

**APPENDIX K:
ENVIRONMENTAL CHECKLIST/SUBSTITUTE ENVIRONMENTAL
DOCUMENT**

ENVIRONMENTAL CHECKLIST

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board), as a Lead Agency under the California Environmental Quality Act (CEQA), is responsible for evaluating all the potential environmental impacts that may occur because of changes made to the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan). (Public Resources Code, Section 21000 et seq.) The Secretary of Resources has determined that the Central Valley Water Board's Basin Planning Process qualifies as a certified regulatory program pursuant to Public Resources Code Section 21080.5 and California Code of Regulations, Title 14, Section 15251(g). This determination means that the Central Valley Water Board's Basin Planning process needs only to comply with abbreviated CEQA requirements. The Staff Report and this Checklist satisfy the requirements of State Water Board's Regulations for Implementation of CEQA, Exempt Regulatory Programs, which are found at California Code of Regulations, Title 23, Section 3775 et seq.

PROJECT INFORMATION

1. Project Title: Evaluation of the Municipal and Domestic Supply (MUN) and Agricultural Supply (AGR) Beneficial Uses in Groundwater Contained in a Portion of the Historical Tulare Lake Bed
2. Lead Agency Name and Address: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200, Rancho Cordova, CA 95670
3. Contact Person and Phone Number: Pam Buford, Senior Environmental Scientist, (559) 445-5576
Jeanne Chilcott, Environmental Program Manager, (916) 464-4788
4. Project Location: The Tulare Lake Basin comprises much of the southern San Joaquin Valley. The proposed de-designation area is bounded to the north by Laurel Avenue (Kings County) and the community of Stratford, and on the west by Highway 41 and Interstate 5 near Kettleman City. The eastern boundary is near Highway 43 with the City of Corcoran to the northeast and the community of Alpaugh to the southeast.
5. Project Sponsor's Name and Address: Tulare Lake Bed interests through coordination with CV-SALTS
6. General Plan Designation: N/A (multiple jurisdictions)
7. Zoning: N/A (multiple jurisdictions)
8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

This Environmental Checklist is intended to provide supporting environmental review documentation for a proposed amendment to the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan) to de-designate the Municipal and Domestic Supply (MUN) and the Agricultural Supply (AGR) beneficial uses from groundwater within horizontally and vertically delineated areas underlying a portion of the historical Tulare Lake Bed.

BACKGROUND:

The proposed amendment is part of a larger effort by the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) stakeholder initiative to develop a comprehensive Salt and Nitrate Management Plan (SNMP) for the Central Valley. As part of its work on the SNMP, CV-SALTS is reviewing the Basin Plan's beneficial use designations to determine whether these beneficial use designations were appropriately made and, if so, whether the Basin Plan's implementation programs provide an appropriate level of protection for the waterbodies that support these beneficial uses. Where appropriate, CV-SALTS is proposing that the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) modify the Basin Plan's MUN and/or AGR beneficial use designations and programs of implementation to encourage reuse and recycling, to give regulated entities more flexibility in managing limited water supplies, and to identify potential salt management areas that would help salt to be moved out of sensitive areas.

The Central Valley Water Board has incorporated the Sources of Drinking Water Policy, State Water Board Resolution No. 88-63 (*Sources of Drinking Water Policy*) into the Basin Plans, and has designated all surface and ground water bodies in the Central Valley region as supporting the MUN beneficial use unless a particular water body is specifically designated as not supporting the MUN beneficial use in the Basin Plans. The *Sources of Drinking Water Policy* identifies exceptions to the MUN beneficial use that can apply to certain water bodies, including an exception that applies to water bodies where the total dissolved solids (TDS) exceeds 3,000 milligrams per liter (mg/L) (5,000 microsiemens per centimeter ($\mu\text{S}/\text{cm}$) as electrical conductivity (EC)), provided that the waterbody is not expected to supply a public water system. [Hereinafter in this document, EC values will be cited instead of TDS values to avoid confusion.] The *Sources of Drinking Water Policy* also provides an exception for water bodies that do not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day. However, these exceptions are not self-implementing – the Central Valley Water Board is required to protect the MUN beneficial use even in water bodies that meet the exception criteria in the *Sources of Drinking Water Policy* unless and until a Basin Plan amendment is adopted that specifically de-designates the MUN use in such water bodies.

With regard to the AGR beneficial use, the Basin Plan states that unless otherwise designated by the Central Valley Water Board, “all ground waters in the region are considered suitable or potentially suitable, at a minimum, for agricultural supply (AGR)...” Agricultural supply includes the use of groundwater for irrigation, livestock watering, and support of vegetation for range grazing. The water quality objective to protect AGR is the narrative water quality objective that requires waters not contain chemical constituents in concentrations that adversely affect beneficial uses. Narrative water quality objectives are interpreted by the Central Valley Water Board using the best available scientific criteria in combination with the following six factors:

1. Past, present, and probable future beneficial uses;
2. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto;
3. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
4. Economic considerations;
5. The need for developing housing within the region; and
6. The need to develop and use recycled water. (Wat. Code, § 13241.)

The Central Valley Water Board has utilized salinity guidelines identified in Ayers and Westcot (Ayers and Westcot, 1985) to interpret the Basin Plan's narrative objective, and has previously considered irrigation water supply at 700 $\mu\text{S}/\text{cm}$ to be protective of all crops at all times. The CV-SALTS conducted a review of literature related to salinity impacts on both irrigation and stock watering, and found that the literature concurred with the Ayers and Westcot finding that only the most salt tolerant crops may be sustainably irrigated with water exceeding 3,000 $\mu\text{S}/\text{cm}$ (CV-SALTS, 2013). As part of the literature review, CV-SALTS also identified a range of acceptable salt levels for livestock watering (*Id.*).

