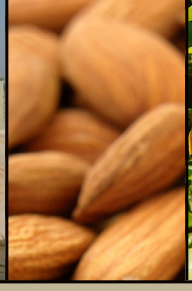
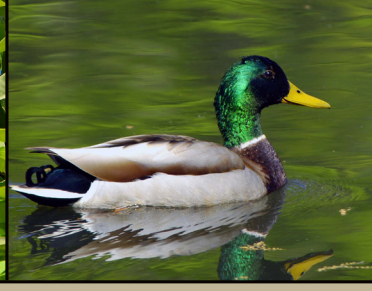


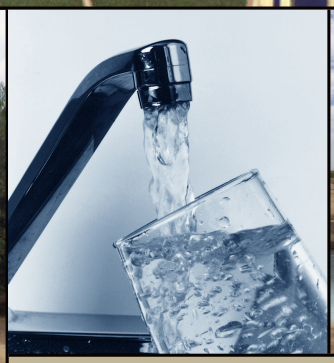


# POSO CREEK

IRWMP Group | August 2015

## 2015 IRWMP Implementation Proposal

*Attachment 3 - Project Work Plans*



NORTH KERN WATER STORAGE DISTRICT

North Kern Water Storage District
33380 Cawelo Avenue
Bakersfield, CA 93308

POSO CREEK IRWMP
Management Group

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# Attachment 3 – Work Plan

## 3.1. "PROJECT 0" – GRANT ADMINISTRATION

**Implementing Agency: North Kern Water Storage District**

### Project Description

The Poso Creek IRWM Group designated the North Kern Water Storage District (North Kern) to act as the applicant and the grant manager for the Proposition 84 IRWM 2015 Grant. North Kern will administer these funds and respond to DWR's reporting and compliance requirements associated with the grant administration. North Kern will act in a coordination role: disseminating grant compliance information to the project managers of the sub-grantee organizations responsible for implementing the projects contained in this agreement, obtaining and retaining evidence of compliance (e.g., CEQA/NEPA documents, reports, monitoring compliance documents, labor requirements, etc.), obtaining data for progress reports from individual project managers, assembling and submitting progress reports to the State, and coordinating all invoicing and payment of invoices.

Percentage completion stated for each task and sub-task is considered as the date of application submission (August 7, 2015). With project work being expedited, as explained in the Schedule (Attachment 5), some tasks and sub-tasks may be further along at the time of formalizing a DWR grant agreement, anticipated in January 2016 if the application is successful.

### Budget Category (a): Direct Project Administration

**Task 1 - Agreement Administration**

*Task 1.1 – Grant Management:* North Kern will respond to DWR's reporting and compliance requirements associated with the grant administration and maintain communication with the project managers responsible for implementing the projects contained in this agreement.

*Task 1.2 – Grant Application:* This task involves preparation of this grant application by North Kern.

**Task 2 - Invoicing**

North Kern will be responsible for compiling invoices for submittal to DWR. This includes collecting invoice documentation from each of the project proponents and compiling the information into a DWR Invoice Packet.

**Task 3 - Progress Reports and Project Completion Reports**

North Kern will be responsible for compiling progress reports for submittal to DWR. North Kern will coordinate with project proponent staff to retain consultants as needed to prepare and submit progress reports, draft and final project completion reports for each project, as well as the grant completion report. Reports will meet generally accepted professional standards for technical reporting and the terms of the contract with DWR outlined in Exhibit G of the agreement between DWR and North Kern (Grantee). For example, progress reports will explain the status of the project and will include the following information: summary of the work completed for the project during the reporting period; activities and milestones achieved; and accomplishments and any problems encountered in the performance of work. Project completion reports will include: documentation of actual work done, changes and amendments to each project, a final schedule showing actual progress versus planned progress, and copies of final documents and reports generated during the project.

***Deliverables:***

- *Executed Grant Agreement (0% complete) and Grant Application (100% complete)*
- *Invoices and associated backup documentation (10% complete)*
- *Progress Reports; Draft and Final Project Completion Reports; Grant Completion Report (0% complete)*

## 3.2. PROJECT 1 – NORTH KERN DROUGHT RELIEF PROJECT

**Implementing Agency: North Kern Water Storage District**

### Project Description

North Kern proposes to construct a 14,900 linear-foot pipeline which will connect to an existing California Resources Corporation (CRC) pipeline (existing pipeline) and will convey up to 21,200 acre-feet per year of oil-field produced water from the Kern Front oil field to the North Kern service area. The main component of the project is a 24-inch diameter, poly-wrapped steel pipeline (new pipeline) that will connect with the existing pipeline on the east side of Highway 99 and will convey water to the Rosedale Spreading Ponds. Completion of Project 1 will provide the following benefits:

- *Primary Benefit:* new water supply for agricultural irrigation provided through annual deliveries of about 16,500 ac-ft of produced water to the Lerdo Canal and 4,700 ac-ft to the Rosedale Spreading Ponds
- *Secondary Benefit:* reduced energy consumption and greenhouse gases emissions as a result of produced water gravity-fed through the pipeline to the Lerdo Canal in place of groundwater pumping for agricultural irrigation.

*Status:* Final design is complete on the new pipeline, CEQA documentation is complete, and North Kern and CRC have received a temporary permit from the Central Valley Regional Water Quality Control Board for delivery of oil-field produced water to North Kern for irrigation and groundwater recharge; the permit allows delivery to begin August 7 of oil-field produced water from the CRC pipeline to the District service area[1].

Percentage completion stated for each task and sub-task is considered as the date of application submission (August 7, 2015). With project work being expedited, as explained in the Schedule (Attachment 5), some tasks and sub-tasks may be further along at the time of formalizing a DWR grant agreement, anticipated January 2016 if the application is successful.

### Budget Category (a): Direct Project Administration

The Poso Creek IRWM Group has performed a variety of administrative tasks to support the development of the North Kern Drought Relief Project and to communicate its progress to the stakeholders and agencies involved in implementing the Poso Creek IRWM Plan. Specifically, if awarded a 2015 Implementation Grant, the Poso Creek IRWM Group has designated North Kern as the Grantee who will respond to DWR's reporting and compliance requirements associated with the overall grant administration including: executing the grant agreement, invoicing, progress reports, and project completion reports. In addition, North Kern will perform the following project administrative work efforts for the North Kern Drought Relief Project:

**Task 1 – Project Management**

This task includes administrative responsibilities associated with the project such as coordinating and managing consultants/contractors. Project management may also include scope creation, cost estimating and tracking, schedule preparation and tracking, budgeting and financing, and coordination and review of all completed project tasks.

***Deliverables:*** *(10% Complete, since several planning items are complete)*

- *Environmental Information Form (EIF)*
- *Financial Statements*
- *Invoices*
- *Other Applicable Project Deliverables*

**Task 2 – Labor Compliance**

The project will utilize Quad Knopf to implement an existing labor compliance program (LCP)[2]. North Kern and neighboring Cawelo Water District have used Quad Knopf to implement their approved LCP on past DWR funded grants.

[1] CVRWQCB letter dated June 18, 2015 regarding Report of Waste Discharge
[2] North Kern received approval of their LCP from the Department of Industrial Relations on March 15, 2012. Approval letter and QUAD Knopf LCP Manual are included as Appendix A and B, respectively.

North Kern will continue to utilize their approved LCP as part of constructing this Drought Relief Project. Thus, North Kern has in place the measures necessary to ensure compliance with applicable California Labor Requirements, including preparation and implementation of a labor compliance program or including any payments to the Department of Industrial Relations under Labor Code Section 1771.3.

***Deliverables:*** *(90% complete, LCP is in place, ready for use)*

- *Implement Project using existing LCP*

**Task 3 - Reporting**

*Task 3.1 – Quarterly Reporting:* Prepare quarterly progress reports detailing work completed during reporting period as outlined in Exhibit G of the Grant Agreement between DWR and North Kern (Grantee). North Kern, acting as the designated Grantee for the Poso Creek IRWM Group, will prepare the reports for this project to be included in quarterly progress reports to be submitted to DWR.

*Task 3.2 – Project Completion Report:* North Kern will prepare the Draft Project Completion Report for submittal to DWR for DWR Project Manager's comment and review no later than 90 days after project completion. North Kern will also prepare the Final Project Completion Report addressing the Poso Creek IRWM Group/DWR comments. The reports shall be prepared and presented in accordance with the provisions of Exhibit G.

***Deliverables:*** *(10% complete, North Kern is keeping track of incurred expenses)*

- *Quarterly Project Progress Reports*
- *Draft and Final Project Completion Report*

## Budget Category (b): Land Purchase/Easements

**Task 4 – Land Purchase** (100% complete)

The proposed pipeline will be constructed underground within District-owned rights-of-way and District maintained easements. Therefore, purchase of land and acquisition of easements will not be required.

## Budget Category (c): Planning/Design/Engineering/Environmental Documentation

**Task 5 - Feasibility Studies** (100% complete)

North Kern's District Engineer completed the Project Feasibility Evaluation leading up to North Kern Board of Director's decision to pursue the project development process[3].

***Deliverables:***

- *Project Feasibility Studies (100% Complete)*

**Task 6 - CEQA Documentation**

An Initial Study/Mitigated Negative Declaration (IS/MND) covering the scope of the Project was recently prepared by North Kern in March 2015[4]. Several Best Management Practices (BMPs) related to air quality, biology, hazardous materials, water quality, and traffic will be implemented as part of the Project's installation and operating activities. A Notice of Completion was filed with the State Clearinghouse and a letter stating no legal challenges was prepared. The Negative Declaration was adopted by the North Kern Board of Directors on April 29, 2015, and a Notice of Determination was filed on April 30, 2015[5].

[3] Ram Venkatesan, PE, District Engineer conducted feasibility evaluation for the pipeline project.

[4] North Kern WSD Drought Relief Project Initial Study/Mitigated Negative Declaration, Kern County, CA, March 2015. Included as Appendix C.

[5] Notice of Determination is included as Appendix D.

***Deliverables:*** *(100% complete)*

- *Copy of Notice of Preparation*
- *Initial Study/Mitigated Negative Declaration*
- *No Legal Challenges Letter*
- *Copy of Notice of Determination*

**Task 7 - Permitting**

Only over-the-counter permits to be obtained by the selected contractor that are related to construction will be required as the work will be performed on land that has already been disturbed, and all necessary permits will be obtained prior to the commencement of construction that is to begin in September, 2015, prior to grant awards. A Storm Water Pollution Prevention Plan (SWPPP) and a PM-10 Dust Control Plan will be prepared by the construction contractor and will be implemented throughout construction. Water quality standards and monitoring requirements for the Project are described in the Report of Waste Discharge prepared by North Kern and CRC (*Report of Waste Discharge: Produced Water Blending and Reuse to the North Kern Water Storage District, March 2015)* and a Temporary Discharge Permit (Comfort Letter) was issued by the Central Valley Regional Water Quality Control Board (CVRWQCB) on June 18, 2015. This letter authorizes produced water from CRC to be introduced into North Kern's facilities beginning on August 7, 2015.[6]

Compliance with all permitting requirements will be monitored and results included in Quarterly Progress Reports and the Project Completion Report. It is noted that the District is not subject to the County's jurisdiction with regard to building and grading permits relative to water resource projects. Accordingly, no additional County-issued permits will be required for construction other than the over-the-counter identified permits.

***Deliverables:*** *(70% complete)*

- *Temporary Discharge Permit (CVRWQCB Letter)*
- *Storm Water Pollution Prevention Plan*
- *PM-10 Dust Control Permit*

**Task 8 - Design**

Project design is complete, and the expedited, pricing solicitation package is scheduled to be released in August, 2015. Design work completed to date includes the following supporting work: feasibility study, geotechnical investigation, topographic survey, and basis of design report (BOD) which detailed the overall project concept for use in development of plans, specifications, and the engineer's cost estimate. Project construction pricing will be obtained from qualified contractors in August, 2015 with construction beginning September, 2015. For reference, design drawings for Project 1 are included as Appendix E.

***Deliverables:*** *(90% complete)*

- *Geotechnical Report*
- *Topographic Survey*
- *BOD Report*
- *Updated Project Cost Estimate*
- *100% Design Documents*

**Task 9 - Project Performance Monitoring Plan**

North Kern will develop and submit a Project Performance Monitoring Plan. The Project Performance Monitoring Plan will include baseline conditions, a brief discussion of monitoring systems to be used, methodology of monitoring, frequency of monitoring, and location of monitoring points. Since this is a new pipeline conveyance facility, the PPMP will need to be completed prior to initial operation of the pipeline, scheduled for December, 2015.

---

[6] Central Valley Regional Water Quality Control Board letter dated June 18, 2015. *Report of Waste Discharge, CRC, LLC, and the North Kern WSD, Produced Water Blending and Reuse Project, Kern County.* Included as Appendix F.

***Deliverables:*** *(0% complete)*

- *Project Performance Monitoring Plan*

## Budget Category (d): Construction/Implementation

**Task 10 - Contract Services**

*Task 10.1 – Proposal Solicitation:* The North Kern Board of Directors, based on the drought emergency declared in December 2014, authorized this project as a drought relief project that necessitates the acceleration of construction. The approval, signed July 21, 2015, recommended that District staff request price proposals from selected contractors rather than conduct a formal bidding process. The project's construction pricing package is scheduled to be released in August 2015.

*Task 10.2 – Environmental Compliance:* North Kern will engage a certified biologist to conduct pre-construction biological surveys prior to the beginning of construction. Accordingly, under this task North Kern will coordinate pre-construction biological surveys and provide additional monitoring during construction in compliance with Specifications.

***Deliverables:*** *(10% complete)*

- *Award of Contract*
- *Notice to Proceed*
- *Pre-Construction Biological Survey*
- *Report on Biological Monitoring During Construction*

**Task 11 – Construction Administration**

This task includes review of contractor submittals, responding to requests for information, and issuing work directives. A full time engineering construction inspector will be on site for the duration of the project. Construction inspector duties include: documenting pre-construction conditions, maintaining daily construction diary, preparing change orders, addressing questions of contractors on site, reviewing/ updating project schedule, reviewing contractor log submittals and pay requests, forecasting cash flow, notifying contractor if work is not acceptable. This work will be initiated upon completion of Task 10 – Contract Services.

***Deliverables:*** *(0% complete)*

- *Notice of Completion*

**Task 12 – Construction/Implementation Activities**

Mobilization and Demobilization activities under this subtask include: mobilization of Contractor equipment to the site, completion of Health and Safety Plan, site clean-up in accordance with Contract Documents, and removal of all Contractor equipment and supplies. Site preparation will comprise clearing and grubbing of the site and lay-down areas, and preliminary grading.

The greater part of the work under this task will involve: excavation of pipeline trench, installation of new, 24-inch steel pipeline and bedding, backfilling and compaction of completed reaches of pipeline; boring cased pipeline crossing under Highway 99 and the Union Pacific Railroad; boring cased pipeline crossing under the Friant-Kern Canal; boring cased crossing under Zerker Road; installation of pipeline crossing under the Calloway Canal; construction of meter station, and installation of electrical equipment, instrumentation and controls.

Improvement of construction work will entail: painting and protection of all exposed features, and testing and calibration of flow measurement devices and of operational controls.

***Deliverables:*** *(0% complete)*

- *Completion of the Pipeline; Photographic Documentation and Engineer's Certification*

## 3.3. PROJECT 2 – LOST HILLS NEW WELL NO. 3

**Implementing Agency: Lost Hills Utility District, on behalf of the community of Lost Hills.**

### Project Description

The Lost Hills Well No. 3 Project (Project 2) proposes construction of a new water supply well on property owned by the Lost Hills Utility District (LHUD), located within the service area of the Semitropic Water Storage District. Project 2 addresses a critical water supply need in the economically disadvantaged community (DAC) of Lost Hills and is one component of the LHUD's three-pronged program to respond to water quality and water supply reliability issues currently being experienced by the community (explained further in Attachment 2).

Project 2 construction components to be completed for the new well include: (1) construct and develop the new production well, including installation of perforated and unperforated casing; well development; and test pumping; (2) furnishing and installing vertical turbine pumping unit with electric motor driver, complete with motor control equipment, meter panel, conduit wiring, termination to all electrical and control devices; and (3) furnishing and installing 1,300 linear feet of 8-inch C-900 DR 18 pipe. Completion of Project 2 will provide the following benefits:

- *Primary benefit*: Enhanced water supply through construction of a new well to improve the reliability of the drinking water supply to the disadvantaged community of Lost Hills.
- *Secondary benefit*: Reduced water treatment costs to a DAC as the new well will extract water with lower arsenic concentrations compared to existing wells in the District.

*Status*: Funds previously received from DWR are being used to complete the 60% design of the new well. This 2015 IRWM implementation grant funding is being requested to complete the well design to 100%, for the construction and testing of the well, and for the 1,300 foot-long, 8-inch pipeline that will connect the well with the LHUD's nearby raw water storage tank. If awarded, the funding will ensure the new well will be designed and ready for construction by March, 2016.

Percentage completion stated for each task and sub-task is considered as the date of application submission (August 7, 2015). With project work being expedited, as explained in the Schedule (Attachment 5), some tasks and sub-tasks may be further along at the time of formalizing a DWR grant agreement, anticipated around January 2016 if the application is successful.

### Budget Category (a): Direct Project Administration

The Poso Creek IRWM Group has performed a variety of administrative tasks to help manage the scope, schedule and budget of Project 2 and to communicate its progress to the stakeholders and agencies involved in project delivery. Specifically, the Poso Creek IRWM Group has identified LHUD as a "Sub-Grantee" to North Kern. LHUD's Engineering Consultant was identified by LHUD to coordinate with North Kern to perform the following administrative efforts:

**Task 1 – Project Management**

Manage grant agreement including compliance with grant requirements, and preparation and submission of supporting grant documents and coordination with North Kern, the designated IRWM grant manager. As the designated Sub-Grantee, prepare invoices including relevant supporting documentation for submittal to DWR. This task includes administrative responsibilities associated with the project such as coordinating and managing consultants/contractors. Project management can also include scope management, cost estimating and tracking, schedule preparation and tracking, budgeting and financing, and coordination and review of all completed project tasks.

***Deliverables:***

- *Environmental Information Form (EIF)*
- *Financial Statements*
- *Invoices*
- *Other Applicable Project Deliverables*

**Task 2 – Labor Compliance**

As part of the Sub-Grantee agreement, LHUD will utilize North Kern's approved Labor Compliance Program (LCP) guidelines for construction of Project 2 as past sub-grantees have done with prior DWR grant awards (e.g., City of Shafter under IRWM Round 1 Implementation Grant-funded project). The LCP will follow the rules of the California Department of Industrial Relations (DIR) and will enforce the prevailing wage requirements as stipulated in the Labor Code Section 1771.5. Implementing the LCP will accomplish the following: inform contractors about their prevailing wage obligations; monitor compliance by obtaining and reviewing certified payroll records; investigate complaints and other suspected violations; and take appropriate actions when violations are found. Monthly reports will be prepared which will document compliance throughout construction.

***Deliverables:*** *(50% complete)*

- *Use of North Kern's approved LCP on LHUD New Well No. 3 Project*

**Task 3 - Reporting**

*Task 3.1 – Quarterly Reporting:* Prepare progress reports detailing work completed during reporting period as outlined in Exhibit G of the grant agreement between DWR and North Kern. Submit reports to North Kern for review and inclusion in a progress report to be submitted to DWR.

*Task 3.2 – Project Completion Report:* Prepare Draft Project Completion Report and submit to DWR via North Kern for DWR Project Manager's comment and review no later than 90 days after project completion. Prepare Final Project Completion Report addressing the DWR's comments. The report shall be prepared and presented in accordance with the provision of Exhibit G.

***Deliverables:*** *(0% complete)*

- *Quarterly Project Progress Reports*
- *Draft and Final Project Completion Report*

## Budget Category (b): Land Purchase/Easements

**Task 4 – Land Purchase** (100% complete)

The proposed well and pipeline will be constructed within Lost Hills Utility District-owned rights-of-way and District maintained easements. For this reason, purchase of land and acquisition of easements will not be required.

## Budget Category (c): Planning/Design/Engineering/Environmental Documentation

**Task 5 - Feasibility Studies**

Funding provided by a Round 1 IRWM Implementation Grant enabled LHUD to complete a Water Master Plan. Project Feasibility Studies were completed as part of the project development process[7]. A Preliminary Engineering Design Report was completed in June 2015 by the Engineering Consultant (Cannon). The Preliminary Engineering Design Report analyzed the feasibility of five alternatives that would meet the present and projected needs of the LHUD service area; the proposed Project was deemed feasible. More specifically, the Report: (1) estimated well capacity necessary to meet present and projected community needs; (2) analyzed potential locations for the new well; (3) examined environmental restrictions affecting each candidate location for the well; (4) evaluated materials for construction of the new well (e.g., steel vs. PVC well casing, gravel rock, etc.); and (5) evaluated constructability, maintenance, costs, site factors, security, water quality, and construction schedules of each alternative for the new well.

***Deliverables:***

- *Feasibility Studies (100% complete; consulting engineer completed the report in June, 2015)*

[7] Preliminary Engineering Report (June 2015) containing Feasibility Studies are included as Appendix E of Attachment 2.

**Task 6 - CEQA Documentation**

LHUD has completed CEQA documentation for the LHUD Well Project. An IS/MND was prepared in August 2014[8]. A Notice of Completion was filed with the State Clearinghouse and a letter stating no legal challenges was prepared. The IS/MND was approved by the LHUD Board of Directors on October 2, 2014.

***Deliverables:*** *(100% complete)*

- *Copy of Notice of Preparation*
- *Initial Study/Mitigated Negative Declaration*
- *No legal Challenges Letter*
- *Copy of Notice of Completion*

**Task 7 - Permitting**

LHUD is not subject to the County's jurisdiction with regard to building and grading permits. In this regard, only over-the-counter permits obtainable by the selected contractor, related to construction, such as a SWPPP for compliance with the Clean Water Act, a PM-10 Dust Control Plan, and a water well permit will be required and an application will be made for these permits prior to construction commencing, explained in detail in the IS/MND. Application for a drilling permit will be made to the Kern County Health Department for drilling of a new well. The SWPPP would involve obtaining a Statewide General Construction National Pollutant Discharge Elimination System (NPDES) permit. LHUD will confer with its legal counsel to confirm that all permitting requirements have been satisfied. Compliance with any requirements will be monitored and results included in Quarterly Progress Reports and the Project Completion Report.

***Deliverables:*** *(10% complete)*

- *Drilling Permit (prior to construction)*
- *Storm Water Pollution Prevention Control Plan*

**Task 8 - Design**

Complete preliminary design including the following supporting work: geotechnical investigation, topographic survey, and basis of design report (BOD). The BOD will provide the overall project concept for use in development of final design, plans and specifications including: preliminary earthwork calculations, preliminary design details for and 100% (Final) design, plans, and specifications. For reference, preliminary design parameters are included as Appendix G. Specific work under this task will be accomplished by completing the following subtasks:

*Task 8.1 – 60% Design:* This subtask involves work at the 60-percent level and was awarded through DWR technical assistance funding to RMC. This is preliminary design and will involve the geotechnical report, topographic report, and preparation of preliminary plans and specs.

*Task 8.2 – 100% Design:* This subtask will consist of the layout and design of the project elements in the form of drawings and technical specifications at the 100-percent level. Work under this task will include (1) sizing and siting the new well; (2) performing a hydraulic analysis; and (3) completing all details for construction of the project elements. Drawings will be prepared showing construction limits, survey control points, borrow and staging areas, environmental protection requirements, construction access roads/limits of work area, and site restoration requirements. Also, drawings will be prepared showing site excavation and grading requirements, structural work, civil work, mechanical work, and electrical work. The resulting drawings will be incorporated into the bidding documents.

***Deliverables:*** *(10% complete; DWR has signed a contract with RMC to produce the 60% Design, Task 8.1)*

- *Geotechnical Report*
- *Topographic Survey*
- *BOD Report*

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[8] *Lost Hills Utility District New Well Site Project Initial Study/Mitigated Negative Declaration, 2014.* IS/MND and Approval Letter are included as Appendix H and I, respectively.

- *Updated Project Cost Estimate*
- *100% Design Documents*

**Task 9 - Project Performance Monitoring Plan**

Develop and submit a Project Performance Monitoring Plan. The Project Performance Monitoring Plan will include baseline conditions, a brief discussion of monitoring systems to be used, methodology of monitoring, frequency of monitoring, and location of monitoring points.

***Deliverables:*** *(0% complete)*

- *Project Performance Monitoring Plan*

## Budget Category (d): Construction/Implementation

**Task 10 - Contract Services**

*Task 10.1 – Bid Process:* A Contract for construction of the Project will be competitively bid; accordingly, the work will include soliciting bids; conduct job-site tour for prospective bidders; respond to contractors' questions; issue addenda to specifications if required; open and evaluate bids, including costs, required bonds, suppliers and subcontractors, and checking bidder's references and experience successfully executing this type of work; award of contract; and issuance of the Notice to Proceed. This work will be initiated upon completion of Task 8 – Design.

*Task 10.2 – Environmental Compliance:* LHUD will engage a certified biologist to conduct pre-construction biological surveys prior to construction commencing. Accordingly, under this task LHUD will coordinate pre-construction biological surveys and provide additional monitoring during construction in compliance with Specifications.

***Deliverables:*** *(0% complete)*

- *Bid Documents*
- *Proof of Advertisement*
- *Award of Contract*
- *Notice to Proceed*

**Task 11 – Construction Administration**

This task includes managing contractor submittal review, answering requests for information, and issuing work directives. An engineering construction inspector will regularly visit the site for the duration of the project. The inspector's duties will include: documenting of pre-construction conditions, daily construction diary, preparing change orders, addressing questions of contractors on site, reviewing/ updating project schedule, reviewing contractor log submittals and pay requests, forecasting cash flow, notifying contractor if work is not acceptable.

With respect to field inspection, activities include inspection of materials and quality of work for conformance with the plans and specifications including the following: record quantities of materials received or used during specified periods; maintenance of daily logs of construction and inspection activities, including photographs; and coordination of concrete and earthwork testing in support of construction. This work will be initiated upon completion of Task 10 – Contract Services.

