

March 2026 | Final Environmental Impact Report
State Clearinghouse No. 2025041045

PERFORMING ARTS THEATER, ACCEL CENTER AND LIBRARY PROJECT

Tulare County Office of Education

Prepared for:

Tulare County Office of Education

Contact: Jeff Ramsay
Director, General Services
6200 S. Mooney Boulevard
Visalia, California 93277
559.733.6601

Prepared by:

PlaceWorks

Contact: Malia Durand, Principal
3 MacArthur Place, Suite 1100
Santa Ana, California 92707
714.966.9220
info@placeworks.com
www.placeworks.com



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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (California Code of Regulations Sections 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft;
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the Draft EIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the Draft EIR for the Performing Arts Theater, AcCEL Center, and Library Project (proposed project) during the public review period, which began January 16, 2026, and ended March 2, 2026. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Tulare County Office of Education (COE), who is the Lead Agency for the proposed project.

1.2 FORMAT OF THE FINAL EIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this Final EIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the Draft EIR; copies of comment letters received during the public review period, and individual responses to written comments. Five comment letters were received on the Draft EIR, and have been assigned the numbers A1 through A5, for letters from agencies and organizations. Individual comments within each letter have been numbered and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the Draft EIR text as a result of the comments received by agencies and organizations and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to the release of the Draft EIR for public review.

The responses to comments contain material and revisions to the text of the Draft EIR. COE staff has reviewed this material and determined that none of it constitutes the type of significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be

... on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204(d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this Final EIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on Draft EIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (Tulare County Office of Education [COE]) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft EIR and prepare written responses.

This section provides all written responses received on the Draft EIR and the COE's responses to each comment.

Comment letters/emails and specific comments are given letters and numbers for reference purposes. Where sections of the Draft EIR are excerpted in this document, the sections are shown indented. Changes to the Draft EIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the Draft EIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment
Agencies and Organizations		
A1	Table Mountain Rancheria, Robert Purcell, Cultural Resources Director	February 24, 2026
A2	San Joaquin Valley Air Pollution Control District, Daniel Martinez, Program Manager	March 2, 2026
A3	City of Visalia, Planning & Community Preservation Department, Jarred Olsen, Principal Planner	March 2, 2026
A4	California Department of Fish and Wildlife, Julie A. Vance, Regional Manager	March 2, 2026
A5	California Department of Transportation	March 4, 2026

2. Response to Comments

LETTER A1 – Table Mountain Rancheria, Robert Purcell, Cultural Resources Director (1 page)

2. Response to Comments



TABLE MOUNTAIN RANCHERIA
TRIBAL GOVERNMENT OFFICE

February 24, 2026

Letter A1

Jeff Ramsay, Director, General Services
Tulare County Office of Education
6200 S Mooney Blvd
Visalia, Ca. 93277

Michelle Heredia-Cordova
Tribal Chairperson

Richard L. Jones
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

Samantha Toles-Rodriguez
Tribal Council Member-At-Large

Mark Martinez
Tribal Council Member-At-Large

RE: Performing Arts Theater, AcCel Center, and Library Project.

To: Jeff Ramsay,

This is in response to your letter regarding Performing Arts Theater,
AcCel Center, and Library Project, Tulare County, California.

We appreciate receiving notice; however, this project site is beyond our
area of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Pennell".

Robert Pennell
Cultural Resources Director

A1-1

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693

2. Response to Comments

A1. Response to Comments from Table Mountain Rancheria, Robert Purcell, Cultural Resources Director, dated February 24, 2026.

A1-1 The comment is noted. This comment does not address the adequacy of the analysis in the Draft EIR, and no further response is necessary.

2. Response to Comments

LETTER A2 – San Joaquin Valley Air Pollution Control District, Daniel Martinez, Program Manager (5 pages)

2. Response to Comments



March 2, 2026

Letter A2

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

Project: Draft Environmental Impact Report for Performing Arts Theater, AcCEL Center, and Library Project

District CEQA Reference No: 20260030

Dear Mr. Ramsay:

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

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

1) Construction Emissions

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

A2-1

2) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:

- The AERMOD modeling run provided used normalized emission rates of 1 g/s and variable emission rate scalars of 1.0 when modeling sources with an operating schedule of 8 hours per day and 5 days per week. The appropriate scalar to use for this operating schedule would be 4.21. Use of the incorrect

A2-2

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
Tel: (559) 230-6000 FAX: (559) 230-6061

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

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2. Response to Comments

San Joaquin Valley Air Pollution Control District
District Reference No: 20260030
March 2, 2026

Page 2 of 5

scalar resulted in a four-fold underestimation of cancer and chronic health impacts.

- Since the project area is in close proximity to a school, it is recommended that any heavy earth moving activities be performed during times when children are not present.

A2-2,
cont'd

The District determined that modifications to the HRA based on the comments listed above are not expected to change the Project's significance determination presented in the DEIR. Therefore, the HRA does not need to be re-evaluated. However, the District does recommend that all future HRAs performed for the Project address the comments listed above and follow District guidance.

3) Vegetative Barriers and Urban Greening

There are residential units 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).

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.

A2-3

4) 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.

A2-4

2. Response to Comments

San Joaquin Valley Air Pollution Control District
District Reference No: 20260030
March 2, 2026

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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.

4a) 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).

A2-4,
cont'd

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.

4b) 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 NO_x 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 NO_x 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.

A2-5

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. Currently for this Project, the District received an AIA application (ISR project #20260012).

2. Response to Comments

San Joaquin Valley Air Pollution Control District
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4c) 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/tkjjeusd/rule-4601.pdf>

A2-6

4d) 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.

A2-7

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>

4e) 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).

2. Response to Comments

San Joaquin Valley Air Pollution Control District
District Reference No: 20260030
March 2, 2026

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5) **District Comment Letter**

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

A2-8

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,

Mark Montelongo
Director of Policy and Government Affairs



Daniel Martinez
Program Manager

2. Response to Comments

A2. Response to Comments from San Joaquin Valley Air Pollution Control District, Daniel Martinez, Program Manager, dated March 2, 2026.

