

**Community Development
Department**

December 24, 2008

Ken Koch
Impact Sciences
900 Truxtun Avenue
Suite 300
Bakersfield, CA 93301

Dear Mr. Koch,

Enclosed please find the comments received during the Notice of Preparation process for the Riverwalk Marketplace Phase II EIR effort in Porterville.

I was not sure which address to send this to so I sent it to both the Bakersfield and the Roseville office for your convenience.

Please let me know if I may be of further assistance.

Sincerely,

Benjamin A. Kimball
City Planner

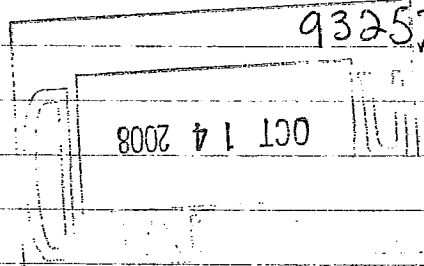
Enclosures

October 6, 2008

Benjamin A. Kimball
City Planner
Comm. Devel. Dept.
City of Porterville
291 N. Main St.
Porterville, Ca. 93257

930 McIntire
Porterville, Ca.

93257



Thank you for the opportunity for me to express my feelings, thoughts.

Why does Porterville need 2 WallMarts?
Fresno Bee business section once stated they only take business away from themselves. What's the point?

They also take business away from local small business. I use the WallMart on Henderson for my Over-the-Counter medications. That's all.

I understand city planning logic - it'll provide jobs, etc., etc., etc. But studies done all across USA ^{show} re: WallMarts show the cities lose money in the long run from taxes by small businesses that eventually close because they cannot compete.

Also, this is going to be built 3 blocks from my house!! EEK!! traffic, pollution, kids loitering, litter, noise, YUK!!

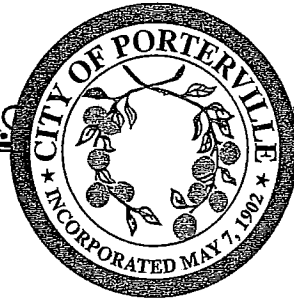
Environmental impact... tremendous.
I've been through the "river walk"
concept, but what could be a very
nice place to exercise, is polluted by
trash, weeds, litter, etc. etc. I'm not
impressed.

What I am saying is,
Porterville, already a trashy-like
town will become even more so
with a super Walmart (#2).

Just say no to wall Mart (Now, you
could put in a Costco!!)

Thank you.

Lauri Honnevik



**Community Development
Department**

December 11, 2008

Laurie
930 W. McIntire
Porterville, CA 93257

Dear Laurie,

This letter is to respond to a telephone message that you left with our office on November 20, 2008. In it, you expressed concerns with how your comments about the proposed Riverwalk Marketplace Phase II, which includes a proposal for Super Walmart, would be handled.

The voice message that you left ended halfway through leaving your phone number so we were unable to know your phone number and call you back. Also, the message did not contain your last name so we were unable to look up your phone number in the phone book. To top it off, the County Assessor does not maintain telephone numbers in its property data base. This is why we are attempting to contact you via letter instead.

In answer to your question, we are indeed interested in the comments that you have on whether or not you want a Walmart in your neighborhood. The comments that you heard on the radio about us only wanting to receive environmental comments at the Public Scoping Meeting on December 8, 2008 was an issue of timing. At the time of the scoping meeting, we are only working on the environmental document being prepared for the project and have not gotten into review of the merits of the project. The time to share comments about person opinions of Walmart will come in the future when the project is reviewed publicly by the City Council. At that time there will be a public hearing and an effort to gather those kinds of comments to be considered by your elected officials.

If you have any comments regarding the quality of the environmental document, please contact me with those right away (before December 31, 2008). If you have other comments on the project, please keep them ready for the time when we are ready to receive them.

I hope this clarifies the concern that you expressed in the voice message.

Sincerely,

Benjamin A. Kimball
City Planner
bkimball@ci.porterville.ca.us

Benjamin A. Kimball, City Planner
Community Development Department
City of Porterville
291 North Main Street
Porterville , California 93257

RECEIVED

OCT 18 2008

Community Development
Department

Dear Mr. Kimball:

This is in response to a recent letter from your office concerning a proposed location of a Super Wal-Mart in the Riverwalk Shopping Center .