***Deliverables:*** *(0% complete)*

- *Notice of Completion*

**Task 12 – Construction/Implementation Activities**

Mobilization and Site Preparation work will consist of the mobilization of the contractor's forces and equipment necessary for performing the required construction. Mobilization activities will include transportation of contractor's personnel, equipment, and operating supplies to the site; establishment of general facilities for the contractor's operations at the site; and securing all bonding. Site Preparation will include surveying the limits of the work area and clearing and grubbing the work area prior to construction.

The construction components to be completed for the new well include: (1) construct and develop the new production well, including installation of perforated and unperforated casing; well development; and test pumping; (2) furnishing and installing vertical turbine pumping unit with electric motor driver, complete with motor control equipment, meter panel, conduit wiring, termination to all electrical and control devices; and (3) furnishing and installing 1,300 linear feet of 8-inch C-900 DR 18 pipe.

Testing and Commissioning will include all labor, material, and equipment to field start-up and test the project facilities. Part of the work under this task will include well development and pump testing. Demobilization activities include transportation of personnel, equipment, and supplies; disassembly, removal, and site cleanup of offices, buildings, and other facilities assembled on the site specifically for this contract.

***Deliverables:*** *(0% complete)*

- *Completed, operating well*
- *Photographic Documentation*
- *Engineer's Certification*

# Appendix A

## North Kern WSD Labor Compliance Program Approval Letter

STATE OF CALIFORNIA

Edmund G. Brown Jr., *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
Office of the Director
1515 Clay Street, 17th Floor
Oakland, California 94612

*MAILING ADDRESS:*
*P. O. Box 420603*
*San Francisco, CA 94142-0603*

March 15, 2012

NORTH KERN
MAR 19 2012
WATER STORAGE DIST.

North Kern Water Storage District
33380 Cawelo Avenue
Bakersfield, CA 93308

Attention: Ram Venkatesan

RE: Application for Approval of Labor Compliance Program
LCP ID No. 2011.01096

Dear Mr. Venkatesan:

In accordance with the provisions of Title 8, California Code of Regulations, section 16425, approval of North Kern Water Storage District's Labor Compliance Program is hereby granted, effective March 15, 2012. This approval is limited to providing LCP services on ***projects funded in whole or in part by Proposition 84 (Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006)*** only. This restriction is based on the funding source of the projects on which LCP services will be provided, as set forth in your application.

An LCP must comply with the requirements of Title 8, California Code of Regulations, sections 16421 through 16439, as well as with all other statutes and regulations pertaining to the monitoring and enforcement of the state's prevailing wage requirements. Among other things, you are required to transmit the notices specified in section 16423 of the regulations promptly, and you must file an annual report in accordance with the requirements of section 16431 of the regulations, whether or not your LCP has conducted any monitoring or enforcement during the preceding year. The annual reporting period is July 1 to June 30, and annual reports are due by no later than August 31.

Whether or not your agency's projects are subject to the notice requirements of section 16451(a) of the regulations, you must send timely notice of all contract awards when required by Labor Code section 1773.3 (projects of $30,000 or more that use apprenticeable crafts), using the electronic PWC-100 form. A link to this form can be found on the CMU website at http://www.dir.ca.gov/dlse/cmu/cmu.html.

Additional information and resources pertaining to labor compliance programs are available on the Department's website at http://www.dir.ca.gov/lcp.asp. Questions about enforcement policy must be directed to the Division of Labor Standards Enforcement. If you have any other questions, including about this notice, please contact Program Analyst Connor Schmeding at (510) 286-1094.

Sincerely,

Christine Baker

Christine Baker, Director of Industrial Relations

cc: Susan Nakagama, Regional Manager, Division of Labor Standards Enforcement

# Appendix B

## Quad Knopf Labor Compliance Program Manual

# Labor Compliance Program

**January 2012**


**Quad Knopf, Inc.**

**5110 W. Cypress Street**
**Visalia, California 93277**
**Phone: (559)733-0440**
**Fax: (559)733-7821**

# QUAD KNOPF, INC.

# LABOR COMPLIANCE PROGRAM
# IMPLEMENTATION PLAN & OPERATIONAL MANUAL

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Quad Knopf

# SECTION I

# INTRODUCTION

# INTRODUCTION

**Quad Knopf, Inc. institutes this Labor Compliance Program for the purpose of implementing its policy relative to the labor compliance provisions of state and federally funded public works contracts.**

This program is applicable to all public works projects which are funded under the Proposition 84, The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

California Labor Code Section 1770, et seq., and Education Code Section 17424 require that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research.

California Labor Code Section 1776 requires contractors to keep accurate payroll records of trades workers on all public works projects and to submit copies of certified payroll records upon request.

California Labor Code Section 1777.5 requires contractors to employ registered apprentices on public works projects.

This labor compliance program ("LCP") contains the labor compliance standards required by state and federal laws, regulations, and directives, contract provisions, which include, but are not limited to, the following:

1. Contractors' payment of applicable general prevailing wage rates.
2. Contractors' employment of properly registered apprentices.
3. Contractors' providing certified payroll records upon request but not less than weekly.
4. Program's monitoring The Clients construction sites for the verification of proper payments of prevailing wage rates and work classification.
5. Program's conducting pre-job conferences with contractors/subcontractors.
6. Program's withholding contract payments and imposing penalties for noncompliance.
7. Program's preparation and submittal of annual reports.

The Labor Compliance Officer ("LCO") is the, Mr. Paul Newkirk, or designated representative, for enforcement of the LCP.

Quad Knopf

# SECTION II

# THIRD PARTY

# LABOR COMPLIANCE PROGRAM

# QUAD KNOPF, INC.

# LABOR COMPLIANCE PROGRAM

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# INTRODUCTION

Quad Knopf, Inc. institutes this Labor Compliance Program ("LCP") for the purpose of implementing its policy relative to the labor compliance provisions of state and federally-funded public works contracts and specifically to comply with the provisions of Labor Code section 1771.8 pertaining to the use of funds derived from the Proposition 50, Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. This LCP contains the labor compliance standards required by state and federal laws, regulations, and directives, and contract provisions.

The California Labor Code Section 1770, et seq., require that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research.

In establishing this LCP, Quad Knopf, Inc. adheres to the statutory requirements as enunciated in Section 1771.5(b) of the Labor Code. Further, it is the intent of Quad Knopf, Inc. to actively enforce this LCP by monitoring Quad Knopf, Inc. construction sites for the payment of prevailing wage rates, and by requiring contractors and subcontractors having workers on Quad Knopf, Inc. Public Works projects to submit copies of certified payroll records demonstrating their compliance with the payment of prevailing wage rates.

Should applicable sections of the Labor Code or Title 8 of the California Code of Regulations undergo alteration, amendment, or deletion, Quad Knopf, Inc. will modify the affected portions of this program accordingly.

## SECTION I
## PUBLIC WORKS SUBJECT TO PREVAILING WAGE LAWS

State prevailing wage rates apply to all public works contracts as set forth in Labor Code Sections 1720 *et seq.*, and include, but are not limited to, such types of work as construction, alteration, demolition, repair, or maintenance work. The Division of Labor Statistics and Research (DLSR) predetermines the appropriate prevailing wage rates for particular construction trades and crafts by county.

A. Types of Contracts to Which Prevailing Wage Requirements Apply

As provided in Labor Code section 1771.8 (a) and (b), the body awarding any contract for a public works project financed in any part with funds made available by the water security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. Shall adopt and enforce, or contract with a third party & enforce, a labor compliance program pursuant to subdivision (b) of section 1771.5 for application to that public works project.

B. Applicable Dates for Enforcement of the LCP

The applicable dates for enforcement of awarding body Labor Compliance Programs is established by Section 16422 of the California Code of Regulations. Contracts are not subject to the jurisdiction of the Labor Compliance Program until after the program has received initial or final approval.

## SECTION II
## COMPETITIVE BIDDING ON THE PUBLIC WORK CONTRACTS

Public works project are to be awarded according to a competitive bidding process. Bid advertisements (or bid invitations) and public works contracts shall contain appropriate language concerning the requirements of the Labor Code.

## SECTION III
## JOB START MEETING

After the Awarding Body awards the public works contract, and prior to the commencement of the work, a mandatory Job Start meeting (Pre-Job conference) shall be conducted by the LCO, or representative, with the contractor and those subcontractors listed in its bid documents.

At that meeting, the LCO will discuss the federal and state labor law requirements applicable to the contract, including prevailing wage requirements, the respective record keeping responsibilities, the requirement for the submittal of certified payroll records to the Quad Knopf, and the prohibition against discrimination in employment.

The LCO will provide the contractor and each subcontractor with a Checklist of Labor Law Requirements (presented as Attachment A to this document) and will discuss in detail the following checklist items:

1. The contractor's duty to pay prevailing wages under Labor Code Section 1770 et seq., should the project exceed the exemption amounts;

2. The contractor's duty to employ registered apprentices on the public works project under Labor Code Section 1777.5;

3. The penalties for failure to pay prevailing wages (for non-exempt projects) and employ apprentices including forfeitures and debarment under Labor Code Sections 1775, 1776, 1777.7 and 1813;

4. The requirement to keep and submit copies upon request of certified payroll records under Labor Code Section 1776, and penalties for failure to do so under Labor Code Section 1776(g);

5. The prohibition against employment discrimination under Labor Code Section 1777.6; the Government Code, and Title VII of the Civil Rights Act of 1964;

6. The prohibition against accepting or extracting kickback from employee wages under Labor Code Section 1778;

7. The prohibition against accepting fees for registering any person for public work under Labor Code Section 1779; or for filling work orders on public works under Labor Code Section 1780;

8. The requirement to list all subcontractors under Public Contracts Code Section 4104;

9. The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractors License Law, found at Business and Professions Code Section 7000 et seq;

10. The prohibition against unfair competition under Business and Professions Code Sections 17200-17208;

11. The requirement that the contractor be properly insured for Workers Compensation under Labor Code Section 1861;

12. The requirement that the contractor abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project;

13. The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers.

14. The requirement to provide itemized wage statements to employees under Labor Code Section 226.

The contractors and subcontractors present at the Job Start meeting will be given the opportunity to ask questions of the LCO relative to the items contained in the Labor Law Requirements Checklist. The checklist shall be signed by the contractor's representative and Quad Knopf, Inc., **a representative of each subcontractor**.

At the Job Start meeting, the LCO will provide the contractor with a copy of Quad Knopf's LCP package which includes: a copy of the approved LCP, the checklist of Labor Law Requirements, applicable Prevailing Wage Rate Determinations, blank certified payroll record forms, fringe benefit statements, State apprenticeship requirements, and a copy of the Labor Code relating to Public Works and Public Agencies (Part 7, Chapter 1, Sections 1720-1861).

It will be the contractor's responsibility to provide copies of the LCP package to all listed subcontractors and to any substituted subcontractors.

# SECTION IV
# REVIEW OF CERTIFIED PAYROLL RECORDS

## A. Certified Payroll Records Required

The contractor and each subcontractor shall maintain payrolls and basic records (timecards, canceled checks, cash receipts, trust fund forms, accounting ledgers, tax forms, superintendent and foreman daily logs, etc.) during the course of the work and shall preserve them for a period of three (3) years thereafter for all trades workers working on the public works projects which are subject to the LCP. Such records shall include the name, address, and social security number of each worker, his or her classification, a general description of the work each employee performed each day, the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits), daily and weekly number of hours worked, and actual wages paid.

### 1. Submittal of Certified Payroll Records

The contractor and each subcontractor shall maintain weekly certified payroll records for submittal to the Quad Knopf's LCO as required. The contractor shall be responsible for the submittal of payroll records of all its subcontractors. All certified payroll records shall be accompanied by a statement of compliance signed by the contractor or each subcontractor indicating that the payroll records are correct and complete, that the wage rates contained therein are not less than those determined by the Director of the Department of Industrial Relations, and that the classifications set forth for each employee conform with the work performed. The certified payroll reports maybe maintained and submitted electronically as long as the conditions outlined in CCR Section 16404 have been met.

Time cards, front and back copies of cancelled checks, daily logs, employee sign-in sheets and/or any other record maintained for the purposes of reporting payroll may be requested by the Labor Compliance Officer at any time and shall be provided within 10 days following the receipt of the request.

### 2. Full Accountability

Each individual, laborer or craftsperson working on a public works contract must appear on the payroll. The basic concept is that the employer who pays the trades worker must report that individual on its payroll. This includes individuals working as apprentices in an apprenticeable trade. Owner-operators are to be reported by the contractor employing them, rental equipment operators are to be reported by the rental company paying the workers' wages.

Sole owners and partners who work on a contract must also submit a certified payroll record listing the days and hours worked, and the trade classification descriptive of the work actually done.

The contractor shall provide the records required under this section to Quad Knopf within ten (10) days of the weekend date of each week, and available for inspection by the Department of Industrial Relations, and shall permit representatives of each to interview trades workers during working hours on the project site.

The LCP shall determine the method of submission of certified payroll reports (Reporting Format). It may be, either, manually (preferred) or electronically (optional);

1) Manuel reporting is accomplished by utilizing a written/printed format containing the same data fields listed on the "Public Works Payroll Reporting Form" (A-1-131) and contains or is accompanied by a declaration made under penalty of perjury. (Section 16401, California Code of Regulations)
2) Electronic Reporting may be maintained and submitted subject to the following (Section 16404, California Code of Regulations);

    a) The reports must contain all of the information required by Labor Code Section 1776, with information organized in a manner that is similar or identical to how the information is reported on the Department of Industrial Relations' suggested "Public Works Payroll Reporting Form" (A-1-131);

    b) The reports shall be in a format and use software that is readily accessible and available to contractors, awarding bodies, Labor Compliance Programs, and the Department of Industrial Relations;

    c) Reports submitted to an awarding body, a Labor Compliance Program, the Division of Labor Standards Enforcement, or other entity within the Department of Industrial Relations must be either (1) in the form of a non-modifiable image that bears an electronic signature or includes a copy of any original certification made on paper, or alternatively (2) printed out and submitted on paper with an original signature.

    d) The requirements for redacting certain information shall be followed when certified payroll records are disclosed to the public pursuant to Labor Code Section 1776(e), whether the records are provided electronically or as hard copies; and

    e) No contractor or subcontractor shall be mandated to submit or receive electronic reports when it otherwise lacks the resources or capacity to do so, nor shall any contractor or subcontractor be required to purchase or use proprietary software that is not generally available to the public.

**3. Responsibility for Subcontractors**

The contractor shall be responsible for ensuring adherence to labor standards provisions by its subcontractors. Moreover, the prime contractor is responsible for Labor Code violations of its subcontractors in accordance with Labor Code section 1775.

a) The contractor shall monitor the payment of the specified general prevailing per diem wages by each subcontractor to its employees by periodic review of the subcontractor's certified payroll records.

b) Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for work performed on the public works project (upon receipt of notification that a wage complaint has been resolved, the contractor shall pay any money retained from and owed to a subcontractor).

c) Prior to making final payment to the subcontractor for work performed on the public works project, the contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the general

**4. Payment to Employees**

Employees must be paid unconditionally, and not less often than once each week, the full amounts, that are due and payable for the period covered by the particular payday. Thus, an employer must establish a fixed workweek (Sunday through Saturday, for example) and an established payday (such as every Friday or the preceding day should such payday fall on a holiday). On each and every payday, each worker must be paid all sums due as of the end of the preceding workweek and must be provided with an itemized wage statement.

If an individual is called a subcontractor, whereas, in fact, he/she is merely a journey level mechanic supplying only his/her labor, such an individual would not be deemed a bona fide subcontractor and must be reported on the payroll of the prime contractor as a trades worker. Moreover, any person who does not hold a valid contractor's license cannot be a subcontractor, and anyone hired by that person is the worker or employee of the general contractor for purposes of prevailing wage requirements, certified payroll reporting and workers' compensation laws.

The worker's rate for straight time hours must equal or exceed the rate specified in the contract by reference to the "Prevailing Wage Determinations" for the class of work actually performed. Any work performed on Saturday, Sunday, and/or on a holiday, or portion thereof, must be paid the prevailing rate established for those days regardless of the fixed workweek. The hourly rate for hours worked in excess of 8 hours in a day and 40 hours in a workweek shall be premium pay. All work performed on Saturday, Sunday and holidays shall be paid pursuant to the Prevailing Wage determination.

**B. Apprentices**

California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

**1. Submit contract award information**

Contractors who are not already participating in an approved program and who did not receive a sufficient number of apprentices from their initial request must request dispatch of apprentices from at least one other apprenticeship committee, if more than one exists in the area of the public works project.

Submit the contract award information in writing to each of the apprenticeship program sponsors in the area of your public works project within 10 days of the prime execution of the contract or subcontract, but in no event later than the first day in which the contractor has workers employed on the public work. You may use Form DAS 140. This is simply a notification of award; it is not automatically a request for dispatch of a registered apprentice.

**2. Employ registered apprentices**

A contractor on a public works project must employ one (1) hour of apprentice work for every five (5) hours performed by a journeyman.

All contractors must request dispatch of an apprentice from an apprenticeship program (for each apprenticeable craft or trade) by giving the program actual notice of at least 48 hours (business days only) before the date on which apprentices are required. Contractors who are not already participating in an approved program and who did not receive a sufficient number of apprentices

from their initial request, must request dispatch apprentices from at least one other apprenticeship committee, if more than one exists in the area of the public works project.

**3. Make training fund contributions**

Contractors who are awarded public works jobs must make training fund contributions in the amount established in the prevailing wage rate publication for journeymen and apprentices. This nominal fee contributes to the assurance that new apprentices coming into the craft will be guaranteed the highest level of training and as skilled craftsmen retire, the trade will survive.

Contractors who contribute to an apprenticeship program are entitled to a full credit in the amount of those contributions. Contractors who do not contribute to an apprenticeship program must submit their contributions to the California Apprenticeship Council, PO Box 420603, San Francisco, CA 94142-0603.

Training fund contributions to the Council are due and payable on the 15th day of the month for work performed during the preceding month. The contribution should be paid by check and be accompanied be a completed training fund contribution form (CAC-2) or a letter containing the following information:

a) The name, address and telephone number of the contractor making the contribution.

b) The contractor's license number.

c) The name and address of the public agency that awarded the contract.

d) The jobsite location, including the county where the work was performed.

e) The contract or project number.

f) The time period covered by the enclosed contributions.

g) The contribution rate and total hours worked by apprenticeable occupation.

h) The name of the program(s) that provides apprentices if any.

i) The number if apprentice hours worked, by apprenticeable occupations and by program.

## C. Audit of Certified Payroll Records

Audits shall be conducted by the LCO, and shall also be conducted at the request of the Labor Commissioner to determine whether all trades workers on project sites have been paid according to the prevailing wage rates.

The audit record form (presented as Attachment B) demonstrates the sufficient detail that is necessary to verify compliance with Labor Code requirements. Audit has meet requirements outlined in CCR Section 16432 (e).

## SECTION V
## REPORTING OF WILLFUL VIOLATIONS TO THE LABOR COMMISSIONER

If an investigation reveals that a willful violation of the Labor Code has occurred, the LCO will make a written report to the Labor Commissioner, as described in CCR Section 16432 (f) which shall include: (1) an audit consisting of a comparison of payroll records to the best available information as to the actual hours worked, (2) the classification of workers employed on the public works contract. Six (6) types of willful violations are reported:

A. **Failure to Comply with Prevailing Wage Rate Requirements** Failure to comply with prevailing wage rate requirements (as set forth in the Labor Code and The Clients contracts) is determined a willful violation whenever less than the stipulated basic hourly rate is paid to trades workers, or if overtime, holiday rates, fringe benefits, and/or employer payments are paid at a rate less than stipulated.

B. **Falsification of Payroll Records, Misclassification of Work, and/or Failure to Accurately Report Hours of Work** Falsification of payroll records and failure to accurately report hours of work is characterized by deliberate underreporting of hours of work; underreporting the headcount; stating that the proper prevailing wage rate was paid when, in fact, it was not; clearly misclassifying the work performed by the worker; and any other deliberate and/or willful act which results in the falsification or inaccurate reporting of payroll records.

C. **Failure to Submit Certified Payroll Records** The contractors and subcontractors shall have ten (10) days upon notification by the LCO in which to comply with the requirement of submittal of weekly and/or to correct inaccuracies or omissions that have been detected.

D. **For Failure to Pay Fringe Benefits** Fringe benefits are defined as the amounts stipulated for employer payments or trust fund contributions and are determined to be part of the required prevailing wage rate. Failure to pay or provide fringe benefits and/or make trust fund contributions on a timely basis is equivalent to payment of less than the stipulated wage rate and shall be reported to the Labor Commissioner as a willful violation, upon completion of an investigation and audit.

E. **Failure to Pay the Correct Apprentice Rates and/or Misclassification of Workers as Apprentices** Failure to pay the correct apprentice rate or classifying a worker as an apprentice when not properly registered is equivalent to payment of less than the stipulated wage rate and shall be reported to the Division of Apprentice Standards as a willful violation, upon completion of an investigation and audit, if it is found that the action was an attempt to circumvent the apprenticeship requirements under Labor Code Section 1777.5.

F. **For the Taking of Kickbacks** Accepting or extracting kickbacks from employee wages under Labor Code Section 1778 constitutes a felony and may be prosecuted by the appropriate enforcement agency.

# SECTION VI
# ENFORCEMENT ACTION

**A. Investigation Methods for Labor Compliance Program – Definitions and Minimum Requirements, Including Review, Confirmation and Audits of Payroll Records; On-Site Visits; and Early Resolution of Audits.**

California Code of Regulations, Title 8, Section 16432

a) The primary function of the Labor Compliance Program is to ensure that public works contractors comply with the prevailing wage requirements found in the Public Works Chapter of the Labor Code. This regulation is intended to establish minimum requirements which all Labor Compliance Programs shall meet or exceed in carrying out that function. Definitions found throughout this regulation are intended to provide Labor Compliance Programs and representatives of the Department of Industrial Relations and the Division of Labor Standards Enforcement with common terminology as they each perform their respective roles in prevailing wage enforcement in furtherance of the Labor Code provisions establishing Labor Compliance Programs. This regulation is also intended to confirm that the proactive investigation methods, as described in detail herein, only comprise the minimum obligations required of Labor Compliance Programs to satisfy their duty to the Director to operate a Labor Compliance Program as specified in sections 16428 and 16434.

b) Payroll records furnished by contractors and subcontractors in accordance with section 16421(a)(3) above, and in a format prescribed at section 16401 of Title 8 of the California Code of Regulations, shall be reviewed by the Labor Compliance Program as promptly as practicable after receipt thereof, but in no event more than 30 days after such receipt. "Review" for this purpose shall be defined as inspection of the records furnished to determine if (1) all appropriate data elements identified in Labor Code Section 1776(a) have been reported; (2) certification forms have been completed and signed in compliance with Labor Code Section 1776(b); and (3) the correct prevailing wage rates have been reported as paid for each classification of labor listed thereon, with confirmation of payment in the manner and to the extent described in subpart (c) below.

c) "Confirmation" of payroll records furnished by contractors and subcontractors shall be defined as an independent corroboration of reported prevailing wage payments. Confirmation may be accomplished through worker interviews, examination of paychecks or paycheck stubs, direct confirmation of payments from third party recipients of "Employer Payments" (as defined at section 16000 of Title 8 of the California Code of Regulations), or any other reasonable method of corroboration. For each month in which a contractor or subcontractor reports having workers employed on the public work, confirmation of furnished payroll records shall be undertaken randomly for at least one worker for at least one weekly period within that month. Confirmation shall also be undertaken whenever complaints from workers or other interested persons or other circumstances or information reasonably suggest to the Labor Compliance Program that payroll records furnished by a contractor or subcontractor are inaccurate.

d) Representatives of the Labor Compliance Program shall conduct in-person inspections at the site or sites at which the contract for public work is being performed ("On-Site Visits"). On-Site Visits may be undertaken randomly or as deemed necessary by the Labor Compliance Program, but shall be undertaken during each week that workers are present at sites at which the contract for public work is being performed. All On-Site Visits shall include visual inspection of (1) the

copy of the determination(s) of the Director of Industrial Relations of the prevailing wage rate of per diem wages required to be posted at each job site in compliance with Labor Code Section 1773.2, and (2) the Notice of Labor Compliance Program Approval required to be posted at the job site in accordance with section 16429 above, listing a telephone number to call for inquiries, questions, or assistance with regard to the Labor Compliance Program. On-Site Visits may include other activities deemed necessary by the Labor Compliance Program to independently corroborate prevailing wage payments reported on payroll records furnished by contractors and subcontractors.

e) An Audit, as defined herein, shall be prepared by the Labor Compliance Program whenever the Labor Compliance Program has determined that there has been a violation of the Public Works Chapter of the Labor Code resulting in the underpayment of wages. An "Audit" for this purpose shall be defined as a written summary reflecting prevailing wage deficiencies for each underpaid worker, and including any penalties to be assessed under Labor Code Sections 1775 and 1813, as determined by the Labor Compliance Program after consideration of the best information available as to actual hours worked, amounts paid, and classifications of workers employed in connection with the public work. Such available information may include, but is not limited to, worker interviews, complaints from workers or other interested persons, all time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project. An Audit is sufficiently detailed when it enables the Labor Commissioner, if requested to determine the amount of forfeiture under section 16437, to draw reasonable conclusions as to compliance with the requirements of the Public Works Chapter of the Labor Code, and to enable accurate computation of underpayments of wages to workers and of applicable penalties and forfeitures. An Audit using the forms in Appendix B, when accompanied by a brief narrative identifying the Bid Advertisement Date of the contract for public work and summarizing the nature of the violation and the basis upon which the determination of underpayment was made, presumptively demonstrates sufficiency. Records supporting an Audit shall be maintained by the Labor Compliance Program to satisfy its burden of coming forward with evidence in administrative review proceedings under Labor Code Section 1742 and the Prevailing Wage Hearing Regulations found at sections 17201-17270 of Title 8 of the California Code of Regulations.

f) After the Labor Compliance Program has determined that violations of the prevailing wage laws have resulted in the underpayment of wages and an audit has been prepared, notification shall be provided to the contractor and affected subcontractor of an opportunity to resolve the wage deficiency prior to a determination of the amount of forfeiture by the Labor Commissioner pursuant to these regulations. The contractor and affected subcontractor shall be provided at least 10 days following such notification to submit exculpatory information consistent with the "good faith mistake" factors set forth in Labor Code Section 1775(a)(2)(A)(i) and (ii). If, based upon the contractor's submission, the Labor Compliance Program reasonably concludes that the failure to pay the correct wages was a good faith mistake, and has no knowledge that the contractor and affected subcontractor have a prior record of failing to meet their prevailing wage obligations, the Labor Compliance Program shall not be required to request the Labor Commissioner for a determination of the amount of penalties to be assessed under Labor Code Section 1775 if the underpayment of wages to workers is promptly corrected and proof of such payment is submitted to the Labor Compliance Program. For each instance in which a wage deficiency is resolved in accordance with this regulation, the Labor Compliance Program shall maintain a written record of the failure of the contractor or subcontractor to meet its prevailing wage obligation. The record shall identify the public works project, the contractor or affected subcontractor involved, and the

gross amount of wages paid to workers to resolve the prevailing wage deficiency; and the record shall also include a copy of the Audit prepared pursuant to subpart (e) above along with any exculpatory information submitted to the Labor Compliance Program by the affected contractor or subcontractor.