- A2-1 The COE acknowledges San Joaquin Valley Air Pollution Control District's (SJVAPCD or Air District) recommendation and will comply with all applicable SJVAPCD regulations governing construction equipment emissions. Where feasible, the proposed project will utilize the cleanest available off-road construction equipment consistent with regulatory requirements and district guidance.
- A2-2 As stated in the comment letter, correction of the emission rate scalar (from 1.0 to 4.21) would not change the proposed project's significance determination in the Draft EIR. Therefore, consistent with the commenter's conclusion, no revisions to the HRA are required. The COE will ensure that any future HRAs prepared for the proposed project are consistent with Air District modeling guidance and use appropriate emission rate scalars.
- The COE acknowledges the commenter's recommendation that any heavy earth-moving activities be performed during times when children are not present at the adjacent COE Liberty campus. To the extent feasible, heavy earth-moving activities will be scheduled during periods when children are not present.
- A2-3 The commenter's suggestion is noted and will be considered by decision makers. The comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is necessary.
- A2-4 The COE acknowledges that the proposed project may be subject to SJVAPCD permitting requirements. Prior to construction, the COE will apply for and obtain an Authority to Construct and would comply with the requirements under Air District Rules 2010 and 2201, as applicable.
- A2-5 As acknowledged by the commenter, the COE has already submitted an Air Impact Assessment application that is currently under SJVAPCD review.
- A2-6 The proposed project would utilize architectural coatings and would be subject to Air District Rule 4601. The COE will comply with Rule 4601 requirements for architectural coatings, including Volatile Organic Compounds (VOC) limits, labeling, and cleanup requirements.
- A2-7 As stated on page 3-2 of the Draft EIR, the total project site would be 15.63 acres. Since the proposed project would disturb more than five acres, it is subject to Air District Rule 8021, and the COE will comply with this rule. The COE acknowledges that the proposed project may be subject to additional SJVAPCD rules cited by the commenter and will ensure compliance with all applicable regulations.

2. Response to Comments

A2-8 For the proposed project, the COE is both the Lead Agency and proposed project proponent. The COE acknowledges receipt of the SJVAPCD's comments, which were received on March 2, 2026.

2. Response to Comments

LETTER A3 – City of Visalia, Planning & Community Preservation Department, Jarred Olsen, Principal Planner (2 pages)

2. Response to Comments



Planning & Community Preservation Department
Planning Division

March 2, 2026

Jeff Ramsay, Director, General Services
Tulare County Office of Education
6200 S Mooney Boulevard
Visalia, CA 93277
jeff.ramsay@tcoe.org

Letter A3

RE: Notice of Availability of a Draft Environmental Impact Report for the Performing Arts Theater, AcCEL Center, and Library Project (SCH No. 2025041045)

Dear Mr. Ramsay,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Performing Arts Theater, AcCEL Center, and Library Project.

The City has the following comments on the DEIR:

- A proposed sewer connection will require an extraterritorial service agreement, to be approved by the Tulare County Local Agency Formation Commission, and should be included as a responsible agency. A3-1
- The City has no comments with respect to the sewer demand and capacity analysis.

With respect to Appendix M, Traffic/Transportation Analysis for the Proposed Performing Arts Theater, AcCEL Center, and Library Project Tulare County, the City has the following comments:

- Page M-10, Table 2 Existing Traffic Volumes – The report states that manual traffic counts were taken in May 2025, and were estimated for Liberty Road/Avenue 264. Were the referenced manual counts taken for this project ones obtained from Caltrans for Mooney Boulevard/State Route 63? What about for Liberty Road? The report states that counts for Liberty Road were estimated. What was used for the baseline for the estimate for existing traffic volumes? Counts should be included in appendices. A3-2
- Page M-13, Table 4 Project Impact on Daily Traffic Volumes - For a capacity level event at the theater, the impact on the local road network would likely not be spread throughout the day, but would peak at event opening hour, and closing hour. Was an analysis performed for access to the site during opening and closing peak hours? Was this taken into consideration? A3-3
- Avenue 264/Liberty Road is a future arterial status roadway. For arterials, access control is required for efficient and safe traffic operations. Their proposed driveway spacing on Avenue 264 does not meet our city standard. Required spacing is a minimum of 500 feet between driveways and a minimum of 200 feet from an intersection. All existing driveways would be restricted with the future median to A3-4

2. Response to Comments



Planning & Community Preservation Department Planning Division

right in/out only. Left turns would not be permitted. For the proposed new driveway, the recommended location is at 1/4-mile from Mooney Boulevard as this is the optimal location for a 3/4-median access worm. However, it is noted their parcel does not extend that far to the west. To permit a left turn movement into their facility, an alternative location would be to align the drive approach with Harrison Road. The alignment with Harrison Road may be considered for a possible 3/4-median access break.

A3-4
cont'd

- Deceleration lanes for drive approaches need to be evaluated.

Thank you very much for your time and consideration. Please contact me with any questions related to the City's comments.

Sincerely,

Jarred Olsen, AICP, Principal Planner
Planning and Community Preservation Department

cc: Paul Bernal, Planning and Community Preservation Department Director
Brandon Smith, AICP, Principal Planner
Leslie Blair, Senior Civil Engineer

2. Response to Comments

A3. Response to Comments from City of Visalia, Planning & Community Preservation Department, Jarred Olsen, Principal Planner, dated March 2, 2026.

A3-1 As stated on page 3-20 of the Draft EIR, the proposed project would include the installation of a sewer pipe that would connect the proposed project to sewer services provided by Visalia via a connection from the existing COE Liberty campus, which is part of a previously approved project. In Section 3.4.1.9, *Discretionary Actions*, on page 3-21 of the Draft EIR, the City of Visalia is noted as a responsible agency for the purpose of approving a new sewer connection to the proposed project.

In response to the City's comments, Section 3.4.1.9 has been revised to include the Tulare County Local Agency Formation Commission (LAFCO) as a responsible agency for the purposes of approving the proposed sewer connection to the proposed project, as shown in Section 3, *Revisions to the Draft EIR*, of this Final EIR.

A3-2 As stated in Section 5.16, *Transportation*, on page 5.16-7, daily traffic volumes were obtained from Caltrans for Mooney Boulevard/State Route 63 and were estimated for Avenue 264/Liberty Road by assuming that the morning peak hour was 8 percent of the daily traffic volume. The 8 percent factor was used because it is consistent with data obtained from the City of Tulare for locations near the project site.

A3-3 As stated on page 3-16 of the Draft EIR, in Chapter 3, *Project Description*, the performing arts theater would be used in the evenings throughout the year for events and after-school uses and during the school day for academic uses. Events would fall into two categories: typical event or capacity-level event. Typical events would include approximately 100 attendees and occur up to 45 days per year while capacity-level events would have up to 500 attendees and occur up to 15 days per year. Additionally, events and after-school uses would conclude by 8:00 pm.

