscaping, walkways, and a basketball court. The library would consist of two buildings which would total approximately 12,000 square feet and would be landscaped throughout. The entire perimeter of the AcCEL Center and library would be fenced with gates providing pedestrian access from the parking lot (see Figure 4). All buildings would be single-story no more than 30 feet in height.

The single-story performing arts theater with fly space extending up to 60 feet in height would be built in the southeast corner of the project site and would consist of approximately 31,000 square feet. The performing arts theater would be bordered by existing COE campus to the north, N Mooney Boulevard to the east, and farmland to the south and west. The performing arts theater would be served by two driveways off N Mooney Boulevard and would provide access to a parking lot consisting of 568 parking spaces.

The performing arts theater capacity would be approximately 500 seats and events would occur in the evenings throughout the year. The performing arts theater would also include 15 employees. The proposed library would have a capacity of 100 persons and would have five staff members. The AcCEL Center would have a capacity

of 80 students and 20 staff members. The hours of operation for the library and AcCEL Center would be Monday through Friday from 7:00 am to 5:00 pm.

The proposed project also includes paved drive aisles that provides internal vehicle circulation between the proposed parking lots and the existing parking lot that serves the Planetarium & Science Center. The internal drive aisles extend along the west, south, and east sides of the northwestern portion of the project site, curve around the existing COE campus, and connect to the proposed parking lots associated with the proposed theater and existing Planetarium & Science Center. Landscaping would line the internal drive aisles. The internal drive aisles would be gated to control access. Refer to Figure 4, *Conceptual Site Plan*.

Project construction would occur in two phases. Phase one would consist of the construction for the AcCEL Center and library. Phase two would consist of the construction of the performing arts theater. Phase one is anticipated to start approximately May 2026 and end approximately June 2027. Phase two is anticipated to start approximately January 2028 and end approximately January 2030.

Potential Environmental Effects: The COE will prepare a comprehensive EIR that evaluates all potentially significant environmental impacts associated with the construction and operation of the proposed project. The EIR will explain the potentially significant effects of the proposed project as well as the reasons that other effects are not potentially significant. An initial study is not required to determine that an EIR will be prepared, and an initial study was not prepared for the proposed project.

In accordance with Section 15082 of the CEQA Guidelines, the COE has prepared this NOP to provide agencies, organizations, and interested parties with information describing the proposed project and its potential environmental effects. Consistent with Appendix G of the CEQA Guidelines, the 20 environmental topics that may be analyzed in an EIR are:

Aesthetics	Greenhouse Gas Emissions	Public Services
Agriculture & Forestry Resources	Hazards & Hazardous Materials	Recreation
Air Quality	Hydrology & Water Quality	Transportation
Biological Resources	Land Use & Planning	Tribal Cultural Resources
Cultural Resources	Mineral Resources	Utilities & Service Systems
Energy	Noise	Wildfire
Geology & Soils	Population & Housing	

The COE has determined that the proposed project could potentially affect 19 of the 20 environmental topic areas identified in Appendix G. These 19 topical areas are aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. These impacts will be analyzed in detail in the EIR. The EIR will also address mandatory findings of significance. The EIR will address the short- and long-term effects of the proposed project on the environment. Feasible mitigation measures will be proposed for impacts that are determined to be potentially significant and reasonable alternatives will be considered. A mitigation monitoring program will also be developed for any mitigation measures required by the COE. The proposed project is expected to have no impact on mineral resources and therefore the EIR will not present a detailed analysis of the project's impact on this topic.

Document Availability: The 30-day public review period for the NOP is from **Wednesday, April 23, 2025**, to **Friday, May 23, 2025**. In accordance with the time limits mandated by State law, if there are any concerns about the scope and content of the information to be addressed in EIR, written comments may be submitted via email or by mail to the addresses below. All written comments should be submitted at the earliest possible date but must be submitted no later than **5:00 pm on Friday, May 23, 2025**. Public agencies should identify the contact person for your agency in your written comments.