The Board identified the need to evaluate the appropriateness of designated beneficial uses as a priority in the Board's 2014 Triennial Review (Central Valley Water Board, 2014). Concurrently, the CV-SALTS initiative identified that there was a need to define the salinity-related requirements for the protection of both the MUN and AGR beneficial uses. To support both needs, the Central Valley Salinity Coalition, a discharger group financially supporting and managing the CV-SALTS initiative, and the Tulare Lake Drainage District jointly provided resources for the development of technical information and environmental and economic analyses in support of this MUN and AGR beneficial use evaluation project for a portion of the historical Tulare Lake Bed. The technical and regulatory information developed in support of this beneficial use evaluation is compiled in the *Technical and Regulatory Evaluation of MUN and AGR Beneficial Uses in the Tulare Lake Bed Area* (Beneficial Use Evaluation Report) prepared by Kenneth D. Schmidt and Associates, CDM Smith, and Summers Engineering (CV-SALTS, 2015). Stakeholders participating in the effort provided updates on the project to the CV-SALTS Executive Committee during public meetings. The Executive Committee is comprised of representatives from state, federal, and local agencies, the discharger community, environmental organizations, disadvantaged communities and Environmental Justice groups.

As part of the investigation for the Beneficial Use Evaluation, representatives of Tulare Lake Drainage District (TLDD) and Tulare Lake Basin Water Storage District (TLBWSD) initiated meetings with stakeholders within and surrounding the project area. Stakeholder meetings generally were focused on the solicitation of input from the surrounding disadvantaged communities and municipalities, farmers/ranchers, and landowners in the project area with regard to the proposal to de-designate MUN and AGR beneficial uses in a portion of the historical Tulare Lake Bed. This stakeholder effort has resulted in local support for the proposed project. In April 2015, Board staff held an initial California Environmental Quality Act scoping meeting in Corcoran to provide information on the proposed project and solicit additional information from the public to inform development of the Staff Report and associated environmental review.

The Project Study Area is located in the southern part of the Central Valley of California in the Tulare Lake Basin. The Tulare Lake Basin essentially functions as a closed basin except during extreme flood years, when some Kings River water moves north through Fresno Slough into the San Joaquin River (Basin Plan). Because the Tulare Lake Basin is a closed basin, salts have been naturally deposited and accumulated since its formation and before any influence from man. The diversion of water into the basin from other watersheds to support 3 million acres of agriculture (Sholes, 2006), including three of the five most agriculturally productive counties in the United States (2012¹), has exacerbated the accumulation of salts. The majority of the western and southern Tulare Lake Basin and most of the historical Tulare Lake Bed is underlain by clay layers ranging from the A-Clay near the surface to the F-Clay below the Corcoran Clay (also known as the E-Clay). The Corcoran Clay varies in depth from the surface, up to 200 feet thick and serves as a confining layer, splitting the aquifer into a distinct shallow, perched groundwater zone and a lower, confined zone. The shallow perched groundwater in the proposed de-designation area and in the surrounding area contains highly elevated salinity concentrations. Communities and agricultural operations in the project area utilize either imported water or groundwater from the lower, confined aquifer for their water supplies.

¹ http://agcomm.co.tulare.ca.us/default/assets/File/2012CensusCA_1.pdf

The Beneficial Use Evaluation Report (CV-SALTS, 2015) used historical information for the Project Study Area related to groundwater conditions, subsurface geologic conditions, groundwater quality, and well construction data to establish a preliminary horizontal de-designation boundary for MUN and AGR beneficial uses as an initial step in the process. This information indicates that natural groundwater gradients in the project area are from the surrounding area toward the central area of the historical Tulare Lake Bed. As a second step in the evaluation process, the Project Study Area was divided into five subareas for more detailed examination: Central Subarea, North Subarea, West Subarea, South Subarea, and East Subarea (see **Figure 9**). All subareas except the Central Subarea, which is located in the middle of the historical Tulare Lake Bed, extended outside of the preliminary horizontal de-designation boundary. Each subarea was evaluated in greater detail with respect to soil conditions, groundwater conditions, water quality, regional subsurface geology, surface features, active water supply wells and their uses, and nearby cities and communities. This information for each of the four outer subareas – referred to as fringe areas – was used to adjust the preliminary horizontal de-designation boundary to define the proposed horizontal de-designation boundary for MUN and AGR beneficial uses. Additionally, the focused analyses conducted within each of the subareas allowed for delineation of vertical de-designation depths. Vertical de-designation depths within in the de-designation area vary according to the depth of the confining clay layers that separate the shallow, perched groundwater zone from the lower confined zone.

The proposed horizontal de-designation boundary was adjusted to exclude nearby towns. These communities pump their groundwater from locations upgradient from the proposed de-designation area. The technical authors of the Beneficial Use Evaluation Report conducted a zone of capture analysis to confirm that the pumping of municipal wells outside of the proposed de-designation boundary would not influence the flow of shallow groundwater toward municipal wells and would not result in the extraction of groundwater from within or beneath the de-designation area. The analysis found that pumping groundwater from municipal wells in Stratford, Alpaugh, Kettleman City, and Corcoran would not influence the flow of shallow groundwater, and, in the cases of Kettleman City and Corcoran, where wells tap strata above the Corcoran Clay, these wells would not extract water from within the area proposed for de-designation (KDSA, 2016a). A second zone of capture analysis performed for a representative, shallow, private domestic well located just outside of the proposed de-designation boundary found that a well located greater than 87.5 feet from the de-designation boundary would not draw groundwater from within the de-designation boundary, nor influence the flow of shallow groundwater toward the domestic well (KDSA, 2016b). To be conservative, a domestic well greater than 100 feet away from the de-designation boundary would not draw groundwater from the area proposed for MUN de-designation, nor effect the gradient-driven flow of groundwater toward the center of the lake bed.

Three active domestic wells are located within the horizontal extent of the proposed de-designation area but outside the proposed vertical de-designation boundary. Two of these three active domestic wells (located southwest of Stratford as shown in **Figure 9**) are completed below the Corcoran Clay, while one draws water from a depth of 500-520 feet, below the proposed vertical de-designation boundary (below the A-Clay). A number of active irrigation supply wells have been identified within the proposed horizontal de-designation boundary (see **Figure 9**); however, all of these wells are completed below the Corcoran Clay and thus, below the proposed vertical de-designation boundary in which they are located.