Under the CEQA Guidelines, transportation impacts are evaluated using vehicle miles traveled (VMT), and analysis of traffic congestion (e.g., Level of Service) is no longer required. Event start times for typical and capacity-level events would occur after school (typically around 3:00 p.m.) or after the PM peak commuter hour, with events generally ending by 8:00 p.m. The proposed project would include up to 60 typical and capacity-level events per year. Because event-related activities would generally occur outside the PM peak commuter period, these events would not affect daily PM peak hour commuter traffic.

Under the CEQA Guidelines, transportation impacts are evaluated using VMT, and analysis of traffic congestion (e.g., Level of Service) is no longer required. Additionally, start times for typical and capacity-level events would vary from after school (typically around 3:00 p.m.) to after PM peak hour for commuter traffic with events ending at 8:00 p.m. In total, the number of typical and capacity-level events would include up to 60 days per year which would not impact daily PM peak hour for commuter traffic.

2. Response to Comments

Regarding site access, as stated on page 3-19 in Chapter 3, two full-access driveways from N Mooney Road/State Route 63 would provide primary access to the parking lot of the performing arts theater. As stated on page 5.16-12 of the Draft EIR, driveways would be designed to comply with applicable County of Tulare and Caltrans standards and would be reviewed by the County, Caltrans, and DSA. The COE would also seek approval for an encroachment permit from Caltrans for the new driveways off N Mooney Road/State Route 63 and coordinate with the City of Visalia and the City of Tulare, as applicable.

- A3-4 As stated on page 3-19 in Chapter 3, the AcCEL Center and library would be served by two ingress and egress driveways off Avenue 264/Liberty Road. The COE acknowledges the City's arterial access spacing standards and will coordinate with the City and Caltrans (for N Mooney Boulevard/State Route 63) during final design to evaluate spacing, access control, and median treatments. As stated in Response A3-3, driveways would be designed to comply with applicable County of Tulare and Caltrans standards (rather than City of Visalia standards) and would be reviewed by the County, Caltrans, and DSA; however, the County will coordinate with the City of Visalia and City of Tulare regarding driveway designs. Additionally, the COE will coordinate with the Cities to evaluate the need for deceleration lanes off Liberty Road/Avenue 264 consistent with applicable design standards.

2. Response to Comments

LETTER A4 – California Department of Fish and Wildlife, Julie A. Vance, Regional Manager, dated March 2, 2026 (9 pages)

2. Response to Comments

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



March 2, 2026

Letter A4

Jeff Ramsay, Director, General Services
Tulare County Office of Education
6200 South Mooney Boulevard
Visalia, California 93277
(559) 733-6601
Jeff.ramsay@tcoe.org

Subject: **Performing Arts Theater, AcCEL Center, and Library Project (Project)
Draft Environmental Impact Report (DEIR)
SCH: 2025041045**

Dear Jeff Ramsay:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Tulare County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

A4-1

2. Response to Comments

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Jeff Ramsay
Director, General Services
March 2, 2026
Page 2

alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

A4-1,
cont'd

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County Office of Education

Objective: The Project proposes to construct a single-story, 31,000-square-foot performing arts theater. The proposed Project includes construction of the single-story, 24,442-square-foot AcCEL Center and 12,000-square foot library that would feature a shade structure, landscaping, walkways, basketball courts, and a play area. The proposed Project also includes a 500-space parking lot for the performing arts theater and primary access by two driveways from N Mooney Boulevard/State Route 63, that would include approximately 243,126 square feet of landscaping, extension of sidewalks along the public right-of-way, and two photovoltaic (PV) systems—one shading the AcCEL Center play area and one over the performing arts theater parking lot. Outdoor lighting would be installed throughout the site for building accents, landscaping, safety, security, and wayfinding.

A4-2

Location: The Project site is located in the northwest part of Tulare County, 4.38 miles northeast of downtown Tulare and 4.45 miles southwest of downtown Visalia, near the southwest corner of Avenue 264/Liberty Road and N Mooney Boulevard/State Route 63. The Project site is located within Assessor’s Parcel Numbers (APNs) 149-030-005 and -008.

2. Response to Comments

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Tulare County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the DEIR prepared for the Project.

The DEIR notes the Project site currently includes a fallow agricultural field (not in production) with an irrigation well, a paved drive aisle and parking area, disturbed land comprised of ruderal vegetation, fencing, and landscaping/grass for a total of 15.63 acres. The DEIR also notes to the north and east of the Project site, uses consist of farmland, residential, commercial, and the Tulare County Office of Education (TCOE) Liberty campus. To the south of the Project site, uses consist of farmland, and to the west, farmland and commercial uses. The Biological Resources Assessment (BRA), prepared to inform the DEIR, also notes two small retention basins located adjacent to the northern border of the Project site on the TCOE campus.

A4-3

The DEIR acknowledges that the Project site is within the geographic range of special-status species and proposes specific mitigation measures for some species to reduce impacts to less than significant. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce potential impacts to less than significant and avoid unauthorized take for special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*); and the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*).

Swainson's Hawk

The DEIR states that Swainson's Hawk (SWHA) has a moderate potential to occur within the Project site as it is within the breeding range of the species and the site contains suitable foraging habitat. The DEIR includes Mitigation Measure (MM) BIO-1 to mitigate for potential significant impacts, which requires a qualified biologist to conduct a preconstruction avian survey for the species (and nesting birds in general) and implement a 200-foot no-disturbance buffer around active nests. CDFW does not concur that MM BIO-1 is sufficient to detect SWHA and their nests, mitigate for potential significant impacts, and avoid the unauthorized take of species. As such, CDFW recommends the Final EIR be modified to include the following measures:

A4-4

Recommended Mitigation Measure 1: SWHA Protocol Surveys

CDFW recommends that a qualified biologist conduct protocol surveys following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) the survey season immediately prior to construction. Please note

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this survey methodology requires that multiple surveys be conducted during the SWHA nesting season.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

A4-4,
cont'd

Recommended Mitigation Measure 3: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Western Spadefoot

The DEIR states that western spadefoot (WESP) has a low potential to occur as suitable breeding and upland habitat is absent from the Project site, although there are two retention basins within the vicinity of the Project. No mitigation measures were incorporated within the DEIR to mitigate for potential significant impacts. While the potential for WESP may be low currently, CDFW does not concur there is no potential for the species to occur prior to Project construction, particularly if construction occurs in 2027 and beyond. WESP have been known to persist for years in agricultural and anthropogenic habitats in the San Joaquin Valley and may disperse from breeding locations to suitable upland habitat during the rainy season. As such, CDFW recommends that the DEIR include the following measures:

A4-5

Recommended Mitigation Measure 4: WESP Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment prior to the initiation of construction activities to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WESP. Potential breeding habitat and upland refugia should be evaluated as part of this assessment.