We appreciate the effort to bring in businesses to Porterville . We understand and value the jobs and revenue these businesses create for our city. The arrival of Lowe's, El Pollo Loco, Panda Express and possibly Best Buy are welcomed.

However, we, as Riverwalk Shopping Center neighbors, are greatly concerned and opposed to the proposal to include a Super Wal-Mart in the shopping center.

There are several reasons why we oppose this proposal, they include:

The Wal-Mart History: Wal-Mart has not proven itself to be a good neighbor. We saw our neighborhood change dramatically for the worse when the Distribution Center opened in 1987.

- Wal-Mart did not update or provide new and improved roads to handle the size and quantity of their trucks.
- They did not provide adequate sound and environmental protection to compensate for the impact of its operations.

Economic Impact: We are concerned the economic impact of this store will be negative for our city as compared to another company that does not currently operate a business here.

- Historically, the empty business space of the closed business is often not only an eyesore but a deterrent to other businesses. Who wants to open a new business in an unsightly shopping center due to a big store leaving?
- We question whether or not there will be sufficient new jobs and taxes brought in to compensate for the negative impact on local businesses and excessive pollution due to the increased hours of operation.

Business that benefits Porterville: There is a greater need for a department store such as a full service Sears, J.C. Penney, Macy's or Gottschalk's. One of these stores would fill a vacuum here in Porterville and reduce the tax dollars flowing to Visalia and Bakersfield . These are upscale businesses that will benefit Porterville and the surrounding area.

Additionally, we believe there would be a net increase of jobs and revenue created by keeping Wal-Mart in its present location and adding another needed business in the shopping center.

We and our extended family of Porterville residents strongly oppose this location of a Super Wal-Mart in the Riverwalk Shopping Center .

Sincerely,

Ollis M. Moor

Address 825 S. Chess Terrace

Virgel Moor

Address 825 S. Chess Terrace

Darrell Cox

Address 815 S. Chess Terrace

Luzie Cox

Address 815 S. Chess Terrace

Date Oct. 17, 2008

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 28, 2008

RECEIVED

OCT 29 2008

Community Development
Department

Benjamin Kimball
City of Porterville
291 Main Street
Porterville, CA 93257

Re: Notice of Preparation, Draft Environmental Impact Report (EIR)
Riverwalk Marketplace Phase 2 (225,580 square feet of Retail Commercial)
SCH #2008091149

Dear Mr. Kimball:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission recommends that the City include potential project-related rail safety impacts and measures to reduce adverse impacts of the proposed project. The project's traffic impact study (TIS) is the mechanism by which to address these concerns since it will be the basis for the analysis within the Traffic/Circulation section of the DEIR.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Changes in land use should not be allowed that would permit housing adjacent to existing rail yards. Similarly, where a need for grade-separated crossings is identified, new development should not be placed adjacent to at-grade highway rail crossings, within the footprint of land needed for future grade-separation structures.

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or *underpasses*
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Installation of additional traffic lanes through the crossing to accommodate additional traffic
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

CPUC also encourages localities to set up mechanisms whereby new developments pay a fair share of their impact costs to fund the above measures if not already in an existing Fee program by the City or a Regional Fee program.

We recommend the following at grade rail crossings be included in the traffic analysis scope; Putnam, Olive, Orange, Main Street, Porterville OH, and Yates. Although this rail line is currently inactive due to recent abandonment proceedings By San Joaquin Valley Railroad (SJVR) and the transfer of ownership. The at-grade crossings are still considered operational by the CPUC and need to be addressed in the traffic study until the abandonment of the line is finalized and it has been determined that it will not be reactivated.

The proposed retail commercial project vehicle trips will have direct and cumulative impacts that may require mitigation measures by the project proponent as a result of this analysis. The mitigation monitoring section of the DEIR needs to include the results of the traffic analysis impacts, proposed mitigation measures, responsible agency and a completion date of improvements. The Commission could be a responsible agency under CEQA section 15381 with the review of this project and needs to be referenced accordingly in the environmental documents depending on the impacts to the rail corridor and at grade rail crossings referenced.

Benjamin Kimball, City of Porterville
SCH #2008091149
October 28, 2008
Page 3 of 3

Please forward the TIS scope, so we may have an opportunity to review the proposed analysis which will make our review more efficient and expedient for the project proponent. Should you have a planned scoping meeting for the traffic study, we would like to be notified along with other agencies affected or impacted by the proposed project.