NOTE: Authority cited: Section 1773.5, Labor Code. Reference: Sections 1742, 1771.5, 1773.1, 1773.2, 1775, 1776, and 1813, Labor Code.

Appendix B

Audit Record Worksheet Forms [DLSE forms available separately]

- Public Works Investigation Worksheet
- Public Works Audit Worksheet
- Prevailing Wage Determination Summary

## B. Duty of the Awarding Body

California Code of Regulations, Title 8, Section 16434

(a) A Labor Compliance Program shall have a duty to the Director to enforce the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code and these regulations in a manner consistent with the practice of the Labor Commissioner. It is the practice of the Labor Commissioner to refer to the Director's ongoing advisory service of web-posted public works coverage determinations as a source of information and guidance in making enforcement decisions. It is also the practice of the Labor Commissioner to be represented by an attorney in prevailing wage hearings conducted pursuant to Labor Code Section 1742(b) and sections 17201 – 17270 of Title 8 of the California Code of Regulations.

(b) Upon receipt of a written complaint alleging that a contractor or subcontractor has failed to pay prevailing wages as required by the Labor Code, the Labor Compliance Program shall do all of the following:

(1) Within 15 days after receipt of the complaint, send a written acknowledgment to the complaining party that the complaint has been received and identifying the name, address, and telephone number of the investigator assigned to the complaint;

(2) Within 15 days after receipt of the complaint, provide the affected contractor with the notice required under Labor Code section 1775(c) if the complaint is against a subcontractor;

(3) Notify the complaining party in writing of the resolution of the complaint within ten days after the complaint has been resolved by the Labor Compliance Program;

(4) Notify the complaining party in writing at least once every 30 days of the status of a complaint that has not been resolved by the Labor Compliance Program; and

(5) Notify the complaining party in writing at least once every 90 days of the status of a complaint that has been resolved by the Labor Compliance Program but remains under review or in litigation before another entity.

(c) The duties of a Labor Compliance Program with respect to apprenticeship standards are as follows:

(1) Either the Awarding Body or the Labor Compliance Program acting on its behalf shall (A) inform contractors and subcontractors bidding public works about apprenticeship requirements, (B) send copies of awards and notices of discrepancies to the Division of Apprenticeship Standards as required under Section 1773.3 of the Labor Code, and (C) refer complaints and promptly report suspected violations of apprenticeship requirements to the Division of Apprenticeship Standards.

(2) The Labor Compliance Program shall be responsible for enforcing prevailing wage pay requirements for apprentices consistent with the practice of the Labor Commissioner, including (A) that any contributions required pursuant to Labor Code Section 1777.5(m) are paid to the appropriate entity, (B) that apprentices are paid no less than the prevailing apprentice rate, (C) that workers listed and paid as apprentices on the certified payroll records are duly registered as apprentices with the Division of Apprenticeship Standards, and (D) requiring that the regular prevailing wage rate be paid (i) to any worker who is not a duly registered apprentice and (ii) for all hours in excess of the maximum ratio permitted under Labor Code Section 1777.5(g), as determined at the conclusion of the employing contractor or subcontractor's work on the public works contract.

(d) For each public work project subject to a Labor Compliance Program's enforcement of prevailing wage requirements, a separate, written summary of labor compliance activities and relevant facts pertaining to that particular project shall be maintained. That summary shall demonstrate that reasonable and sufficient efforts have been made to enforce prevailing wage requirements consistent with the practice of the Labor Commissioner. Appendix C following this section provides a suggested format for tracking and monitoring enforcement activities. Compliance records for a project shall be retained until the later of (1) at least one year after the acceptance of the public work or five years after the cessation of all labor on a public work that has not been accepted, or (2) one year after a final decision or judgment in any litigation under Labor Code Section 1742. For purposes of this section, a written summary or report includes information maintained electronically, provided that the summary or report can be printed out in hard copy form or is in an electronic format that (1) can be transmitted by e-mail or compact disk and (2) would be acceptable for the filing of documents in a federal or state court of record within this state.

(e) The Labor Commissioner may provide, sponsor, or endorse training on how to enforce prevailing wage requirements, including but not necessarily limited to the subjects of (1) ascertaining prevailing wage requirements and rates from the Division of Labor Statistics and Research, (2) monitoring and investigation under section 16432 above, (3) enforcement responsibilities under this section and sections 16435 – 16439 below, and (4) procedural requirements and responsibilities as an enforcing agency under Labor Code Sections 1741 – 1743 and 1771.6 and sections 17201 – 17270 of Title 8 of the California Code of Regulations.

NOTE: Authority cited: Section 1773.5, Labor Code. Reference: Sections 1741 – 1743, 1771.5, 1771.6, 1773.3, and 1777.5 through 1777.7, Labor Code.

## C. Withholding Contract Payments When Payroll Records are Delinquent or Inadequate

California Code of Regulations, Title 8, Section 16435

1. "Withhold" means to cease payments by the Awarding Body, or others who pay on its behalf, or agents, to the general contractor. Where the violation is by a subcontractor, the general contractor shall be notified of the nature of the violation and reference made to its rights under Labor Code Section 1729.

2. "Contracts". Except as otherwise provided by agreement, only contracts under a single master contract, including a Design-Build contract, or contracts entered into as stages of a single project, may be the subject of withholding.

3. "Delinquent payroll records" means those not submitted on the date set in the contract.

4. "Inadequate payroll records" are any one of the following:

   a) A record lacking any of the information required by Labor Code Section 1776;
   b) A record which contains all of the required information but is not certified, or is certified by someone who is not an agent of the contractor or subcontractor;
   c) A record remaining uncorrected for one payroll period, after the Labor Compliance Program has given the contractor or subcontractor notice of inaccuracies detected by audit or record review. However, prompt correction will stop any duty to withhold if such inaccuracies do not amount to one (1) percent of the entire Certified Weekly Payroll in dollar value and do not affect more than half the persons listed as workers employed on that Certified Weekly Payroll, as de-fined in Labor Code Section 1776 and section 16401 of Title 8 of the California Code of Regulations.

5. The withholding of contract payments when payroll records are delinquent or inadequate is required by Labor Code Section 1771.5(b)(5), and it does not require the prior approval of the Labor Commissioner. The Awarding Body shall only withhold those payments due or estimated to be due to the contractor or subcontractor whose payroll records are delinquent or inadequate, plus any additional amount that the Labor Compliance Program has reasonable cause to believe may be needed to cover a back wage and penalty assessment against the contractor or subcontractor whose payroll records are delinquent or inadequate; provided that a contractor shall be required in turn to cease all payments to a subcontractor whose payroll records are delinquent or inadequate until the Labor Compliance Program provides notice that the subcontractor has cured the delinquency or deficiency.

6. When contract payments are withheld under this section, the Labor Compliance Program shall provide the contractor and subcontractor, if applicable, with immediate written notice that includes all of the following: (1) a statement that payments are being withheld due to delinquent or inadequate payroll records, and that identifies what records are missing or states why records that have been submitted are deemed inadequate; (2) specifies the amount being withheld; and (3) informs the contractor or subcontractor of the right to request an expedited hearing to review the withholding of contract payments under Labor Code Section 1742, limited to the issue of whether the records are delinquent or inadequate or the Labor Compliance Program has exceeded its authority under this section.

7. No contract payments shall be withheld solely on the basis of delinquent or inadequate pay-roll records after the required records have been produced.

8. In addition to withholding contract payments based on delinquent or inadequate payroll re-cords, penalties shall be assessed under Labor Code Section 1776(g) for failure to timely comply with a written request for certified payroll records. The assessment of penalties under Labor Code Section 1776(g) does require the prior approval of the Labor Commissioner under section 16436 of these regulations.

## D. Withholding Contract Payments When, After Investigation, It Is Established That Underpayment or Other Violation Has Occurred

California Code of Regulations, Title 8, Section 16435.5

a) "Withhold" and “contracts” have the same meaning set forth in sections 16435(a) and 16435(b) of these regulations.

b) Where the violation is by a subcontractor, the general contractor shall be notified of the nature of the violation and reference made to its rights under Labor Code Section 1729.

c) "Amount equal to the underpayment" is the total of the following determined by payroll review, audit, or admission of contractor or subcontractor:

1. The difference between amounts paid workers and the correct General Prevailing Rate of Per Diem Wages, as defined in Labor Code Section 1773, and determined to be the prevailing rate due workers in such craft, classification or trade in which they were employed and the amounts paid;

2. The difference between amounts paid on behalf of workers and the correct amounts of Employer Payments, as defined in Labor Code Section 1773.1 and determined to be part of the prevailing rate costs of contractors due for employment of workers in such craft, classification or trade in which they were employed and the amounts paid;

3. Estimated amounts of "illegal taking of wages";

4. Amounts of apprenticeship training contributions paid to neither the program sponsor's training trust nor the California Apprenticeship Council;

5. Estimated penalties under Labor Code Sections 1775, 1776, and 1813.

d) The withholding of contract payments when, after investigation, it is established that underpayment or other violations have occurred requires the prior approval of the Labor Commissioner under sections 16436 and 16437 of these regulations.

NOTE: Authority cited: section 1773.5, Labor Code. Reference: sections 1729, 1771.5, 1773, 1773.1, 1775, 1776, 1777.5, 1778, 1813 and 1815, Labor Code.

## E. Forfeitures Requiring Approval by the Labor Commissioner

1. For purposes of this section and section 16437 below, "forfeitures" means the amount of wages, penalties, and forfeitures assessed by the Labor Compliance Program and proposed to be withheld pursuant to Labor Code Section 1771.6(a), and includes the following: (1) the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate by the contractor or subcontractor; and (2) penalties assessed under Labor Code Sections 1775, 1776 and 1813.

2. If the aggregate amount of forfeitures assessed as to a contractor or subcontractor is less than $1000.00, the forfeitures shall be deemed approved by the Labor Commissioner upon service and the Labor Commissioner's receipt of copies of the following: (1) the Notice of Withholding of Contract Payments authorized by Labor Code Section 1771.6(a); (2) an Audit as defined in section 16432(e) of these regulations, and (3) a brief narrative identifying the Bid Advertisement Date of the contract for public work and summarizing the nature of the violation, the basis of the underpayment, and the factors considered in determining the assessment of penalties, if any, under Labor Code Section 1775.

3. For all other forfeitures, approval by the Labor Commissioner shall be requested and obtained in accordance with section 16437 below.

## F. Determination of Amount of Forfeiture by the Labor Commissioner

1. Where the Labor Compliance Program requests a determination of the amount of forfeiture, the request shall include a file or report to the Labor Commissioner which contains at least the information specified in subparts (1) through (9) below. Appendix D is a suggested format for a Request for Approval of Forfeiture under this section.

   a) Whether the public work has been accepted by the awarding body and whether a valid notice of completion has been filed, the dates if any when those events occurred, and the amount of funds being held in retention by the Awarding Body;

   b) Any other deadline which if missed would impede collection;

   c) Evidence of violation, in narrative form;

   d) Evidence of violation obtained under section 16432 of these regulations and a copy of the Audit prepared in accordance with section 16432(e) setting forth the amounts of unpaid wages and applicable penalties;

   e) Evidence that before the forfeiture was sent to the Labor Commissioner (A) the contractor and subcontractor were given the opportunity to explain why there was no violation, or that any violation was caused by good faith mistake and promptly corrected when brought to the contractor or subcontractor's attention, and (B) the contractor and subcontractor either did not do so or failed to convince the Labor Compliance Program of its position;

   f) Where the Labor Compliance Program seeks not only wages but also a penalty as part of the forfeiture, and the contractor or subcontractor has unsuccessfully contended that the cause of violation was a good faith mistake that was promptly corrected when brought to the contractor or subcontractor's attention, a short statement should accompany the proposal for a forfeiture, with a recommended penalty amount pursuant to Labor Code Section 1775(a);

g) Where the Labor Compliance Program seeks only wages or a penalty less than $50 per day as part of the forfeiture because the contractor or subcontractor has successfully contended that the cause of the violation was a good faith mistake that was promptly corrected when brought to the contractor or subcontractor's attention, the file should include the evidence as to the contractor or subcontractor's knowledge of his or her obligation, including the program's communication to the contractor or subcontractor of the obligation in the bid invitations, at the pre-job conference agenda and records, and any other notice given as part of the contracting process. With the file should be a statement, similar to that described in (6), and recommended penalty amounts, pursuant to Labor Code Section 1775(a);

h) The previous record of the contractor and subcontractor in meeting their prevailing wage obligations; and

i) Whether the Labor Compliance Program has been granted approval on only an interim or temporary basis under sections 16425 or 16426 above or whether it has been granted extended approval under section 16427 above.

2. The file or report shall be served on the Labor Commissioner as soon as practicable after the violation has been discovered, and not less than 30 days before the final payment, but in no event not less than 30 days before the expiration of the limitations period set forth in Labor Code Section 1741.

3. A copy of the recommended forfeiture and the file or report shall be served on the contractor and subcontractor at the same time as it is sent to the Labor Commissioner. The Labor Compliance Program may exclude from the documents served on the contractor and subcontractor copies of documents secured from the contractor or subcontractor during an audit, investigation, or meeting if those are clearly referenced in the file or report.

4. The Labor Commissioner shall affirm, reject, or modify the forfeiture in whole or in part as to the wages and penalties due.

5. The Labor Commissioner's determination of the forfeiture is effective on one of the two following dates:

a) For all programs other than those having extended authority under section 16427 of these regulations, on the date the Labor Commissioner serves by first class mail, on the Labor Compliance Program, on the Awarding Body if different, on the contractor and on the subcontractor, if any, an endorsed copy of the proposed forfeiture, or a newly drafted forfeiture statement which sets out the amount of forfeiture approved. Service on the contractor or subcontractor is effective if made on the last address supplied by the contractor or subcontractor in the record. The Labor Commissioner's approval, modification or disapproval of the proposed forfeiture shall be served within 30 days of receipt of the proposed forfeiture.

b) For programs with extended authority under section 16427 above, approval is effective 20 days after the requested forfeitures are served upon the Labor Commissioner, unless the Labor Commissioner serves a notice upon the parties, within that time period, that this forfeiture re-quest is subject to further review. For such programs, a notice that approval will follow such a procedure will be included in the transmittal of the forfeiture request to the contractor. If the Labor Commissioner notifies the parties of a decision to undertake further

review, the Labor Com-missioner's final approval, modification or disapproval of the proposed forfeiture shall be served within 30 days of the date of notice of further review.

## G. Deposits of Penalties and Forfeitures Withheld

1. Where the involvement of the Labor Commissioner had been limited to a determination of the actual amount of penalty, forfeiture or underpayment of wages and the matter has been re-solved without litigation by or against the Labor Commissioner, the Labor Compliance Program shall deposit penalties and forfeitures with the Awarding Body.

2. Where collection of fines, penalties or forfeitures results from administrative proceedings or court action to which the Labor Commissioner and Awarding Body or its Labor Compliance Program are both parties, the fines, penalties or forfeitures shall be divided between the general funds of the state and the Awarding Body, as the Hearing Officer or court may decide.

3. All penalties recovered in administrative proceedings or court action brought by or against the Labor Commissioner and to which the Awarding Body or its Labor Compliance Program is not a party, shall be deposited in the general fund of the state.

4. All wages and benefits which belong to an employee and are withheld or collected from a contractor or subcontractor, either by withholding or as a result of administrative proceedings or any court action, and which have not been paid to the employee or irrevocably committed on the employee's behalf to a benefit fund, shall be deposited with the Labor Commissioner, who shall handle such wages and benefits in accordance with Labor Code Section 96.7.

5. California Labor Code Section 1742.1 (b): Notwithstanding subdivision (a), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the assessment or notice, for the department to hold in escrow pending administrative and judicial review. The department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

## H. Debarment Policy

1. It is the policy of the Quad Knopf that the public works prevailing wage requirements set forth in the California Labor Code, Section 1720-1861, be strictly enforced. In furtherance thereof, construction contractors and subcontractors found to be repeat violators of the California Labor Code shall be referred to the Labor Commissioner for debarment from bidding on or otherwise being awarded any public work contract, within the state of California, for the performance of construction and/or maintenance services for the period not to exceed three (3) years in duration. The duration of the debarment period shall depend upon the nature and severity of the labor code violations and any mitigating and/or aggravating factors, which may be presented at the hearing conducted by the Labor Commissioner for such purpose.

## I. Request for Review of a Labor Compliance Program Enforcement Action; Settlement Authority

California Code of Regulations, Title 8, Section 16439

1. A contractor or subcontractor may request a settlement meeting pursuant to Labor Code Section 1742.1(b) and may request review of a Labor Compliance Program enforcement action in accordance with Labor Code Sections 1771.6(b) and 1742 and the regulations found at sections 17201-17270 of Title 8 of the California Code of Regulations. The Labor Compliance Program shall have the rights and responsibilities of the Enforcing Agency (as defined in section 17202(f) of Title 8 of the California Code of Regulations), in responding to such a request for review, including but not limited to the obligations to serve notices, transmit the Request for Review to the hearing office, and provide an opportunity to review evidence in a timely manner, to participate through counsel in all hearing proceedings, and to meet the burden of establishing prima facie support for the Notice of Withholding of Contract Payments.

2. If a contractor or subcontractor seeks review of a Labor Compliance Program enforcement action, the Labor Commissioner may intervene to represent the Awarding Body, or to enforce relevant provisions of the Labor Code consistent with the practice of the Labor Commissioner, or both.

3. Except in cases where the Labor Commissioner has intervened pursuant to subpart (b) above, the Labor Compliance Program shall have the authority to prosecute, settle, or seek the dismissal of any Notice of Withholding of Contract Payments issued pursuant to Labor Code Section 1771.6 and any review proceeding under Labor Code Section 1742, without any further need for approval by the Labor Commissioner. Whenever a Labor Compliance Program settles in whole or in part or seeks and obtains the dismissal of a Notice of Withholding of Contract Payments or a review proceeding under Labor Code Section 1742, the Labor Compliance Program shall document the reasons for the settlement or request for dismissal and shall make that documentation available to the Labor Commissioner upon request.

NOTE: Authority cited: Sections 54, 55, 1742(b), and 1773.5, Labor Code. Reference: Sections 1742, 1742.1(b), and 1771.6, Labor Code.

# SECTION VII
# NOTICE OF WITHHOLDING AND REVIEW THEREOF

## A. Notice of Withholding of Contract Payments

After determination of the amount of forfeiture by the Labor Commissioner, the Quad Knopf shall NOTIFY THE Awarding Body who will then notify contractor and/or subcontractors. The notice shall be in writing and shall describe the nature of the violation and the amount of wages, penalties, and forfeitures withheld. Service of the notice shall be completed pursuant to Section 1013 of the Code of Civil Procedure by first-class and certified mail to the contractor and subcontractor, if applicable. The notice shall advise the contractor and subcontractor, if applicable, of the procedure for obtaining review of the withholding of contract payments. The awarding body shall also serve a copy of the notice by certified mail to any bonding company issuing a bond that secures the payment of wages covered by the notice and to any surety on a bond, if their identities are known to the awarding body. **A copy of the Notice of Withholding of Contract Payments (NWCP) to be utilized by the Quad Knopf is found as Attachment D of this document.**

## B. Review of NWCP

1. An affected contractor or subcontractor may obtain review of a NWCP under this chapter by transmitting a written request to the office of the LCP that appears on the NCWP within 60 days after service of the NWCP. If no hearing is requested within 60 days after service of the NWCP, the NWCP shall become final.

2. Within ten days following the receipt of the request for review, the LCP shall transmit to the Office of the Director-Legal Unit the request for review and copies of the Notice of Withholding of Contract Payments, any audit summary that accompanied the notice, and a proof of service or other documents showing the name and address of any bonding company or surety that secures the payment of the wages covered by the notice. **A copy of the required Notice of Transmittal to be utilized by the Quad Knopf is found as Attachment E of this document.**

3. Upon receipt of a timely request, a hearing shall be commenced within 90 days before the director, who shall appoint an impartial hearing officer possessing the qualifications of an administrative law judge pursuant to subdivision (b) of Section 11502 of the Government Code. The appointed hearing officer shall be an employee of the department, but shall not be an employee of the Division of Labor Standards Enforcement. The contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the LCP at the hearing within 20 days of the receipt of the written request for a hearing. Any evidence obtained by the LCP subsequent to the 20-day cutoff shall be promptly disclosed to the contractor or subcontractor. **A copy of a Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b) form is found as Attachment F of this document.**

   The contractor or subcontractor shall have the burden of proving that the basis for the NWCP is incorrect. The NWCP shall be sufficiently detailed to provide fair notice to the contractor or subcontractor of the issues at the hearing.

   Within 45 days of the conclusion of the hearing, the director shall issue a written decision affirming, modifying, or dismissing the assessment. The decision of the director shall consist of a notice of findings, findings, and an order. This decision shall be served on all parties pursuant to Section 1013 of the Code of Civil Procedure by first-class mail at the last known address of the party on file with

the LCP. Within 15 days of the issuance of the decision, the director may reconsider or modify the decision to correct an error, except that a clerical error may be corrected at any time.

The director has adopted regulations setting forth procedures for hearings under this subdivision. **The regulations are found as Attachment G of this document.**

4. An affected contractor or subcontractor may obtain review of the decision of the director by filing a petition for a writ of mandate to the appropriate superior court pursuant to Section 1094.5 of the Code of Civil Procedure within 45 days after service of the decision. If no petition for writ of mandate is filed within 45 days after service of the decision, the order shall become final. If it is claimed in a petition for writ of mandate that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

5. A certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the state against the person assessed in the amount shown on the certified order.

6. A judgment entered pursuant to this procedure shall bear the same rate of interest and shall have the same effect as other judgments and shall be given the same preference allowed by law on other judgments rendered for claims for taxes. The clerk shall not charge for the service performed by him or her pursuant to this section.

7. This procedure shall provide the exclusive method for review of a NWCP by the Awarding Body to withhold contract payments pursuant to Section 1771.6.

## SECTION VIII
## DISTRIBUTION OF FORFEITED SUMS

1. Before making payments to the contractor of money due under a contract for public work, The Awarding Body shall withhold and retain therefrom all amounts required to satisfy the NWCP. The amounts required to satisfy the NWCP shall not be disbursed by the Awarding Body until receipt of a final order that is no longer subject to judicial review.

2. Pending a final order, or the expiration of the time period for seeking review of the notice of the withholding, the Awarding Body shall not disburse any contract payments withheld.

3. From the amount recovered, the wage claim shall be satisfied prior to the amount being applied to penalties. If insufficient money is recovered to pay each worker in full, the money shall be prorated among all workers employed on the public works project who are paid less than the prevailing wage rate shall have **PRIORITY** over all Stop Notices filed against the prime contractor.

4. Wages for workers who cannot be located shall be placed in the Industrial Relations Unpaid Fund and held in trust for the workers pursuant to Section 96.7. Penalties shall be paid into the General Fund of the Awarding Body that has enforced this chapter pursuant to Section 1771.6.

# SECTION IX
# OUTREACH ACTIVITIES

To ensure the successful implementation of the Quad Knopf's Labor Compliance Program, there shall be several outreach activities initiated and maintained.

## A. Providing Information to the Public

The Labor Compliance Officer shall be responsible for communication and outreach activities relative to public information on the Quad Knopf's Labor Compliance Program:

1. Regular presentations to contractors at all Construction Job Walk Meetings (Pre-Bid conferences) and Job Start Meetings (Pre-Job Conferences);

2. Ongoing communication via correspondence and with workers at the construction job sites when review of the certified payroll records reveals the possibility of prevailing wage violations.

## B. In-service Management Training on the Labor Compliance Program

The Labor Compliance Program shall provide ongoing management in-servicing and workshops for Facilities, Business, Accounting and legal staff relative to the terms, requirements and administration of the Labor Compliance Program.

# ANNUAL REPORTS

## A. Annual Report on Prevailing Wage Monitoring to the Clients

The LCO will submit to the Clients an annual report on prevailing wage monitoring which will include the following information:

1. Progress report on the LCP.

2. Fiscal year-end summary of:

   a. Monitoring activities
   b. Record keeping activities
   c. Labor Code violations identified and reported to DLSE
   d. Statistical analysis of the prevailing wage violations on The Clients public works projects
   e. Summary of outreach activities

## B. Annual Report on the LCP to the Director of the Department of Industrial Relations

1. The Labor Compliance Program shall submit to the Director an annual report on its operation no later than August 31 of each year, and shall cover the 12-month period from July 1 of the preceding calendar year. The annual report shall be made on the appropriate form [LCP-AR1 or LCP-AR2], for the type of Labor Compliance Program that is submitting the report, unless the Director has agreed to a different reporting format for a Program that has been granted extended authority under section 16431 above. A third party Labor Compliance Program that contracted with more than one Awarding Body or Joint Powers Authority during the annual reporting period shall separately report on Labor Code Section 1771.5(b) enforcement activities for each Awarding Body or Joint Powers Authority covered by the report.

