

5. CEQA STATUTORY SECTIONS

SECTION 5

CEQA STATUTORY SECTIONS

This section of the EIR includes discussions of specific issues that are required by the California Environmental Quality Act. These statutory topics are: cumulative impacts related to the proposed project; significant irreversible impacts of the project; and growth-inducing impacts that may be caused by the project.

CUMULATIVE IMPACTS

Cumulative impacts have been addressed in some of the preceding topical sections of Chapter 4, including 4.2 Air Quality, 4.3 Water Resources, and 4.9 Transportation. The discussion below summarizes these analyses and provides an evaluation of other cumulative impacts that may occur from this project when considering other past, existing, and future similar projects.

The *California Environmental Quality Act Guidelines* require that all environmental impact reports contain an analysis of cumulative impacts for the project. An EIR must discuss the “cumulative impacts” of a project when its incremental effect will be cumulatively considerable. Section 15355 defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact “consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts” (Section 15130(a)(1)). The discussion of cumulative impacts “shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone” (Section 15130(b)).

The Guidelines state that “Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used” (Section 15130(b)(1)(B)(3.)). The cumulative impacts analysis “shall examine reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects” (Section 15130(b)(3)). With some projects, “the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis” (Section 15130(c)).

Section 15130(a)(3) states also that an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund its fair share of a mitigation measure(s) designed to alleviate the cumulative impact.

To be adequate under CEQA, a discussion of cumulative effects must include either:

- A list of past, present and probable future projects, including, if necessary, those outside the agency's control, or
- A summary of projections contained in an adopted general plan or related planning document, or in a prior certified EIR, which described or evaluated regional or area-wide conditions contributing to the cumulative impact, provided that such documents are referenced and made available for public inspection at a specified location (Section 15130(b)[1]).

As used above, the term “probable future projects” includes approved projects that have not yet been constructed; projects that are currently under construction; projects requiring an agency approval for an application that has been received at the time a Notice of Preparation is released; and projects that have been budgeted, planned, or included as a later phase of a previously approved project (Section 15130[b][1][B][2]).

The types of development and geographic area that are being analyzed for cumulative impacts are all categories of confined animal facilities in Kings County, including existing and proposed dairy facilities. The environmental impact analysis presented in Section 4 of this EIR identified five significant and unavoidable cumulative impacts, all of which are related to air quality. The analysis of those impacts acknowledges that air quality effects associated with development under the proposed Element (with the exception of odor impacts) affect the ambient air quality within the San Joaquin Valley air basin. The air basin has geographic boundaries that encompass approximately 25,000 square miles of land, including all or portions of eight counties. The air quality within the basin is affected by biogenic or natural sources (e.g., methane emissions from decomposition of organic materials, including sewage) and a wide range of human activities, including stationary sources of air emissions (e.g., industrial facilities and power plants), and mobile sources (e.g., cars, trucks, and mobile equipment). The air basin is also affected by emissions generated by a wide range of agricultural activities, such as the dairy operations and crop production similar to those subject to the requirements of the Element.

Stationary facilities that generate emissions are generally regarded as point sources, while more diffuse sources are considered nonpoint sources. Point sources are typically regulated by an air quality permit process, which attempts to reduce pollution by imposing the requirement that these sources employ the best available and practicable air emissions control technologies. Although monitoring and evaluation of the emissions generated from point sources are regularly conducted by the regulatory community, the contributions to ambient air quality conditions by some nonpoint source categories are not as closely monitored. For the most part, agricultural activities are not subject to land use permits or

air quality permits. Consequently, comprehensive information is not available from either air quality control districts or counties on air emissions generated by agricultural activities.

Although CARB and SJVUAPCD have developed emissions inventories for selected air pollutants resulting from some agricultural activities (e.g., land preparation, harvesting, and beef cattle feedlots), air emissions inventories and site-specific monitoring data on relevant parameters (e.g., hydrogen sulfide, PM₁₀, and methane) for other animal confinement facilities (including dairies) within the San Joaquin Valley air basin are not available. General inventories of estimated emissions from agricultural activities are under development but are not based on site-specific conditions (i.e., the number of animals, volume of manure generated, area of animal confinement, or process water management).