Public Comments: Please submit your comments to:

Jeff Ramsay, Director, General Services

- **Mailing Address:**
Tulare County Office of Education
6200 S. Mooney Boulevard
Visalia, CA 93277
- **Email Address:** jeff.ramsay@tcoe.org

Public Scoping Meeting: A public scoping meeting will be held on Thursday, May 15, from 6:00 p.m. to 7:00 p.m., to solicit input from any interested parties on the scope and content of the EIR, in conformance with Section 21083.9 of the California Public Resources Code. The public scoping meeting is intended to receive input from interested parties and no decisions about the project will be made at the public scoping meeting. Though staff will summarize the issues raised verbally at the public scoping meeting, anyone wishing to make formal scoping comments on the scope of issues or content of the EIR should also do so in writing. You may also send a written response to this NOP to the email and address listed above by **5:00pm on Friday, May 23, 2025**, without attending the scoping meeting.

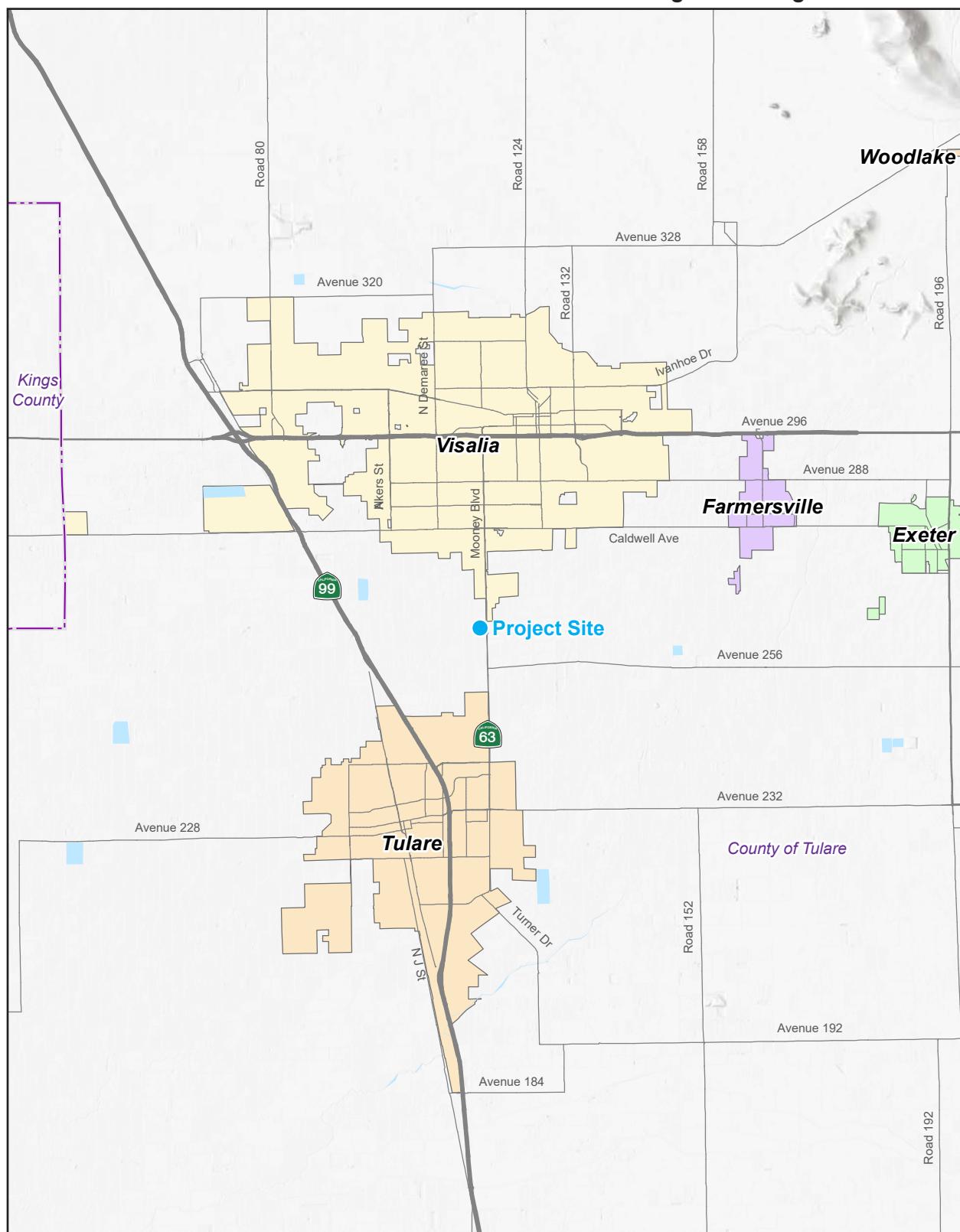
A copy of the materials presented at the scoping meeting will be posted to the COE's website: <https://tcoe.org/GeneralServices/notices> following the meeting.