Based on the groundwater well reconnaissance work performed as part of the Beneficial Use Evaluation Report, it was determined that the three-dimensional space described by the horizontal and vertical de-designation boundaries shown in **Figure 9** contains groundwater that exceeds an EC of 5,000 $\mu\text{S}/\text{cm}$, and in many portions falls within the range 10,000 to 40,000 $\mu\text{S}/\text{cm}$. Where wells exhibited EC levels less than 5,000 $\mu\text{S}/\text{cm}$, proposed de-designation boundaries were adjusted to not include these wells or the zones from which they extract groundwater. EC levels in the proposed de-designation area meet the water quality conditions of Exception 1a of the *Sources of Drinking Water Policy*, and the groundwater is not reasonably expected to supply a public water system. EC levels of 5,000 $\mu\text{S}/\text{cm}$ or greater also exceed guidelines from the Canadian Council of Ministers for the Environment (CCME) that recommend a maximum EC limit of 5,000 $\mu\text{S}/\text{cm}$ for all classes of livestock (Canada, 2012). These Canadian guidelines were included in the CV-SALTS literature review that evaluated salinity impacts on irrigation and stock watering (CV-SALTS, 2013).

Alternatives to the proposed horizontal and vertical de-designation boundaries shown in **Figure 9** were identified by stakeholders for both the MUN and AGR beneficial uses in the project area.

Stakeholders identified the following four project alternatives pertaining to the MUN beneficial use designation for a portion of the historical Tulare Lake Bed:

1. No Action.
2. De-designate MUN Beneficial Use within the Historical Footprint of the Tulare Lake Bed at an Elevation of 200 Feet above Mean Sea Level with No Vertical De-designation Boundary.
3. De-designate MUN Beneficial Use in a Portion of the Historical Tulare Lake Bed Based on Application of the *Sources of Drinking Water Policy* (SWRCB Resolution No. 88-63) Exception 1a.
4. Development of MUN Site-Specific Salinity Objectives within the Proposed MUN De-designation Boundary.

Stakeholders also identified the following six project alternatives pertaining to the AGR beneficial use designation for a portion of the historical Tulare Lake Bed:

1. No Action
2. Development of AGR Site-Specific Salinity Objectives within the Proposed AGR De-designation Boundaries for Irrigation Supply and Livestock Watering.
3. De-designate AGR Beneficial Use within Separate Horizontal and Vertical Boundaries for Irrigation Supply and Livestock Watering.
4. Development of Classes of AGR Uses and Water Quality Objectives that Better Represent Irrigation and Livestock Watering Limitations at Different Groundwater Salinity Concentrations within the Proposed AGR De-designation Boundaries for Irrigation Supply and Livestock Watering.
5. De-designate AGR Irrigation Supply and Livestock Watering Beneficial Uses within Combined Horizontal and Vertical Boundaries Based on an EC Groundwater Quality Threshold of 5,000 $\mu\text{S}/\text{cm}$.
6. De-designate AGR Irrigation Supply and Livestock Watering Beneficial Uses within Combined Horizontal and Vertical Boundaries Based on an EC Groundwater Quality Threshold of 7,500 $\mu\text{S}/\text{cm}$.

PROPOSED ACTION:

The proposed action (implementation of MUN Alternative 3 and AGR Alternative 5, as described in the Basin Plan Amendment Staff Report) includes the following:

- ▲ De-designate MUN as a beneficial use (based on Exception Criterion 1a of the Sources of Drinking Water Policy, TDS exceeding 3,000 mg/L [EC exceeding 5,000 $\mu\text{S}/\text{cm}$]) within the horizontal boundary to the variable vertical depths represented in **Figure 8** of the Basin Plan Amendment Staff Report.
- ▲ De-designate AGR irrigation supply and livestock watering beneficial uses within the horizontal boundary to the variable vertical depths identified in **Figure 11** of the Basin Plan Amendment Staff Report based on an EC groundwater quality threshold of 5,000 $\mu\text{S}/\text{cm}$.

Figure 8, Figure 9, and Figure 11 are included in **Appendix A**.

Proposed Program of Implementation

In addition to the proposed actions identified above, the following are key actions that would assist in determining whether discharges to the de-designation area are causing or contributing to the non-compliance of relevant water quality objectives (WQOs) outside of the de-designation boundary.

Groundwater Quality Monitoring – Project-specific groundwater monitoring directly adjacent and upgradient to and beneath the location of a new discharge. Groundwater monitoring in the shallowest groundwater adjacent to a new discharge can inform the Central Valley Water Board whether the discharge is affecting groundwater quality upgradient of the proposed de-designation boundary. This type of monitoring will show if there is lateral movement of groundwater from within the de-designation boundary to outside the de-designation area. Groundwater monitoring in the deeper shallow groundwater beneath a new discharge can inform the Central Valley Water Board whether the discharge is affecting groundwater quality beneath the proposed de-designation boundary. This type of monitoring will show if there is vertical movement of groundwater from within the de-designation boundary to outside of the de-designation area.

WQO Compliance Point for Proposed Actions – The de-designation boundary associated with the two preferred alternatives is a three dimensional (3D) space formed by impermeable clay layers that produce a hydrologic barrier to the downward flow of groundwater. The Beneficial Use Evaluation determined average minimum depths to the tops of clay layers (see **Figure 8** and **Figure 11**). The thickness of these layers is variable. The point of compliance at which groundwater is required to meet relevant WQOs is at the bottom of the clay layer along the outside surface of the de-designation boundary. An entity wishing to determine exactly where beneficial uses are protected at any given horizontal location would need to drill a borehole to determine at which depth a particular clay layer ends.