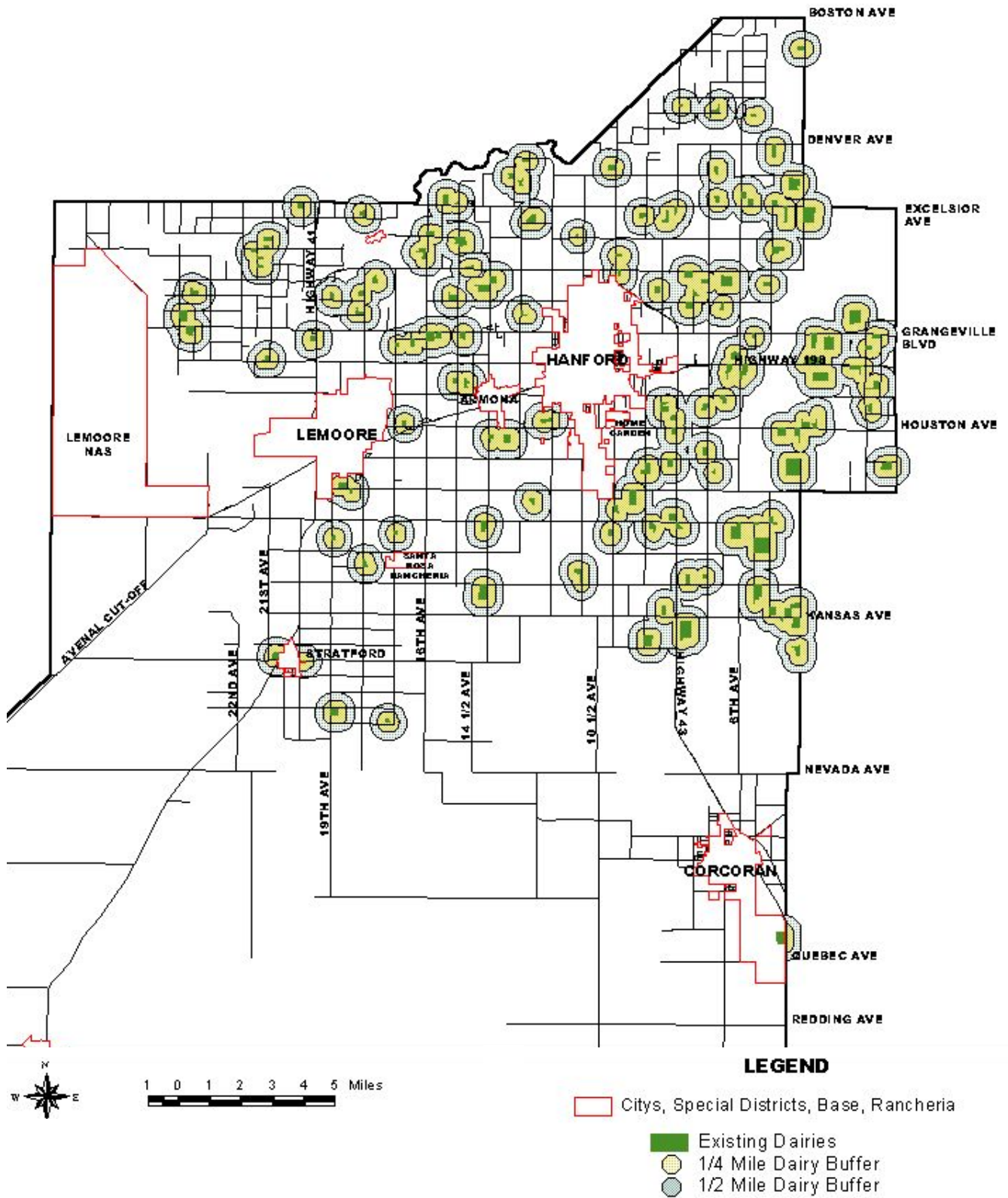
The primary threshold of significance for cumulative air quality impacts is defined by Ambient Air Quality Standards, which define the attainment status of the air basin. These ambient standards do not discern which sector of sources contributes to air pollution (or how much), but nevertheless act to trigger the significance classification of cumulative impacts. All sources (point or nonpoint sources, permitted and unpermitted sources) of air emissions for which the air basin is not in attainment (PM₁₀ and ozone precursors) contribute to the nonattainment condition. Under these circumstances, the air quality impact analysis presented in this EIR emphasizes the discussion of measures that may be able to mitigate the project-specific air quality impacts while recognizing that significant cumulative air quality impacts will result from project approval.