The public scoping meeting will be held at the location identified below.

Location: 6200 South Mooney Boulevard, Visalia, CA, 93277

More Information: Questions concerning the matter should be directed to Jeff Ramsay, Director, General Services, at 559-733-6601 or jeff.ramsay@tcoe.org.

Figure 1 - Regional Location

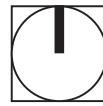


— County Boundary

Note: Unincorporated county areas are shown in white.

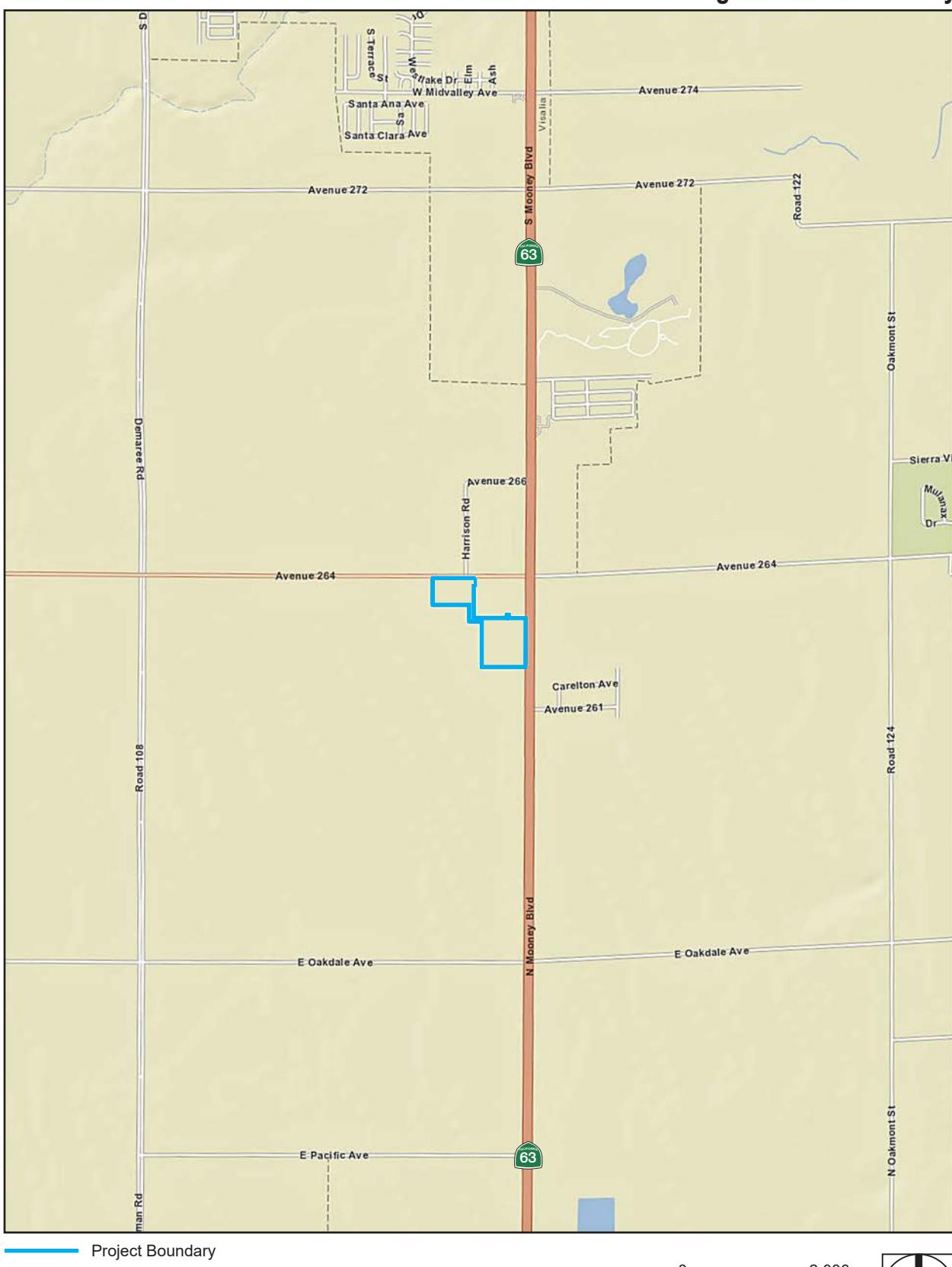
Source: Generated using ArcMap 2025.

