APPENDIX A – FIGURES

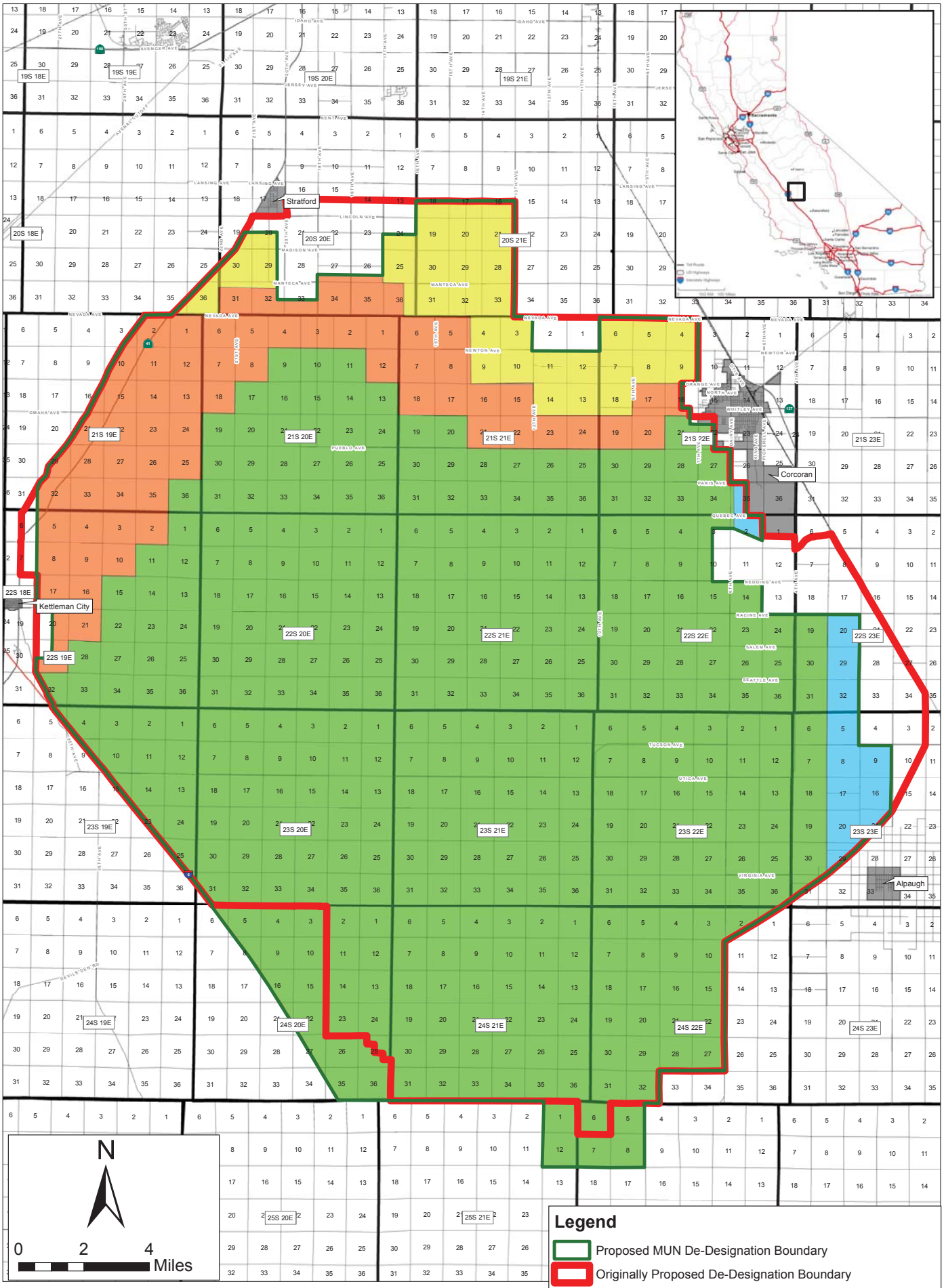