In Kings County in 1999, there were 149 dairies with 124,668 milking cows (Figure 5-1; Table 5-1). The majority (65 percent) of the dairies in the County have herd sizes of 200 to 1,000 cows. Of the 149 dairies, about 39 dairies (26 percent) have a herd size greater than 1,000 cows. In addition to the existing dairies, there are 26 poultry (turkey and chicken) operations in Kings County. Other large confined animal facilities in the County include three calf-raising facilities that are operated separately from dairies, one rabbit raising facility, one hog facility (approximately 16,500 hogs) at Avenal State Prison, and two goat raising facilities. The location of existing nonbovine dairy confined animal facilities are shown on Figure 5-2.

A list of recently approved and proposed dairy projects in Kings County has been compiled (Table 5-2). The list includes one recently approved dairy, and several pending applications for new dairy operations or expansions of existing operations. There are no approved or pending permit applications for other types of confined animal facilities. In addition, applications for four proposed new or expanded dairies had been submitted to the County at the time of preparation of this EIR, but had not yet been deemed complete by County staff, had not been scheduled for public hearing, or had expired.

EXISTING DAIRY FACILITIES

Figure 5-1



Source: Kings County Planning Agency, 2000.
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TABLE 5-1: Growth of Dairies and Herd Size (Milk Cows) in Kings County (1982-2000)

Dairy Herd Size	1999		1995		1990		1987		1982	
	Dairies	Cows	Dairies	Cows	Dairies	Cows	Dairies	Cows	Dairies	Cows
50-199	13	1,876	20	3,045	23	3,467	22	3,408	41	5,901
200-499	43	15,959	53	18,276	56	18,708	67	21,921	68	20,724
500-999	54	38,671	61	42,857	52	35,881	52	37,235	34	25,740
1,000-2,499	32	43,191	21	30,522	18	23,767	6	7,931	3	4,267
> 2,500	7	24,971	2	6,830	0		0		0	
TOTAL	149	124,668	157	101,530	149	81,823	147	70,495	146	56,632

Source: University of California Cooperative Extension, 2000; U.S. Bureau of the Census, 1992 Census of Agriculture.

TABLE 5-2: Approved and Proposed Dairies in Kings County

Name, Application Number, and Location	Herd Size	Status
Gerrit DeJong, (CUP 98-01) 22564 4 th Avenue	1,800 milk cows 300 support stock	Approved and in operation
Bernard TeVelde (CUP 98-04) 1301 Iona Avenue	1,600 milk cows 1,464 support stock	Approved and is in operation
J.G. Boswell (CUP 98-12) 19142 10 ½ Avenue	3,898 milk cows 3,598 support stock	Approved and nearly complete
Manuel Galhandro (CUP 98-14) 9200 19 ½ Avenue	500 milk cows 509 support stock	Environmental review in public comment period. Planning Commission is monitoring.
J.G. Boswell (CUP 98-16) 20304 10 ½ Ave.	3,931 milk cows 3,629 support stock	Approved but withdrawn by applicant due to lawsuit
J.G. Boswell (CUP 98-17) 11716 Nevada Ave.	4,597 milk cows 4,243 support stock	Approved but withdrawn by applicant due to lawsuit
J.G. Boswell (CUP 98-18) 12658 Nevada Ave.	10,348 milk cows 9,552 support stock	Approved but withdrawn by applicant due to lawsuit
J.G. Boswell (CUP 98-19) 13375 Laurel Ave.	5,928 milk cows 5,472 support stock	Approved but withdrawn by applicant due to lawsuit
Neves Bros. (CUP 99-03) 13539 Laurel Ave.	3,900 milk cows 2,407 support stock	Application was never certified complete, closed for inactivity
Robin Martella (CUP 99-15) 8749 Lansing Avenue	3,925 milk cows 3,830 support stock	Initial study complete which required an EIR; applicant is waiting for Dairy Element Program EIR
V&F Dairy (CUP 01-06) 18321 Idaho Avenue	550 milk cows 605 support stock	Application incomplete, awaiting technical documentation
Ariolo-Bosio Trust (CUP 00-11) Near 16 th Ave. and Laurel Ave.	Not yet determined	Application incomplete, waiting for Dairy Element Program EIR
Ariolo-Bosio (CUP 00-12) Near 16 th Ave. and Manteca Ave.	Not yet determined	Application incomplete, waiting for Dairy Element Program EIR

Source: Kings County Planning Agency; BASELINE Environmental Consulting.