Recommended Mitigation Measure 5: WESP Focused Surveys

If it is determined that suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey

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methodologies, prior to any ground-disturbing activities that may occur as part of the Project.

Recommended Mitigation Measure 6: WESP Minimization and Avoidance

If WESP burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps and irrigation ditches in addition to any areas that pool water for only a few weeks. Avoidance of potential breeding habitat should occur even when dry, since post-metamorphic WESP juveniles have a unique adaptation to the drying of their temporary breeding pools; they utilize the dried pond bottom as a refuge, burying themselves in the dessication cracks and damp soil beneath the surface crust (Baumberger et al., 2020). If any lifestage of WESP are observed on the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

A4-5,
cont'd

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the above recommended measures would help minimize impacts to WESP as required by CEQA, but would not fully avoid impacts and thus take; additional measures would need to be implemented to avoid take of WESP. In the event that WESP becomes protected under CESA, CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP acquisition.

Editorial comments and/or suggestions

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project proponent is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are

A4-6

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detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

MM BIO-1 requires a qualified biologist to implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. CDFW recommends the buffer distances be adjusted and a no-disturbance buffer of 250 feet be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer be implemented around active nests of non-listed raptors if continuous monitoring is infeasible. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

A4-6,
cont'd

California Natural Diversity Database (CNDDDB) Positive Submission of Data:

Please note that the CNDDDB is populated by voluntary record submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist/botanist during the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

A4-7

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

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<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

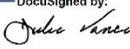
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

A4-7,
cont'd

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist Tulare County in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the Tulare County with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453, or john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:


FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT- MMRP Table

ec: State Clearinghouse
Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

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References

Baumberger, K., A. Backlin, E. Gallegos, C. Hitchcock, and R. Fisher. Mitigation ponds offer drought resiliency for western spadefoot (*Spea hammondi*) populations. Southern California Academy of Sciences, 119(1), pp. 6-17.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in the central valley of California. Swainson's Hawk Technical Advisory Committee.

2. Response to Comments

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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
 RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
 (MMRP)**

**PROJECT: Performing Arts Theater, AcCEL Center, and Library
 Project**

SCH No.: 2025041045

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA protocol surveys	
Recommended Mitigation Measure 3: SWHA take authorization	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 4: WESP habitat assessment	
Recommended Mitigation Measure 5: WESP focused surveys	
Recommended Mitigation Measure 7: WESP take authorization	
<i>During Construction</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 6: WESP avoidance buffer	

2. Response to Comments

A4. Response to Comments from California Department of Fish and Wildlife, Julie A. Vance, Regional Manager, dated March 2, 2026.

A4-1 The COE acknowledges the California Department of Fish and Wildlife's (CDFW) role as a trustee agency. As stated in Section 5.4, *Biological Resources*, of the Draft EIR, the proposed project would implement Mitigation Measure BIO-1 to reduce potential impacts to nesting birds and raptors to a less-than-significant level.

The COE also acknowledges that, if project activities would result in the potential take of a species protected under the California Endangered Species Act (CESA) or Fish and Game Code, the COE will coordinate with CDFW and obtain any necessary authorizations prior to construction.

A4-2 This comment provides a summary of the proposed project and its location and does not address the adequacy of the analysis in the Draft EIR. Therefore, no response is necessary.

A4-3 The commenter expresses concerns regarding the adequacy of some mitigation measures, particularly regarding Swainson's hawk and western spadefoot. As stated on page 5.4-10 of the Draft EIR, Swainson's hawk has a moderate potential to occur on the project site. As stated on page 5.4-18, Mitigation Measure BIO-1 would be implemented to reduce potential impacts to Swainson's hawk and would require preconstruction surveys conducted by a qualified biologist at least 3 days prior to the commencement of the vegetation clearing or ground-disturbing activities if project construction-related activities are during the breeding season (February 15 through August 31).

Regarding western spadefoot, as seen on page 5.4-9, the potential for western spadefoot in the biological study area, including the project site, is low. As a result, no mitigation measures were included in the Draft EIR in the proposed project for the western spadefoot. However, in response to the commenter's concerns, the Draft EIR has been revised, as shown in Section 3, *Revisions to the Draft EIR*, of this Final EIR, to include Mitigation Measure BIO-3. Mitigation Measure BIO-3 requires a habitat assessment prior to the initiation of construction activities to determine if the project site and the immediate surrounding vicinity contain suitable western spadefoot habitat, as well as avoidance procedures to be followed in the event that suitable habitat is present.

A4-4 The commenter expresses concerns that Mitigation Measure BIO-1 alone is insufficient to detect Swainson's hawk or their nests, adequately mitigate potential significant impacts, or avoid unauthorized take of the species. In response to the commenter's concerns, Section 5.4, *Biological Resources*, has been revised to include CDFW's recommended mitigation measure revisions (refer to Section 3, *Revisions to the Draft EIR*, of this Final EIR). As shown in Section 3 of this Final EIR, Mitigation Measure BIO-1 has been revised to include CDFW's recommended changes to nesting bird mitigation, and Mitigation Measure BIO-2 has been added to include additional mitigation requirements specific to Swainson's hawk.

2. Response to Comments

- A4-5 As stated in Response A4-3, Mitigation Measure BIO-3 has been added to the EIR (as shown in Section 3, *Revisions to the Draft EIR*, of this Final EIR) to address the commenter's concerns regarding potential impacts to western spadefoot. Please see Response A4-3 for more details.
- A4-6 The COE acknowledges CDFW's editorial comments and suggestions regarding Mitigation Measure BIO-1. In response to CDFW's editorial comments and suggestions, Mitigation Measure BIO-1 has been revised accordingly, as shown in Section 3, *Revisions to the Draft EIR*, of this Final EIR).
- A4-7 The COE acknowledges CDFW's request that any special-status species detected during surveys be reported to the California Natural Diversity Database (CNDDB). If special-status species are identified during project surveys or monitoring, occurrence data will be submitted to CNDDB in accordance with state guidelines. The project will comply with all applicable CEQA filing fee requirements at the time a Notice of Determination is filed.