2. The Annual Report for a person or entity operating a third party Labor Compliance Program shall also include (1) a certification of compliance with conflict of interest disclosure requirements by employees and consultants who participate in making governmental decisions, as de-fined under Title 2, California Code of Regulations, section18701, and (2) a current statement disclosing the information required under section 16426(a)(2), (3) and (5) above.

3. Information in the Annual Report shall be reported in sufficient detail to afford a basis for evaluating the scope and level of enforcement activity of the Labor Compliance Program. An annual report shall also include such additional information as the Labor Compliance Program may be required to report as a condition of its approval.

4. For purposes of this section, the annual reporting period shall be deemed to commence on the first of the month in which a Labor Compliance Program is first granted approval pursuant to Section 16425 or 16426 above and shall conclude on the last day of the month immediately preceding that date in the following year. A Labor Compliance Program shall use the same reporting period in succeeding years; provided that for good cause the Director may authorize a change in the reporting period.

**C. Filing of Statements of Economic Interest (FPPC Form 700) by Designated Employees and Consultants of Labor Compliance Program.**

California Code of Regulations, Title 8, Section 16430

(a) An Awarding Body that operates either its own labor compliance program or that contracts with a third party to operate all or part of its labor compliance program shall determine and designate those employees and consultants of the program who participate in making governmental decisions for the Awarding Body within the meaning of Title 2, California Code of Regulations, sections 18700 – 18702.4. Those designated employees and consultants shall be required to file Statements of Economic Interest (FPPC Form 700) and to comply with other applicable requirements of the Political Reform Act (commencing with Section 87100 of the Government Code) in connection with work performed on behalf of the Awarding Body.

(b) Designated employees and consultants who operate or are employed by a third party labor compliance program shall file their Statements of Economic Interest (FPPC Form 700) with the filing officer of each Awarding Body with which the third party program contracts, unless the Department of Industrial Relations or the Fair Political Practices Commission specifies a different or alternative filing location.

Authority cited: Section 1773.5, Labor Code. Reference: Sections 87100, et seq., Government Code; Section 1771.5, Labor Code.

# ATTACHMENT A

# LABOR COMPLIANCE PROGRAM

## CHECKLIST OF LABOR LAW REQUIREMENTS FOR REVIEW AT JOB START MEETINGS

(In accordance with CCR Section 16421)

The federal and state labor law requirements applicable to the contract are composed of, but not limited to, the following:

**1. Payment of Prevailing Wage Rates**

The award of a public works contract requires that all workers employed on the project be paid not less than the specified general prevailing wage rates by the contractor and its subcontractors.

The contractor is responsible for obtaining and complying with all applicable general prevailing wage rates for trades workers and any rate changes, which may occur during the term of the contract. Prevailing wage rates and rate changes are to be posted at the job site for workers to view.

**2. Apprentices**

It is the duty of the contractor and subcontractors to employ registered apprentices on public works projects per Labor Code Section 1777.5;

**3. Penalties**

Penalties, including forfeitures and debarment, shall be imposed for contractor/subcontractor failure to pay prevailing wages, failure to maintain and submit accurate certified payroll records upon request, failure to employ apprentices, and for failure to pay employees for all hours worked at the correct prevailing wage rate, in accordance with Labor Code Sections 1775, 1776, 1777.7, and 1813.

**4. Certified Payroll Records**

Per Labor Code Section 1776, contractors and subcontractors are required to keep accurate payroll records which reflect the name, address, social security number, and work classification of each employee; the straight time and overtime hours worked each day and each week; the fringe benefits; and the actual per diem wages paid to each journeyperson, apprentice, worker, or other employee hired in connection with a public works project.

Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor/subcontractor, or shall be furnished to any employee, or to his or her authorized representative on request.

Contractors and subcontractors shall maintain their certified payrolls on a weekly basis and shall submit said payrolls weekly to the LCO. In the event that there has been no work performed during a given week, the Certified Payroll Record shall be annotated “No Work” for that week.

## 5. Nondiscrimination in Employment

Prohibitions against employment discrimination are contained in Labor Code Sections 1735 and 1777.6; the Government Code; the Public Contracts Code; and Title VII of the Civil Rights Act of 1964, as amended. All contractors and subcontractors are required to implement equal employment opportunities as delineated below:

### a. Equal Employment Poster

The equal employment poster shall be posted at the job site in a conspicuous place visible to employees and employment applicants for the duration of the project.

### b. Records

The contractor and each subcontractor shall maintain accurate records of employment information as required by the Monthly Employment Utilization Report. This report shall specify the ethnicity and gender for each employee in a craft, trade, or classification.

### c. Reports

A Monthly Employment Utilization Report for the contractor **and** for each of its subcontractors is required to be completed and submitted via fax to the Labor Compliance Program Office each month by no later than the fifth day of that month. Reports are to be for the previous month's work and are to be project specific. If no work was performed during that month, the form shall clearly state "No Work."

### d. Good Faith Efforts

The contractor, when required, must submit and comply with an Employment Diversity (Affirmative Action) Plan as specified in the contract. The contractor's subcontractors must all comply with the elements contained in this plan. Failure to comply with the Employment Diversity Plan or to demonstrate good faith efforts must be documented by providing clear and complete written information, when requested to do so, of the individual(s) contacted by the contractor in its good faith effort.

## 6. Kickback Prohibited

Per Labor Code Section 1778, contractors and subcontractors are prohibited from accepting, taking wages illegally, or extracting "kickback" from employee wages;

## 7. Acceptance of Fees Prohibited

Contractors and subcontractors are prohibited from exacting any type of fee for registering individuals for public work (Labor Code Section 1779); or for filling work orders on public works contracts (Labor Code Section 1780);

## 8. Listing of Subcontractors

Contractors are required to list all subcontractors hired to perform work on a public works project when that work is equivalent to more than one-half of one percent of the total effort (Government Code Section 4100, et seq.);

**9. Proper Licensing**

Contractors and subcontractors are required to be properly licensed. Penalties will be imposed for employing workers while unlicensed (Labor Code Section 1021 and Business and Professions Code Section 7000, et seq. under California Contractors License Law);

**10. Unfair Competition Prohibited**

Contractors and subcontractors are prohibited from engaging in unfair competition (Business and Professions Code Sections 17200-17208);

**11. Workers' Compensation Insurance**

All contractors and subcontractors are required to be insured against liability for workers' compensation, or to undertake self-insurance in accordance with the provisions of Labor Code Section 3700 (Labor Code Section 1861);

**12. OSHA**

Contractors and subcontractors are required to comply with the Occupational, Safety and Health laws and regulations applicable to the particular public works project.

**13. Undocumented Workers Prohibited**

Federal law requires that and employer must secure proof of eligibility/citizenship from all workers prior to being hired.

**14. Itemized Wage Statements**

Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing:

- Gross wages earned,
- Total hours worked by the employee,
- The number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis,
- All deductions
- Net wages earned,
- Pay period dates
- The last four (4) digits of the employee's Social Security Number and Employee Identification No.
- Employers Name and Address
- All applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

The deductions made from payments of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the statement or a record of the

deductions shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California.

In accordance with federal and state laws, and with the Quad Knopf's policy and contract documents, the undersigned contractor herein certifies that it will comply with the foregoing labor law requirements; and fully understands that failure to comply with these requirements will subject it to the penalties cited herein.

| **For the Contractor**: | | **For Quad Knopf:** | |
|---|---|---|---|
| _____ | _____ | _____ | _____ |
| Signature | Date | Signature | Date |

# ATTACHMENT B

# LABOR COMPLIANCE PROGRAM OFFICE

## LABOR COMPLIANCE PROGRAM
## AUDIT RECORD FORM

(For Use with CCR Section 16432 Audits)

An audit record is sufficiently detailed to "verify compliance with the requirements of Chapter 1, Public Works, Part 7 of Division 2," when the audit record displays that the following procedures have been followed:

1. Audit of the obligation to carry workers' compensation insurance means producing written evidence of a binder issued by the carrier, or telephone or written inquiry to the Workers' Compensation Insurance Rating Bureau;

2. Audit of the obligation to employ and train apprentices means inquiry to the program sponsor for the apprenticeable craft or trade in the area of the public work as to: whether contract award information was received, including an estimate of journeyperson hours to be performed and the number of apprentices to be employed; whether apprentices have been requested, and whether the request has been met; whether the program sponsor knows of any amounts received from the contractor or subcontractor for the training fund or the California Apprenticeship Council; and whether persons listed on the certified payroll in that craft or trade being paid less than the journeyperson rate are apprentices registered with that program and working under apprentice agreements approved by the Division of Apprenticeship Standards;

3. Audit of the obligation to pass through amounts, made part of the bid, for apprenticeship training contributions to either the training trust or the California Apprenticeship Council, means asking for copies of checks remitted, or when the audit occurs more than 30 days after the month in which payroll has been paid, copies of canceled checks remitted;

4. Audit of "illegal taking of wages" means inspection of written authorizations for deductions (as listed in Labor Code Section 224) in the contractor's files and comparison to wage deduction statements furnished to employees (Labor Code Section 226), together with an interview of several employees as to any payments made which are not reflected on the wage deduction statements;

5. Audit of the obligation to keep records of working hours (Title 8 CCR Section 16432), and pay not less than required for hours worked in excess of 8 hours/day and 40 hours/week (Title 8 CCR Section 16200(a)(3)(F), means review and audit of weekly certified payroll records;

6. Audit of the obligation to pay the prevailing per diem wage means review and audit of weekly-certified payroll records for compliance with:

    a. All elements defined as the General Prevailing Rate of Per Diem Wages in Title 8 CCR Section 16000, which were determined to be prevailing in the Director's determination in effect on the date of the call for bids, or as reflected in any subsequent revised determination issued by the Director's office, copies of which are available at the LCO's Office and posted at the public works job site;

b. All elements defined as Employer Payments to Workers set forth in Title 8 CCR Section 16000, which were determined to be prevailing in the Director's determination in effect on the date of the call for bids, or as reflected in any subsequent revised determination issued by the Director's office, copies of which are available at the LCO's Office and posted at the public works job site.

## ATTACHMENT C

| | |
|---|---|
| **Labor Compliance Program**<br>_____<br>_____<br>_____<br>_____<br>Phone:<br>Fax: | (SEAL ) |
| Date: | In Reply Refer to Case No.: |

### Notice of Withholding of Contract Payments

| | |
|---|---|
| Awarding Body | ³ Work Performed in County of |
| Project Name | ³ Project No. |
| Prime Contractor | |
| Subcontractor | |

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, the Labor Compliance Program for _____ _____ .(Labor Compliance Program) has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code sections 1771.5 and 1771.6, the Labor Compliance Program hereby issues this Notice of Withholding of Contract Payments.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:
_____
_____
_____
_____

The Labor Compliance Program has determined that the total amount of wages due is: $_____

The Labor Compliance Program has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: $_____

The Labor Compliance Program has determined that the amount of penalties assessed under Labor Code section 1776 is: $_____

**LABOR COMPLIANCE PROGRAM**

_____

By:_____

# Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code sections 1742 and 1771.6, an affected contractor or subcontractor may obtain review of this Notice of Withholding of Contract Payments by transmitting a written request to the office of the Labor Compliance Program that appears below within 60 days after service of the notice. **To obtain a hearing, a written Request for Review must be transmitted to the following address:**

Labor Compliance Program

_____

Review Office-Notice of Withholding of Contract Payments

_____

_____

A **Request for Review** either shall clearly identify the Notice of Withholding of Contract Payments from which review is sought, including the date of the notice, or it shall include a copy of the notice as an attachment, and shall also set forth the basis upon which the notice is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing within 20 days of the Labor Compliance Program's receipt of the written **Request for Review**.

> **Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.**

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

**Opportunity for Settlement Meeting**

In accordance with Labor Code Section 1742.1 (c), the Labor Compliance Program shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Notice of Withholding of Contract Payments, afford the contractor or subcontractor the opportunity to meet with the Labor Compliance Program's designee **to attempt to settle a dispute regarding the notice**. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, the settlement meeting, other than a final settlement agreement, is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is **in addition** to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written **Request for Review** has already been made. Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Compliance Program's designee to attempt to settle a dispute regarding this notice must be transmitted to _____ at the following address:

_____
_____
_____

**Liquidated Damages**

In accordance with Labor Code section 1742.1 (a), after 60 days following the service of this Notice of Withholding of Contract Payments, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the notice shall be liable for liquidated damages in an amount equal to the wages, or portion thereof that still remain unpaid. If the notice subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages as described below.

**The Amount of Liquidated Damages Available Under this Notice is $_____**.

**Distribution:**

Prime Contractor
Subcontractor
Surety(s) on Bond

# ATTACHMENT D

| | |
|---|---|
| **LABOR COMPLIANCE PROGRAM**<br>_____<br>Review Office - Notice of Withholding of Contract Payments<br>_____<br>_____<br>_____<br>Phone:<br>Fax: | (SEAL ) |
| Date: | In Reply Refer to Case No.: |

## Notice of Transmittal

To: Department of Industrial Relations
Office of the Director-Legal Unit
Attention: Lead Hearing Officer
P. O. Box 420603
San Francisco, CA 94142-0603

Enclosed herewith please find a Request for Review, dated _____, postmarked _____, and received by this office on _____.

Also enclosed please find the following:

____ Copy of Notice of Withholding of Contract Payments
____ Copy of Audit Summary

**LABOR COMPLIANCE PROGRAM**
_____

By:_____

cc: Prime Contractor
Subcontractor
Bonding Company

Please be advised that the Request for Review identified above has been received and transmitted to the address indicated. Please be further advised that the governing procedures applicable to these hearings are set forth at Title 8, California Code of Regulations sections 17201-17270. These hearings are **not** governed by Chapter 5 of the Government Code, commencing with section 11500.

# ATTACHMENT E

| | |
|---|---|
| **LABOR COMPLIANCE PROGRAM**<br>_____<br>Review Office - Notice of Withholding of Contract Payments<br>_____<br>_____<br>_____<br>Phone:<br>Fax: | (SEAL ) |
| Date: | In Reply Refer to Case No.: |

**Notice of Opportunity to Review Evidence Pursuant to Labor Code Section 1742(b)**

To: Prime Contractor
_____
_____
_____

Subcontractor
_____
_____
_____

Please be advised that this office has received your **Request for Review**, dated _____, and pertaining to the Notice of Withholding of Contract Payments issued by the Labor Compliance Program in Case No. _____.

In accordance with Labor Code section 1742(b), this notice provides you with an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review, and the procedures for reviewing such evidence.

Rule 17224 of the Prevailing Wage Hearing Regulations provides as follows:

A. Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the affected contractor or subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing of the Request for Review.

B. An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the affected contractor or subcontractor the option at said party's own expense to either (i) obtain copies of all such evidence through a commercial copying service or (ii) inspect and copy such evidence at the office of the Enforcing Agency during normal business hours; or if (2) the Enforcing Agency at its own expense forwards copies of all such evidence to the affected contractor or subcontractor.

C. The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

D. The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline may be extended by written request or agreement of the affected contractor or subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code section 1742(b) and this Rule, shall preclude the enforcing agency from introducing such evidence in proceedings before the Hearing officer or the Director.

E. This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the affected contractor or subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another party in the proceeding.

In accordance with the above Rule, please be advised that the Labor Compliance Program's procedure for you to exercise your opportunity to review evidence is as follows:

**Within five calendar days of the date of this notice, please transmit the attached Request to Review Evidence to the following address:**

_____
_____
_____
_____
_____
_____
**Attention:** _____

## REQUEST TO REVIEW EVIDENCE

To: _____
_____
_____
_____

From: _____
_____
_____
_____

Regarding Notice of Withholding of Contract Payments Dated _____

Our Case No.: _____

The undersigned hereby requests an opportunity to review evidence to be utilized by the Labor Compliance Program at the hearing on the Request for Review.

_____
Phone No.:_____
Fax No.:_____

**SUGGESTED SINGLE PROJECT LABOR COMPLIANCE REVIEW AND ENFORCEMENT REPORT FORM**

Awarding Body: _____

Project Name: _____

Name of Approved Labor Compliance Program: _____

Bid Advertisement Date: _____

Acceptance Date: _____

Notice of Completion Recordation Date: _____

## SUMMARY OF LABOR COMPLIANCE ACTIVITIES

1. Contract Documents Containing Prevailing Wage Requirements (Identify)

   _____

   _____

   _____

2. Pre-job Conference(s) -- Attach list(s) of attendees and dates

3. Notification to Project Workers of Labor Compliance Program's Contact Person. (Explain Manner of Notification for each project work site.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

4. Certified Payroll Record Review

   a. CPRs Received From:

| Contractor/Subcontractor | For weeks ending ("w/e") through w/e |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

   b. Classifications identified in CPRs and applicable Prevailing Wage Determinations

| Classification | Determination No. |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

5. Further investigation or audit due to CPR review, information or complaint from worker or other interested person, or other reason:

   a. Independent Confirmation of CPR Data

| Contractor/Subcontractor | Worker Interviews (Yes/No) | Reconciled CPRs with Pay-checks or Stubs (Yes/No) |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

   b. Employer Payments (Health & Welfare, Pension, Vacation/Holiday) Confirmation

| Contractor/Subcontractor | Recipients of Employer Payments | Written confirmation Obtained (Yes/No) |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

c. Contributions to California Apprenticeship Council or Other Approved Apprenticeship Program

| Recipients of Contractor/Subcontractor | Written confirmation Contributions | Obtained (Yes/No) |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

d. Additional Wage Payments or Training Fund Contributions Resulting from Review of CPRs

| Additional amounts Contractor/Subcontractor | Additional Explanation Paid to Workers | Training Fund |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

* Use separate page(s) for explanation

6. Complaints Received Alleging Noncompliance with Prevailing Wage Requirements.

| Name of Complainant | Date Received | Resolution or Current Status |
|---|---|---|
| _____ | _____ | * |
| _____ | _____ | * |
| _____ | _____ | * |

*Use separate page(s) to explain resolution or current status

7. Requests for Approval of Forfeiture to Labor Commissioner

| Contractor/Subcontractor | Date of Request | Approved/Modified/Denied |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

8. Litigation Pending Under Labor Code Section 1742

| Contractor/Subcontractor | DIR Case Number |
| --- | --- |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

9. (Check one): _____ Final report this project _____ Annual report this project

_____
Authorized Representative for Labor Compliance Program

**ATTACHMENT F**

# PREVAILING WAGE HEARING REGULATIONS

## CALIFORNIA CODE OF REGULATIONS
## TITLE 8, CHAPTER 8, SUBCHAPTER 6
**(SECTIONS 17201 through 17270)**

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17270. Applicability of these Rules to Notices Issued Between April 1, 2001 and June 30, 2001.

## ARTICLE 1. GENERAL

### 17201. Scope and Application of Rules.

A. These Rules govern proceedings for review of civil wage and penalty assessments and the withholding of contract payments under Articles 1 and 2 of Division 2, Part 7, Chapter 1 (commencing with section 1720) of the Labor Code, as well as any notice assessing penalties for noncompliance with payroll record obligations under Labor Code section 1776. The provisions of Labor Code section 1742 and these Rules apply to all such assessments and notices served on a contractor or subcontractor on or after July 1, 2001 and provide the exclusive method for an Affected Contractor or Subcontractor to obtain review of any such notice or assessment. These Rules also apply to transitional cases in which notices were served but no court action was filed under Labor Code sections 1731-1733 prior to July 1, 2001, in accordance with Section 17270 (Rule 70) below.

B. These Rules do not govern debarment proceedings under Labor Code section 1777.1, nor proceedings to review determinations with respect to the violation of apprenticeship obligations under Labor Code sections 1777.5 and 1777.7, nor any criminal prosecution.

C. These Rules do not preclude any remedies otherwise authorized by law to remedy violations of Division 2, Part 7, Chapter 1 of the Labor Code.

D. For easier reference, individual sections within these prevailing wage hearing regulations are referred to as “Rules” using only their last two digits. For example, this Section 17201 may be referred to as Rule 01.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, 1771.5, 1771.6(b), 1773.5, 1776, and 1777.1 – 1777.7, Labor Code; and Stats. 2000, Chapter 954, §1.

### 17202. Definitions.

For the purpose of these Rules:

A. "Affected Contractor or Subcontractor" means a contractor or subcontractor (as defined under Labor Code section 1722.1) to whom the Labor Commissioner has issued a civil wage and penalty assessment pursuant to Labor Code section 1741, or to whom an Awarding Body has issued a notice of the withholding of contract payments pursuant to Labor Code section 1771.6, or to whom the Labor Commissioner or the Division of Apprentice Standards has issued a notice assessing penalties for noncompliance with payroll record obligations under Labor Code section 1776;

B. “Assessment" means a civil wage and penalty assessment issued by the Labor Commissioner or his or her designee pursuant to Labor Code section 1741, and it also includes a notice issued by either the Labor Commissioner or the Division of Apprenticeship Standards pursuant to Labor Code section 1776;

C. “Awarding Body” means an awarding body or body awarding the contract (as defined in Labor Code section 1722) that exercises enforcement authority under Labor Code section 1726 or 1771.5;

D. “Department” means the Department of Industrial Relations;

E. “Director” means the Director of the Department of Industrial Relations;

F. “Enforcing Agency” means the entity which has issued an Assessment or Notice of Withholding of Contract Payments and with which a Request for Review has been filed; *i.e.,* it refers to the Labor Commissioner when review is sought from an Assessment, the Awarding Body when review is sought from a Notice of Withholding of Contract Payments, and the Division of Apprenticeship Standards when review is sought from a notice issued by that agency that assesses penalties under Labor Code section 1776;

G. "Hearing Officer" means any person appointed by the Director pursuant to Labor Code section 1742(b) to conduct hearings and other proceedings under Labor Code section 1742 and these Rules;

H. “Joint Labor-Management Committee” means a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code).

I. "Labor Commissioner" means the Chief of the Division of Labor Standards Enforcement and includes his or her designee who has been authorized to carry out the Labor Commissioner’s functions under Chapter 1, Part 7 of Division 2 (commencing with section 1720) of the Labor Code;

J. "Party" means an Affected Contractor or Subcontractor who has requested review of either an Assessment or a Notice of Withholding of Contract Payments, the Enforcing Agency that issued the Assessment or the Notice of Withholding of Contract Payments from which review is sought, and any other Person who has intervened under subparts (a), (b), or (c) of Rule 08 [Section 17208];

K. "Person" means an individual, partnership, limited liability company, corporation, governmental subdivision or unit of a governmental subdivision, or public or private organization or entity of any character;

L. "Representative" means a person authorized by a Party to represent that Party in a proceeding before a Hearing Officer or the Director, and includes the Labor Commissioner when the Labor Commissioner has intervened to represent the Awarding Body in a review proceeding pursuant to Labor Code section 1771.6(b).

M. **“Rule” refers to a section within this subchapter 6. The Rule number corresponds to the last two digits of the full section number. (For example, Rule 08 is the same as section 17208.)**

N. “Surety” has the meaning set forth in Civil Code section 2787 and refers to the entity that issues the public works bond provided for in Civil Code sections 3247 and 3248 or any other surety bond that guarantees the payment of wages for labor.

O. “Working Day” means any day that is not a Saturday, Sunday, or State holiday, as determined with reference to Code of Civil Procedure sections 12(a) and 12(b) and Government Code sections 6700 and 6701.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 2787, 3247, and 3248, Civil Code; sections 12a and 12b, Code of Civil Procedure; sections 6700, 6701, 11405.60 and 11405.70, Government Code; sections1720 et seq., 1722, 1722.1, 1726, 1741, 1742, 1742(b), 1771.5, 1771.6, 1771.6(b), and 1776, Labor Code; and 29 U.S.C. §175a.

**17203. Computation of Time and Extensions of Time to Respond or Act.**

A. In computing the time within which a right may be exercised or an act is to be performed, the first day shall be excluded and the last day shall be included. If the last day is not a Working Day, the time shall be extended to the next Working Day.

B. Unless otherwise indicated by proof of service, if the envelope was properly addressed, the mailing date shall be presumed to be: a postmark date imprinted on the envelope by the U.S. Postal Service if first-class postage was prepaid; or the date of delivery to a common carrier promising overnight delivery as shown on the carrier's receipt.

C. Where service of any notice, decision, pleading or other document is by first class mail, and if within a given number of days after such service, a right may be exercised, or an act is to be performed, the time within which such right may be exercised or act performed is extended five days if the place of address is within the State of California, and 10 days if the place of address is outside the State of California but within the United States. However, this Rule shall not extend the time within which the Director may reconsider or modify a decision to correct an error (other than a clerical error) under Labor Code section 1742(b).

D. Where service of any notice, pleading, or other document is made by an authorized method other than first class mailing, extensions of time to respond or act shall be calculated in the same manner as provided under section 1013 of the Code of Civil Procedure, unless a different requirement has been specified by the appointed Hearing Officer or by another provision of these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1010 through 1013, Code of Civil Procedure; and section 1742(b), Labor Code.

**17204. Appointment of Hearing Officers; Delegation of Appointment Authority to Chief Counsel.**

A. Upon receipt of a Request for Review of an Assessment or of a Notice of Withholding of Contract Payments, the Director, acting through the Chief Counsel (*see* subpart (d) below), shall appoint an impartial Hearing Officer to conduct the review proceeding.

B. The appointed Hearing Officer shall be an attorney employed by the Office of the Director – Legal Unit. However, if no attorney employed by the Office of the Director – Legal Unit is available or qualified to serve in a particular matter, the appointed Hearing Officer may be any attorney or administrative law judge employed by the Department, other than an employee of the Division of Labor Standards Enforcement.

C. Any person appointed to serve as a Hearing Officer in any matter shall possess at least the minimum qualifications for service as an administrative law judge pursuant to Government Code section 11502(b) and shall be someone who is not precluded from serving under Government Code section 11425.30.