Direct and Indirect Physical Environmental Effects

Implementation of the proposed action would result in de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within the defined horizontal boundaries indicated in **Figures 8** and **11**, respectively. Because the preferred MUN and AGR alternatives use the same beneficial use de-designation boundary (i.e., the boundaries shown in **Figure 8** and **Figure 11** are identical), there exists only a single three dimensional (3D) space in which both beneficial uses would be de-designated. The salinity thresholds used as a basis for de-designation are very high for municipal and agricultural uses. EC levels of the ambient groundwater within the proposed de-designation boundary exceed 5,000 $\mu\text{S}/\text{cm}$. The *Technical and Regulatory Evaluation of MUN and AGR Beneficial uses in the Tulare Lake Bed Area* (Beneficial Use Evaluation) prepared in December 2015 by Kenneth D. Schmidt & Associates, along with a subsequent well reconnaissance effort conducted by Tulare Lake Basin Water Storage District (TLBWS) staff, provide a thorough evaluation of water supply wells in the project area (CV-SALTS 2015; TLBWS, 2016). The Beneficial Use Evaluation indicates that nearly all of the domestic and agricultural supply wells within the proposed horizontal boundary have been abandoned or destroyed. Only three active domestic wells are within the proposed horizontal de-designation boundary (southwest of Stratford). Two of these wells are completed below the Corcoran Clay and one well draws water from a depth of 500-520 feet (below confining A-Clay layer). All three wells are completed below the proposed vertical de-designation boundary (CV-SALTS 2015). All active irrigation wells within the proposed de-designation boundary are completed below the Corcoran Clay. Therefore, no known groundwater use (within the horizontal boundary and affected vertical depth) for municipal or agricultural uses is occurring. None of the disadvantaged communities and municipalities surrounding the proposed horizontal boundary currently use the groundwater within the defined horizontal and variable vertical boundaries for municipal and domestic purposes and none have plans to use or treat this groundwater in the future. Because the groundwater is not currently used or proposed for use for these beneficial uses at the variable vertical depths that would be affected, de-designation of the MUN and AGR beneficial uses at the variable vertical depths identified within the horizontal boundary would not result in a known or substantive change in the water use. Therefore, no direct or indirect physical substantial environmental effect would be expected as a result of the proposed action.

Public Comments Received

The Central Valley Regional Water Quality Control Board held a public scoping meeting on 14 April 2015. Stakeholders and interested parties were notified of the 14 April 2015 scoping meeting through announcements sent on 18 March 2015 by the Basin Planning and CV-SALTS electronic email lists. Tribal notifications of the scoping meeting were sent by regular U.S. mail on 20 March 2015. The public comment period for the scoping meeting ended on 30 April 2015. Four comment letters were received: Dennis Fox;

the Floodplain Management Section of Engineering, Surveying and Permit Services for Kern County; Stanislaus County; and representatives from the Leadership Counsel for Justice and Accountability, Clean Water Action, and Community Water Center. Only two of the comment letters received raised any issues or concerns. Most of the concerns raised did not relate specifically to the proposed action. Environmental justice was the most prominent issue raised. The Central Valley Water Board took into consideration all comments received when selecting the proposed action. Copies of the comment letters are attached in **Appendix B**.

California law defines “environmental justice” as the fair treatment of people of all races, incomes, and cultures with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Gov. Code Section 65040.12, subd. (e). The principles established by environmental justice ensure protection against the inequitable distribution of adverse environmental impacts on sensitive, disadvantaged communities. The State and the agencies that fall under its jurisdiction must actively seek to achieve equal protection against harmful environmental impacts for all persons and their corresponding communities.

With respect to the proposed action, the tenets of environmental justice would be upheld. The de-designation of MUN and AGR beneficial uses for groundwater at varying vertical depths would not cause any physical change to occur that would result in an unequal, adverse environmental effect on a low-income community. The current MUN and AGR uses in the project area would not change as a result of the removal of the aforementioned beneficial use designations. Groundwater quality would not substantially change from current conditions with implementation of the proposed action. Increased levels of pollution within vulnerable communities would not occur, nor would flow rates into the project site be reduced.

9. Surrounding Land Uses and Setting: (Briefly describe the project’s surroundings)

The historical Tulare Lake Bed is a natural depression on the valley floor that historically formed a large inland lake but is now dry. Because development of the upstream diversions on the eastside of the San Joaquin Valley from the four major river tributaries (Kings, Kaweah, Tule, and Kern) and the U. S. Army Corps of Engineers’ flood control projects on the tributaries, the Tulare Lake Basin is a “closed basin” with no natural outflow. The proposed action will affect a surface area of approximately 324,000 acres and covers a portion of the historical Tulare Lake Bed. The area has alkaline heavy clay soils, extremes of climate, and threat of flood hazard because of topography. The primary land use is commercial agricultural production of cotton, wheat, safflower, alfalfa hay, processing tomatoes, and other field crops. The lowest lying area of the historical Tulare Lake Bed is utilized for evaporation ponds to manage and dispose of subsurface tile drainage waters that are received from TLDD landowners. The proposed project area does not include any towns or communities; it is bounded to the north by Laurel Avenue (Kings County) and the community of Stratford, on the west by Highway 41 and Interstate 5 near Kettleman City. The eastern boundary is near Highway 43 with the City of Corcoran to the northeast and the community of Alpaugh to the southeast. These cities and communities use groundwater from the confined aquifer (below the Corcoran Clay) as a drinking water source, but the municipal supply wells are outside of the project area. Because the closed basin is prone to periodic flooding, there are few residences and permanent plantings and no public supply wells located in the interior portion of the Tulare Lake Bed.

10: Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)

This is a Basin Plan amendment which will require approval by the State Water Resources Control Board and the Office of Administrative Law before going into effect. California Department of Fish and Wildlife Null Impact Decision also required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| | | <input type="checkbox"/> None With Mitigation |

EVALUATION OF THE ENVIRONMENTAL IMPACTS IN THE CHECKLIST

1. The Board must complete an environmental checklist prior to the adoption of plans or policies for the Basin/208 Planning program as certified by the Secretary for Natural Resources. The checklist becomes a part of the Substitute Environmental Documentation (SED).
2. For each environmental category in the checklist, the Board must determine whether the project will cause any adverse impact. If there are potential impacts that are not included in the sample checklist, those impacts should be added to the checklist.
3. If the Board determines that a particular adverse impact may occur as a result of the project, then the checklist boxes must indicate whether the impact is “Potentially Significant,” “Less than Significant with Mitigation Incorporated,” or “Less than Significant.”
 - a. “Potentially Significant Impact” applies if there is substantial evidence that an impact may be significant. If there are one or more “Potentially Significant Impact” entries on the checklist, the SED must include an examination of feasible alternatives and mitigation measures for each such impact, similar to the requirements for preparing an environmental impact report.
 - b. “Less than Significant with Mitigation Incorporated” applies if the board or another agency incorporates mitigation measures into the SED that will reduce an impact that is “Potentially Significant” to a “Less than Significant Impact.” If the board does not require the specific mitigation measures itself, then the board must be certain that the other agency will in fact incorporate those measures.
 - c. “Less than Significant” applies if the impact will not be significant, and mitigation is therefore not required.
 - d. If there will be no impact, check the box under “No Impact.”