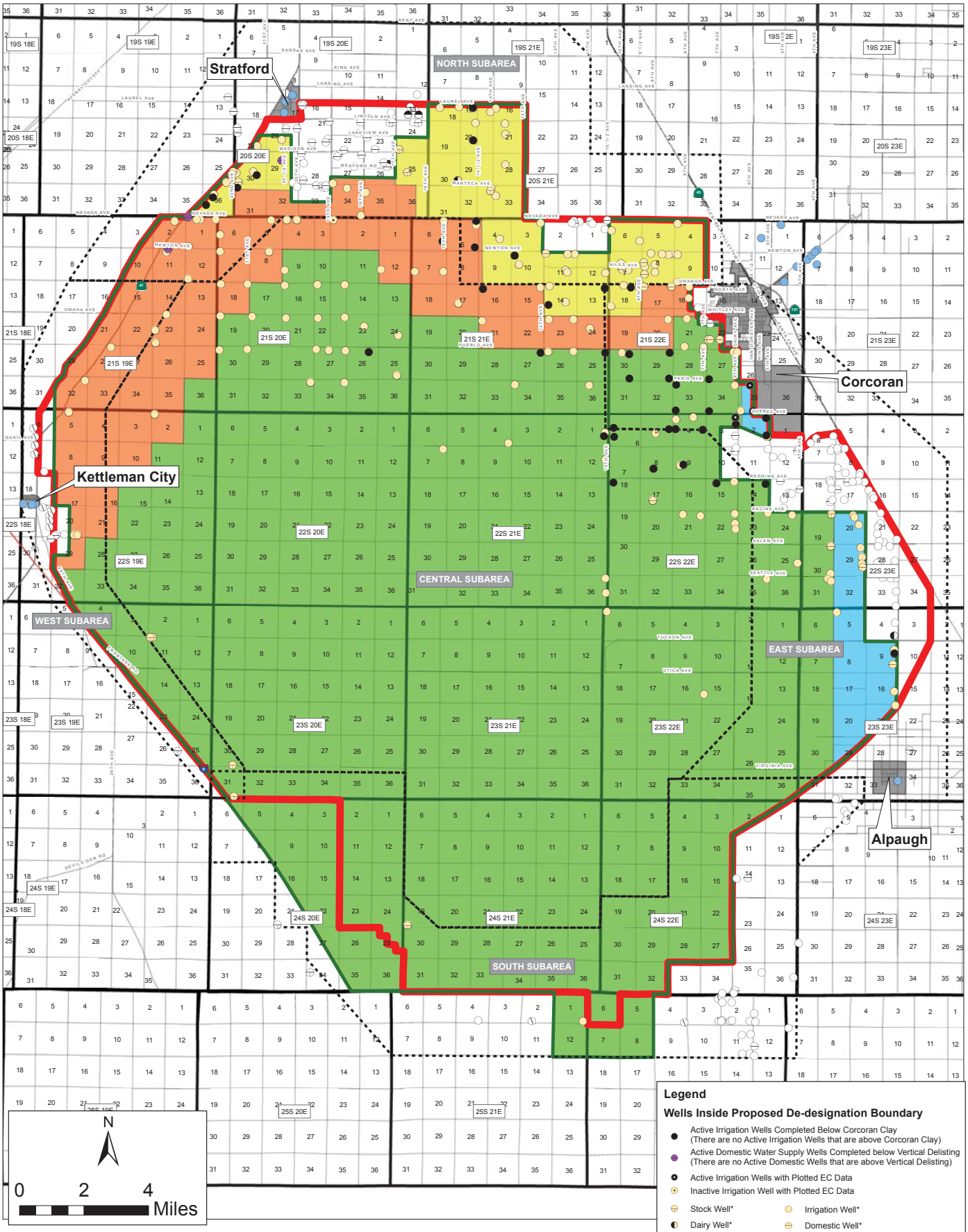