2. Response to Comments

LETTER A5 – California Department of Transportation, Dave Padilla, Branch Chief, dated March 4, 2026
(4 pages)

2. Response to Comments

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



March 4, 2026

Comment Letter A5

TUL-63-3.97
TULARE COUNTY
OFFICE OF EDUCATION
GTS: [35617](#)

SENT VIA EMAIL

Mr. Jeff Ramsay, Director
Tulare County Office of Education
6200 S. Mooney Blvd.
Visalia, CA 93278

Dear Mr. Ramsey:

Thank you for the opportunity to complete a review of the Draft Environmental Impact Report of the Performing Arts Theater, Accel Center, and Library Project for Tulare County Office of Education. The proposed project is located on the southwest corner of Mooney Boulevard aka State Route 63 and Avenue 264 in the City of Visalia.

Previous comments from the attached comment letter dated April 24, 2025, are still valid and apply.

If you have any other questions, please call Elizabeth Yelton, Transportation Planner at (559) 365-5140.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Padilla', written in a cursive style.

Mr. DAVE PADILLA, Branch Chief,
Local Development Review Branch

A5-1

2. Response to Comments

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 365-5140 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



April 24, 2025

TUL-63-3.97
Tulare County
Office of Education
AGENDA: 2-19-25
GTS: [35617](#)

SENT VIA EMAIL

Mr. Wa Vang, Project Engineer
Lane Engineers, Inc.
979 N. Blackstone Street
Tulare, CA 93274

Dear Mr. Vang:

Thank you for the opportunity to complete a review of a Site Plan for the proposed construction of additional buildings and parking to the existing Tulare County Office of Education (TCOE). Existing access to the development is via a driveway located along Avenue 264. Two additional access points to the development are proposed via driveways along Avenue 264 to access the proposed buildings located west of the existing education center. Another proposed access is via a driveway located along State Route (SR) 63/South Mooney Boulevard to access the future theatre development located south of the existing education center. The project site is located at the southwest corner of N. Mooney Boulevard AKA SR 63 and Avenue 264 AKA Liberty Road.

A5-2

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The development being proposed will likely have a direct impact on SR 63. Caltrans recommends a southbound right-turn pocket lane (RTP) at the southbound access driveway on SR 63 to facilitate a seamless integration with SR 63. Be advised that the RTP shall be 16 feet wide to meet the requirement in the Caltrans Highway

A5-3

"Provide a safe and reliable transportation network that serves all people and respects the environment"

2. Response to Comments

Mr. Wa Vang - TCOE
April 24, 2025
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Design Manual (HDM) Index 405.3(2). A bicycle lane should also be installed between the southbound through-lane and the RTP to satisfy Caltrans HDM Index 403.6. 2.

A5-3,
cont'd

2. Caltrans is requesting a detailed operational statement for review, at that time, further comments may be provided. The operational statement shall include trip generation data (Institute of Transportation Engineers (ITE) Land Use, peak hour trip generation, trip distribution, etc.) and queue analysis for a proposed right-turn lane to determine the storage length needed for the RTP. This information will allow for a better assessment of the generated trips created by this project and their impacts on the safety and operations to SR 63 and the nearby at-grade intersection. This aligns with the comprehensive transportation strategy and enhance overall roadway safety. The implementation of the ultimate concept set back may require relocation of the utilities located at the Avenue 264 and SR 63 intersection.

A5-4

3. According to the Caltrans Transportation Concept Report (TCR), this segment of SR 63 is currently classified as a 4-lane major arterial and would be upgraded to a 6-lane divided conventional highway, with the assumption this area would be considered an urban area in the future with 10-foot sidewalk, a posted speed limit of 45 mph with curbed medians, allowing for a 2-foot inside shoulder and 8-foot outside shoulder per Caltrans HDM Table 302.1. Existing right-of-way (ROW) is currently approximately 55 feet from the SR 63 centerline. It is recommended that the project proponent should ensure that all future buildings and/or permanent structures be built with at least 23 feet of setback to accommodate the future widening of SR 63.

A5-5

4. It appears that the provided site plan does not include streetlights along the frontage of the development. Caltrans suggest street lighting be installed along the development frontage, SR 63 as well as Avenue 264, for public safety and security.

A5-6

5. The proposed southbound access driveway on SR 63 is shown to be 40 feet in width. The new driveway access shall be designed per Caltrans standard. Please refer to Caltrans HDM Index 205.3 and the latest Caltrans Standard Plans for guidance.

6. It is anticipated that much of the generated traffic will originate from SR 63. According to the Caltrans Local Development Review Safety Practitioner's Guidance dated February 2024, a safety review for a development is not required if the project makes no physical modification to the State Highway System (SHS) and the project results in zero additional trips by any mode on the SHS. Since the proposed development will be adding trips to the SHS, a safety review will be required. The safety review should identify and analyze any potential safety impacts due to the increased conflicts. The developer should request Caltrans crash data summary for the involved SHS facility using the included Crash Data Request Form.

A5-7

"Provide a safe and reliable transportation network that serves all people and respects the environment"

2. Response to Comments

Mr. Wa Vang - TCOE
April 24, 2025
Page 3

7. An encroachment permit from the Caltrans District 6 Permits Office will be required for any work done within or impacting the State ROW. Any work done in the State ROW shall conform to the current Caltrans Highway Design Manual and standard plans and specifications. Please note an Encroachment Policy Exception (EPE) will be required for any utility access points within the State ROW. The EPE will need to be approved prior to submitting for an encroachment permit for this project to go through the Encroachment Permit Office Process (EPOP).

A5-8

8. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the city. The assessment should include the following:

- a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
- b. The Project might also consider coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.
- c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

A5-9

If you have any other questions, please call Elizabeth Yelton, Transportation Planner at (559) 365-5140.

Sincerely,



Mr. DAVE PADILLA, Branch Chief
Local Development Branch

Enclosure or Attachment (s):

- Attachment A – Crash Data on State Highway System Request Form
- Attachment B – Appendix D of the LDR Safety Review Practitioner’s Guidance
- Attachment C - TCOE Education Center ROW Clarification

“Provide a safe and reliable transportation network that serves all people and respects the environment”

2. Response to Comments

A5. Response to Comments from California Department of Transportation, Dave Padilla, Branch Chief, dated March 4, 2026.