4. The Board must provide a brief explanation for each “Potentially Significant,” “Less than Significant with Mitigation Incorporated,” “Less than Significant,” or “No Impact” determination in the checklist. The explanation may be included in the written report described in section 3777(a)(1) or in the checklist itself. The explanation of each issue should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the specific mitigation measure(s) identified, if any, to reduce the impact to less than significant. The Board may determine the significance of the impact by considering factual evidence, agency standards, or thresholds. If the “No Impact” box is checked, the Board should briefly provide the basis for that answer. If there are types of impacts that are not listed in the checklist, those impacts should be added to the checklist.
5. The Board must include mandatory findings of significance if required by CEQA Guidelines section 15065.
6. The Board should provide references used to identify potential impacts, including a list of information sources and individuals contacted.

1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, vegetation removal, development of structures/facilities, or any other physical effect that would be visible, much less damage or obstruct aesthetic resources. Project operation would not include any new sources of light or nighttime glare nor would implementation affect the integrity of any State Scenic Highway. The project would result in **no impact**.

2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES.				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.1.1 Discussion

No forest land exists within the project area. Because the project area does not contain forest lands, the proposed action would have **no impact** on forest land

The project area does not contain any towns or communities, but lies adjacent to Kettleman City, Corcoran, Alpaugh, and Stratford. These urban areas are surrounded by agricultural lands, including lands designated

as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Department of Conservation [DOC] 2015). The groundwater at the affected variable vertical depths for AGR currently contains very high levels of salinity such that groundwater at these depths is not used for irrigation or livestock watering. Implementation of the proposed action would de-designate the AGR beneficial use (irrigation and livestock watering) at specified variable vertical depths within a defined horizontal boundary. Because groundwater from these depths is not known to be currently used for irrigation purposes, and because groundwater could continue to be used for irrigation if pumped from the appropriate vertical depths, or conveyed from outside the de-designation boundary as is currently practiced, the proposed project would not adversely affect current agricultural operations and would not convert important farmland to a non-agricultural use. The proposed action would also not conflict with a Williamson Act contract. The proposed action would result in **no impact** to agricultural resources.

3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY.				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.1.1 Discussion

The project area is predominantly located in Kings County, with a small portion in Tulare County (far east section of project area) and a very small portion in Kern County (southeast section of project area). The project area is located within the area regulated for air quality standards attainment by the San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD is considered an attainment area for the federal 8-hour Carbon Monoxide (CO) standard and an extreme ozone nonattainment area for the federal 8-hour ozone standard.

As previously discussed, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Current irrigation practices, relying on other water sources, would continue. Implementation of the proposed action may require vehicle trips and machinery operation for drilling and sampling of monitoring wells. This would require minimal ground disturbance, and would not result in any other physical effect that could diminish air quality that differs from the existing vehicle trips from agricultural operations. Implementation and operation of the proposed action would not involve activities that would produce air pollutants. Local air quality plans established by SJVAPCD would not be affected nor would any sensitive receptors in the project area experience an increase in concentrations of air pollutants. There would be **no impact**.

4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse 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 Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on 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 the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical effect that could negatively impact biological resources. The removal of MUN and AGR as beneficial groundwater uses would not produce a physical change that would conflict with any Habitat Conservation Plans, Natural Community Conservation Plans, or local policies designed to protect biological resources. No adverse impacts would occur to federally- or State-listed species as a result of project implementation, nor would the proposed action deplete biodiversity in aquatic and riparian habitats near the project area. There would be **no impact**.

5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. While there are few residences in the lakebed, there is always the possibility of archaeological, paleontological and cultural artifacts that might be found in the project area. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action may require minimal ground disturbance for monitoring well installation. However, this type of activity is associated with the existing agriculture land use designation in the project area. If previously undiscovered cultural resources are found, these resources would be evaluated and mitigation would be required that would result in the recording, protecting, and/or preservation of these resources. There would be **no impact**.

6 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6.1.1 Discussion

The 2002 Alquist-Priolo Earthquake Fault Zoning Map shows that the project area is not located within any Earthquake Fault Zones; Landslide and Liquefaction Zones; or Fault Zones, Landslide and Liquefaction Zones (DOC 2002). The project site is located within Kings County, inland of the San Andreas Fault. As discussed previously, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural purposes. The proposed project would not result in changes to rates of groundwater extraction; therefore, no impacts related to ground subsidence would result. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical change that would expose people or structures to seismic activity or unstable soils. The use of septic tanks or additional wastewater disposal systems is not a component of the proposed action. The project area does not contain any locations subject to potential strong seismic shaking, landslides, or liquefaction; therefore, there is **no impact**.

7 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action may require installation of monitoring wells that would result in minimal ground disturbance, vegetation removal, or development/operation of structures or facilities, which may produce minimal GHG emissions. The proposed project may include the use of GHG-generating equipment or machinery. However, equipment used in monitoring well installation is comparable to equipment used in existing agricultural operations that are authorized pursuant to the agriculture land use designation in the project area. Any release of GHG-related pollutants as a result of project implementation would be consistent with the existing agriculture land use designation in the project area. There would be **no impact**.

8 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical effects that would generate or require the handling of hazardous materials. There would be **no impact**.

9 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or offsite erosion or siltation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences

exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical effects on water quality or hydrology. The proposed action does not include the alteration or adjustment of salinity levels in the project area. The de-designation of MUN and AGR uses would not create a physical impact on water quality and supply, as such uses are already limited or not existent in the project area. Water supply is currently provided by the Tulare Lake Basin Water Storage District (TLBWSD), which is sourced by groundwater resources upslope of the basin, local water runoff, and surface water provided by the State Water Project (SWP). De-designation would not alter this use. There would be **no impact**.

10 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10.1.1 Discussion

As discussed previously, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical change that would divide an established community, or conflict with a Habitat Conservation Plan, Natural Community Conservation Plan, or policy adopted to mitigate an environmental effect. The proposed action will not require current land use(s) in the proposed de-designation area to be modified. However, the counties of Kings, Tulare, and Kern will need to determine if any existing zoning ordinances relevant to the proposed de-designation area require amendment to be consistent with General Plan land use development and land use decisions. The proposed action would not result in any land use changes; therefore, there is **no impact**.