0 3
Scale (Miles)



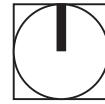
PlaceWorks

Figure 2 - Local Vicinity



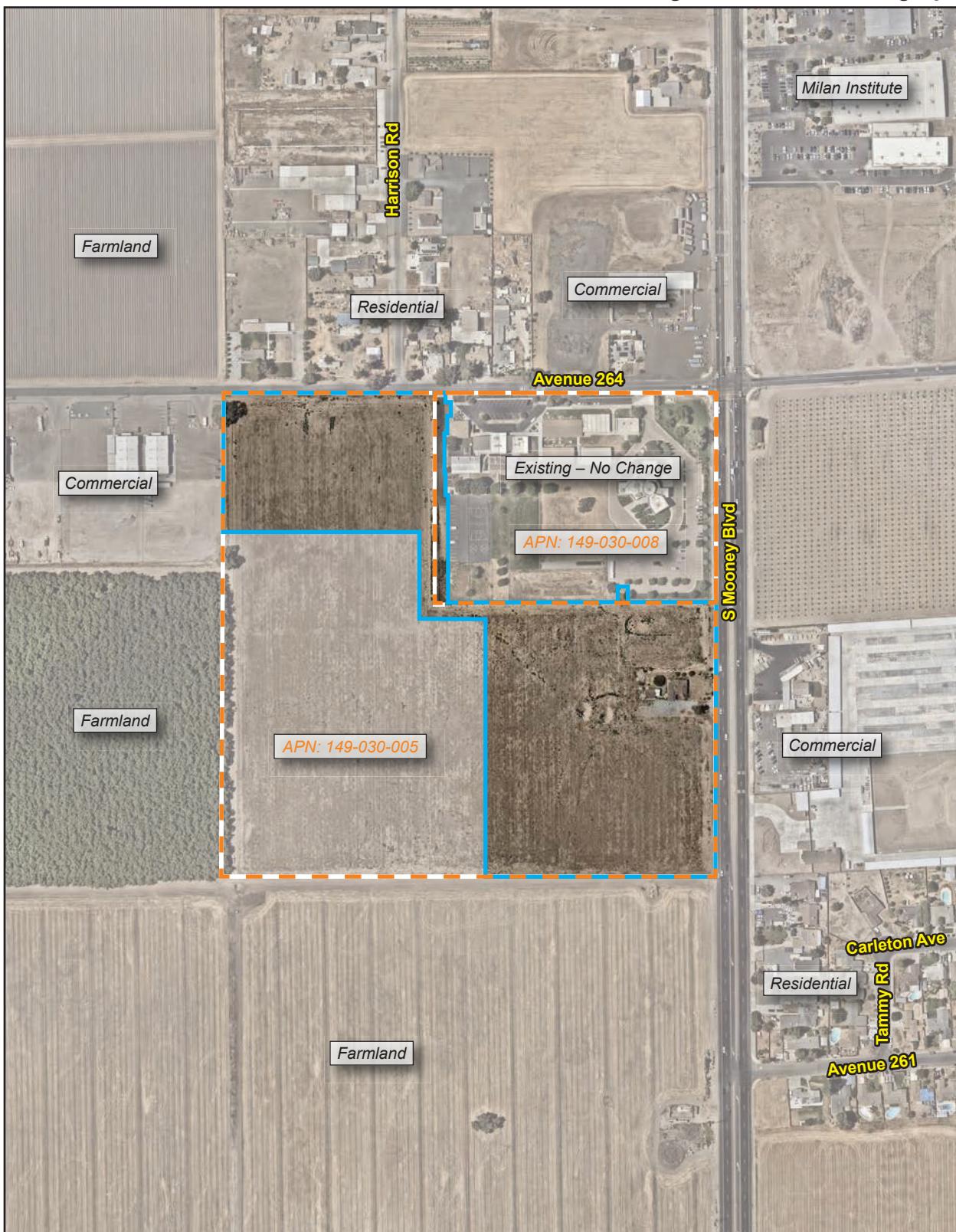
Source: Generated using ArcMap 2025.