D. The Director's authority under Labor Code section 1742(b) to appoint an impartial Hearing Officer is delegated in all cases to the Chief Counsel of the Office of the Director or to the Chief Counsel's designated Assistant or Acting Chief Counsel when the Chief Counsel is unavailable or disqualified from participating in a particular matter. This delegation includes all related authority under Rule 40 [Section 17240] below to appoint a different Hearing Officer to conduct all or any part of a review proceeding as well as the authority to consider and decide or to assign to another Hearing Officer for consideration and decision any motion to disqualify an appointed Hearing Officer.

NOTE: Authority cited: sections 7, 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11425.30 and 11502(b), Government Code; and sections 7, 55, 59, and 1742(b), Labor Code.

**17205. Authority of Hearing Officers**.

A. In any proceeding assigned for hearing and decision under the provisions of Labor Code section 1742, the appointed Hearing Officer shall have full power, jurisdiction and authority to hold a hearing and ascertain facts for the information of the Director, to hold a prehearing conference, to issue a subpoena and subpoena duces tecum for the attendance of a Person and the production of testimony, books, documents, or other things, to compel the attendance of a Person residing anywhere in the state, to certify official acts, to regulate the course of a hearing, to grant a withdrawal, disposition or amendment, to order a continuance, to approve a stipulation voluntarily entered into by the Parties, to administer oaths and affirmations, to rule on objections, privileges, defenses, and the receipt of relevant and material evidence, to call and examine a Party or witness and introduce into the hearing record documentary or other evidence, to request a Party at any time to state the respective position or supporting theory concerning any fact or issue in the proceeding, to extend the submittal date of any proceeding, to exercise such other and additional authority as is delegated to Hearing Officers under these Rules or by an express written delegation by the Director, and to prepare a recommended decision, including a notice of findings, findings, and an order for approval by the Director.

B. There shall be no right of appeal to or review by the Director of any decision, order, act, or refusal to act by an appointed Hearing Officer other than through the Director's review of the record in issuing or reconsidering a written decision under Rules 60 [Section 17260] and 61 [Section 17261] below.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11512, Government Code and section 1742(b), Labor Code.

**17206. Access to Hearing Records.**

A. Hearing case records shall be available for inspection and copying by the public, to the same extent and subject to the same policies and procedures governing other records maintained by the Department. Hearing case records normally will be available for review in the office of the appointed Hearing Officer; *provided however,* that a case file may be temporarily unavailable when in use by the appointed Hearing Officer or by the Director or his or her designee.

B. Nothing in this Rule shall authorize the disclosure of any record or exhibit that is required to be kept confidential or is otherwise exempt from disclosure by law or that has been ordered to be kept confidential by an appointed Hearing Officer.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 6250 et seq. Government Code and section 1742(b), Labor Code.

**17207. Ex Parte Communications.**

A. Except as provided in this Rule, once a Request for Review is filed, and while the proceeding is pending, there shall be no direct or indirect communication regarding any issue in the proceeding to the appointed Hearing Officer or the Director, from the Enforcing Agency or any other Party or other interested Person, without notice and the opportunity for all Parties to participate in the communication.

B. A communication made on the record in the hearing is permissible.

C. A communication concerning a matter of procedure or practice is presumed to be permissible, unless the topic of the communication appears to the Hearing Officer to be controversial in the context of the specific case. If so, the Hearing Officer shall so inform the other participant and may terminate the communication or continue it until after giving all Parties notice and an opportunity to participate. Any written communication concerning a matter of procedure or practice, and any written response, or a written memorandum identifying the participants and stating the substance of any such oral communication or response, shall be added to the case file so that all Parties have a reasonable opportunity to review it. Unless otherwise provided by statute or these Rules, the appointed Hearing Officer may determine a matter of procedure or practice based upon a permissible ex-parte communication. The term "matters of procedure or practice" shall be liberally construed.

D. A communication from the Labor Commissioner to the Hearing Officer or the Director which is deemed permissible under Government Code section 11430.30 is permitted only if any such written communication and any written response, or a written memorandum identifying the participants and stating the substance of any such oral communication or response, is added to the case file so that all Parties have a reasonable opportunity to review it.

E. If the Hearing Officer or the Director receives a communication in violation of this Rule, he or she shall comply with the requirements of Government Code section 11430.50.

F. To the extent not inconsistent with Labor Code section 1742, the provisions of Article 7 of Chapter 4.5 of Title 2, Division 3, Part 1 (commencing with section 11430.10) of the Government Code governing ex parte communications in administrative adjudication proceedings shall apply to review proceedings conducted under these Rules.

G. This Rule shall not be construed as prohibiting communications between the Director and the Labor Commissioner or between the Director and any other interested Person on issues or policies of general interest that coincide with issues involved in a pending review proceeding; *provided that* (1) the communication does not directly or indirectly seek to influence the outcome of any pending proceeding; (2) the communication does not directly or indirectly identify or otherwise refer to any pending proceeding; and (3) the communication does not occur at a time when the Director or the other party to the communication knows that a proceeding in which the other party to the communication is interested is under active consideration by the Director.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11430.10 through 11430.80, Government Code, and section 1742(b), Labor Code.

**17208. Intervention and Participation by other Interested Persons.**

A. The Labor Commissioner may intervene as a matter of right in any review from a Notice of Withholding of Contract Payments, either as the Representative of the Awarding Body or as an interested third Party.

B. A bonding company and any Surety on a bond that secures the payment of wages covered by the Assessment or Notice of Withholding of Contract Payments shall be permitted to intervene as a matter of right in any pending review filed by the contractor or subcontractor from the Assessment or Withholding of Contract Payments in question; *provided that,* intervention is sought at or before the first prehearing conference held pursuant to Rule 31 [Section 17231] below and within either 30 days after the bonding company or Surety was served with a copy of the Assessment or Notice of Withholding of Contract Payments or 30 days after the filing of the Request for Review, whichever is later. Thereafter, any request to intervene by such a bonding company or Surety shall be treated as a motion for permissive participation under subpart of this Rule. A bonding company or Surety shall have the burden of proof with respect to any claim that it did not receive notice of the Assessment or Notice of Withholding of Contract Payments until after the filing of the Request for Review.

C. The employee(s), labor union, or Joint Labor-Management Committee who filed the formal complaint which led the Enforcing Agency to issue the Assessment or Notice of Withholding of Contract payments shall be permitted to intervene in a pending review filed by the contractor or subcontractor from the Assessment or Withholding of Contract Payments in question; *provided that,* intervention is sought at or before the first prehearing conference held pursuant to Rule 31 [Section 17231] below and there is no good cause to deny the request. Thereafter, any request to intervene by such employee(s), labor union, or Joint Labor-Management Committee shall be treated as a motion for permissive participation as an interested Person under subpart (d) of this Rule.

D. Any other Person may move to participate as an interested Person in a proceeding in which that Person claims a substantial interest in the issues or underlying controversy and in which that Person's participation is likely to assist and not hinder or protract the hearing and determination of the case by the Hearing Officer and the Director. Interested Persons who are permitted to participate under this Rule shall *not* be regarded as Parties to the proceeding for any purpose, but may be provided notices and the opportunity to present arguments under such terms as the Hearing Officer deems appropriate.

E. Rights to intervene or participate as an interested party are only in accordance with this Rule. Intervention or permissive participation under this Rule shall not expand the scope of issues under review nor shall it extend any rights or interests which have been forfeited as a result of an Affected Contractor or Subcontractor's own failure to file a timely Request for Review. The Hearing Officer may impose conditions on an intervener's or other interested Person's participation in the proceeding, including but not limited to those conditions specified in Government Code §11440.50(c).

F. No Person shall be required to seek intervention in a review proceeding as a condition for pursuing any other remedy available to that Person for the enforcement of the prevailing wage requirements of Division 2, Part 7, Chapter 1 (starting with section 1720) of the Labor Code.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11440.50(c), Government Code; and sections 1720 et seq., 1741, 1742, and 1771.6, Labor Code.

**17209. Representation at Hearing.**

A. A Party may appear in person or through an authorized Representative, who need not be an attorney at law; *however,* a Party shall use the form Authorization for Representation by Non-Attorney [8 CCR 17209(b) (New 1/15/02)] to authorize representation by any non-attorney who is not an owner, officer, or managing agent of that Party.

B. Upon formal notification that a Party is being represented by a particular individual or firm, service of subsequent notices in the matter shall be made on the Representative, either in addition to or instead of the Party, unless and until such authorization is terminated or withdrawn by further written notice. Service upon an authorized Representative shall be effective for all purposes and shall control the determination of any notice period or the running of any time limit for the performance of any acts, regardless of whether or when such notice may also have been served directly on the represented Party.

C. An authorized Representative shall be deemed to control all matters respecting the interests of the represented Party in the proceedings.

D. Parties and their Representatives shall have a continuing duty to keep the appointed Hearing Officer and all other Parties to the proceeding informed of their current address and telephone number.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17210. Proper Method of Service.**

A. Unless a particular method of service is specifically prescribed by statute or these Rules, service may be made by: (1) personal delivery; (2) priority or first class mailing postage prepaid through the U. S. Postal Service; (3) any other means authorized under Code of Civil Procedure section 1013; or (4) if authorized by the Hearing Officer pursuant to Rule 11 [Section 17211] below, by facsimile or other electronic means.

B. Service is complete at the time of personal delivery or mailing, or at the time of transmission as determined under Rule 11 [Section 17211] below.

C. Proof of service shall be filed with the document and may be made by: (1) affidavit or declaration of service; (2) written statement endorsed upon the document served and signed by the party making the statement; or (3) copy of letter of transmittal.

D. Service on a Party who has appeared through an attorney or other Representative shall be made upon such attorney or Representative.

E. In each proceeding, the Hearing Officer shall maintain an official address record which shall contain the names and addresses of all Parties and their Representatives, agents, or attorneys of record. Any change or substitution in such information must be communicated promptly in writing to the Hearing Officer. The official address record may also include the names and addresses of interested Persons who have been permitted to participate under Rule 08(d) [Section 17208].

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure and section 1742(b), Labor Code.

**17211. Filing and Service of Documents by Facsimile or Other Electronic Means.**

A. In individual cases the Hearing Officer may authorize the filing and service of documents by facsimile or by other electronic means, subject to reasonable restrictions on the time of transmission and the page length of any document or group of documents that may be transmitted by facsimile or other electronic means, and subject to any further requirements on the use of cover sheets or the subsequent filing and service of originals or hard copies of documents as the Hearing Officer deems appropriate. Filing and service by facsimile or other electronic means shall not be authorized under terms that substantially disadvantage any Party appearing or participating in the proceeding as a matter of right. A document transmitted by facsimile or other electronic means shall not be considered received until the next Working Day following transmission unless it is transmitted on a Working Day and the entire transmission is completed by no later than 4:00 p.m. Pacific Time.

B. Filings and service by facsimile or other electronic means shall not authorized or accepted as a substitute for another method of service that is required by statute or these Rules, unless the Party served has expressly waived its right to be served in the required manner.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17212. Administrative Adjudication Bill of Rights.**

A. The provisions of the Administrative Adjudication Bill of Rights found in Article 6 of Chapter 4.5 of Title 2, Division 3, Part 1 (commencing with section 11425.10) of the Government Code shall apply to these review proceedings to the extent not inconsistent with a state or federal statute, a federal regulation, or a court decision which applies specifically to the Department. The enumeration of certain rights in these Rules may expand but shall not be construed as limiting the same or similar provision of the Administrative Adjudication Bill of Rights; nor shall the enumeration of certain rights in these Rules be construed as negating other statutory rights not stated.

B. Ex parte communications shall be permitted between the appointed Hearing Officer and the Director in accordance with Government Code section 11430.80(b).

C. The presentation or submission of any written communication by a Party or other interested Person during the course of a review proceeding shall be governed by the requirements of Government Code §11440.60 (b) and (c).

D. Unless otherwise indicated by express reference within the body of one of these Rules, the provisions of Chapter 5 of Title 2, Division 3, Part 1 (commencing with section 11500) of the Government Code shall *not* apply to these review proceedings.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 11415.20, 11425.10 et seq., and 11430.80(b), Government Code; and section 1742(b), Labor Code.

## ARTICLE 2. ASSESSMENT OR NOTICE AND REQUEST FOR REVIEW

### 17220. Service and Contents of Assessment or Notice of Withholding of Contract Payments.

A. An Assessment, a Notice of Withholding of Contract Payments, or a notice assessing penalties under Labor Code section 1776 shall be served on the contractor and subcontractor, if applicable, by first class and certified mail pursuant to the requirements of Code of Civil Procedure section 1013. A copy of the notice shall also be served by certified mail on any bonding company issuing a bond that secures the payment of the wages covered by the Assessment or Notice and to any Surety on a bond, if the identities of such companies are known or reasonably ascertainable. The identity of any Surety issuing a bond for the benefit of an Awarding Body as designated obligee, shall be deemed "known or reasonably ascertainable," and the Surety shall be deemed to have received the notice required under this subpart if sent to the address appearing on the face of the bond.

B. An Assessment or Notice of Withholding of Contract Payments shall be in writing and shall include the following information:

   1. a description of the nature of the violation and basis for the Assessment or Notice; and

   2. the amount of wages, penalties, and forfeitures due, including a specification of amounts that have been or will be withheld from available contract payments, as well as all additional amounts that the Enforcing Agency has determined are due, including the amount of any liquidated damages that potentially may be awarded under Labor Code section 1742.1.

C. An Assessment or Notice of Withholding of Contract Payments shall also include the following information:

   1. the name and address of the office to whom a Request for Review may be sent;

   2. information on the procedures for obtaining review of the Assessment or Withholding of Contract Payments;

   3. notice of the Opportunity to Request a Settlement Meeting under Rule 21 [Section 17221] below; and

   4. the following statement which shall appear in bold or another type face that makes it stand out from the other text:

      **Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743**.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure, and sections 1741, 1742, 1743, 1771.6, and 1776, Labor Code.

**17221. Opportunity for Early Settlement.**

A. The Affected Contractor or Subcontractor may, within 30 days following the service of an Assessment or Notice of Withholding of Contract Payments, request a meeting with the Enforcing Agency for the purpose of attempting to settle the dispute regarding the Assessment or Notice.

B. Upon receipt of a timely written request for a settlement meeting, the Enforcing Agency shall afford the Affected Contractor or Subcontractor a reasonable opportunity to meet for such purpose. The settlement meeting may be held in person or by telephone and shall take place before expiration of the 60-day limit for filing a Request for Review under Rule 22 [Section 17222].

C. Nothing herein shall preclude the Parties from meeting or attempting to settle a dispute after expiration of the time for making a request or after the filing of a Request for Review.

D. Neither the making or pendency of a request for a settlement meeting, nor the fact that the Parties have met or have failed or refused to meet as required by this Rule shall serve to extend the time for filing a Request for Review under Rule 22 [Section 17222] below.

E. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, such a settlement meeting shall be admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, such a settlement meeting, other than a final settlement agreement, shall be admissible or subject to discovery in any administrative or civil proceeding.

NOTE: Authority cited: sections 55, 59, 1742(b) and 1773.5, Labor Code. Reference: sections 1742, 1742.1, and 1771.6, Labor Code.

**17222. Filing of Request for Review.**

A. Any Request for Review of an Assessment or of a Notice of Withholding of Contract Wages shall be transmitted in writing to the Enforcing Agency within 60 days after service of the Assessment or Notice. Failure to request review within 60 days shall result in the Assessment or the Withholding of Contract Wages becoming final and not subject to further review under these Rules.

B. A Request for Review shall be transmitted to the office of the Enforcing Agency designated on the Assessment or Notice of Withholding of Contract Payments from which review is sought.

C. A Request for Review shall be deemed filed on the date of mailing, as determined by the U.S. Postal Service postmark date on the envelope or the overnight carrier's receipt in accordance with Rule 03(b) [Section 17203(b)] above, or on the date of receipt by the designated office of the Enforcing Agency, whichever is earlier.

D. An additional courtesy copy of the Request for Review may be served on the Department by mailing to the address specified in Rule 23 [Section 17223] below at any time on or after the filing of the Request for Review with the Enforcing Agency. The service of a courtesy copy on the Department shall *not* be effective for invoking the Director's review authority under Labor Code section 1742; however, it may determine the time within which the hearing shall be commenced under Rule 41(a) [Section 17241(a)] below.

E. A Request for Review either shall clearly identify the Assessment or Notice from which review is sought, including the date of the Assessment or Notice, or it shall include a copy of the Assessment or Notice as an attachment. A Request for Review shall also set forth the basis upon which the Assessment or Notice is being contested. A Request for Review shall be liberally construed in favor of its sufficiency; however, the Hearing Officer may require the Party seeking review to provide a further specification of the issues or claims being contested and a specification of the basis for contesting those matters.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, and 1771.6(a), Labor Code.

**17223. Transmittal of Request for Review to Department.**

Within ten (10) days followings its receipt of a Request for Review, the Enforcing Agency shall transmit to the Office of the Director – Legal Unit, the Request for Review and copies of the Assessment or Notice of Withholding of Contract Wages, any Audit Summary that accompanied the Assessment or Notice, and a Proof of Service or other document showing the name and address of any bonding company or Surety entitled to notice under Rule 20(a) [Section 17220(a)] above. The Enforcing Agency shall transmit these items to the following address.

Department of Industrial Relations
Office of the Director - Legal Unit
Attention: Lead Hearing Officer
P.O. Box 420603
San Francisco, CA 94142-0603

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(a) and 1771.6(a), Labor Code.

**17224. Disclosure of Evidence.**

A. Within ten (10) days following its receipt of a Request for Review, the Enforcing Agency shall also notify the Affected Contractor or Subcontractor of its opportunity and the procedures for reviewing evidence to be utilized by the Enforcing Agency at the hearing on the Request for Review.

B. An Enforcing Agency shall be deemed to have provided the opportunity to review evidence required by this Rule if it (1) gives the Affected Contractor or Subcontractor the option, at the Affected Contractor or Subcontractor's own expense, to either (A) obtain copies of all such evidence through a commercial copying service or (B) inspect and copy such evidence at the office of the Enforcing Agency during normal business hours; or if (2) the Enforcing Agency at its own expense forwards copies of all such evidence to the Affected Contractor or Subcontractor.

C. The evidence required to be provided under this Rule shall include the identity of witnesses whose testimony the Enforcing Agency intends to present, either in person at the hearing or by declaration or affidavit. This provision shall not be construed as requiring the Enforcing Agency to prepare or provide any separate listing of witnesses whose identities are disclosed within the written materials made available under subpart (a).

D. The Enforcing Agency shall make evidence available for review as specified in subparts (a) through (c) within 20 days of its receipt of the Request for Review; *provided that*, this deadline

may be extended by written request or agreement of the Affected Contractor or Subcontractor. The Enforcing Agency's failure to make evidence available for review as required by Labor Code section 1742(b) and this Rule, shall preclude the Enforcing Agency from introducing such evidence in proceedings before the Hearing Officer or the Director.

E. This Rule shall not preclude the Enforcing Agency from relying upon or presenting any evidence first obtained after the initial disclosure of evidence under subparts (a) through (d), *provided that*, such evidence is promptly disclosed to the Affected Contractor or Subcontractor. This Rule also shall not preclude the Enforcing Agency from presenting previously undisclosed evidence to rebut new or collateral claims raised by another Party in the proceeding.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(b) and 1771.6, Labor Code.

**17225. Withdrawal of Request for Review; Reinstatement.**

A. An Affected Contractor or Subcontractor may withdraw a Request for Review by written notification at any time before a decision is issued or by oral motion on the hearing record. The Hearing Officer may grant such withdrawal by letter, order or decision served on the Parties.

B. For good cause, a Request for Review so dismissed may be reinstated by the Hearing Officer or the Director upon a showing that the withdrawal resulted from misinformation given by the Enforcing Agency or otherwise from fraud or coercion. A motion for reinstatement must be filed within 60 days of service of the letter, order or decision granting withdrawal of the Request for Review or, in the event of fraud which could not have been suspected or discovered with the exercise of reasonable diligence, within 60 days of discovery of such fraud. The motion shall be accompanied by a declaration containing a statement that any facts therein are based upon the personal knowledge of the declarant.

C. Notwithstanding any application or showing made under subpart (b) of this Rule, neither the Hearing Officer nor the Director may reinstate any Request for Review where the underlying Assessment or Withholding of Contract Payments has become final and entered as a court judgment.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742 and 1771.6, Labor Code.

**17226. Dismissal or Amendment of Assessment or of Notice of Withholding of Contract Payments.**

A. Upon motion to the appointed Hearing Officer, an Enforcing Agency may dismiss or amend an Assessment or Notice of Withholding of Contract Payments as follows:

1. An Assessment or Notice of Withholding may be dismissed or amended to eliminate or reduce all or part of any claim for wages, damages, or penalties that has been satisfied or that is not warranted under the facts and circumstances of the case or to conform to an order of the Hearing Officer or the Director.

2. An Assessment or Notice of Withholding may be amended to eliminate a claim for penalties as to the affected contractor upon a determination that the affected contractor is not liable for same under either Labor Code section 1775(b) [subcontractor's failure to pay prevailing rate] or Labor Code section 1776 (g) [failure to comply with request for certified payroll records].

3. For good cause, an Assessment or Notice of Withholding of Contract Payments may be amended to revise or increase any claim for wages, damages, or penalties based upon a recomputation or the discovery of new evidence subsequent to the issuance of the original Assessment or Notice.

B. The Hearing Officer shall grant any motion to dismiss or amend an Assessment or Notice of Withholding downward under subparts (a)(1) or (a)(2) absent a showing that such dismissal or amendment will result in the forfeiture of substantial substantive rights of another Party to the proceeding. The Hearing Officer may grant a motion to amend an Assessment or Notice of Withholding upward under subpart (a)(3) under such terms as are just, including where appropriate the extension of an additional opportunity for early settlement under Rule 21 [Section 17221]. Unless the Hearing Officer determines otherwise, an amended Assessment or Notice of Withholding shall be deemed fully controverted without need for filing an additional or amended Request for Review.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742, 1771.6, 1775(b), and 1776(g), Labor Code.

**17227. Early Disposition of Untimely Assessment, Withholding, or Request for Review.**

A. Upon the application of any Party or upon his or her own motion, the appointed Hearing Officer may issue an Order to Show Cause why an Assessment, a Withholding of Contract Payments, or a Request for Review should not be dismissed as untimely under the relevant statute.

B. An Order to Show Cause issued under subpart (a) of this Rule shall be served on all Parties who have appeared or been served with any prior notice in the matter and shall provide the Parties with at least 10 days to respond in writing to the Order to Show Cause and an additional 5 days following the service of such responses to reply to any submission by any other Party. Evidence submitted in support or opposition to an Order to Show Cause shall be by affidavit or declaration under penalty of perjury. There shall be no oral hearing on an Order to Show Cause issued under this Rule unless requested by a Party or by the Hearing Officer.

C. After the time for submitting responses and replies to the Order to Show Cause has passed or after the oral hearing, if any, the Hearing Officer may do one of the following: (1) recommend that the Director issue a decision setting aside the Assessment or Withholding of Contract Payments or dismissing the Request for Review as untimely under the statute; (2) find the Assessment, Withholding, or Request for Review timely and direct that the matter proceed to hearing on the merits; or (3) reserve the timeliness issue for further consideration and determination in connection with the hearing on the merits.

D. A decision by the Director which sets asides an Assessment or Withholding of Contract Payments or which dismisses a Request for Review as untimely shall be subject to reconsideration and to judicial review in the same manner as any other Final Order or Decision of the Director. A determination by the Hearing Officer that the Assessment, Withholding, or Request for Review was timely or that the timeliness issue should be reserved for further consideration and determination in connection with the hearing on the merits shall *not* be subject to appeal or review except as part of any reconsideration or appeal from the Decision of the Director made after the hearing on the merits.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1741, 1742, 1771.5, and 1771.6, Labor Code.

**17228. Finality of Assessment or of Withholding of Contract Payments When No Timely Request for Review is Filed; Authority of Awarding Body to Disburse Withheld Funds.**

A. Upon the failure of an Affected Contractor or Subcontractor to file a timely Request for Review under Labor Code section 1742(a) and Rule 22(a) [Section 17222(a)] above, the Assessment or Notice of Withholding of Contract Payments shall become a "final order" as to the Affected Contractor or Subcontractor that the Labor Commissioner may certify and file with the superior court in accordance with Labor Code section 1742(d).

B. Where an Assessment or Notice of Withholding of Contract Payments has become final as to at least one but not as to every Affected Contractor or Subcontractor, the Awarding Body shall continue to withhold and retain the amounts required to satisfy any wages and penalties at stake in a review proceeding initiated by any other Affected Contractor or Subcontractor until there is a final order in that proceeding that is no longer subject to judicial review.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1727, 1742, and 1771.6, Labor Code.

**17229. Finality of Notice of Withholding of Contract Payments; Authority of Awarding Body to Recover Additional Funds.**

Where a Notice of Withholding of Contract Payments seeks to recover wages, penalties, or damages in excess of the amounts withheld from available contract payments (*see* Rule 20(b)(2) [Section 17220(b)(2)] above), an Awarding Body may recover any excess amounts that become or remain due when the Notice of Withholding of Contract Payments has become final under Labor Code section 1771.6. To recover the excess amounts, the Awarding Body shall transmit to the Labor Commissioner the Notice together with any decision of the Director or court that has become final and not subject to further review. The Labor Commissioner in turn shall certify and file the final order with the superior court in accordance with Labor Code section 1742(d).

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(d), and 1771.6, Labor Code.

## ARTICLE 3. PREHEARING PROCEDURES

**17230. Scheduling of Hearing; Continuances and Tolling.**

A. The appointed Hearing Officer shall establish the place and time of the hearing on the merits, giving due consideration to the needs of all Parties and the statutory time limits for hearing and deciding the matter. Parties are encouraged to communicate scheduling needs to the Hearing Officer and all other Parties at the earliest opportunity. It shall not be a violation of Rule 07 [Section 17207]'s prohibition on ex parte communications for the Hearing Officer or his or her designee to communicate with Parties individually for purposes of clearing dates and times and proposing locations for the hearing. The Hearing Officer may also conduct a prehearing conference by telephone or any other expeditious means for purposes of establishing the time and place of the hearing.