- A5-1 The comment attaches the California Department of Transportation's (Caltrans) previous comments from a letter dated April 24, 2025. The COE received the attached letter when it was initially received in April 2025 and has since coordinated with Caltrans' Division of Engineering Services to address Caltrans' comments in good faith. The COE will continue the coordination process with Caltrans through the final design and permitting of the proposed project. The comment serves as an introduction to the comments that follow; please see Response A5-2 through Response A5-9.
- A5-2 The comment summarizes the proposed project and does not address the adequacy of the analysis in the Draft EIR. Therefore, no response is necessary.
- A5-3 As stated on page 3-19 of Chapter 3, the proposed project would include two ingress and egress driveways from N Mooney Boulevard / State Route (SR-) 63 that would provide access to the performing arts theater parking lot. As described on page 5.16-13 of the Draft EIR, the construction and connection of these new driveways would be coordinated closely with Caltrans because they connect to SR-63, which is part of the State Highway System. Additionally, page 5.16-12 of the Draft EIR notes that the proposed project would include bicycle parking on the project site. Accordingly, the COE will continue to coordinate with Caltrans through the final design of the proposed project, particularly regarding the driveway connections to N Mooney Boulevard/SR-63 and the potential installation of a southbound bicycle lane along N Mooney Boulevard/SR-63 consistent with the Caltrans Highway Design Manual. In the event that the project design is revised to include additional improvements that have the potential to cause a physical effect on the environment, such improvements will be considered pursuant to CEQA and the State CEQA Guidelines to determine if they are within the scope of the proposed project analyzed in this EIR. If a future project design change would have effects that are not within the scope of this EIR, the lead agency would consider the design changes in light of State CEQA Guidelines Section 15162 to determine if additional analysis is required.
- A5-4 Since the time that this comment was initially submitted to the COE on April 24, 2025, a Traffic/Transportation Analysis was prepared for the proposed project and is included as Appendix M of the Draft EIR. The analysis therein evaluates project trip generation, vehicle miles traveled (VMT), and circulation conditions associated with the proposed project. The analysis also determined that the proposed project would not result in a significant transportation impact. The Traffic/Transportation Analysis did not include a queue analysis at the time because the potential southbound RTP was not part of the proposed project's design. However, the COE will continue to coordinate with Caltrans regarding additional operational analyses or documentation that may be required as part of a potential southbound RTP. Please also see Response A5-3 regarding additional

2. Response to Comments

environmental analysis that may be required for potential changes to the proposed transportation improvements.

- A5-5 As stated on page 3-17 in Chapter 3, the proposed performing arts theater would be closest building to N Mooney Boulevard/SR-63 under the proposed project. Figure 3-6 – Conceptual Site Plan on page 3-17, shows that the proposed performing arts theater would maintain a similar setback from the N Mooney Boulevard/SR-63 centerline when compared to the existing Planetarium and Science Center located off N Mooney Boulevard/SR-63 just north of the proposed performing arts center building. However, the COE will continue to coordinate with Caltrans during final design to ensure that any proposed improvements near the SR-63 frontage are consistent with Caltrans right-of-way requirements and do not interfere with potential future roadway widening.
- A5-6 The proposed project includes outdoor lighting for safety, security, and wayfinding throughout the project site. The COE will continue to coordinate with Tulare County and Caltrans during the final design phase to determine whether additional street lighting improvements along N Mooney Boulevard/SR-63 and/or Avenue 264/Liberty Road are required and feasible within the State and County rights-of-way. Additionally, as stated on page 5.16-12 of the Draft EIR, the proposed driveways of N Mooney Boulevard/SR-63 would be designed to meet the applicable Caltrans requirements.
- A5-7 As stated on page 5.16-9 of the Draft EIR, the proposed project would generate 180 additional vehicle trips on a day with no performing arts theater events; 390 additional vehicle trips with a typical event at the performing arts theater; and 1,190 additional vehicle trips on a day with a capacity-level event at the performing arts theater. As part of the proposed project development process, the COE will continue to coordinate with Caltrans regarding any additional safety review requirements associated with access to SR-63. If a safety review is required by Caltrans, it will be prepared consistent with Caltrans guidance and submitted for agency review.
- A5-8 As noted on page 3-21 of the Draft EIR, the COE acknowledges that an encroachment permit through Caltrans would be required for the new driveways being installed along N Mooney Boulevard/SR-63.
- A5-9 As stated on page 3-19 of the Draft EIR, the proposed project would include the construction of approximately 1,280 linear feet of sidewalk improvements along N Mooney Boulevard/SR-63 and approximately 1,290 linear feet of sidewalk improvements along Avenue 264/Liberty Road. In addition, internal walkways would be constructed to provide pedestrian circulation and access throughout the project site. As noted on page 5.16-12 of the Draft EIR, the proposed project would also include bicycle parking on-site for use by students, staff, and visitors. Furthermore, as described on page 3-2 of the Draft EIR, the nearest Tulare County Regional Transit Agency bus route is Route C40, which serves the intersection of Avenue 264/Liberty Road and N Mooney Boulevard/SR-63, located less than one-quarter mile from the project site.

3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the Draft EIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Draft EIR publication; and/or (3) typographical errors. Changes made to the Draft EIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DRAFT EIR REVISIONS

The following text has been revised in response to comments received on the Draft EIR.

Chapter 3, Project Description

The text under the heading “Other Agency Action Requested” on page 3-21 of the Draft EIR is revised as follows:

The proposed project would require approval and/or coordination from the following state and local agencies to implement the proposed project.

Lead Agency	Action
Tulare County Office of Education (Tulare County Board of Education)	Consider Final EIR for certification and project approval.
Responsible Agencies	Action
Department of the State Architect	Approval of construction and design plans.
California Department of Education	Approval of school site and design plans
California Department of Toxic Substances Control	No Further Action Letter for Preliminary Environmental Assessment (PEA)
California Department of Transportation (Caltrans)	Encroachment Permit for Utilities and New Driveways
San Joaquin Valley Air Pollution Control District	Indirect Source Review (ISR) Permit
Central Valley Regional Water Quality Control Board	Construction General Permit
Tulare County Resource Management Agency	Approval of New Driveways
<u>Tulare County Local Agency Formation Commission</u>	<u>Approval of New Sewer Connection</u>
City of Visalia	Approval of New Sewer Connection
Tulare County Fire Department	Approval of construction and design plans.

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Section 5.4, Biological Resources

The discussion of Impact 5.4-1 on page 5.4-14, continuing onto page 5.4-15, of the Draft EIR is revised as follows:

Impact 5.4-1: The proposed project could have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and **Game or U.S. Fish and Wildlife Service including Swainson's hawk, and northern harrier, and western spadefoot.** [Threshold B-1]

The field survey determined that the project site contains disturbed and developed lands. No habitat exists onsite, except for possible foraging grounds for special-status bird species. During the site visit, the California ground squirrel was documented on the project site with over ten (10) individuals seen along the western edge of the parcel with burrows seen across the project site. Additionally, other burrows were documented on the project site that were inconsistent with California ground squirrel burrow entrance design and most resembled that of the Botta's pocket gopher. While not seen during the survey, it should be treated as present due to the freshness of the excavated soil. The California ground squirrel and the Botta's pocket gopher are not special-status species. No mitigation measures are required for the California ground squirrel and Botta's pocket gopher, and a less than significant impact would occur.