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PlaceWorks

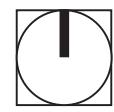
Figure 3 - Aerial Photograph



Project Boundary
Assessor Parcel Boundaries

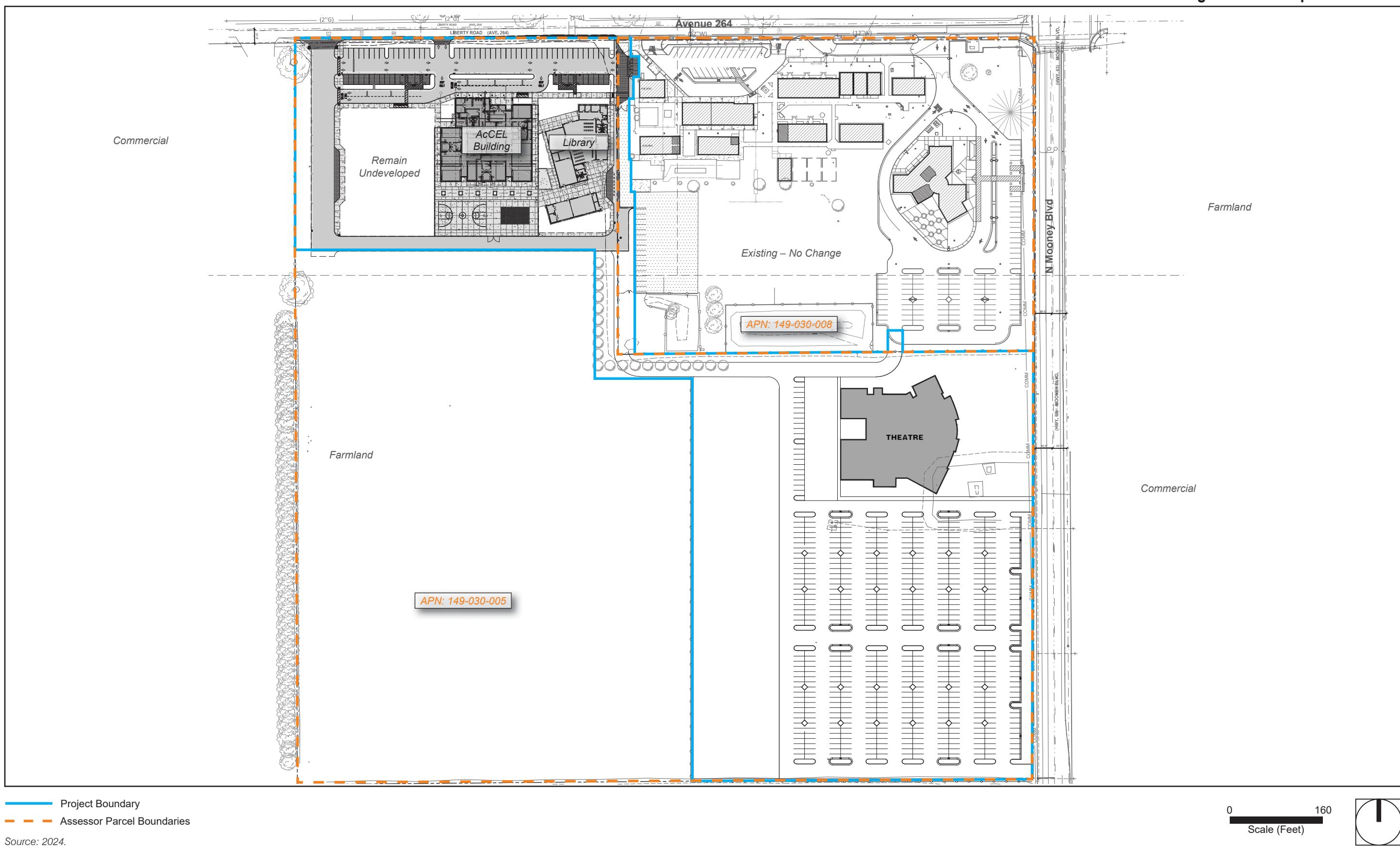
0 400
Scale (Feet)

Source: Nearmap 2025.