Figure 8
Proposed Boundary for De-Designation of MUN Electrical Conductivity (EC) of Groundwater ≥ 5,000 microsiemens/cm

Path: V:\CV Salts\CV salt map Vertical Delisting Depth - MUN.mxd



Legend

Wells Inside Proposed De-designation Boundary

- Active Irrigation Wells Completed Below Corcoran Clay (There are no Active Irrigation Wells that are above Corcoran Clay)
- Active Domestic Water Supply Wells Completed below Vertical Delisting (There are no Active Domestic Wells that are above Vertical Delisting)
- Active Irrigation Wells with Plotted EC Data
- Inactive Irrigation Well with Plotted EC Data
- Stock Well*
- Irrigation Well*
- Dairy Well*
- Domestic Well*

* Well is either Abandoned or Destroyed

Wells Outside Proposed De-designation Boundary**

- Municipal Water Wells
- Stock Well
- Irrigation Well
- Industrial Well
- Public Supply Well
- Small Water System Well
- Domestic Well
- Dairy Well

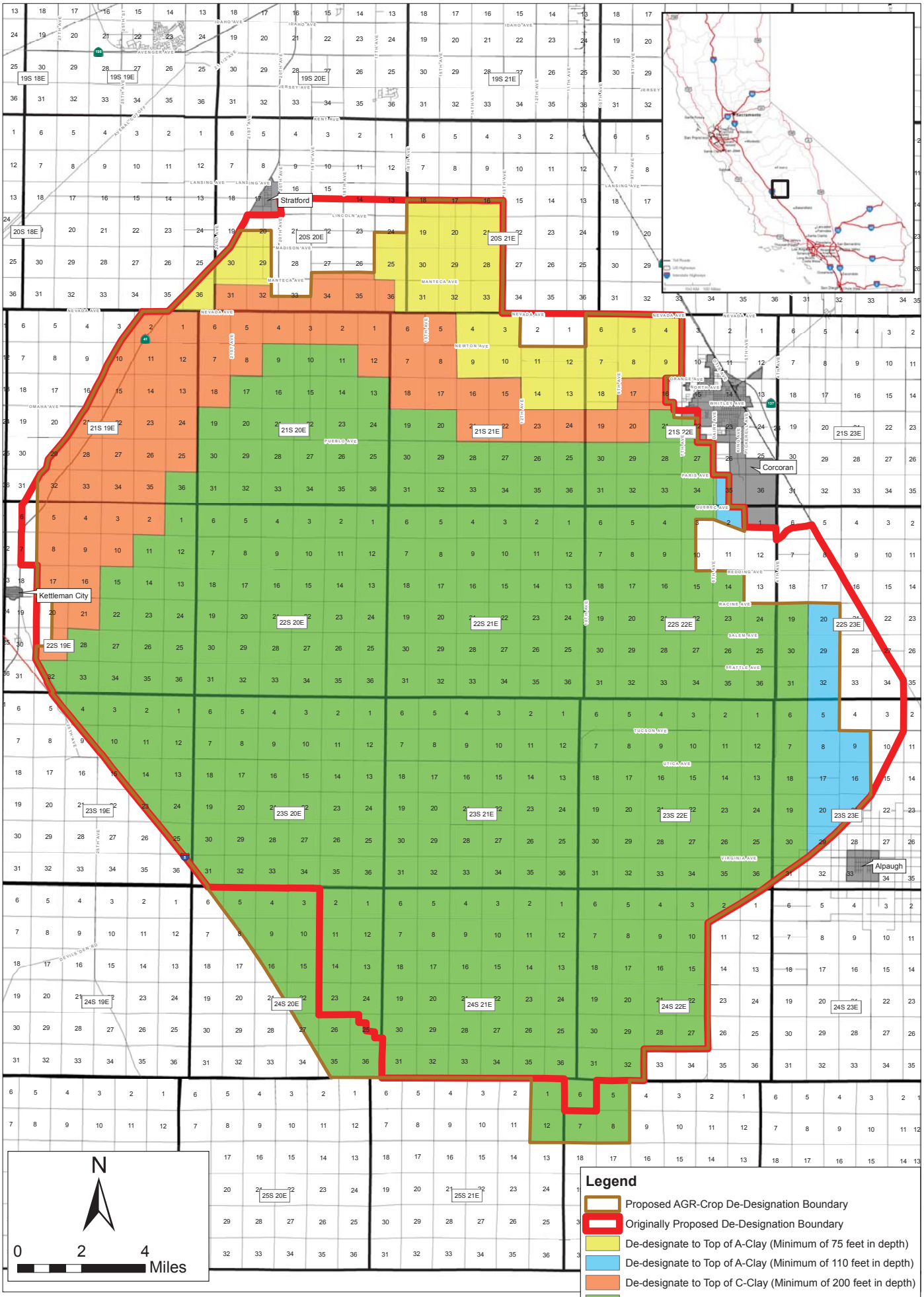
** Some wells may be Active, Abandoned or Destroyed