Special-status species include those listed as endangered or threatened under the federal Endangered Species Act or California Endangered Species Act; species otherwise given certain designations by the California Department of Fish and Wildlife; and plant species listed as rare by the California Native Plant Society. None of the 21 sensitive plant species identified in the literature review were present in the BSA. Because the BSA's disturbed habitat is dominated by non-native vegetation and it is next to development and agricultural land, there is low to no potential for occurrence in the survey area, including the project site, for the sensitive species identified in Table 5.4-1. Therefore, no focused botanical surveys would be needed and the proposed project would not impact sensitive plant species.

Of the 24 sensitive wildlife species identified in the literature review, two have a moderate potential to occur on the project site due to potential foraging opportunities on site, and 22 have low to no potential to occur in the BSA. The two species are Swainson's hawk (state threatened) and the northern harrier (USFWS bird of conservation concern, state species of special concern). Additionally, though the western spadefoot has a low potential to occur, the species has been known to persist for years in agricultural and anthropogenic habitats in the San Joaquin Valley and may disperse from breeding locations to suitable upland habitat during the rainy season. Because project construction would last through January 2030 it could impact western spadefoot habitat.

As stated above, Swainson's hawk will use snags in agricultural fields or pastures and roadside trees when available and adjacent to suitable foraging habitat. The northern harrier requires dense grasses, sedges, and rushes for foraging habitat. The project site is fallow agriculture land and does not include any trees, dense grasses, sedges, or rushes. Therefore, the project site provides limited foraging opportunities. Additionally,

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development of the proposed project would be limited to the project site and would not impact other agricultural sites that may be used for foraging. Therefore, the proposed project would not substantially affect foraging habitat. The proposed project would have a less than significant impact on foraging habitat for the Swainson's hawk and the northern harrier.

The BSA is considered a migratory pathway, which is a potential stopover location during migration and can be used for limited foraging, but does not provide suitable breeding or nesting habitat to resident or breeding species. However, the project site should be treated with the potential for nesting to occur. If vegetation clearing or ground disturbing activities take place during breeding season (February 15 through August 31) a project could disturb nesting birds. The proposed project would require vegetation clearing and ground-disturbing activities, which have the potential to disturb and result in the take of nesting birds. Nesting birds are protected by the MBTA, which governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests (see under 5.4.1.1, *Regulatory Background*). The MBTA prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities except under a valid permit or as permitted in the implementing regulations. The USFWS administers permits to take migratory birds in accordance with the MBTA. Since the proposed project would include vegetation clearing or ground-disturbing activities during the nesting bird season, the proposed project would have the potential to impact migratory and nesting birds protected by the MBTA.

Impacts to migratory and nesting birds and western spadefoot would be potentially significant.

Level of Significance Before Mitigation: Potentially Significant.

Section 5.4.4, Cumulative Impacts, on page 5.4-17, continuing onto page 5.4-18, of the Draft EIR is revised as follows:

The area considered for cumulative impacts to biological resources is Tulare County. Cumulative development of natural habitat and agricultural lands would reduce foraging opportunities, nesting opportunities, and stopover sites. The project site contains fallow agriculture land and does not include any trees and does not contain suitable breeding and upland habitat. Therefore, the project site provides limited foraging opportunities and nesting habitat for Swainson's hawk and northern harrier and no suitable breeding and upland habitat for western spadefoot. Nevertheless, without mitigation, the proposed project could contribute to a cumulative impact to the Swainson's hawk, ~~and the northern harrier, and western spadefoot~~. With the implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3, the proposed project would result in a less than significant impact and would not be cumulatively considerable.

The project site is not within or in the vicinity of a critical habitat and the closest identified critical habitat is approximately 11.19 miles northwest of the project site. Additionally, the project site does not contain nor is it located near any riparian areas or habitat. As previously discussed, the project site does contain one wetland but is defined as a buried pipeline. As such the proposed project would not impact this wetland, as a result of it being buried, or any other wetlands. Therefore, development of the proposed project would not contribute to cumulative impact related to critical habitat, wetlands, or riparian areas.

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As stated in Impact 5.4-5, the project site is not located in an NCCP/HCP. However, Policy ERM-1.1 requires the protection of environmentally sensitive wildlife and plant life. The proposed project has the potential contribute to cumulative impact associated with migratory pathway, including potential foraging and nesting grounds, for the Swainson's hawk and the northern harrier (two special-status species). Potential impacts to the Swainson's hawk and the northern harrier would conflict with Policy ERM-1.1. Therefore, without mitigation, the proposed project could contribute to a cumulative impact. With the implementation of Mitigation Measure BIO-1, the proposed project would result in a less than significant impact and would not be cumulatively considerable.

In addition to the proposed project, the UPHS students will be moved onto the current COE Liberty campus during the summer of 2027 and would consist of 250 students. An additional project in the project area would include construction of a sewer line to a City of Visalia sewer connection to the existing COE Liberty campus which would be permanent. Construction of the sewer line would be short term and would be located in developed land and within an existing right-of-way. The new sewer line project and moving 250 UPHS students would not occur on undisturbed habitat or would consist of removing any trees. Therefore, the proposed project would not combine with UPHS relocation project or the Liberty sewer project to create a cumulative impact to biological resources.

Similar to the proposed project, each cumulative project would be reviewed on a case-by-case basis for its impact on biological resources and would be expected to comply with existing regulations and local and regional plans, ordinances, and policies protecting biological resources, such as the MBTA. Additionally, similar to the proposed project, each related project would be expected to implement mitigation measures to reduce its impact, such as the implementation of preconstruction nesting bird surveys. With the incorporation of Mitigation Measures BIO-1 and BIO-2, which would require preconstruction nesting bird surveys and protocol surveys and avoidance measures for Swainson's hawk, the proposed project would not contribute to a cumulatively considerable impact. With adherence to federal, state, and local regulations protecting biological resources and implementation of site-specific mitigation measures, cumulative impacts would be less than significant.

Section 5.4.6, Mitigation Measures, on page 5.4-19 of the Draft EIR is revised as follows:

Impact 5.4-1, Impact 5.4-4, and Impact 5.4-5

BIO-1 **Preconstruction Avian Survey.** If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through ~~August 31~~ September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least ~~3~~ 10 days prior to the commencement of the vegetation clearing or ground disturbing activities. The preconstruction survey shall also include a sufficient area, meaning any area potentially affected, either directly or indirectly, by the proposed project. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of construction-related activities, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site.