PlaceWorks

Figure 4 - Conceptual Site Plan



Source: 2024.



CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
*Yokayo Pomo, Yuki,
Nomlaki*

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Luiseño Indians*

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STATE OF CALIFORNIA

Gavin Newsom, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2025

Jeff Ramsay
Tulare County Office of Education
6200 S. Mooney Boulevard
Visalia CA 93277

Re: 2025041045 Performing Arts Theater, AcCEL Center, and Library Project, Tulare County

Dear Mr. Ramsay:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a.** A brief description of the project.
- b.** The lead agency contact information.
- c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d.** A “California Native American tribe” is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a.** For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a.** Alternatives to the project.
- b.** Recommended mitigation measures.
- c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a.** Type of environmental review necessary.
- b.** Significance of the tribal cultural resources.
- c.** Significance of the project's impacts on tribal cultural resources.
- d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at:

https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

- 1. Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a)(2)).
- 2. No Statutory Time Limit on SB 18 Tribal Consultation:** There is no statutory time limit on SB 18 tribal consultation.
- 3. Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
- 4. Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

- 1.** Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a.** If part or all of the APE has been previously surveyed for cultural resources.
 - b.** If any known cultural resources have already been recorded on or adjacent to the APE.
 - c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d.** If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2.** If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Melina.Carlos@NAHC.ca.gov.

Sincerely,

Melina Carlos

Melina Carlos
Cultural Resources Analyst

cc: State Clearinghouse

Jared Bradford

From: Jeff Ramsay <jeff.ramsay@tcoe.org>
Sent: Monday, April 28, 2025 9:07 AM
To: Jared Bradford; Mariana Zimmermann; Malia Durand
Cc: Jack Schreuder
Subject: FW: Public Scoping Meeting - Performing Arts Theater, AcCEL Center & Library project - Liberty School
Attachments: Liberty School Scope document.pdf

FYI

Jeff Ramsay
Tulare County Office of Education
559-733-6601
jeff.ramsay@tcoe.org

[Book time with Jeff Ramsay](#)

From: Kevin T Riggi <KRiggi@tularecounty.ca.gov>
Sent: Thursday, April 24, 2025 8:37 AM
To: Jeff Ramsay <jeff.ramsay@tcoe.org>
Subject: Public Scoping Meeting - Performing Arts Theater, AcCEL Center & Library project - Liberty School

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jeff,

In response to the notice of preparation review period document received.

Potential environmental effect – Public Services, Fire flow / Fire hydrants, amongst numerous other regulations, codes and standards that will be required at the permit phase, need to be addressed as early as possible. Service water from a water provider or private water on site are considerations for this topic.

This is the only concern for this project at this point of the process from Tulare County Fire Department.

Thanks,



Kevin Riggi

Division Chief – Prevention
Fire Marshal

Tulare County Fire Department

Phone:559-802-9803

May 8, 2025

Tulare County Office of Education
Attn: Jeff Ramsay, Director, General Services
6200 S. Mooney Boulevard
Visalia, CA 93277

Re: Notice of Preparation Comments for Performing Arts Theater, AcCEL Center, and Library Project EIR

Hello Jeff,

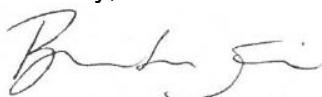
Thank you for providing the City of Visalia (City) with a Notice of Preparation (NOP) and the opportunity to give scoping comments on the Performing Arts Theater, AcCEL Center, and Library Project, located near the southwest corner of Avenue 264 / Liberty Road and Mooney Boulevard.

The City of Visalia would like to provide the following items to the NOP, which provide comments and suggestions regarding the scope and content of the forthcoming Environmental Impact Report. These comments have been previously shared as part of the City of Visalia's written comments to Site Plan Review Item No. 2025-050 dated February 19, 2025.

1. The project site is located outside of City Limits, the City's Urban Development Boundaries, and LAFCO's Sphere of Influence. Based on these circumstances, the Visalia General Plan does not allow this project site to be annexed into the City Limits.
2. The EIR shall provide a full explanation of the means for all types of wet utilities (i.e. water supply, sewer, and storm drain services). The project shall account for the potential of sewer services provided for the facility, subject to the execution of an agreement between the City of Visalia and the Tulare County Office of Education.
3. Per the City's General Plan Circulation Element, Avenue 264 / Liberty Road is defined as a future arterial. Given this classification, the City requests that consultation between Tulare County Office of Education and the City's Traffic Engineering Division occur regarding placement of new driveways that may be restricted in the future to only right-in/out due to the potential of a median island in Avenue 264 / Liberty Road.