11 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. While there exist oil and gas resources in the Tulare Lake Bed, the de-designation of MUN and AGR beneficial uses would not affect the availability or accessibility of these mineral resources. Therefore, implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities, or any other physical change that would affect mineral resources. Project completion would not alter the availability of any known mineral resources or conflict with a mineral resource recovery site. There would be **no impact**.

12 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action may require minimal ground disturbance, vegetation removal, or development/operation of structures or facilities from the installation of monitoring wells. Equipment used in monitoring well installation is comparable to equipment used in existing agricultural operations that are authorized pursuant to the agriculture land use designation in the project area. The proposed project would not generate increased noise. There would be **no impact**.

13 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, vegetation removal, or development/operation of structures or facilities. The proposed action would not result in addition or removal of any homes and therefore would not result in an increase in population or in the displacement of people or homes. There would be **no impact** on population and housing.

14 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14.1.1 Discussion

As previously discussed, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. The area is non-residential and there are no parks or schools. There are no plans to put any parks or schools in the project area. Police and fire protection are provided by the county and changing the designated beneficial uses of groundwater will not change or increase the need for fire or police protection. The de-designation of MUN and AGR as beneficial water uses would not create a physical effect that would cause an environmental impact or result in the obstruction of service-designated routes or roadways. Therefore, implementation of the proposed action would not require any ground disturbance, or development/operation of additional structures or facilities for the purpose of maintaining public services. There would be **no impact**.

15 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Therefore, implementation of the proposed action would not require any ground disturbance, or development/operation of recreational structures or facilities. Project implementation would not result in an increase in recreational activities or increase demand for new recreational facilities. There would be **no impact**.

16 TRANSPORTATION/TRAFFIC

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16.1.1 Discussion

As previously discussed, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Therefore, implementation of the proposed action would not require any ground disturbance, or development/operation of structures or facilities, or any other physical effect that could adversely impact transportation. The de-designation of MUN and AGR beneficial uses would not create an increase in traffic flow, or conflict with any traffic-related plans or policies. Project completion would have no effect on air traffic. There would be **no impact**.

17 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17.1.1 Discussion

The proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within defined horizontal boundaries. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Therefore, implementation of the proposed action would not require any ground disturbance, or development/operation of structures or facilities for the purpose of increased utility usage. Project activities would not include the construction of supplementary facilities or additions to existing facilities. Water supply is already provided by alternative sources, including groundwater resources upslope of the basin and surface water provided by the SWP, and de-designation would not alter this use. Project implementation would not generate solid waste; therefore, there would be no conflict with federal, state, and local policies regarding solid waste. Any future request by a publically owned treatment works to relocate its facilities to the proposed de-designation area as a means to benefit from relaxed salinity discharge requirements would be required to apply for a change in point of discharge with the Central Valley Water Board, at which point the Board would evaluate potential impacts to water quality and beneficial uses at and downgradient from the proposed point of discharge. Additionally, a proposal for the construction of a wastewater treatment facility in the proposed de-designation area would be required to undergo its own environmental review. There would be **no impact**.

18 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Authority: Public Resources Code Sections 21083, 21083.5.

Reference: Government Code Sections 65088.4.

Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

18.1.1 Discussion

As previously discussed, the proposed action includes de-designation of MUN and AGR (agricultural irrigation and livestock watering) beneficial uses at specific variable vertical depths within a defined horizontal boundary. Very few residences exist within the project area and the groundwater at the affected variable vertical depths for MUN and AGR is not currently used for municipal or agricultural uses. Implementation of the proposed action would not require any ground disturbance, or development/operation of structures or facilities. The abovementioned activities do not require the physical alteration of existing structures or habitats and would not result in the loss of an endangered, threatened, or listed species, or any historically significant resources. There would be no cumulatively considerable adverse effects on the environment or human beings. Implementation of the proposed action would not affect water quality of the project site. There would be **no impact** on fish or wildlife species, cultural resources, or humans.

19 REFERENCES

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- Canada. 2012. Canadian Environmental Quality Guidelines: Water Quality Guidelines for the Protection of Agriculture. http://www.ccme.ca/en/resources/canadian_environmental_quality_guidelines/index.html Last accessed February 3, 2016.
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- CV-SALTS. 2013. *Salts and Nutrients: Literature Review for Stock Drinking Water Final Report*. Prepared by Kennedy/Jenks Consultants and Texas A&M Agrilife Research. Prepared for CV-SALTS. May 20.
- CV-SALTS. 2015. *Technical and Regulatory Evaluation of MUN and AGR Beneficial Uses in the Tulare Lake Bed Area*. Prepared by Kenneth D. Schmidt & Associates (hydrology) and CDM Smith and Summers Engineering (regulatory and technical analysis). Submitted by Tulare Lake Drainage District and Tulare Lake Basin Water Storage District. December 4.
- DOC. See California Department of Conservation.
- Kenneth D. Schmidt and Associates (KDSA). 2016a. Tulare Lake Bed De-Designation: Directions of Groundwater Flow near Urban Areas (Municipal Well Zone of Capture Analysis). Prepared for Tulare Lake Basin Water Storage District. July 8.
- KDSA. 2016b. Domestic Well Zone of Capture Analysis. Prepared for Tulare Lake Basin Water Storage District. September 8.
- National Academy of Science (NAS) and National Academy of Engineering (NAE). 1973. Water Quality Criteria 1972, a Report to the Committee on Water Quality Criteria. National Academy of Science and National Academy of Engineering, Washington, DC. EPA-R3-73-March 1973 (Blue Book).
- Sholes, D.A. 2006. *History, Lithology, and Groundwater Conditions in the Tulare Lake Basin*. Presentation given to Central Valley Regional Water Board Meeting. 21 September 2006.
- Tulare Lake Basin Water Storage District (TLBWSD). 2016. Evaluation of 14 Potential Additional Well Locations. Technical Memorandum #2 to Mike Troughon (Larry Walker Associates) from Jacob Westra (TLBWSD). September 14.