- Proposed MUN and AGR De-Designation Boundary
- Originally Proposed De-Designation Boundary
- De-Designate to Top of A-Clay (Minimum of 75 feet in depth)
- De-Designate to Top of A-Clay (Minimum of 110 feet in depth)
- De-Designate to Top of C-Clay (Minimum of 200 feet in depth)
- De-Designate to Top of Corcoran Clay
- Subarea Evaluated

Figure 9
Proposed Boundary for De-designation of MUN and AGR Beneficial Uses Showing Water Supply Wells within Subareas

Path: V:\CV Salts\CV salt map - Location of Water Supply Wells for ES 1.mxd

DRAFT - SUBJECT TO REVISION Date Saved: 9/26/2016



Path: V:\CV Salts\CV salt map Vertical Delisting Depth - AGR Crop.mxd
Date Saved: 9/28/2016

Figure 11
Proposed Boundary for De-Designation of AGR - Crop Irrigation Electrical Conductivity (EC) of Groundwater ≥ 3,000 microsiemens/cm

APPENDIX B

COMMENTS RECEIVED BY CENTRAL VALLEY WATER BOARD ON PUBLIC SCOPING MEETING HELD ON APRIL 14, 2015, FOR DISCUSSION OF EVALUATION OF THE MUNICIPAL AND DOMESTIC AND AGRICULTURAL BENEFICAL USES IN TULARE LAKE BED GROUNDWATER.

Office Memorandum

KERN COUNTY

To: California Regional Water Quality Control Board
Pam Buford

Date: March 26, 2015

From: Engineering, Surveying and Permit Services
Floodplain Management Section
Aaron Leicht, by Jason Scheer

Phone: (661) 862-5083
Email: ScheerJ@co.kern.ca.us

Subject: Tulare Lakebed MUN AGR Evaluation

From the information supplied, we have no comments or recommendations regarding the above project.

P63

RECEIVED
MAR 26 2015

Pam Buford
California Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706

Subject Tulare Lakebed Use

Dear Ms Buford:

Among impacts worth considering are:

- The use of arsenic as a defoliant as opposed to supposed natural occuarance
- The slant drilling of water wells as a mining operation in the area
- The use of street runoff in Lost Hills etc as water replenishment at sumps
- The taking of water from the refuge by entities doing the same at Bakersfield by pumping at the Water Bank the original supply and the migrating supply.
- The EJ aspects of water rates in Lost Hills though it has an aqueduct.
- The air impacts of ag and its exemption from responsibility so that the general population has a fine on vehicle registration – also an EJ issue as well as health issue
- The surface refuge applies water is sinking to replace the migrated groundwater as ag replaces pastoral uses of the neighboring properties.
- Not enough remains to plant triticale for endangered migratory blackbirds to benefit the dairiesl
- Tamarisk, or salt cedar, is spreading from the area. It salts up the soil by concentration and thus uses more than cottonwoods or willows as it intensifies
- Use of the biocontrol for the above was not too effective as the bugs did not overwinter, but it may now work and be worth a reintroduction
- The Belridge oil field may be usesfull for osmosis treated water to inject or replace groundwater for ag
- The subsidence needs to be stopped as it lowers the groundwater capacity for replenishment.
- As noted there are ESA aspects to the impacts to the Refuge.
- Surface water transport from the Delta is looking dimmer as the local operation loses credibility and acceptance in that area increasing groundwater demand.