B. Once a hearing date is set, a request for a continuance that is not joined in by all other Parties or that is for more than 30 days will not be granted absent a showing of extraordinary circumstances, giving due regard to the potential prejudice to other Parties in the case and other Persons affected

by the matter under review. Absent an enforceable waiver (*see* subpart (d) below), no continuance will be granted nor any proceeding otherwise delayed if doing so is likely to prevent the Hearing Officer from commencing the hearing on the matter within the statutory time limit.

C. A request for a continuance that is for 30 days or less and is joined by all Parties shall be granted upon a showing of good cause. Notwithstanding subpart (b) above, a unilateral request for a continuance made by the Party who filed the Request for Review shall be granted upon a showing of good cause if the new date for commencing the hearing is no more than 150 days after the date of service of the Assessment or Notice of Withholding of Contract Payments.

D. If a Party makes or joins in any request that would delay or otherwise extend the time for hearing or deciding a review proceeding beyond any prescribed time limit, such request shall also be deemed a waiver by that Party of that time limit.

E. The time limits for hearing and deciding a review proceeding shall also be deemed tolled (1) when proceedings are suspended to seek judicial enforcement of a subpoena or other order to compel the attendance, testimony, or production of evidence by a necessary witness; (2) when the proceedings are stayed or enjoined by any court order; (3) between the time that a proceeding is dismissed and then ordered reinstated under Rule 25 [Section 17225] above; (4) upon the order of a court reinstating or requiring rehearing of the merits of a proceeding; or (5) during the pendency of any other cause beyond the Director's direct control (including but not limited to natural disasters, temporary unavailability of a suitable hearing facility, or absence of budget authority) that prevents the Director or any appointed Hearing Officer from carrying out his or her responsibilities under these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17231. Prehearing Conference.**

A. Upon the application of any Party or upon his or her own motion, the appointed Hearing Officer may conduct a prehearing conference for any purpose that may expedite or assist the preparation of the matter for hearing or the disposition of the Request for Review. The prehearing conference may be conducted by telephone or other means that is convenient to the Hearing Officer and the Parties.

B. The Hearing Officer shall provide reasonable advance notice of any prehearing conference conducted pursuant to this Rule. The Notice shall advise the Parties of the matters which the Hearing Officer intends to cover in the prehearing conference, but the failure of the Notice to enumerate some matter shall not preclude its discussion or consideration at the conference.

C. With or without a prehearing conference, the Hearing Officer may issue such procedural Orders as are appropriate for the submission of evidence or briefs and conduct of the hearing, consistent with the substantial rights of the affected Parties.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11511.5, Government Code, and section 1742(b), Labor Code.

**17232. Consolidation and Severance.**

A. The Hearing Officer may consolidate for hearing and decision any number of proceedings where the facts and circumstances are similar and consolidation will result in conservation of time and expense. Where the Hearing Officer proposes to consolidate proceedings on his or her own motion, the Parties shall be given reasonable notice and an opportunity to object before consolidation is ordered.

B. The Hearing Officer may sever consolidated proceedings for good cause.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11507.3, Government Code, and section 1742(b), Labor Code.

**17233. Prehearing Motions; Cut Off Date.**

A. Any motion made in advance of the hearing on the merits, any opposition thereto, and any further reply shall be in writing and directed to the appointed Hearing Officer. No particular format shall be required; however, the following information shall appear prominently on the first page: (1) the case name (*i.e.,* names of the Parties); (2) any assigned case number; (3) the name of the Hearing Officer to whom the paper is being submitted; (4) the identity of the Party submitting the paper; (5) the nature of the relief sought; and (6) the scheduled date, if any, for the hearing on the merits of the Request for Review. The motion shall also include a Proof of Service, as defined in Rule 10 [Section 17210] above, showing that copies have been served on all other Parties to the proceeding.

B. Prehearing motions shall be served and filed no later than 20 days prior to the hearing on the merits of the Request for Review. Any opposition shall be served and filed no later than 10 days after service of the motion or at least 7 days prior to the hearing on the merits, whichever is earlier. The Hearing Officer may in his or her discretion decide the motion in writing in advance of the hearing on the merits or reserve the matter for further consideration and determination at the hearing on the merits.

C. There shall be no right to a separate oral hearing on any prehearing motion, except in those instances in which an oral hearing has been specially requested by a Party or the Hearing Officer *and* in which the enforcement or forfeiture of a fundamental right is at stake. When the Hearing Officer determines that such an oral hearing is necessary or appropriate, it may be conducted by telephone or other manner that is convenient to the Parties.

D. With the exception of timeliness challenges under Rule 27 [Section 17227], prehearing motions which seek to dispose of a Request for Review or any related claim or defense are disfavored and ordinarily will not be considered prior to the hearing on the merits.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17234. Evidence by Affidavit or Declaration.**

A. At any time 20 or more days prior to commencement of a hearing, a Party may serve upon all other Parties a copy of any affidavit or declaration which the proponent proposes to introduce in evidence, together with a notice as provided in subpart (b). Unless another Party, within 10 days after service of such notice, delivers to the proponent a request to cross-examine the affiant or declarant, the right to cross-examine such affiant or declarant is waived and the affidavit or declaration, if introduced in evidence, shall be given the same effect as if the affiant or declarant had testified in person. If an opportunity to cross-examine an affiant or declarant is not afforded

after request therefor is made as herein provided, the affidavit or declaration may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

B. The notice referred to in subpart (a) shall be substantially in the following form with the appropriate information inserted in the places enclosed by brackets:

> "The accompanying affidavit or declaration of [name of affiant or declarant] will be introduced as evidence at the hearing in [title and other information identifying the proceeding]. [Name of affiant or declarant] will not be called to testify orally, and you will not be entitled to question the affiant or declarant unless you notify [name of the proponent, Representative, agent or attorney] at [address] that you wish to cross-examine the affiant or declarant. Your request must be mailed or delivered to [name of proponent, Representative, agent or attorney] on or before [specify date *at least* 10 days after anticipated date of service of this notice on the other Parties]."

C. If a timely request is made to cross-examine an affiant or declarant under this Rule, the burden of producing that witness at the hearing shall be upon the proponent of the witness. If the proponent fails to produce the witness, the affidavit or declaration may be introduced in evidence, but shall be given only the same effect as other hearsay evidence under Rule 44 [Section 17244].

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: Rule 1613, California Rules of Court; section 11514, Government Code; and section 1742(b), Labor Code.

**17235. Subpoena and Subpoena Duces Tecum.**

A. Subpoenas and subpoenas duces tecum may be issued for attendance at a hearing and for the production of documents at any reasonable time and place or at a hearing.

B. Subpoenas and subpoenas duces tecum shall be issued by the Hearing Officer at the request of a Party, or by the attorney of record for a Party, in accordance with sections 1985 to 1985.6, inclusive, of the Code of Civil Procedure. The burden of serving a subpoena that has been issued by the Hearing Officer shall be upon the Party who requested the subpoena.

C. Service of subpoenas and subpoenas duces tecum, objections thereto, and mileage and witness fees shall be governed by the provisions of Government Code sections 11450.20 through 11450.40.

D. Subpoenas and subpoenas duces tecum shall be enforceable through the Contempt and Monetary Sanctions provision set forth in Rule 47 [Section 17247] below. A Party aggrieved by the failure or refusal of any witness to obey a subpoena or subpoena duces tecum shall have the burden of showing to the satisfaction of the Hearing Officer that the subpoena or subpoena duces tecum was properly issued and served and that the testimony or evidence sought was necessary to prove or disprove a significant claim or defense in the proceeding.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1985 through 1988, Code of Civil Procedure; section 1563, Evidence Code; sections 11450.20 through 11455.30, Government Code; and section 1742(b), Labor Code.

**17236. Written Notice to Party in Lieu of Subpoena.**

A. In the case of the production of a Party of record in the proceeding or of a Person for whose benefit a proceeding is prosecuted or defended, the service of a subpoena upon any such witness is not required if written notice requesting the witness to attend, with the time and place of the hearing, is served on the attorney of the Party or Person. For purposes of this Rule, a Party of record in the proceeding or Person for whose benefit a proceeding is prosecuted or defended includes an officer, director, or managing agent of any such Party or Person.

B. Service of written notice to attend under this Rule shall be made in the same manner and subject to the same conditions provided in section 1987 of the Code of Civil Procedure for service of written notice to attend in a civil action or proceeding.

C. The Hearing Officer shall have authority under Rule 47 [Section 17247] below to sanction a Party who fails or refuses to comply with a written notice to attend that meets the requirements of this Rule and has been timely served in accordance with section 1987 of the Code of Civil Procedure. However, the Hearing Officer may not initiate contempt proceedings against the witness for failing to appear based solely on non-compliance with a written notice to attend served on the Party's attorney. A Party seeking sanctions for another Party's failure or refusal to comply with a written notice to attend shall have the burden of showing to the satisfaction of the Hearing Officer that the written notice to attend was properly issued and timely served and that the testimony or evidence sought was necessary to prove or disprove a significant claim or defense in the proceeding.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1987, Code of Civil Procedure; sections 11450.50 through 11455.30, Government Code; and section 1742(b), Labor Code.

**17237. Depositions and Other Discovery.**

A. There shall be no right to take oral depositions or obtain any other form of discovery that is not expressly authorized under these Rules.

B. Oral depositions may be conducted only by stipulation of all Parties to the proceedings or by order of the appointed Hearing Officer upon a showing of substantial good cause. Oral depositions will be permitted only for purposes of obtaining the testimony of witnesses who are likely to be unavailable to testify at the hearing.

C. Nothing in this Rule shall preclude the use of deposition testimony or other evidence obtained in separate proceedings, if such evidence is otherwise relevant and admissible.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1987, Code of Civil Procedure; sections 11450.50 through 11455.30, Government Code; and section 1742(b), Labor Code.

## ARTICLE 4. HEARINGS

**17240. Notice of Appointment of Hearing Officer; Objections.**

A. Notice of the Appointment of a Hearing Officer under Rule 04 [Section 17204] above shall be provided to the Parties as soon as practicable and no later than when the matter is noticed for a prehearing conference or hearing.

B. The Director may appoint a different Hearing Officer to conduct and hear the review or to conduct and dispose of any preliminary or procedural matter in a given case.

C. A Party wishing to object to the appointment of a particular Hearing Officer, including for any one or more of the grounds specified in sections 11425.30 and 11425.40 of the Government Code or section 1742(b) of the Labor Code, shall within 10 days after receiving notice of the appointment and no later than the start of any hearing on the merits, *whichever is earlier*, file a motion to disqualify the appointed Hearing Officer together with a supporting affidavit or declaration. The motion shall be filed with the Chief Counsel of the Office of the Director at the address indicated in Rule 23 [Section 17223] above. Notwithstanding the foregoing time limits, if a Party subsequently discovers facts constituting grounds for the disqualification of the appointed Hearing Officer, including but not limited to that the Hearing Officer has received a prohibited ex parte communication in the pending case, the motion shall be filed as soon as practicable after the facts constituting grounds for disqualification are discovered.

D. Upon receipt of a motion to disqualify the appointed Hearing Officer, the Director may: (1) consider and decide the motion or appoint another Hearing Officer to consider and decide the motion, in which case the challenged Hearing Officer shall first be given an opportunity to respond to the motion, but no proceedings shall be conducted by the challenged Hearing Officer until the motion is determined; or (2) appoint another Hearing Officer to hear the Request for Review, in which case the motion shall be deemed moot.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 170.3(c)(1), Code of Civil Procedure; sections 11425.30 and 11425.40, Government Code; and section 1742(b), Labor Code.

**17241. Time and Place of Hearing.**

A. A hearing on the merits of a timely Request for Review shall be commenced within 90 days after the date it is received by the Office of the Director. The hearing shall be conducted at a suitable location within the county where the appointed Hearing Officer maintains his or her regular office, unless the hearing is moved to a different county in accordance with subpart (b) below.

B. Upon the agreement of the Parties or upon a showing of good cause by either the Party who filed the Request for Review or the Enforcing Agency, the hearing shall be conducted at a suitable location within either (1) the county where a majority of the subject public works employment was performed, or (2) any other county that is proximate to or convenient for the Parties and necessary witnesses.

C. A suitable location under this section means one that is open and accessible to members of the public and which includes appropriate facilities for the recording of testimony. Any facility that is regularly used by any state agency or by the Awarding Body for public hearings and that will reasonably accommodate the anticipated number of Parties and witnesses involved in the proceeding, is presumed suitable in the absence of a contrary showing. Parties seeking to change the location of a hearing under subpart (b) shall make reasonable efforts to identify, agree upon, and arrange for the availability of a suitable location within a county specified in subpart (b)(1) or (b)(2).

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11425.20, Government Code; and section 1742(b), Labor Code.

**17242. Open Hearing; Confidential Evidence and Proceedings; and Exclusion of Witnesses.**

A. Subject to the qualifications set forth below, the hearing shall be open to the public. If all or part of the hearing is conducted by telephone, television, or other electronic means, the Hearing Officer shall conduct the hearing from a location where members of the public may be physically present, and members of the public shall also have a reasonable right of access to the hearing record and any transcript of the proceedings.

B. Notwithstanding the provisions of subpart (a), the Hearing Officer may order closure of a hearing or make other protective orders to the extent necessary to: (1) preserve the confidentiality of information that is privileged, confidential, or otherwise protected by law; (2) ensure a fair hearing in the circumstances of the particular case; or (3) protect a minor witness or a witness with a developmental disability from intimidation or other harm, taking into account the rights of all persons.

C. Upon motion of any Party or upon his or her own motion, the Hearing Officer may exclude from the hearing room any witnesses not at the time under examination. However, a Party to the proceeding and the Party's Representative shall not be excluded.

D. This section does not apply to any prehearing or settlement conference.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 777, Evidence Code, section 11425.20, Government Code, and section 1742(b), Labor Code.

**17243. Conduct of Hearing.**

A. Testimony shall be taken only on oath or affirmation under penalty of perjury.

B. Every Party shall have the right to call and examine witnesses; to introduce exhibits; to question opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which Party first called the witness to testify; and to rebut any opposing evidence. A Party may be called by an opposing Party and examined as if under cross-examination, whether or not the Party called has testified or intends to testify on his or her own behalf.

C. The Hearing Officer may call and examine any Party or witness and may on his or her own motion introduce exhibits.

D. The Hearing Officer shall control the taking of evidence and other course of proceedings in a hearing and shall exercise that control in a manner best suited to ascertain the facts and safeguard the rights of the Parties. Prior to taking evidence, the Hearing Officer shall define the issues and explain the order in which evidence will be presented; *provided that*, for good cause the Hearing Officer later may vary the order of presentation as circumstances warrant.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11513, Government Code; and section 1742(b), Labor Code.

**17244. Evidence Rules; Hearsay.**

A. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which

responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

B. The rules of privilege shall be recognized to the same extent and applied in the same manner as in the courts of this state.

C. The Hearing Officer may exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

D. Hearsay evidence is admissible but shall not be sufficient in itself to support a finding unless it either would be admissible over objection in a civil action or no Party raises an objection to such use. Unless previously waived, an objection or argument that evidence is insufficient in itself to support a finding because of its hearsay character shall be timely if presented at any time before submission of the case for decision.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 11513, Government Code; and section 1742(b), Labor Code.

**17245. Official Notice.**

A. A Hearing Officer may take official notice of (1) the Director's General Prevailing Wage Determinations, the Director's Precedential Coverage Decisions, and wage data, studies, and reports issued by the Division of Labor Statistics and Research; (2) any other generally accepted technical fact within the fields of labor and employment that are regulated by the Director under Divisions 1, 2, and 3 of the Labor Code; and (3) any fact which either must or may be judicially noticed by the courts of this state under Evidence Code sections 451 and 452.

B. The Parties participating in a hearing shall be informed of those matters as to which official notice is proposed to be taken and given a reasonable opportunity to show why and the extent to which official notice should or should not be taken.

C. The Hearing Officer or the Director shall state in a decision, order, or on the record the matters as to which official notice has been taken.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 451, 452 and 455, Evidence Code; section 11515, Government Code; and section 1742(b), Labor Code.

**17246. Failure to Appear; Relief from Default.**

A. Upon the failure of any Party to appear at a duly noticed hearing, the Hearing Officer may proceed in that Party's absence and may recommend whatever decision is warranted by the available evidence, including any lawful inferences that can be drawn from an absence of proof by the non-appearing Party.

B. For good cause and under such terms as are just, the appointed Hearing Officer or the Director may relieve a Party from the effects of any failure to appear and order that a review proceeding be reinstated or reheard. A Party seeking relief from non-appearance shall file a written motion at the earliest opportunity and no later than 10 days following a proceeding of which the Party had actual notice. Such application shall be supported by an affidavit or declaration based on the personal knowledge of the declarant, and copies of the application and any supporting materials

shall be served on all other Parties to the proceeding. No application shall be granted unless and until the other Parties have been afforded a reasonable opportunity to make a showing in opposition. An Order reinstating a proceeding or granting a rehearing under this section may be conditioned upon providing reimbursement to the Department and the other Parties for the costs associated with the prior non-appearance.

C. Notwithstanding any application or showing made under subpart (b) of this Rule, neither the Hearing Officer nor the Director may reinstate any Request for Review where the underlying Assessment or Withholding of Contract Payments has become final and entered as a court judgment.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 473, Code of Civil Procedure; and section 1742(b), Labor Code.

**17247. Contempt and Monetary Sanctions.**

A. If any Person in proceedings before an appointed Hearing Officer disobeys or resists any lawful order or refuses, without substantial justification, to respond to a subpoena, subpoena duces tecum, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceedings, or violates the prohibition against ex parte communications under Rule 07 [Section 17207] above, the Hearing Officer may do any one or more of the following: (1) certify the facts to the Superior Court in and for the county where the proceedings are held for contempt proceedings pursuant to Government Code section 11455.20; (2) exclude the Person from the hearing room; (3) prohibit the Person from testifying or introducing certain matters in evidence; and/or (4) establish certain facts, claims, or defenses if the Person in contempt is a Party.

B. Either the appointed Hearing Officer by separate order or the Director in his or her decision may order a Party, the Party's authorized Representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another Party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay as defined in section 128.5 of the Code of Civil Procedure. Such order or the denial of such an order shall be subject to judicial review in the same manner as a decision of the Director on the merits. The order shall be enforceable in the same manner as a money judgment or by the contempt sanction.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 128.5, Code of Civil Procedure; sections 11455.10 through 11455.30, Government Code; and section 1742(b), Labor Code.

**17248. Interpreters.**

A. Proceedings shall be conducted in the English language. The notice advising a Party of the hearing date shall also include notice of the Party’s right to request an interpreter for a Party or witness who cannot speak or understand English, or who can do so only with difficulty, or who is deaf or hearing impaired as defined under Evidence Code section 754.

B. A request for an interpreter for a Party or witness shall be submitted as soon as possible after the requesting Party becomes aware of the need for an interpreter and prior to the commencement of the hearing. The request should include information that (1) will enable the Hearing Officer and Department to obtain an interpreter with appropriate skills; and (2) will assist the Hearing Officer

in determining whether the Department or the requesting Party should pay for the cost of the interpreter.

C. Upon receipt of a timely request, the Hearing Officer shall direct the Department to provide an interpreter and shall also decide whether the Department or the requesting Party shall pay the cost of the interpreter, based upon an equitable consideration of all the circumstances, including the requesting Party's ability to pay.

D. A person is qualified to serve as an interpreter if he or she (1) is on the current State Personnel Board List of Certified Administrative Hearing Interpreters maintained pursuant to Government Code section 11435.25; and (2) has also been examined and determined by the Department to be sufficiently knowledgeable of the terminology and procedures generally used in these proceedings.

E. In the event that a qualified interpreter under subpart (d) is unavailable or if there are no certified interpreters for the language in which assistance is needed, the Hearing Officer may qualify and appoint another interpreter to serve as needed in a single hearing or case.

F. Before appointment of an interpreter, the Hearing Officer or a Party may conduct a brief supplemental examination of the prospective interpreter to see if that person has the qualifications necessary to serve as an interpreter, including whether he or she understands terms and procedures generally used in these proceedings, can explain those terms and procedures in English and the other language being used, and can interpret those terms and procedures into the other language. An interpreter shall not have had any prior substantive involvement in the matter under review, and shall disclose to the Hearing Officer and the Parties any actual conflict of interest or appearance of conflict. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. A conflict may exist if an interpreter is an employee of, acquainted with, or related to a Party or witness to the proceeding, or if an interpreter has an interest in the outcome of the proceeding.

G. The Hearing Officer shall disqualify an interpreter if the interpreter cannot understand and interpret the terms and procedures used in the hearing or prehearing conference, has disclosed privileged or confidential communications, or has engaged in conduct which, in the judgment of the Hearing Officer, creates an appearance of bias, prejudice, or partiality.

H. Nothing in this section limits any further rights extended by Evidence Code section 754 to a Party or witness who is deaf or hard of hearing.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 754, Evidence Code; sections 11435.05 through 11435.65, and 68560 through 68566, Government Code; and section 1742(b), Labor Code.

**17249. Hearing Record; Recording of Testimony and other Proceedings.**

A. The Hearing Officer and the Director shall maintain an official record of all proceedings conducted under these Rules. In the absence of a determination under subpart (b) below, all testimony and other proceedings at any hearing shall be recorded by audiotape. Recorded testimony or other proceedings need not be transcribed unless requested for purposes of further court review of a decision or order in the same case.

B. Upon the application of any Party or upon his or her own motion, the Hearing Officer may authorize the use of a certified court reporter, videotape, or other appropriate means to record the testimony and other proceedings. Any application by a Party under this subpart shall be made at a prehearing conference or by prehearing motion filed no later than 10 days prior to the scheduled date of hearing. Upon the granting of any such application, it shall be the responsibility of the Party or Parties who made the application to procure and pay for the services of a qualified person and any additional equipment needed to record the testimony and proceedings by the requested means. Ordinarily the granting of such application will be conditioned on the applicant's paying for certified copies of the transcript for the official record and for the other Parties. The failure of a requesting Party to comply with this requirement shall not be cause for delaying the hearing on the merits, but instead shall result in the proceedings being tape recorded in accordance with subpart (a).

C. The Parties may, at their own expense, arrange for the recording of testimony and other proceedings through a different means other than the one authorized by the Hearing Officer, *provided that* it does not in any way interfere with the Hearing Officer's control and conduct of the proceedings, and *further provided that*, it shall not be regarded as an official record for any purpose absent a stipulation by all of the Parties or order of the Hearing Officer.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17250. Burdens of Proof on Wages and Penalties.**

A. The Enforcing Agency has the burden of coming forward with evidence that the Affected Contractor or Subcontractor (1) was served with an Assessment or Notice of Withholding of Contract Payments in accordance with Rule 20 [Section 17220]; (2) was provided a reasonable opportunity to review evidence to be utilized at the hearing in accordance with Rule 24 [Section 17224]; and (3) that such evidence provides prima facie support for the Assessment or Withholding of Contract Payments.

B. If the Enforcing Agency meets its initial burden under (a), the Affected Contractor or Subcontractor has the burden of proving that the basis for the Civil Wage and Penalty Assessment or for the Withholding of Contract Payments is incorrect.

C. With respect to any civil penalty established under Labor Code section 1775, the Affected Contractor or Subcontractor shall have the burden of proving that the Labor Commissioner abused his or her discretion in determining that a penalty was due or in determining the amount of the penalty.

D. All burdens of proof and burdens of producing evidence shall be construed in a manner consistent with relevant sections of the Evidence Code, and the quantum of proof required to establish the existence or non-existence of any fact shall be by a preponderance of the evidence, unless a higher standard is prescribed by law.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 500, 502, and 550, Evidence Code; and sections 1742(b) and 1775, Labor Code. .

**17251. Liquidated Damages.**

A. With respect to any liquidated damages for which an Affected Contractor, Subcontractor, or Surety on a bond becomes liable under Labor Code section 1742.1, the Enforcing Agency shall have a further burden of coming forward with evidence to show the amount of wages that remained unpaid as of 60 days following the service of the Assessment or Notice of Withholding of Contract Payments. The Affected Contractor or Subcontractor shall have the burden of demonstrating that he or she had substantial grounds for believing the Assessment or Notice to be in error.

B. To demonstrate "substantial grounds for believing the Assessment or Notice to be in error," the Affected Contractor or Subcontractor must establish (1) that it had a reasonable subjective belief that the Assessment or Notice was in error; (2) that there is an objective basis in law and fact for the claimed error; and (3) that the claimed error is one that would have substantially reduced or eliminated any duty to pay additional wages under the Assessment or Notice.

NOTE: Authority cited: 55, 59, 1742(b), and 1773.5, Labor Code. Reference: sections 1742(a), 1742.1, and 1773.5, Labor Code.

**17252. Oral Argument and Briefs.**

A. Parties may submit prehearing briefs of reasonable length under such conditions as the appointed Hearing Officer shall prescribe. Parties shall also be permitted to present a closing oral argument of reasonable length at or following the conclusion of the hearing.

B. There shall be no automatic right to file a post-hearing brief. However, the Hearing Officer may permit the Parties to submit written post-hearing briefs, under such terms as are just. The Hearing Officer shall have discretion to determine, among other things, the length and format of such briefs and whether they will be filed simultaneously or on a staggered (opening, response, and reply) basis.

C. In addition to or as an alternative to post-hearing briefs, the Hearing Officer may also prepare proposed findings or a tentative decision or may designate a Party to prepare proposed findings and thereafter give the Parties a reasonable opportunity to present arguments in support of or opposition to any proposed findings or tentative decision prior to the issuance of a decision by the Director under Rule 60 [Section 17260] below.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

**17253. Conclusion of Hearing; Time for Decision.**

A. The hearing shall be deemed concluded and the matter submitted either upon the completion of all testimony and post-hearing arguments or upon the expiration of the last day for filing any post-hearing brief or other authorized submission, whichever is later. Thereafter, the Director shall have 45 days within which to issue a written decision affirming, modifying, or dismissing the Assessment or the Withholding of Contract Wages.