APPENDIX A – FIGURES

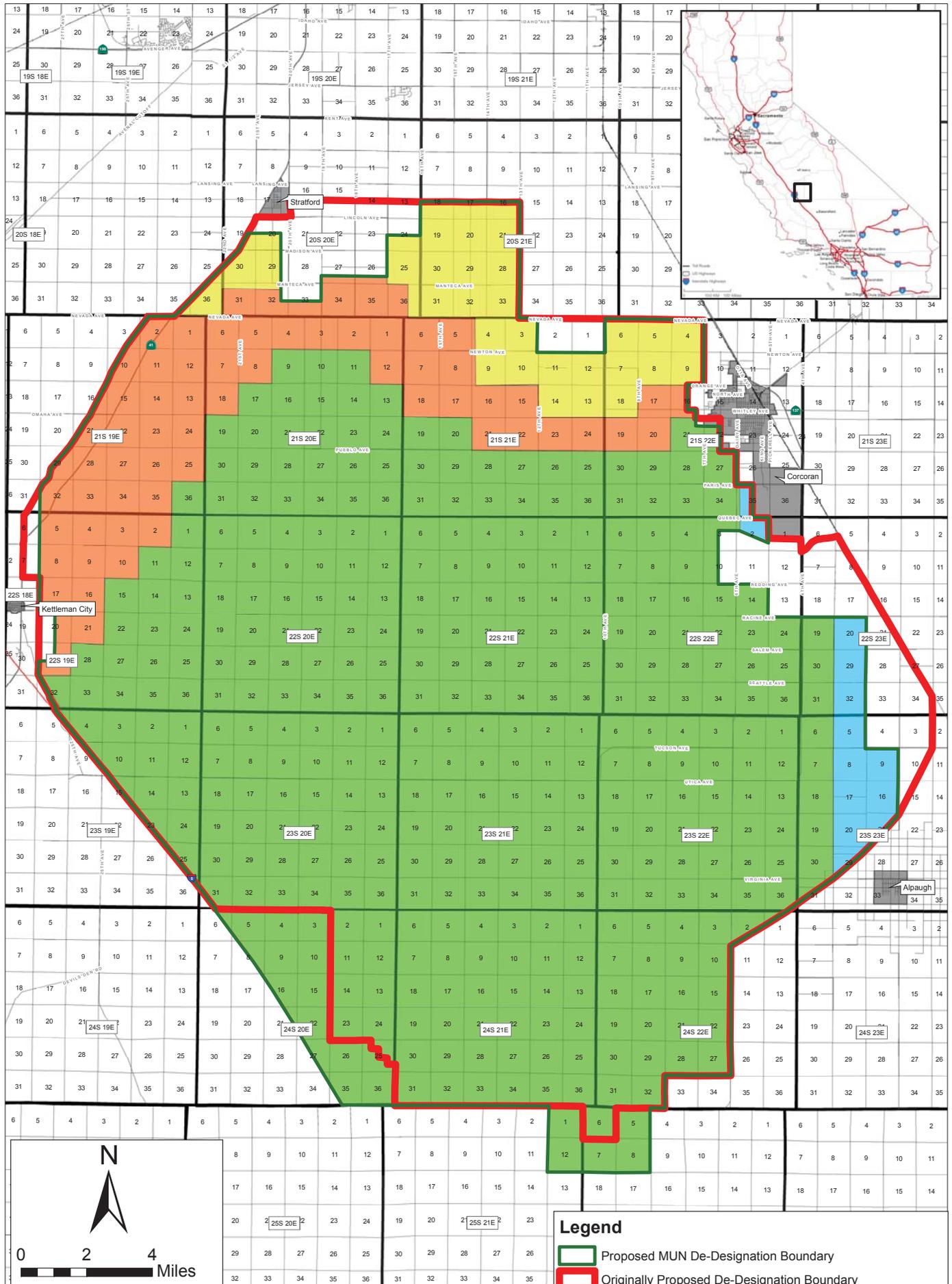


Figure 8
Proposed Boundary for De-Designation of
MUN Electrical Conductivity (EC) of
Groundwater \geq 5,000 microsiemens/cm