Thank you for your consideration of these comments and we look forward to working with the City on this project. If you have any questions in this matter, please call me at (415) 713-0092 or email @ ms2@cpuc.ca.gov.

Sincerely,



Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
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FRESNO, CA 93778-2616
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RECEIVED**OCT 29 2008**

*Flex your power!
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October 28, 2008

**Community Development
Department**

2135-IGR/CEQA
6-TUL-190-15.95 +/-
NOP / IS
RIVERWALK MARKETPLACE PHASE 2
SCH # 2008091149

Mr. Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Kimball:

Thank you for the opportunity to review the Notice of Preparation for the Draft Environmental Impact Report for the Riverwalk Marketplace Phase 2 development. The project proposes to construct a retail commercial shopping center on approximately 22 acres with 225,580 square feet of floor area among five (5) building pads and 1,199 parking stalls. The retail anchor proposed for the site is a Wal-Mart full service supermarket store with 184,109 square feet of floor space and 921 parking spaces. The project site is located on the northwest corner of the State Route (SR) 190 and Jaye Street intersection, bounded by Indiana Street to the west and Springville Avenue to the north, approximately 0.25 miles east of SR 65 in the City of Porterville. Caltrans has the following comments:

Based on the information provided for this project under the Operational Characteristics section on page 7, the project would generate approximately 225 employee trips per working shift. There will be more than three shifts as associates have flexible working hours through out the week. It is anticipated that the proposed development would have significant impacts to the SR 190/Jaye Street intersection and to the SR 65/SR 190 interchange. *A Traffic Impact Study (TIS) should be prepared to evaluate the impacts to both the intersection and interchange.* The TIS should include a traffic operational analysis for both westbound and eastbound SR 190 between the interchange and Jaye Street. Additionally, the TIS should include traffic impact mitigation measures for opening day and Year-2035 scenarios. Potential mitigations may involve construction of auxiliary lane(s) between the interchange and Jaye Street. Please have the preparer of the traffic study reference the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002, and send the scope of the TIS to Caltrans before the traffic study is conducted. Caltrans Guide, while advisory, contains Best Practices and gives insight into Caltrans' expectations when reviewing a traffic study. If the traffic consultant has any issues or concerns regarding the use of the Guide or its interpretation, please contact us so resolution can be reached.

The existing drainage patterns for SR 190 shall be perpetuated. Specifically, in regards to the construction of building pad #12, and may also include building pads #13 & #14 and the portion

Mr. Benjamin Kimball
October 28, 2008
Page 2

of Vandelia Avenue which is proposed directly adjacent to SR 190 along the southern border of the project site.

Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations."

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council/Board of Supervisors. If you have any other questions, please call me at (559) 445-7306.

Sincerely,



AL DIAS
Central Planning Branch
District 6

cc: SCH # 2008091149

Mr. Ken Koch, Consultant, Impact Sciences

Mr. Ted Smalley, Executive Director, Tulare County Association of Governments



RESOURCE MANAGEMENT AGENCY

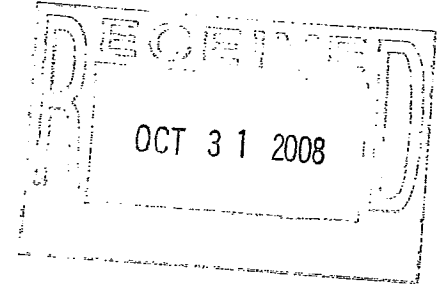
5961 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussel	Engineering
William Hayter	Comm&Dev Services
Jean P. Brou	Transportation
Jake Raper	Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

October 28, 2008

Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257



Dear Benjamin,

The Countywide Planning Division of the Tulare County Resource Management Agency appreciates the opportunity to comment on Initial Study for the Riverwalk Marketplace Phase 2 located in the City of Porterville. Please note the following comments.

Air Quality

- In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 describes how global climate change will impact the environment in California. The impacts described in AB 32 include changing sea levels, changes in snow pack and availability of potable water, changes in storm flows and flood inundation zones, and other impacts. The list of impacts included in AB 32 may be considered substantial evidence of environmental impacts requiring analysis in CEQA documents. The project's potential to contribute to global climate change should be addressed within the environmental document.

Transportation/Traffic

- Road deterioration and maintenance are significant impacts upon the County's Road system. What kind of impacts will there be to County roads from vehicles traveling from surrounding communities? The project has the potential to cause a significant increase in traffic volume. A traffic study should be conducted to show the project's impact on surrounding roads. The initial study does not indicate if a traffic study will be made.