B. For good cause, the Hearing Officer may vacate the submission and reopen the hearing for the purpose of receiving additional evidence or argument, in which case the time for the Director to issue a written decision shall run from the date of resubmission.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

## ARTICLE 6. DECISION OF THE DIRECTOR

### 17260. Decision.

A. The appointed Hearing Officer shall prepare a recommended decision for the Director's review and approval. The decision shall consist of a notice of findings, findings, and an order, and shall be in writing and include a statement of the factual and legal basis for the decision, consistent with the requirements of Labor Code section 1742 and Government Code section 11425.50.

B. A recommended decision shall have no status or effect unless and until approved by the Director and issued in accordance with subpart (c) below.

C. A copy of the decision shall be served by first class mail on all Parties in accordance with the requirements of Code of Civil Procedure section 1013. If a Party has appeared through an authorized Representative, service shall be made on that Party at the last known address on file with the Enforcing Agency in addition to service on the authorized Representative.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1013, Code of Civil Procedure; section 11425.50, Government Code; and section 1742(b), Labor Code. .

### 17261. Reconsideration.

A. Upon the application of any Party or upon his or her own motion, the Director may reconsider or modify a decision issued under Rule 60 [Section 17260] above for the purpose of correcting any error therein.

B. The decision must be reconsidered or modified within 15 days after its date of issuance pursuant to Rule 60(c) [Section 17260(c)]. Thereafter, the decision may not be reconsidered or modified, except that a clerical error may be corrected at any time.

C. The modified or reconsidered decision shall be served on the Parties in the same manner as a decision issued under Rule 60 [Section 17260].

D. A Party is not required to apply for reconsideration before seeking judicial review of a decision of the Director. An application for reconsideration made by any Party shall *not* extend the time for seeking judicial review pursuant to Labor Code section 1742(c) unless the Director issues a modified or reconsidered decision within the 15-day time limit prescribed in subpart (b) of this section.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742, Labor Code.

### 17262. Final Decision; Time for Seeking Review.

A. The decision of the Director issued pursuant to Section Rule 60 [Section 17260] above shall be the final decision of the Director from which any Party may seek judicial review pursuant to the provisions of Labor Code section 1742(c) and Code of Civil Procedure section 1094.5; *provided*

*however*, that if the Director has issued a modified decision pursuant to and within the 15-day limit of the Director's reconsideration authority under Section Rule 61 [Section 17261] above and Labor Code section 1742(b), the right of review and time for seeking such review shall extend from the date of service of the modified decision rather than from the original decision.

B. The modification of a decision to correct a clerical error after expiration of the 15-day time limit on the Director's reconsideration authority shall *not* extend the time for seeking judicial review.

C. The time for seeking judicial review shall be determined from the date of service of the decision of the Director under Code of Civil Procedure section 1013, including any applicable extension of time provided in that statute.

D. Any petition seeking judicial review of a decision under these Rules may be served (1) upon the Director by serving the Office of the Director – Legal Unit where the appointed Hearing Officer who conducted the hearing on the merits regularly maintains his or her office; and (2) upon the Labor Commissioner (in cases in which the Labor Commissioner was the Enforcing Agency) by the serving the regular office of the attorney who represented the Labor Commission at the hearing on the merits. The intent of this subpart is to authorize and designate a preferred method for giving the Director and the Labor Commissioner formal notice of a court action seeking review of a decision of the Director under these Rules; it does not preclude the use any other service method authorized by law.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5. Reference: sections 1013 and 1094.5, Code of Civil Procedure; and section 1742, Labor Code.

**17263. Preparation of Record for Review.**

A. Upon notice that a Party intends to seek judicial review of a decision of the Director and the payment of any required deposit, the Department, under the direction of the appointed Hearing Officer, shall immediately prepare a hearing record consisting of all exhibits and other papers and a transcript of all testimony which the Party has designated for the inclusion in the record on review.

B. The Party who has requested the record or any part thereof shall bear the cost of its preparation, including but not necessarily limited to any court reporter transcription fees and reasonable charges for the copying, binding, certification, and mailing of documents. Absent good cause, no record will be released to a Party or filed with a court until adequate funds to cover the cost of preparing the record have been paid by the requesting Party to the Department or to any third party designated to prepare the record. However, upon notice that a Party seeking judicial review has been granted *in forma pauperis* status under California Rule of Court 985, the Department shall bear the cost of preparing and filing the record where necessary for a proper review of the proceedings.

C. The pendency of any request for the Department to prepare a hearing record shall *not* extend the time limits for filing a petition for review under Labor Code section 1742(c) and Code of Civil Procedure section 1094.5.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1094.5, Code of Civil Procedure; California Rule of Court 985; section 68511.3, Government Code; and section 1742(c), Labor Code.

**17264. Request for Participation by Director in Judicial Review Proceeding.**

Although the Director should be named as the Respondent in any action seeking judicial review of a final decision, the Director ordinarily will rely upon the Parties to the hearing (as Petitioner and Real Party in Interest) to litigate the correctness of the final decision in the writ proceeding and on any appeal. The Director may participate actively in proceedings raising issues that specifically concern the Director's authority under the statutes and regulations governing the payment of prevailing wages on public work contracts, or the validity of related laws, regulations, or the Director's decisions as to public works coverage or generally applicable prevailing wage rates. Any Party may request the Director to file a response in the action by including a separate written request with any court pleading being served on the Director in accordance with Rule 62(d) [Section 17262(d)]. Any such separate written request should specify briefly what issues are raised by the petition that extend beyond the facts of the case and warrant the Director's participation.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1094.5, Code of Civil Procedure and section 1742(c), Labor Code.

**ARTICLE 7. TRANSITIONAL RULE.**

**17270. Applicability of these Rules to Notices Issued Between April 1, 2001 and June 30, 2001.**

A. These Rules shall apply to any notice issued by the Labor Commissioner or an Awarding Body with respect to the withholding or forfeiture of contract payments for unpaid wages or penalties under the prevailing wage laws in effect prior to July 1, 2001; *provided that*, the party seeking review has not commenced a civil action with respect to such notice under the provisions of Labor Code sections 1731-1733 [repealed effective July 1, 2001].

B. An Affected Contractor or Subcontractor may appeal any such notice served between April 1, 2001 and June 30, 2001 by filing a Request for Review with the Enforcing Agency that issued the notice, in the manner and form specified in Rule 22 [Section 17222] above. Any such Request for Review shall be in writing and shall include a statement indicating the date upon which the contractor or subcontractor was served with the notice of withholding or forfeiture.

C. This Rule shall *not* extend the time available to appeal the notice under the former law. A Request for Review of a notice issued prior to July 1, 2001 must be filed with the Enforcing Agency within ninety (90) days after service of the notice.

D. A contractor or subcontractor who has sought review of a notice issued prior to July 1, 2001 by filing a court action under the repealed provisions of Labor Code sections 1731-1733 on or after July 1, 2001, shall, if said action would have been timely under those sections, be afforded the opportunity to dismiss the action without prejudice, after entering into a stipulation that the proceeding be transferred to the Director for hearing in accordance with these Rules. The stipulation shall also provide that the time for commencing a hearing under Rule 41 [Section 17241] shall not begin to run until the case has been formally transferred to and received by the Office of the Director.

E. Any hearing request made pursuant to Labor Code section 1771.7 [repealed effective July 1, 2001] that has not been heard and decided by a Hearing Officer prior to July 1, 2001 shall be handled in accordance with these Rules.

NOTE: Authority cited: sections 55, 59, 1742(b), and 1773.5, Labor Code. Reference: section 1742(b), Labor Code.

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# SECTION III

# IMPLEMENTATION PLAN

# SECTION III

## IMPLEMENTATION PLAN

- Labor Compliance Officer receives construction contract awards/work schedules from the Awarding Body Public Works Department.
- Labor Compliance Officer participates in job-start meeting.
- Labor Compliance Officer provides site monitors with work schedules.
- Site monitors, conduct interviews and return interview sheets to Labor Compliance Officer.
- Labor Compliance Officer enters information from interviews into file.
- Labor Compliance Officer verifies information from certified payroll records.
- Labor Compliance Officer notifies contractor in writing of any discrepancies with certified payroll records.
- If clarification/correction is not received from the contractor within two weeks, Labor Compliance Officer will commence an investigation.
- Upon completion of the investigation, a report will be sent to the Department of Industrial Relations with recommendations for penalties to be applied to the contractor.
- Labor Compliance Officer prepares and submits public works violation reports to Labor Commissioner as required.
- Labor Compliance Officer receives Monthly Employment Utilization Report from the contractor and its subcontractors; Labor Compliance Officer maintains project file of this information for year-end report.
- Labor Compliance Officer communicates on a regular basis with contractors, workers, building and trade organizations, and other community entities and in-service management to the Awarding Body personnel.
- Labor Compliance Officer prepares and submits annual program reports to the Director of the Department of Industrial Relations.
- Labor Compliance Officer manages all facets and is the primary contact for the Awarding Body.
- Labor Compliance Officer provides the Awarding Body site monitors with site visitation training and assigns projects when applicable.

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# SECTION IV

# OPERATIONAL MANUAL

# SECTION IV

## LABOR COMPLIANCE PROGRAM
## OPERATION MANUAL

### Site Visitations

1. Safety is the paramount factor for any site visit to any of the construction sites. Do not enter any area that appears unsafe. Site monitor is expected to exercise reasonable caution at all times.

2. All authorized personnel visiting any construction sites are required to wear hard hats and safety shoes.

3. Authorized personnel shall visit all sites on a non-interference basis and take a minimum amount of the workers' time for interview purposes.

4. Upon arrival at a site, the site monitor will check in at the site superintendent's (contractor's) trailer prior to any interviewing. In the event there is not a construction trailer, you will check in at the site's administrative office. Identify yourself and state the purpose of the visit. Sign in if required to do so. If the site superintendent cites some reason that denies access to the site, promptly and politely remove yourself. Make a note of this occurrence and include in your report to the LCO.

5. Check to see that the following are displayed in the contractor's trailer:
   - EOE Posters
   - Prevailing wage sheets posted
   - Sign-in Log
   - Listing of subcontractors on site

   If any of these items are not readily visible, remind the contractor that these postings are part of the contractual requirements. On subsequent visits, make sure that these items are posted, or the contractor will be found to be in noncompliance.

6. There will be times when the site superintendent is somewhere on the site and/or there is no contractor present in the trailer. You should check in with the Awarding Body's Inspector of Record (IOR) trailer or representative. The IOR will also be able to tell you which contractors are on the site at that time. If all trailers are empty or locked, try to locate the site superintendent or IOR on the site prior to commencing interviewing.

### Interviewing

1. Once you have checked in with the site superintendent and obtain access to the site, try to locate tradespersons working in clusters. For instance, several painters, electricians, roofers, etc. working in one area. Approach the workers individually in a non-threatening, professional manner. Identify yourself, indicate that you are a Quad Knopf representative and LCO, and that you need only a few seconds of their time to ask some very generic questions to ensure that they are receiving the proper rate of pay for the type of work they are doing. Again, do not endanger yours or any tradesperson's safety in conducting these interviews. Do not insist that someone on a scaffold 40 feet in the air come down for an interview. Do not ask anyone to form a line until you can get to them; allow them to continue working until you can get to them individually.

These interviews are random; two or three tradespersons for each subcontractor are more than sufficient for one visit. Any persons missed are usually picked up on the next visit. If only one tradesperson is at the site, then interview that person if possible. If you are told that the rest of the crew will be there in an hour, do not wait, unless your total site interviewing will take that length of time. Thirty minutes of interviewing per site is typically sufficient, depending upon the site size and/or number of subcontractors present. Contractor tradesperson should also be interviewed.

2. Using the Labor Compliance Site Visitation Interview form, ask each person the following: name, social security number, employer, title (trade), rate of pay, and task being performed at the time of interview.

3. Should someone decline to speak with you, respect those wishes. If someone asks if this is union-related, tell them no. Quad Knopf represents the Awarding Body that works with both open and closed shop trades.

4. If you try to interview someone who does not speak English and you cannot communicate in the appropriate language, try to locate a coworker who can interpret for you. If you find an entire crew unable to speak English and no interpreter, include this in your report to the LCO.

5. If someone refuses to disclose his social security number to you, respect those wishes. However, assure that person that all information given is kept strictly confidential.

6. If someone does not know their rate of pay (most tradespersons don't know), ask for a guesstimate. If the response is, "whatever prevailing wage is", so indicate on the form.

7. If someone indicates that he is an apprentice, make sure that you ask him what period. These can be anywhere from 1st to 10th. If he's not sure, ask him how many years he's been apprenticed in the specific trade and/or to guesstimate and so indicate on the interview form.

8. ALWAYS thank them for their time.

9. Keep in mind that you are there to collect information only, do not tell them how to do their jobs. Should you witness what you consider a potentially unsafe or unwarranted condition, you are to contact the site inspector or job superintendent of your findings immediately and make a note on your site visitation log of what you observed. Upon your return to the office, report your findings to the LCO.

**Reporting**

1. All original interview forms shall be submitted to the LCO no later than the end of each workweek.

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# SECTION V

# PROCEDURES

# SECTION V

## LABOR COMPLIANCE PROGRAM – PROCEDURES

### Certified Payroll Verification Procedures

1. The Awarding Body/Contractors will provide the Labor Compliance Officer with construction work schedules.

2. Upon receipt of certified payroll reports from general/subcontractors once a week, compare information from the Labor Compliance visitation log to the contractors certified payroll and the prevailing wage schedule.

3. Compare name and social security number with trade classification listed.

4. Ensure prevailing wage listed is correct for the classification listed using the prevailing wage schedule

5. Check for employment of apprentices, correct rate of pay, and proper ratio to journey workers.

6. Contact the contractor in writing and send by certified mail any inaccuracies in the verification of its certified payroll.

7. If clarification/correction is not received within two weeks form the contractor, the Labor Compliance Officer will commence an investigation.

8. Upon completion of the investigation, a report will be sent to the Department of Industrial Relations with recommendations for penalties to be applied to the contractor.

9. Retain all original interview forms and annotate the database as applicable.

### Site Monitor Procedures

1. Receive construction site work schedule from Labor Compliance Officer.

2. Check in with site administrative office/site superintendent

3. Utilizing the Labor Compliance Site Visitation Interview form, conduct interviews with workers.

4. Note on your form any infractions you may observe while conducting the interview.

5. Return interview form to the Labor Compliance Officer.

6. Report any infractions you observed to the Labor Compliance Officer.

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# SECTION VI

# FORMS

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# LABOR COMPLIANCE PROGRAM

# PREVAILING WAGE HANDOUT

# PREVAILING WAGE CONTRACTOR HANDOUT

## THE PUBLIC WORKS REQUIREMENTS ARE:

(A) the appropriate number of apprentices are on the job site, as set forth in Labor Code Section 1777.5.
(B) worker's compensation coverage, as set forth in Labor Code Sections 1860 and 1861.
(C) keep accurate records of the work performed on the public works project, as set forth in Labor Code Section 1812.
(D) inspection of payroll records pursuant to Labor Code Section 1776, and as set forth in 8 CCR Section 16400(e).
(E) other requirements imposed by law.

(5) Withhold monies. See Labor Code Section 1727.
(6) Ensure that public works projects are not split or separated into smaller work orders or projects for the purpose of evading the applicable provisions of Labor Code Section 1771.
(7) Deny the right to bid on public work contracts to contractors or subcontractors who have violated public work laws, as set forth in Labor Code Section 1777.7.
(8) Not permit workers on public works to work more than eight hours a day or 40 hours in any one calendar week, unless compensated at not less than time and a half as set forth in Labor Code Section 1815.

Exception: If the prevailing wage determination requires a higher rate of pay for overtime work than is required under Labor Code Section 1815, then that higher overtime rate must be paid [,as specified in 16200(a)(3)(F).]

(9) Not take or receive any portion of the workers' wages or accept a fee in connection with a public works project, as set forth in Labor Code Sections 1778 and 1779.
(10) Comply with those requirements as specified in Labor Code Sections 1776(g), 1777.5, 1810, 1813, and 1860.

## THE CONTRACTOR AND SUBCONTRACTOR SHALL:

(1) Pay not less than the prevailing wage to all workers, as defined in CCR's section 16000(a), and as set forth in Labor Code Sections 1771 and 1774;
(2) Comply with the provisions of Labor Code Sections 1773.5, 1775, and 1777.5 regarding public works job sites;
(3) Provide workers' compensation coverage as set forth in Labor Code Section 1861;
(4) Comply with Labor Code Sections 1778 and 1779 regarding receiving a portion of wages or acceptance of a fee;
(5) Maintain and make available for inspection payroll records, as set forth in Labor Code Section 1776;
(6) Pay workers overtime pay, as set forth in Labor Code Section 1815 or as provided in the collective bargaining agreement adopted by the Director as set forth in 8 CCR Section 16200(a)(3); and
(7) Comply with Section 16101 of these regulations regarding discrimination.
(8) Be subject to provisions of Labor Code Section 1777.7 which specifies the penalties imposed on a contractor who willfully fails to comply with provisions of Section 1777.5.
(9) Comply with those requirements as specified in Labor Code Sections 1810 and 1813.
(10) Comply with other requirements imposed by law.

# PREVAILING WAGE CONTRACTOR HANDOUT

## APPRENTICE TRAINING

SEE LABOR CODE SECTION 1777.5 (e)

(1) Prior to commencing work on a contract for public works, every contractor shall submit contract award information to an applicable apprenticeship program **that can supply apprentices to the site of the public work**. The information submitted shall include an estimate of journeyman hours to be performed under the contract, the number of apprentices proposed to be employed, and the approximate dates the apprentices would be employed. A copy of this information shall also be submitted to the awarding body if requested by the awarding body.

Within 60 days after concluding work on the contract, each contractor and subcontractor shall submit to the awarding body, if requested, and to the apprenticeship program a verified statement of the journeyman and apprentice hours performed on the contract. The information under this subdivision shall be public. The apprenticeship programs shall retain this information for 12 months.

## APPRENTICE TRAINING CONTRIBUTION REQUIREMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 4,
16200(G***)*** **Wage rates, training contributions and apprenticeship contributions.**

Apprenticeship rates shall be determined by the Director of Industrial Relations using apprentice wage standards set forth in the collective bargaining agreement and/or approved by the California Apprenticeship Council. A contractor or subcontractor on a public works contract must pay training fund contributions or apprenticeship contributions in one of the following manners:

1. into the appropriate craft apprenticeship program in the area of the site of the public work; or
2. (if the trust fund is unable to accept such contributions) an equivalent amount shall be paid to the California Apprenticeship Council (CAC) administered by DAS.
3. If neither of the above will accept the funds, cash pay shall be as provided for in CCR's section 16200(a)(3)(I).

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 10, SECTION 230.2 §230.2. **Payment of Apprenticeship Training Contributions to the Council.**

(a) Contractors who are neither required nor wish to make apprenticeship training contributions to the applicable local training trust fund shall make their training contributions to the Council. Contractors may refer to the Director of the Department of Industrial Relations applicable prevailing wage determination for the amount owed for each hour of work performed by journeymen and apprentices in each apprenticeable occupation.

(b) Training contributions to the Council are due and payable on the 15th day of each month for work performed during the preceding month.

(c) Training contributions to the Council shall be paid by check and shall be accompanied by a completed CAC-2 Form, Training Fund Contributions, (Rev. 10/91), or the following information:

(1) The name, address, and telephone number of the contractor making the contribution.
(2) The contractor's license number.
(3) The name and address of the public agency that awarded the contract.

(4) The jobsite location, including the county where the work was performed.
(5) The contract or project number.
(6) The time period covered by the enclosed contributions.
(7) The contribution rate and total hours worked by apprenticeable occupation.

## CERTIFYING PERSON

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP 3, ARTICLE 1,16000 DEFINITIONS.
A person with the authority to affirm under penalty of perjury that the records provided, depict truly, fully and correctly the type of work performed, the hours worked, days worked and amounts paid.

## CHANGES TO PREVAILING RATE AFTER AWARD

SEE LABOR CODE SECTION: 1773.6
**No effect once the contract notice to bidders is published.**
1773.6. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall make such change available to the awarding body and his determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published. *Exceptions; classifications marked as double asterisks.*

## CREDITS, FOR FRINGE BENEFIT PAYMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP3, ARTICLE 4,
16200( i ) Credit Available For Actual Payment of Fringe Benefit Costs up to the Prevailing Amount. The contractor obligated to pay the full prevailing rate of per diem wages may take credit for amounts up to the total of all fringe benefit amounts listed as prevailing in the appropriate wage determination. This credit may be taken only as to amounts which are actual payments under Employer Payments Section 16000(1)-(3). In the event the total of Employer Payments by a contractor for the fringe benefits listed as prevailing is less than the aggregate amount set out as prevailing in the wage determination, the contractor must pay the difference directly to the employee. No amount of credit for payments over the aggregate amount of employer payments shall be taken nor shall any credit decrease the amount of direct payment of hourly wages of those amounts found to be prevailing for straight time or overtime wages.
**And memo from the division of industrial relations dated 11-15-90.**

***THE RULE:***

The contractor can pay amounts for individual benefits different than the state shows in the wage reports so long as it is not more than the total amount permitted for all benefits. Any contractor paid amount less than the total benefit requirements listed in the state wage reports must be paid to the employee.

## EMPLOYEE'S SUBJECT TO PREVAILING WAGES

SEE LABOR CODE SECTION 1771, 1772 & 1776 AND SEE
1771. Except for public works projects of one thousand dollars ($1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to **all** workers employed on public works.

# PREVAILING WAGE CONTRACTOR HANDOUT

1772. Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work.
1776. (a) Each contractor and subcontractor shall keep an accurate payroll record, showing the name, address, social security number, work classification, and straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with the public work.

## EMPLOYER PAYMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000 DIFINITIONS

(1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program for the benefit of employees, their families and dependents, or retirees;

(2) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to employees, their families and dependents or to retirees pursuant to an enforceable commitment or agreement to carry out a financially responsible plan or program which was communicated in writing to the workers affected; and

(3) The rate of contribution irrevocably made by the contractor or subcontractor for apprenticeship or other training programs authorized by Section 3071 and/or 3093 of the Labor Code.

## FRINGE BENEFIT PAYMENT REQUIREMENTS

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, GROUP 3, ARTICLE 1, 16000 DEFINITIONS
All fringe benefits must be irrevocably paid to an authorized fund or to the employee.
No unpaid amounts are allowed.

## FRINGE BENEFITS INCLUDE

CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS

3) The prevailing rate of employer payments for any or all programs or benefits for employees, their families and dependents, and retirees which are of the types enumerated below:

(A) medical and hospital care, prescription drugs, dental care, vision care, diagnostic services, and other health and welfare benefits;

(B) retirement plan benefits;

(C) vacations and holidays with pay, or cash payments in lieu thereof;

(D) compensation for injuries or illnesses resulting from occupational activity;

(E) life, accidental death and dismemberment, and disability or sickness and accident insurance;

(F) supplemental unemployment benefits;

(G) thrift, security savings, supplemental trust, and beneficial trust funds otherwise designated, provided all of the money except that used for reasonable administrative expenses is returned to the employees;

(H) occupational health and safety research, safety training, monitoring job hazards, and the like, as specified in the applicable collective bargaining agreement;

(I) See definition of "Employer Payments," (3).

(J) other bonafide benefits for employees, their families and dependents, or retirees as the Director may determine; and

(4) travel time and subsistence pay as provided for in Labor Code Section 1773.8.

# PREVAILING WAGE CONTRACTOR HANDOUT

## FRINGE BENEFITS DO NOT INCLUDE

CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS

(b) The term "general prevailing rate of per diem wages" **does not include any employer payments for:**

(1) Job related expenses other than travel time and subsistence pay;

(2) Contract administration, operation of hiring halls, grievance processing, or similar purposes except for those amounts specifically earmarked and actually used for administration of those types of employee or retiree benefit plans enumerated above;

(3) Union, organizational, professional or other dues except as they may be included in and withheld from the basic taxable hourly wage rate;

(4) Industry or trade promotion;

(5) Political contributions or activities;

(6) Any benefit for employees, their families and dependents, or retirees including any benefit enumerated above where the contractor or subcontractor is required by Federal, State, or local law to provide such benefit; or

(7) Such other payments as the Director may determine to exclude. Interested Party. When used with reference to a particular prevailing wage determination made by the Director, includes:

## PAYROLL RECORDS INCLUDE

CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 1, SECTION 16000. DEFINITIONS

All time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project.

## PERSONS REQUIRED TO RECEIVE PREVAILING WAGES

SEE LABOR CODE SECTIONS:

1771**……**, <u>shall be paid to all workers employed on public works.</u>

1774. The contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract.

## WITHHOLDING PAYMENTS, JUSTIFICATION

SEE LABOR CODE SECTION: 1727 & 1771.5(b),(5)

SEE CALIFORNIA CODE OF REGULATIONS: TITLE 8, ARTICLE 5, SECTION 16435

(a) "Withhold" means to cease payments by the awarding body, or others who pay on its behalf, or agents, to the general contractor. Where the violation is by a subcontractor, the general contractor shall be notified of the nature of the violation and reference made to its rights under Labor Code Section 1729.

(b) "Contracts." Except as otherwise provided by agreement, only contracts under a single master contract, or contracts entered into as stages of a single project, may be the subject of withholding.

(c) "Delinquent payroll records" means those not submitted on the date set in the contract.

(d) "Inadequate payroll records" are any one of the following:

(1) A record lacking the information required by Labor Code Section 1776;

(2) A record which contains the required information but not certified, or certified by someone not an agent of the contractor or subcontractor;

(3) A record remaining uncorrected for one payroll period, after the awarding body has given the contractor notice of inaccuracies detected by audit or record review. Provided, however, that

prompt correction will stop any duty to withhold if such inaccuracies do not amount to 1 percent of the entire Certified Weekly Payroll in dollar value and do not affect more than half the persons listed as workers employed on that Certified Weekly Payroll, as defined in Labor Code Section 1776 and Title 8 CCR Section 16401.