Sincerely,

Dennis Fox

Dennis Fox
918 Blossom
Bakersfield,Ca 93306 661 366 4093

PBB

Stanislaus County
Striving to be the Best

CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

RECEIVED
APR 06 2015
RWQCB-CVR

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

April 2, 2015

Pam Buford
California Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, CA 93706

SUBJECT: ENVIRONMENTAL REFERRAL – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD – EVALUATION OF THE MUNICIPAL AND DOMESTIC SUPPLY (MUN) AND AGRICULTURAL SUPPLY (AGR) BENEFICIAL USES IN A PORTION OF THE HISTORICAL TULARE LAKEBED

Ms. Buford:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

April 30, 2015

Pam Buford
California Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, CA 93706

Re: Notice of Public Workshop and CEQA Public Scoping Meeting for the Evaluation of the Municipal and Domestic Supply (MUN) and Agricultural Supply (AGR) Beneficial Uses in a Portion of the Historical Tulare Lakebed

Dear Ms. Buford,

We submit these comments in response to the "Notice of Public Workshop and California Environmental Quality Act Public Scoping Meeting" for the "Evaluation of the Municipal and Domestic Supply (MUN) and Agricultural Supply (AGR) Beneficial Uses in a Portion of the Historical Tulare Lakebed". The Public Notice states that the Scoping Meetings will include discussions of potential amendments to the Tulare Lake Basin Plan to incorporate a framework for evaluating the applicability of the MUN and AGR beneficial uses and associated water quality objectives throughout the Tulare Lake Basin. Accordingly, these comments address those potential amendments as well.

Basin Planning is a "certified regulatory program," and therefore requires development of a Substitute Environmental Document (SED) pursuant to the California Environmental Quality Act (CEQA). Through said document the Central Valley Regional Quality Control Board (CVWQCB or Board) must comply with CEQA's mandate to disclose the environmental effects of a proposed change to a basin plan and must "identify the environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures and / or through the selection of feasible alternatives." Public Resources Code § 21159, *et seq.; see also, Sierra Club v. State Bd. of Forestry*, 7 Cal. 4th 1215, 1233 (1994).

Our comments focus on the responsibility of the Board to consider the impact of any proposed change on the quality and reliability of drinking water sources for low income communities and communities of color that rely for their drinking water supply on groundwater that is currently or may in the future become contaminated (vulnerable communities). The Board must consider, as part of this analysis, the impact that any proposed change will have for communities reliant for MUN uses on both public water systems and state small systems, as well as for individuals relying on private wells. The Board must consider the impact on both current and future MUN beneficial uses.

Under California law, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Gov. Code, § 65040.12, subd. (e). Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution or inequitable investments should not be focused on sensitive populations or on communities that already are experiencing its adverse effects. Agencies subject to CEQA, including state and regional water boards, must promote these principles. Pub. Res. § 71110, *et. seq.* Accordingly, the CVWQCB must analyze and address the *distribution* of environmental impacts and any disparities affecting low-income people and people of color, to ensure that the benefits and burdens of the any de-designation or Basin Plan Amendment are fairly distributed.

CEQA requires consideration of "economic, environmental, and social factors," particularly, "the goal of providing a decent home and satisfying living environment for every Californian." CEQA Guidelines, §15021. CEQA Guidelines, and the guidelines governing water boards, specifically require responsible agencies to determine if a proposed project will expose "sensitive receptors" to pollution. *See e.g.*, 14 C.C.R., Appendix G; 23 C.C.R., Appendix A. Moreover, "CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are 'cumulatively considerable' and therefore significant." Pub. Res. Code, § 21083, subd. (b)(3). Consideration of cumulative effects is especially crucial for vulnerable communities, who may already be burdened by pollution from existing sources. *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 723-24 (Cal. Ct. App. 1990) (EIR inadequate since it failed to study effects of all proposed power projects in San Joaquin Air basin); *Los Angeles Unified School District v. Los Angeles*, 58 Cal. App. 4th 1019, 1025-26 (Cal. Ct. App. 1997) (EIR inadequate since it failed to study increased noise pollution in relation to existing levels of noise pollution). Under CEQA, an agency is required to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" Pub. Res. Code, § 21083, subd. (b)(3); *see also*, CEQA Guidelines, § 15126.2.