If you have any questions, please feel free to contact either Paul Bernal, Director of Planning and Community Preservation, at email paul.ernal@visalia.gov, or myself at email brandon.smith@visalia.gov.

Sincerely,



Brandon Smith
Principal Planner, Planning Division

Cc: Paul Bernal, Director of Planning and Community Preservation

May 8, 2025

Jeff Ramsay
Tulare County Office of Education
General Services
6200 S. Mooney Boulevard
Visalia, CA 93277

**Project: Notice of Preparation for an Environmental Impact Report for the
Performing Arts Theater, AcCEL Center, and Library Project**

District CEQA Reference No: 20250462

Dear Mr. Ramsay,

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation Document (NOP) from the Tulare County Office of Education (County). Per the NOP, the project consists of a 24,442 square foot AcCEL Center, a 12,000 square foot library, and a 31,000 square foot performing arts theater (Project). The Project is located at 26487 N. Mooney Blvd, in Tulare, CA.

The District offers the following comments at this time regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0q/gamaqi.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

1a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

1b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://ww2.valleyair.org/media/q4nl3p0q/gamaqi.pdf>.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at:
<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

1c) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

2) Health Risk Screening/Assessment

The County should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A “Prioritization” is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association’s (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District’s established risk thresholds, which can be found here:

<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

3) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:
<https://ww2.valleyair.org/permitting/ceqa/>.

4) Voluntary Emission Reduction Agreement

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the Environmental Impact Report also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs.

The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

5) Vegetative Barriers and Urban Greening

There are residential units located near the Project and a school (YMCA Liberty School) located near the Project. The District suggests the County consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units and school).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

6) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.

7) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit <https://ww2.valleyair.org/grants/charge-up> for more information.

8) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

8a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District

permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

8b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of educational space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

8c) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and

labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:
<https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

8d) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:
<https://ww2.valleyair.org/dustcontrol>

8e) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

9) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Ryan Grossman by e-mail at Ryan.grossman@valleyair.org or by phone at (559) 230-6569.

Sincerely,



For Mark Montelongo
Director of Policy and Government Affairs



MAY 14, 2025

VIA EMAIL: JEFF.RAMSAY@TCOE.ORG

JEFF RAMSAY, DIRECTOR, GENERAL SERVICES
TULARE COUNTY OFFICE OF EDUCATION
6200 S. MOONEY BOULEVARD
VISALIA, CA 93277

Dear Mr. Ramsay:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
PERFORMING ARTS THEATER, ACCEL CENTER, AND LIBRARY PROJECT, SCH# 2025041045**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Performing Arts Theater, AcCel Center, and Library Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The proposed project would consist of three main components which would include a new performing arts theater, an AcCEL Center, and a library.

The AcCEL Center and library would be built in the northwest corner of the project site. The AcCEL Center would provide direct instruction to students who generally have multiple or profound disabilities, and/or are able to function best in a more sheltered environment. The AcCEL Center would consist of one building, consisting of

approximately 24,442 square feet, and include a shade structure, landscaping, walkways, and a basketball court. The library would consist of two buildings which would total approximately 12,000 square feet and would be landscaped throughout. The entire perimeter of the AcCEL Center and library would be fenced with gates providing pedestrian access from the parking lot.

The performing arts theater would be bordered by existing COE campus to the north, N Mooney Boulevard to the east, and farmland to the south and west. The performing arts theater would be served by two driveways off N Mooney Boulevard and would provide access to a parking lot consisting of 568 parking spaces. The performing arts theater capacity would be approximately 500 seats and events would occur in the evenings throughout the year. The performing arts theater would also include 15 employees.