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~~This buffer shall be a minimum of 75 feet from the project activities for passerine birds and a minimum of 200 feet for raptors. The distance shall be determined by a qualified biologist based on the site conditions (topography, if the nest is in a line of sight of the construction, and the sensitivity of the birds nesting). Additional protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance, and proximity to existing development. The nest site(s) shall be monitored by a qualified biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site(s). A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.~~

BIO-2 Swainson's Hawk Survey. A qualified biologist shall conduct protocol surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction. If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of 1/2-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a 1/2-mile no-disturbance buffer is not feasible, consultation by a qualified biologist with CDFW is required to discuss how to implement the project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.

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BIO-3 **Western Spadefoot.** A qualified biologist shall conduct a habitat assessment prior to the initiation of construction activities to determine if the project site and the immediate surrounding vicinity contain habitat suitable to support western spadefoot. Potential breeding habitat and upland refugia should be evaluated as part of this assessment. If it is determined that suitable habitat is present, a qualified biologist shall conduct focused surveys for western spadefoot, using appropriate survey methodologies, prior to any ground-disturbing activities. If western spadefoot burrows, cracks, loose soil areas, or other refugia are found to be used by western spadefoot during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps, irrigation ditches, and areas that pool water for only a few weeks. Potential breeding habitat should be avoided even when dry. If any life stage of western spadefoot is observed on the project site, project activities in their immediate vicinity should cease, allowing individuals to leave the project site of their own accord.

Section 5.4.7, Level of Significance After Mitigation, on page 5.4-20 the Draft EIR is revised as follows:

Impacts 5.4-1, 5.4-4, and 5.4-5 were potentially significant prior to mitigation. With the incorporation of Mitigation Measures BIO-1, BIO-2, and BIO-3 and adherence to regulatory compliance measures, Impact 5.4-1, Impact 5.4-4, and Impact 5.4-5 would be reduced to a less than significant level.

Chapter 7, Alternatives to the Proposed Project

Section 7.5.4, Biological Resources, on page 7-6 the Draft EIR is revised as follows:

No construction would occur under the No Project Alternative. The project site would continue to be fallow agricultural land. The No Project Alternative would have no impacts on biological resources, and Mitigation Measures BIO-1, BIO-2, and BIO-3 would not be needed. Therefore, this alternative would eliminate the proposed project's less than significant impacts.

Section 7.6.4, Biological Resources, on page 7-10 the Draft EIR is revised as follows:

This alternative would include a smaller overall development footprint and would be located on the Liberty campus. The AcCEL Center and library components would still be located on the northwest side of the project site while the outdoor amphitheater would be located on the Liberty campus, which is developed and disturbed. Due to the smaller development footprint and removal of the performing arts theater from the project site, this alternative would reduce impacts to biological resources compared to the proposed project. However, this alternative would still require implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3. As such, this alternative would result in similar less than significant impacts (after mitigation) as the proposed project.

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Section 7.7.4, Biological Resources, on page 7-15 the Draft EIR is revised as follows:

This alternative would include a slightly smaller overall building footprint and would be located on a different COE-owned property. The AcCEL Center and performing arts theater components would still be located on the project site while the library would be located adjacent to the COE administration building. Due to the slightly smaller building footprint and removal of the library component from the project site, this alternative would reduce impacts to biological resources compared to the proposed project. However, this alternative would still require implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3. As such, this alternative would result in similar less than significant impacts (after mitigation) as the proposed project.

Executive Summary Table

Section 5.4, *Biological Resources*, in Table 1-1, *Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation*, in Chapter 1, *Executive Summary*, of the Draft EIR is provided below and incorporates the above revisions to mitigation measures.

3. Revisions to the Draft EIR

Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.4 BIOLOGICAL RESOURCES			
Impact 5.4-1: The proposed project could have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service including Swainson's hawk and northern harrier. [Threshold B-1]	Potentially Significant	BIO-1 Preconstruction Avian Survey. If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through August 31/September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least 3-10 days prior to the commencement of the vegetation clearing or ground disturbing activities. The preconstruction survey shall also include a sufficient area, meaning any area potentially affected, either directly or indirectly, by the proposed project. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of construction related activities, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds and a minimum of 200 feet for raptors. The distance shall be determined by a qualified biologist based on the site conditions (topography, if the nest is in a line of sight of the construction, and the sensitivity of the birds nesting). Additional protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance, and proximity to existing development. The nest site(s) shall be monitored by a qualified biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site(s). A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be	Less Than Significant

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Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.</u></p> <p>BIO-2 Swainson's Hawk Survey. <u>A qualified biologist shall conduct protocol surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction. If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of ½-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a ½-mile no-disturbance buffer is not feasible, consultation by a qualified biologist with CDFW is required to discuss how to implement the project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.</u></p> <p>BIO-3 Western Spadefoot. <u>A qualified biologist shall conduct a habitat assessment prior to the initiation of construction activities to determine if the project site and the immediate surrounding vicinity contain habitat suitable to support western spadefoot. Potential breeding habitat and upland refugia should be evaluated as</u></p>	

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Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>part of this assessment. If it is determined that suitable habitat is present, a qualified biologist shall conduct focused surveys for western spadefoot, using appropriate survey methodologies, prior to any ground-disturbing activities. If western spadefoot burrows, cracks, loose soil areas, or other refugia are found to be used by western spadefoot during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps, irrigation ditches, and areas that pool water for only a few weeks. Potential breeding habitat should be avoided even when dry. If any life stage of western spadefoot is observed on the project site, project activities in their immediate vicinity should cease, allowing individuals to leave the project site of their own accord.</u></p>	
<p>Impact 5.4-2: The proposed project would not result in the loss of any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. [Threshold B-2]</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>Impact 5.4-3: The proposed project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. [Threshold B-3]</p>	<p>Less Than Significant</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant</p>
<p>Impact 5.4-4: The proposed project could potentially interfere 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. [Threshold B-4]</p>	<p>Potentially Significant</p>	<p>Implement Mitigation Measures BIO-1 and BIO-2.</p>	<p>Less Than Significant</p>

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Table 1-1 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 5.4-5: The proposed project could potentially conflict with local policies or ordinances protecting biological resources, but would not conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan [Thresholds B-5 and B-6]	Potentially Significant	Implement Mitigation Measure BIO-1 and BIO-2.	Less Than Significant

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