The SED must explicitly and robustly identify <u>and assess</u> mitigations for impacts that potentially impact vulnerable communities. This includes the impacts, disaggregated by race and income, related to: access to water that meets water quality objectives in the short and long term, costs

related to accessing potable water, and other public health factors (including those related to chronic diseases).

The Board must assess each proposed change and each alternative as a whole and its constituent parts for its impact on vulnerable communities. The SED must assess each proposed change and each alternative's impact on vulnerable and environmental justice communities in the short and long term, on current drinking water sources and on potential drinking water sources, on vulnerable communities in the aggregate, vulnerable communities in identifiable hydrologically relevant regions, and in each potentially impacted community. In each analysis, the SED must assess the maximum impact that each alternative may have on communities and individuals that will potentially be impacted by de-designation, by the proposed basin plan amendments, and programs and policies that derive their authority from the modified basin plan, including programs and policies developed in basins beyond the Tulare Lake Basin.

Not only must each proposed change and each alternative be assessed holistically for its impact on vulnerable communities but each critical component and each mitigation measure, as discussed below, must be assessed for such impact. The assessment should evaluate the impact on vulnerable communities as a whole and include specific information with respect to numbers of communities and residents impacted by each alternative and the impact of each alternative on specific geographies, communities and individuals as discussed above. Specifically,

- The SED must assess each proposed change to the Beneficial Use Classification system, including but not limited to the creation of new beneficial uses, the creation of beneficial use subcategories such as "limited" or "restricted" MUN beneficial uses, the use of interim designations in water bodies that are not specifically named in the Basin Plan, and de-designation of existing beneficial uses in specific water bodies or categories of water bodies.

- The SED must include an analysis of how any proposed change will impact drinking water quality for any person, including those individuals and communities relying on private wells and wells serving fewer than fifteen people. The SED must conduct this analysis over the short and long term.

- Similarly, the SED must assess the impact of each modified Water Quality Objective (WQO) for the above-mentioned modified MUN uses.

- The SED must assess the health and fiscal impacts of any proposed change to WQOs including the elimination or modification of any relevant secondary MCL.

- The analysis must include the health and fiscal impact of any proposed change on current and potential beneficial uses of the subject groundwater and the health and fiscal impact

of any proposed mitigations measures on current and potential beneficial uses of subject groundwater.

- The SED must analyze any potential modification or modifications to the basin plan for its maximum potential short and long term impact on all drinking water sources, including both current and potential drinking water sources.

- To the extent that any proposed amendment or mitigation measure relies on treatment or monetary compensation, rather than groundwater protection, the SED must assess its potential impact on groundwater quality and compliance with relevant state law, including the state's Anti-degradation policy.

- The SED must assess the maximum potential impact of the proposed de-designation of the Historical Tulare Lakebed as well as the maximum potential impact of any basin plan amendment that includes a framework for de-designating MUN uses throughout the planning area. The SED must include in its evaluation of the latter an analysis of how findings in the Tulare Lakebed de-designation study are sufficiently replicable to serve as the foundation for a basin-wide framework.

- Similarly, the SED must assess the potential use of any modified framework for evaluating de-designation or modified MUN designations beyond the Tulare Lake Basin, and the impacts thereof.

- The SED must assess any change to the manner in which WQOs are applied or assessed including any expanded discretion granted to the Board to alter compliance standards. The SED must assess both the health and economic impacts of any such change.

We welcome any questions regarding these comments and look forward to reviewing the substitute environmental documentation for the proposed changes to ensure that it effectively and fairly promotes the Board's responsibility to protect the water for all residents within its jurisdiction. Should you have any questions, please do not hesitate to contact Phoebe Seaton at pseaton@leadershipcounsel.org or by phone at 559-369-2790.

Sincerely,

Phoebe Sarah Seaton
Co-Director and Attorney
Leadership Counsel for Justice and Accountability

Jennifer Clary
Water Policy Analyst
Clean Water Action

Laurel Firestone
Co-Executive Director and Attorney at Law
Community Water Center