The proposed library would have a capacity of 100 persons and would have five staff members. The Project sites contain Prime Farmland, and a portion of the site is subject to a Williamson Act contract.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.
- The project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

WILLIAMSON ACT

Where, as here, the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Performing Arts Theater, AcCel Center, and Library Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Monique Wilber
Conservation Program Support Supervisor

Jared Bradford

From: Kang, Virat@Waterboards <Virat.Kang@Waterboards.ca.gov>
Sent: Wednesday, May 21, 2025 9:55 AM
To: jeff.ramsay@tcoe.org
Cc: Rock, Bryan@Waterboards; Jared Bradford; Mariana Zimmermann
Subject: NOP Comments: Tulare County Office of Education - Performing Arts Theater, AcCEL Center, and Library Project (SCH 2025041045)

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from virat.kang@waterboards.ca.gov. [Learn why this is important](#)

Good morning Jeff,

On 23 April 2025, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) received a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for a proposed development near Avenue 264 and North Mooney Boulevard in Tulare County. According to the document, the Tulare County Office of Education (Applicant) is seeking to construct a performing arts theater, AcCEL Center, and library (Project). The Project will adjoin existing facilities on the southwest corner of Avenue 264 and North Mooney Boulevard in Tulare County (Assessor's Parcel Numbers 149-030-005 and 149-030-008). The State Clearing House number assigned to the Project is [2025041045](#). The Central Valley Water Board is responsible for protecting the quality of surface waters and ground waters of the State; therefore, comments provided in this correspondence will address issues related to water quality matters only.

Facility Wastewater

Based on the information provided in the NOP, the Project would presumably include restrooms and other amenities that will generate domestic wastewater. The forthcoming EIR should provide a description of the anticipated flow volume of wastewater, wastewater treatment system, or how the wastewater will be disposed. The EIR should address whether wastewater generated at the site will be disposed of by connecting to a public sewer system, onsite septic tanks, or an onsite wastewater treatment system (OWTS). The EIR should identify the appropriate permitting mechanism associated with the proposed wastewater treatment system.

If the Applicant plans to connect the facility to an existing wastewater treatment facility (WWTF), details should be provided regarding the connection along with an analysis to ensure the WWTF can handle the volume of wastewater without exceeding capacity.

If the Project will dispose of the wastewater through a new OWTS, a detailed plan should be provided. The Project may be covered under the Tulare County Local Agency Management Program (LAMP) if the volume of wastewater is up to 3,500 gallons per day (gpd) and meets other requirements outlined in the Tulare County LAMP.

Information on the [Tulare County LAMP](#) can be found online at:

tularecountyeh.org/eh/guidance-library/septic-system/septic-system-lamp1/septic-system-lamp/

If the facility is not eligible for coverage under the Tulare County LAMP, the facility will be subject to either the State Water Resources Control Board Order WQ 2014-0153-DWQ General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (Small Domestic General Order) or site-specific waste discharge requirements (WDRs). The Applicant should review the anticipated volume of wastewater and connection details to determine the appropriate plan of action.

Information on the [Small Domestic General Order](#) and obtaining site specific WDRs can be found on the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0153_dwq.pdf

Construction Storm Water

Dischargers whose projects disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs more than one acre, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit Order No. 2022-0057-DWQ). Construction activity subject to this permit includes cleaning, grading, grubbing, and disturbances to ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line grade or capacity of the facility. The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Information on the [Construction Storm Water General Permit](#) and the [Industrial Storm Water General Permit](#) can be found on the State Water Resources Control Board website at:

https://waterboards.ca.gov/water_issues/programs/stormwater/construction.html

https://waterboards.ca.gov/water_issues/programs/stormwater/industrial.html

Other

Based on the information provided in the NOP, the project site will be constructed in an area that was historically used for irrigated agricultural crops. Additionally, recent Google Earth images depict the presence of a residence on the Project site until at least March 2024. If any groundwater wells or private septic systems are encountered by the Applicant during construction, the appropriate steps should be taken in accordance with local and state guidelines for removal or abandonment. Any groundwater well construction/destruction activities should adhere those methodologies included in the California Well Standards (California Department of Water Resources Bulletins 74-81 and 74-90).

We appreciate the opportunity to comment on this project. If you have any questions about these comments, please contact Virat Kang at 559-488-4345 or by email at Virat.Kang@waterboards.ca.gov.

Thank you,

Virat Kang

Water Resource Control Engineer
Waste Discharge Requirements Permitting Unit
Central Valley Regional Water Quality Control Board

1685 E Street, Fresno, CA 93706

Work: 559-488-4345

Virat.Kang@Waterboards.ca.gov