Thanks you for the opportunity to comments on Initial Study for Marketplace Phase 2 located in the City of Porterville.

Sincerely,

Henry Dong
Planner
Countywide Planning Department



October 16, 2008

RECEIVED

Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257

OCT 18 2008

Community Development
Department

Subject: Comments on Proposed Project

Project: Riverwalk Marketplace Phase 2

District Reference No: 20080649

Dear Mr. Kimball:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation for the City of Porterville's proposed Riverwalk Marketplace Phase II shopping center to be located on the southeast corner of Indiana Street and Springville Drive. The proposed project would include an 184,109 sf Wal-Mart and 41,471 sf of other commercial uses. The District offers the following comments:

District Comments

- 1) The District recommends that any preliminary and final environmental review of the project's potential impact on air quality include the following:
 - 1a) A description of the regulatory environment and existing air quality conditions impacting the area. Information on the District's attainment status can be found on the District's web page: <http://valleyair.org/aqinfo/attainment.htm>.
 - 1b) A description of the project, including a discussion of existing and post-project emissions. The discussion should include emissions from short-term activities such as construction, and emissions from long-term activities, such as operational, and area wide emission sources.

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
www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985


- 1c) A discussion of the potential health impact of Toxic Air Contaminants (TACs), if any, to near-by receptors.
 - 1d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment.
 - 1e) A discussion of whether the project would create nuisance odors.
 - 1f) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
 - 1g) A discussion of all existing District regulations that apply to the project.
 - 1h) A discussion of all feasible measures that will reduce air quality impacts.
- 2) At this time there are no established significance thresholds for greenhouse gas emissions, however, it is suggested that the EIR include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change.
 - 3) Emissions from permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The project should be considered to have a significant adverse impact on air quality if emissions from either source exceed the following amounts: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
 - 4) If the project is located near residential/sensitive receptors, the proposed project should be evaluated to determine the health impact of Toxic Air Contaminants (TACs) to the near-by receptors. If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. Please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found on the District's Air Quality Modeling page at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.
 - 5) If an HRA is performed, all input and out put files necessary to validate the analysis should be submitted to the District in electronic format.
 - 6) The proposed project may require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance Office at (559) 230-5888.

- 7) The proposed project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permit Services



Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7306
FAX (559) 488-4088
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*Flex your power!
Be energy efficient!*

December 9, 2008

2135-IGR/CEQA
6-TUL-190-15.95 +/-
NOP / IS
RIVERWALK MARKETPLACE PHASE 2
SCH # 2008091149

Mr. Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Kimball:

Thank you for the opportunity to review the Notice of Preparation for the Draft Environmental Impact Report for the Riverwalk Marketplace Phase 2 development. The project proposes to construct a retail commercial shopping center on approximately 22 acres with 225,580 square feet of floor area among five (5) building pads and 1,199 parking stalls. The retail anchor proposed for the site is a Wal-Mart full service supermarket store with 184,109 square feet of floor space and 921 parking spaces. The project site is located on the northwest corner of the State Route (SR) 190 and Jaye Street intersection, bounded by Indiana Street to the west and Springville Avenue to the north, approximately 0.25 miles east of SR 65 in the City of Porterville. Caltrans has the following comments:

The previous Caltrans comments dated October 28, 2008 (copy enclosed) continue to be valid.

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council/Board of Supervisors. If you have any other questions, please call me at (559) 445-7306.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Dias for".

AL DIAS
Central Planning Branch
District 6

Attachment

cc: SCH # 2008091149

RECEIVED

DEC 11 2008

Community Development
Department

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7306
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*Flex your power!
Be energy efficient!*

October 28, 2008

2135-IGR/CEQA
6-TUL-190-15.95 +/-
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RIVERWALK MARKETPLACE PHASE 2
SCH # 2008091149

Mr. Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257

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Mr. Benjamin Kimball
October 28, 2008
Page 2

of Vandelia Avenue which is proposed directly adjacent to SR 190 along the southern border of the project site.