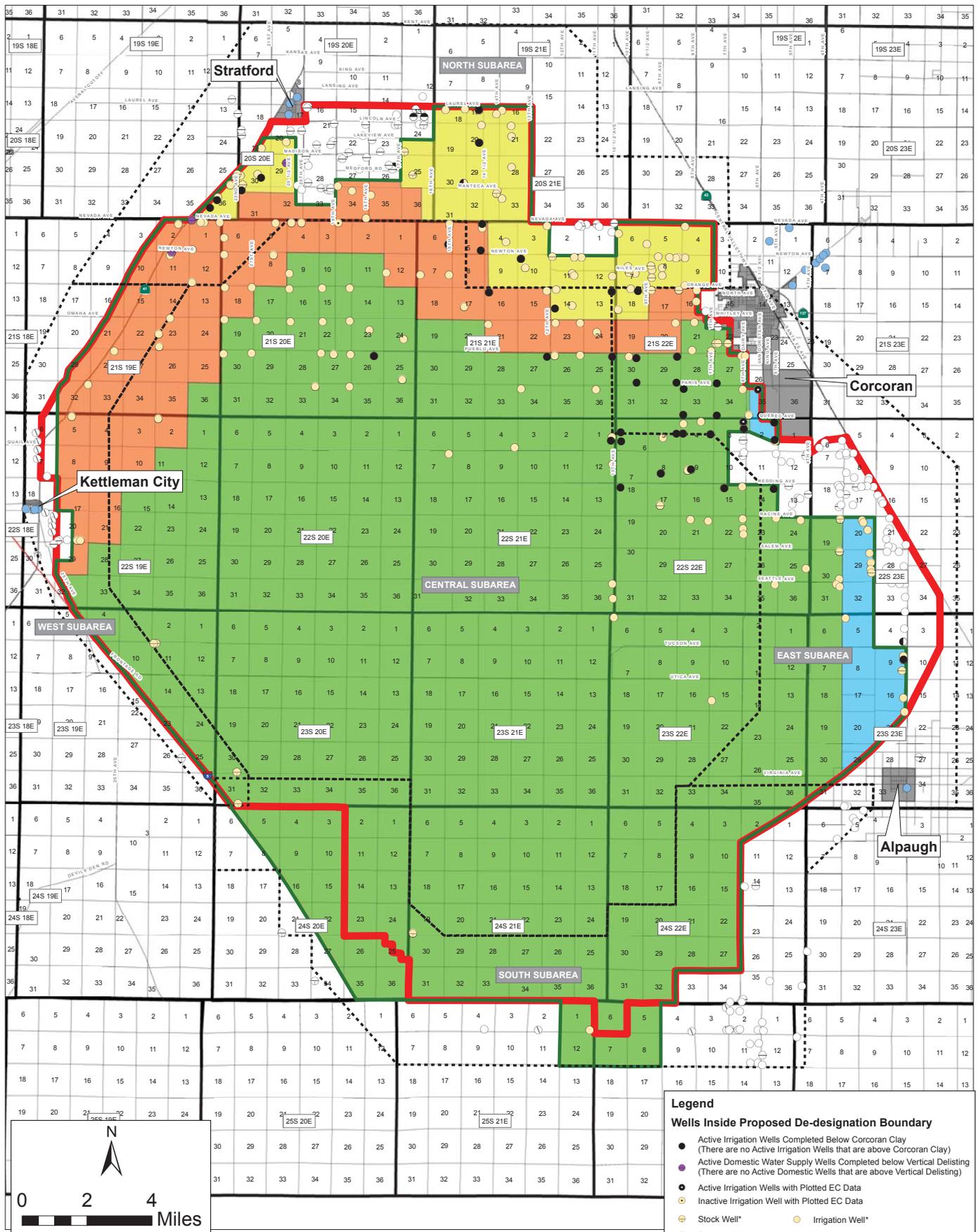


Figure 9
Proposed Boundary for De-designation of MUN and AGR
Beneficial Uses Showing Water Supply Wells within Subareas

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*
- Dairy Well*
- Irrigation Well*
- Domestic Well*

* Well is either Abandoned or Destroyed

Wells Outside Proposed De-designation Boundary**

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

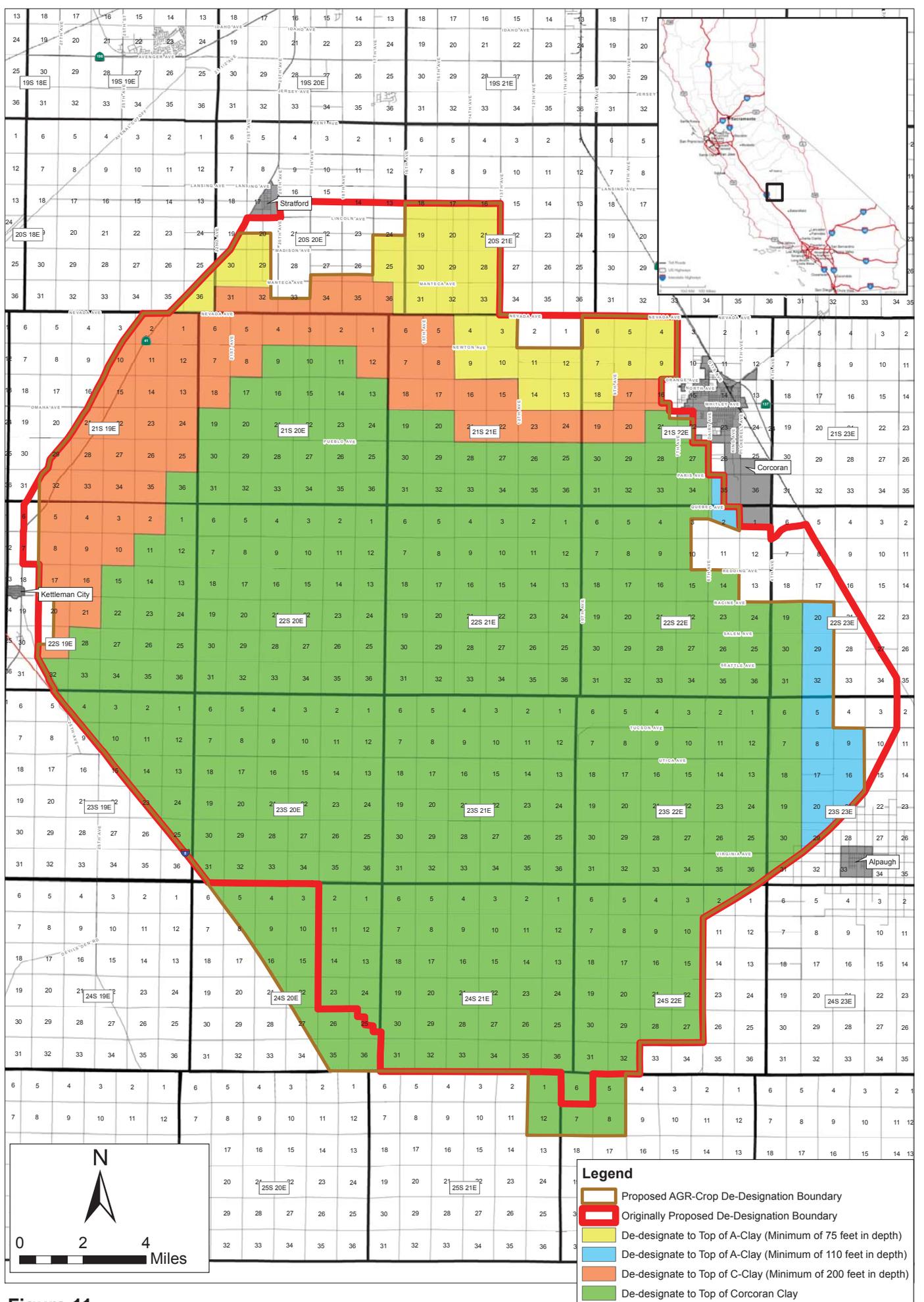


Figure 11
Proposed Boundary for De-Designation of AGR - Crop Irrigation
Electrical Conductivity (EC) of Groundwater $\geq 3,000$ microsiemens/cm

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 BENEFICIAL 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.

203

RECEIVED

MAR 26 2015

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

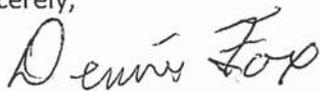
Subject Tulare Lakebed Use

Dear Ms Buford:

Among impacts worth considering are:

- The use of arsenic as a defoliant as opposed to supposed natural occurrence
- 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 dairies
- 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 useful 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
918 Blossom
Bakersfield, Ca 93306

661 366 4093



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

RECEIVED

APR 06 2015

RWCQB-OVR
FRESH OFFICE

1010 10th Street, Suite 6800, Modesto, CA 95354
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Phone: 209.525.6333 Fax 209.544.6226

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 and assess 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