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Sincerely,



AL DIAS
Central Planning Branch
District 6

cc: SCH # 2008091149

Mr. Ken Koch, Consultant, Impact Sciences

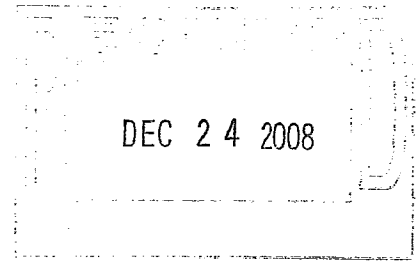
Mr. Ted Smalley, Executive Director, Tulare County Association of Governments



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

December 23, 2008



Benjamin Kimball
City of Porterville
291 N. Main Street
Porterville, CA 93257

Subject: Comments on Notice of Preparation

Project: Riverwalk Marketplace Phase 2

District Reference No: 20080649

Dear Mr. Kimball:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation for the City of Porterville's proposed Riverwalk Marketplace Phase II shopping center to be located on the southeast corner of Indiana Street and Springville Drive. The proposed project would include a 215,000 sq. ft. Wal-Mart Supercenter and 41,471 sf of other commercial uses. The District offers the following comments:

District Comments

- 1) The District recommends that any preliminary and final environmental review of the project's potential impact on air quality include the following:
 - 1a) A description of the regulatory environment and existing air quality conditions impacting the area. Information on the District's attainment status can be found on the District's web page: <http://valleyair.org/aqinfo/attainment.htm>.
 - 1b) A description of the project, including a discussion of existing and post-project emissions. The discussion should include emissions from short-term activities such as construction, and emissions from long-term activities, such as operational, and area wide emission sources.

Seyed Sadredin
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
www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985

- 1c) A discussion of the potential health impact of Toxic Air Contaminants (TACs), if any, to near-by receptors.
- 1d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment.
- 1e) A discussion of whether the project would create nuisance odors.
- 1f) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
- 1g) A discussion of all existing District regulations that apply to the project.
- 1h) A discussion of all feasible measures that will reduce air quality impacts.
- 2) At this time there are no established significance thresholds for greenhouse gas emissions, however, it is suggested that the EIR include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change.
- 3) Emissions from permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The project should be considered to have a significant adverse impact on air quality if emissions from either source exceed the following amounts: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
- 4) If the project is located near residential/sensitive receptors, the proposed project should be evaluated to determine the health impact of Toxic Air Contaminants (TACs) to the near-by receptors. If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. Please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found on the District's Air Quality Modeling page at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.
- 5) If an HRA is performed, all input and out put files necessary to validate the analysis should be submitted to the District in electronic format.
- 6) The proposed project may require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance Office at (559) 230-5888.

- 7) The proposed project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permit Services



for Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



RECEIVED

December 26, 2008

DEC 29 2008

Mr. Benjamin Kimball
 CITY OF PORTERVILLE
 291 N. Main Street
 Porterville, CA 93257

Community Development
 Department

Re: SCH#2008091149; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Riverwalk Marketplace Phase 2 Project; City of Porterville; Tulare County, California

Dear Mr. Kimball:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part of the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ The Native American Heritage Commission (NAHC) performed:
 - * A Sacred Lands File (SLF) search of the project 'area of potential effect (APE)': The results: No known Native American Cultural Resources were identified.; However the NAHC SLF is not exhaustive and local tribal contacts should be consulted from the attached list.
 - The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC, FURTHER, recommends that contact be made with Native American Contacts on the attached list to get their input on potential IMPACT of the project (APE) on cultural resources.. In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s) or Native American individuals or elders.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Again, a culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,


Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Tulare County
December 26, 2008

Santa Rosa Rancheria
Clarence Atwell, Chairperson
P.O. Box 8
Lemoore , CA 93245
(559) 924-1278
(559) 924-3583 Fax

Tache
Tachi
Yokut

Santa Rosa Rancheria
Lalo Franco, Director - Cultural Department
P.O. Box 8
Lemoore , CA 93245
(559) 924-1278

Yokuts
Tachi

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA 93258
chairman@tulerivertribe-nsn.
(559) 781-4271
(559) 781-4610 FAX

Yokuts

Wukchumni Tribe
John Sartuche
929 N. Lovers Lane
Visalia , CA 93292
(559) 636-1136

Wukchumni

Wukchumni Tribe
Susan Weese
1540 S. Bollinger Court
Visalia , CA 93277
(559) 303-0606

Wukchumni

Tubatulabals of Kern Valley
Donna Begay, Tribal Chairwoman
P.O. Box 226
Lake Isabella , CA 93240
(760) 379-4590
(760) 379-4592 FAX

Tubatulabal

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008091149; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Riverwalk Marketplace Phase 2; City porterville; Tulare County, California.