**QUESTIONS? CALL:**

**Paul Newkirk @ 559-733-0440, ext 3442**

**Jan Alexander @ (559) 733-0440, ext. 3041**

## CALIFORNIA CODE OF REGULATIONS

Suggested checklist of Labor law requirements to review at pre-job conference. Section 16430 (a) (2). The federal and state labor law requirements applicable to the contract are composed of but not limited to the following items.

**Project:** _____

(1) The contractor's duty to pay prevailing wages under Labor Code Section 1770 et seq., should the project exceed the exemption amounts;

(2) The contractor's duty to employ registered apprentices on the public works project under Labor Code Section 1777.5;

(3) The penalties for failure to pay prevailing wages (for non-exempt project and employ apprentices including forfeitures and debarment under Labor Code Sections 1775 and 1777.7;

4) The requirement to keep and submit copies upon request of certified payroll records under Labor Code Section 1776, and penalties for failure to do so under Labor Code Section 1776(g);

(5) The prohibition against employment discrimination under Labor Code Sections 1735 and 1777.6; the Government Code, and Title VII of the Civil Rights Act of 1964;

(6) The prohibition against accepting or extracting kickbacks from employee wages under Labor Code Section 1778;

(7) The prohibition against accepting fees for registering any person for public work under Labor Code Section 1779; or for filing work orders on public works under Labor Code Section 1780;

8) The requirement to list all subcontractors under Public Contract Code Section 4100 et seq.;

(9) The requirement to be properly licensed and to require all subcontractors to be properly licensed and the penalty for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractors License Law, found at Business and Professions Code Section 7000 et seq.;

(10) The prohibition against unfair competition under Business and Professions Code Section 17200-17208;

(11) The requirement that the contractor be properly insured for Workers Compensation under Labor Code Section 1861;

(12) The requirement that the contractor abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project;

(13) The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers.

(14) The requirement to provide itemized wage statements to employees under Labor Code Section 226.

**Certification:**

I acknowledge that I have been informed and am aware of the foregoing requirements and that I am authorized to make this certification on behalf of _____.
Name of Subcontractor

_____ _____
Date Name of Person Signing and Company

**QUAD KNOPF, INC.**

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
28 CIVIC CENTER PLAZA, ROOM 525
SANTA ANA, CA 92701

TO ALL PUBLIC WORKS CONTRACTORS

Congratulations on having been awarded a public works project.

The Division of Apprenticeship Standards wishes to bring to your attention your responsibilities under California Labor Code Section 1777.5 Apprentices on Public Works. (Excerpts from California Labor Code relating to apprentices on public works. DAS-10 is attached).

Compliance with California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

- Submit contract award information within 10 days of contract award, to the applicable Joint Apprenticeship Committee, which shall include an estimate of Journeymen hours to be performed under the contract, the number of apprentices to be employed, and the approximate dates the apprentices will be employed. This information may be submitted on the attached form. DAS 140.

- Employ apprentices on the public work in a ratio to journeymen of no less than one hour of apprentices work for every five hours of labor performed by a journeyman.

- Pay the apprentice rate on public works projects only to those apprentices who are registered as defined in Labor Code Section 3077.

- Contribute to the training fund in the amount identified in the Prevailing Wage Rate publication for journeymen and apprentices. Contractors who choose not to contribute to the local training trust fund must make their contribution to the California Apprenticeship Council (CAC) at P.O. Box 420603, San Francisco, CA 94142.

- Training fund contributions to the CAC are due and payable on the 15th day of each month for work performed during the preceding month.

- Training fund contributions to the CAC shall be paid by check and shall be accompanied by a completed form CAC-2 (attached).

Failure to comply with the provisions of the Labor Code Section 1777.5 may result in the loss of the right to bid on all public works projects for a period of one to three years and the imposition of a civil penalty of $100.00 for each calendar day of noncompliance. Contractors should provide a copy of this material to each subcontractor.

If the Division of Apprenticeship Standards can be of assistance to you, please contact our office at (714) 558-4126.

This form should be sent to the Apprenticeship Committee of the craft or trade in area of the site of the public work. If you have any questions as to the address of the appropriate Apprenticeship Committee, contact the nearest office of the Division of Apprenticeship Standards (DAS). Consult your telephone directory under California, State of, Industrial Relations, for the DAS office in your area. *Do not send this form to the Division of Apprenticeship Standards*.

# PUBLIC WORKS CONTRACT AWARD INFORMATION

| | |
|---|---|
| Name of Contractor: | Contractor's State License No.: |
| Contractor's Mailing Address -- Number & Street, City, Zip Code: | Area Code & Telephone No.: |
| Name & Location of Public Works Project: | Date of Contract Award: |
| | Date of Expected or Actual Start of Project: |
| Name & Address of Public Agency Awarding Contract | Estimated Number of Journeymen Hours: |

**APPRENTICES**

| Occupation of Apprentice | Number To Be Employed | Approximate Dates To Be Employed |
|---|---|---|
| | | |

*Check One Of The Boxes Below*

Please Note: Your election of options is not to be deemed a request for the immediate dispatch of apprentices. Contractors must make a separate request for actual dispatch.

Box 1 ☐ We will request dispatch of apprentice(s) for this job in accordance with Section 230.1 (A), California Code of Regulations. We voluntarily choose to comply with the applicable Apprenticeship Committee Standards for the duration of this job only, with regard to training apprentices and to the payment of training contributions.

Box 2 ☐ We will request dispatch of apprentice(s) for this job in accordance with Section 230.1 (A), California Code of Regulations, but do not agree to be bound by the applicable Apprenticeship Committee Standards in training the apprentices; instead, we agree to employ and train apprentice(s) in accordance with the California Apprenticeship Council regulations, including section 230.1 of the California Code of Regulations, governing employment of apprentices on public work projects.

Box 3 ☐ We are already approved to train apprentices by the applicable Apprenticeship Committee and we will employ and train under the Standards. We will request dispatch of apprentices for this job in accordance with Section 230.1 (A), California Code of Regulations.

Box 4 ☐ We will not request the dispatch of apprentice(s) since apprentices are not required on this job under the provisions of California Labor Code Section 1777.5, because:

_____

_____

Signature: _____

Typed Name _____

Title: _____ Date: _____

State of California
Department of Industrial Relations
P.O. Bo 420603
San Francisco, CA 94142

Please use a separate form for each jobsite, listing the occupations for the jobsite. One check, payable to the California Apprenticeship Council, may be submitted for all jobsites and/or occupations. Training fund contributions are not accepted by the California Apprentice Council for federal public works projects, or for non-apprenticable occupations such as laborers, utility technicians, teamsters, etc.

# TRAINING FUND CONTRIBUTIONS

## California Apprenticeship Council

| Name and Address of Contractor/Subcontractor making Contribution | Contractor's License Number |
|---|---|
| | Contract or Project Number |
| Name and Address of Public Agency Awarding Contract | Jobsite Location (Including County) |
| | Period Covered by Contribution |

| Classification(s) or Workers (Carpenter, Plumber, Electrician, Etc.) | Hours | Cont. Rate per Hour | Amount |
|---|---|---|---|
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| Signature | Date |
|---|---|
| Title | Area Code & Telephone Number |

# CONTRACTOR FRINGE BENEFIT STATEMENT

| Contract Number / Name: | Contract Location: | Today's Date: |
|---|---|---|
| | | |

| Contractor / Subcontractor Name: | Business Address: |
|---|---|
| | |

In order that the proper Fringe Benefit rates can be verified when checking payrolls on the above contract, the hourly rates for fringe benefits, subsistence and/or travel allowance payment made for employees on the various classes of work are tabulated below.

| Classification: | Effective Date: | Subsistence or Travel Pay: $ _____ |
|---|---|---|

| FRINGE BENEFITS | | |
|---|---|---|
| Health & Welfare $ _____ | PAID TO: Name: _____ Address: _____ | |
| Pension $ _____ | PAID TO: Name: _____ Address: _____ | |
| Vacation/ Holiday $ _____ | PAID TO: Name: _____ Address: _____ | |
| Training and/or Other $ _____ | PAID TO: Name: _____ Address: _____ | |

| Classification: | Effective Date: | Subsistence or Travel Pay: $ _____ |
|---|---|---|

| FRINGE BENEFITS | | |
|---|---|---|
| Health & Welfare $ _____ | PAID TO: Name: _____ Address: _____ | |
| Pension $ _____ | PAID TO: Name: _____ Address: _____ | |
| Vacation/ Holiday $ _____ | PAID TO: Name: _____ Address: _____ | |
| Training And/or Other $ _____ | PAID TO: Name: _____ Address: _____ | |

| Classification: | Effective Date: | Subsistence or Travel Pay: $ _____ |
|---|---|---|

| FRINGE BENEFITS | | |
|---|---|---|
| Health & Welfare $ _____ | PAID TO: Name: _____ Address: _____ | |
| Pension $ _____ | PAID TO: Name: _____ Address: _____ | |
| Vacation/ Holiday $ _____ | PAID TO: Name: _____ Address: _____ | |
| Training And/or Other $ _____ | PAID TO: Name: _____ Address: _____ | |

Supplemental statements must be submitted during the progress of work should a change in rate of any of the classifications be made.

| Submitted: Contractor / Subcontractor | By: Name / Title |
|---|---|
| | |

# Monthly Employment Utilization Report

| Current Goals | Reporting Period | Name and Location of Contractor | Employers I.D. No. |
|---|---|---|---|
| Minority 24% | From 06-01-00 | ABC Construction Company<br>232 Cass Street<<br>Small Town, Ca 92123 | Small Elementary School<br>115 31 Street<br>Small Town, Ca 92102 | 90-2111100 |
| Female 6.9% | To 06-30-00 | | |

| CONSTRUCTION TRADE | Classifications | Total All Employees By Trade | | Black (Not of Hispanic Origin) | | Hispanic | | Asian or Pacific Islander | | American Indian or Alaskan Native | | Minority Percentage | Female Percentage | Total Number of Employees | | Total Number of Minority Employees | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | M | F | M | F | M | F | M | F | M | F | | | M | F | M | F |
| Plumbers | Journey Worker | 1500 | 200 | 140 | | 60 | | | | 100 | | | | 8 | 2 | 3 | |
| | Apprentice | 120 | | | | | | 120 | | | | | | 1 | | 1 | |
| | Trainee | | 60 | | | | | | | | | 22% | 13% | | 1 | | |
| Laborers | Journey Worker | 3270 | 600 | | 100 | | | 240 | | 120 | | | | 25 | 5 | 3 | 1 |
| | Apprentice | 735 | | | | | | | | | | | | 5 | | | |
| | Trainee | 160 | | | | | | | | | | 9% | 12% | 2 | | | |
| Carpenters | Journey Worker | 1625 | 240 | 125 | | | | 100 | | | | | | 12 | 2 | 2 | |
| | Apprentice | 200 | | 100 | | | | | | | | | | 2 | | 1 | |
| | Trainee | | | | | | | | | | | 15% | 11% | | | | |
| Electricians | Journey Worker | 810 | 120 | | | | | | | | | | | 6 | 1 | | |
| | Apprentice | | | | | | | | | | | | | | | | |
| | Trainee | 60 | | | | 60 | | | | | | 6% | 12% | 1 | | 1 | |
| Masons | Journey Worker | 540 | | | | | | | | | | | | 4 | | | |
| | Apprentice | | | | | | | | | | | | | | | | |
| | Trainee | 80 | | | | | | | | | | 0% | 0% | 1 | | | |
| Total Journey Workers | | 7745 | 1160 | 265 | 100 | 60 | | 340 | | 220 | | | | 55 | 10 | 8 | 1 |
| Total Apprentices | | 1055 | | 100 | | | | 120 | | | | | | 8 | | 2 | |
| | Total Trainees | 300 | 60 | | | 60 | | | | | | 12% | 11% | 3 | 2 | 1 | |
| | Grand Total | 10320 | | 465 | | 120 | | 460 | | 220 | | | | 78 | | 12 | |

SAMPLE

| Company Official's Signature and Title | Telephone Number Include area code | Date Signed | Page |
|---|---|---|---|
| C. T. Smith<br>Controller | (619) 292-0000 | 6-30-00 | 1 of 1 |

California Department of Industrial Relations

(Reduced by The Clients)

# PUBLIC WORKS PAYROLL REPORTING FORM

Page of

| NAME OF CONTRACTOR OR SUB CONTRACTOR | CONTRACTORS LICENSE # SPECIALTY LICENSE # | ADDRESS |
|---|---|---|
| PAYROLL NO. FOR WEEK ENDING | SELF-INSURED CERTIFICATE # WORKERS' COMPENSATION POLICY # | PROJECT OR CONTRACT NO. PROJECT AND LOCATION |

| (1) NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF EMPLOYEE | (2) NO. OF WITH-HOLDING EXEMPTIONS | (3) WORK CLASSIFICATION | | (4) Day M | T | W | TH | F | S | S | (5) TOTAL HOURS | (6) HOURLY RATE OF PAY | (7) GROSS AMOUNT EARNED | | (8) DEDUCTIONS, CONTRIBUTIONS AND PAYMENTS | | | | | | | (9) NET WGS PAID FOR WEEK | (9) CHECK NO. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Date | | | | | | | | | | | | | | | | | | | |
| | | | | Hours Worked Each Day | | | | | | | | | | | | | | | | | | | |
| | | | S | | | | | | | | | | THIS PROJECT | ALL PROJECTS | FED TAX | FICA (SOC SEC) | STATE TAX | SDI | VAC/ HOL | HEALTH & WELF | PENSION | | |
| | | | O | | | | | | | | | | | | TRANING | FUND ADMIN | DUES | TRV/ SUBS | SAVINGS | OTHER* | TOTAL DED-UCTIONS | | |
| | | | S | | | | | | | | | | THIS PROJECT | ALL PROJECTS | FED TAX | FICA (SOC SEC) | STATE TAX | SDI | VAC/ HOL | HEALTH & WELF | PENSION | | |
| | | | O | | | | | | | | | | | | TRANING | FUND ADMIN | DUES | TRV/ SUBS | SAVINGS | OTHER* | TOTAL DED-UCTIONS | | |
| | | | S | | | | | | | | | | THIS PROJECT | ALL PROJECTS | FED TAX | FICA (SOC SEC) | STATE TAX | SDI | VAC/ HOL | HEALTH & WELF | PENSION | | |
| | | | O | | | | | | | | | | | | TRANING | FUND ADMIN | DUES | TRV/ SUBS | SAVINGS | OTHER* | TOTAL DED-UCTIONS | | |
| | | | S | | | | | | | | | | THIS PROJECT | ALL PROJECTS | FED TAX | FICA (SOC SEC) | STATE TAX | SDI | VAC/ HOL | HEALTH & WELF | PENSION | | |
| | | | O | | | | | | | | | | | | TRANING | FUND ADMIN | DUES | TRV/ SUBS | SAVINGS | OTHER* | TOTAL DED-UCTIONS | | |

Form A 1-131 (New 2-80)
(form has been reduced to fit page)

S = Straight Time
O = Overtime
SDI = State Disability Insurance

*OTHER - Any other deductions, contributions and/or payment whether or not included or required by prevailing wage determinations must be separately listed. Use extra sheet if necessary

CERTIFICATION must be completed

I, _____, the undersigned, am _____ ~~with the authority~~ to act for and on behalf of _____,
(Name - Print) (position with business) (name of business and/or contractor)
certify under penalty of perjury that the records or copies thereof submitted and consisting of _____ ~~are the orig~~inals or true, full and correct copies of the originals which depict the payroll
(description, no. of pages)
record(s) of the actual disbursements by way of cash, check,or whatever form to the individual or individuals named.

Date: _____ Signature: _____

A public entity may require a more strict and/or more extensive form of certification.

GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF INDUSTRIAL RELATIONS
PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS 1770, 1773 AND 1773.1
FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING PROJECTS

**CRAFT: # CARPENTER**

**DETERMINATION**: SD-23-31-4-2000-1

**ISSUE DATE:** February 22, 2000

**EXPIRATION DATE OF DETERMINATION:** June 30, 2000** The rate to be paid for work performed after this date has been determined. If work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Division of Labor Statistics and Research for specific rates at (415) 703-4774.

**LOCALITY**: All localities within Contra Costa County

| CLASSIFICATION (JOURNEYPERSON) and | Basic Hourly Rate | Employer Payments: Health and Welfare | Pension | Vacation/ Holiday | Training | Straight-Time: Hours | Total Hourly Rate | Overtime Hourly Rate: Daily 1 1/2X | Saturday a 1 1/2X | Sunday Holiday |
|---|---|---|---|---|---|---|---|---|---|---|
| **ENGINEERING CONSTRUCTION** | | | | | | | | | | |
| Carpenter (Heavy and Highway work) | $25.25 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 31.58 | 44.205 | 44.205 | 56.83 |
| Light Commercial | 20.40 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 26.73 | 36.93 | 36.93 | 47.13 |
| Bridge Carpenter (Highway work) | 25.38 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 31.71 | 44.40 | 44.40 | 57.09 |
| Millwright | 25.75 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 32.08 | 44.955 | 44.955 | 57.83 |
| Pile Driver | 25.38 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 31.71 | 44.40 | 44.40 | 57.09 |
| Diver, Wet (up to 50 ft. depth)cd | 55.76 117.85 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 62.09 | 89.97 | 89.97 | |
| Diver, Standby | 28.38 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 34.71 | 48.90 | 48.90 | 63.09 |
| Diver's Tender | 27.38 | 2.30 | 1.01 | 2.72 b | .30 | 8 | 33.71 | 47.40 | 47.40 | 61.09 |

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**DETERMINATION**: SD-23-31-4-2000-1A

**ISSUE DATE**: February 22, 2000

**EXPIRATION DATE OF DETERMINATION**: July 1, 2000** The rate to be paid for work performed after this date has been determined. If work will extend past this date,
the new rate must be paid and should be incorporated in contracts entered into now. Contact the Division of Labor Statistics and Research for specific rates at (415) 703-4774.

**LOCALITY:** All localities within Tulare County

| **BUILDING CONSTRUCTION** | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Carpenter | $23.40 | 2.30 | 1.01 | 2.17 b | .30 | 8 | 29.18 | 40.88 | 40.88 | 52.58 |
| Light Commercial | 18.72 | 2.30 | 1.01 | 2.17 b | .30 | 8 | 24.50 | 33.86 | 33.86 | 43.22 |

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**DETERMINATION**: SD-31-741-1-2000-1

**ISSUE DATE**: FEBRUARY 22, 2000

**EXPIRATION DATE OF DETERMINATION**: May 31, 2000* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the
Division of Labor Statistics and Research (415) 703-4774 for the new rates after 10 days from the expiration date, if no subsequent determination is issued.

**LOCALITY**: All localities within Tulare County

| Classification (Journeyperson) and | Basic Hourly Rate | Employer Payments: Health and Welfare | Pension | Vacation/ Holiday | Training | Straight-Time: Hours | Total Hourly Rate | Overtime Hourly Rate: Daily 1 1/2X | Saturday a 1 1/2X | Sunday Holiday |
|---|---|---|---|---|---|---|---|---|---|---|
| Terrazzo Installer | $29.55 | 2.30 | 1.01 | 1.72 b | - | 8 | 34.58 | 49.355 | 49.355 | 64.13 |
| Terrazzo Finisher | 23.05 | 2.30 | 1.01 | 1.72 b | - | 8 | 28.08 | 39.605 | 39.605 | 51.13 |

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# Indicates an apprenticeable craft. Rates for apprentices are available in the General Prevailing Wage Apprentice Schedules. a Saturday in the same workweek may be worked at straight-time rate for the first 8 hours if the employee was unable to complete the 40 hours during the normal workweek. b Includes supplemental dues. c Shall receive a minimum of 8 hours pay for any day or part thereof. d For specific rates over 50 ft. depth, contact the Division of Labor Statistics and Research.

**DESCRIPTION:**

**Engineering Construction**

Refers to construction which requires a Class A license and includes bridges, highways, dams and also power plants and other heavy industrial type projects.

**Building Construction**

Requires a Class B license and includes non-residential buildings (such as hospitals, government buildings, public schools) and commercial buildings (with the exception of industrial buildings).

**RECOGNIZED HOLIDAYS:** Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at http://www.dir.ca.gov/DLSR/PWD. Holiday provisions for current or superseded
determinations may be obtained by contacting the Prevailing Wage Unit at (415) 703-4774.

**TRAVEL AND/OR SUBSISTENCE PAYMENT:** In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. Travel and/or subsistence requirements for each craft, classification or type of worker may be obtained from the Prevailing Wage Unit at (415) 703-4774.

SAMPLE

# LABOR COMPLIANCE SITE VISITATION INTERVIEW FORM
# FORMA DE INTREVISTA DEL SITIO SOBRE CONDECENCIA LABORARIA
## Labor Compliance Officer 925/776-2073

SITE NAME:_____DATE_____
SITIO: FECHA:

PROJECT NAME:_____

CONTRACT #:_____ Interior / Exterior (circle)

CONTRACTOR:_____
CONTRANTE:

SUBCONTRACTOR:_____
SUBCONTRATANTE

Person Interviewed:_____
Nombre de Persona Entrevistada

S/S Number _____/_____/_____
Numero de Seguro Social

Position Title:_____
Possion O Titulo del Entrevistado

Task Being Performed at Time of This Interview:_____
Clase de Labor Desenpenando al Tiempo de Entrevista

Hourly Pay Rate: $_____
Salario Horario

OBSERVATIONS:

Site Inspector:_____Telephone_____

Project Superintendent:_____Telephone_____

Total number of workers observed on the visit:_____

Type of work observed:_____

Type of workers observed: _____

Was the worker believable? Yes No

Did the superintendent or foreman accompany you on the site? Yes No

Explain additional information received from the worker:_____
_____
_____

Interview Conducted by:_____

# SITE VISITATION LOG

| SITE | VISIT DATE | PRIME CONTRACTOR | SUB CONTRACTOR | EMPLOYEE NAME | SOCIAL SECURITY # | POSITION TITLE | TASK PERFORMED AT INTERVIEW | PAY RATE | COMPLIANT / NON COMPLIANT | LABOR COMPLIANCE OFFICE COMMENTS |
|---|---|---|---|---|---|---|---|---|---|---|
| Hoover | 9/1/99 | Baker | Mills | John Doe | 111-11-1111 | Plumber | Repairing Plumbing | $34.19 | Compliant | Certified Payroll Records check out |
| Hoover | 9/1/00 | Baker | Mills | Mark Baker | 222-22-2222 | Laborer | Painting | $10.40 | Non | Certified Payroll does not check out with interview |
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Quad Knopf

July 27, 2000 Certified Mail

Jane Doe
ACME Flooring
8320 Camino Santa Fe
Tulare, CA 92121

**Sample**
**Post Award Letter**

Dear Ms. Doe:

The (Insert Awarding Body) has awarded your firm a contract requiring your compliance with Part 7, chapter 1 of the California Labor Code. This will require the payment of prevailing wages to all workers employed on the project and the reporting of the weekly payroll to Quad Knopf's Labor Compliance Officer.

The Labor Code requires, prior to the start of work that a person qualified to sign and certify for your firm attend a review with the awarding body of the Labor Code prevailing wage laws.

The Labor Compliance Officer goal is to provide the necessary information, assistance, forms and procedures to allow your project to move forward on schedule and in compliance with the State's Labor Code.

Please call the Quad Knopf's Labor Compliance Officer at (559) 733-0440 to set an appointment and receive the necessary forms prior to the start of your project.

Respectfully,

Joe Smith
Labor Compliance Officer

Quad Knopf

**Sample**
**1st Request for**
**Certified Payroll Reports**

DATE

ATTENTION
COMPANY NAME
ADDRESS
CITY, STATE, ZIP

Re: PROJECT NAME- Labor Compliance Program

Dear _____:

The City of _____ Labor Compliance Officer is formally requesting copies of Certified Payroll Records. We are requesting the records for the work period beginning ___ through _____ for your firm and all subcontractors.

This request is made pursuant to, and authorized by, California State Labor Code Section 1776 (b) (2) and Section 1776 (g) (3) and the contract general conditions requiring weekly employee payments and weekly certified payroll submittals.

Labor Code Section 1776 (b) (2) states: "A certified copy of all payroll records enumerated in subdivision (a) shall be made available for inspection or furnished upon request to a representative of the body awarding the contract, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards of the Department of Industrial Relations."

Labor Code 1776 (g) (3) states: "The contractor shall have 10 days in which to comply subsequent to receipt of written notice specifying in what respects the contractor must comply with this section. In the event that the contractor fails to comply within the 10-day period, he or she shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit twenty-five dollars ($25) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated."

Please forward the requested weekly Certified Payroll Records on the City of _____ and state approved forms previously provided to: Quad Knopf, Inc., Labor Compliance Officer. If you have any questions, contact me at (559) 733-0440.

Sincerely,

Joe Smith
Labor Compliance Officer

**Prime Contractor:**
**Project:**

Original Request: _____ This Request: _____
Date Date

1. **Monthly Utilization Forms must be provided for:**

2. **Apprenticeship Training Agreement (similar to Form DAS 1) must be provided for:**

3. **Apprenticeship Training Agreement (similar to Form DAS 7) must be provided for:**

4. **Training Fund Contributions (Form CAC 2 or equivalent) must be provided for:**

5. **Public Works Contract Award Information (Form DAS 140) with the name, address and phone number of the training program notified by all project contractors must be provided for:**

6. **Fringe Benefits Statements must be provided for:**

7. **Signed certified Payroll report or statement of Non-Performance with <u>original signatures</u> must be provided for:**

   contractors are responsible for submittal of their payrolls and those of their respective subcontractors as one package, which must be in Quad Knopf's Labor Compliance Officer **<u>within one week of each weekly paycheck</u>**. In the event there has been no work performed during a given week, the certified payroll record shall be annotated with the words "No Work" for that week.

   •

8. **To determine the required hours for apprentices on this project we will need the contractor to identify all sub-contractors who will perform work in involving less than $30,000 or who will be on the project less than 20 calendar days or both.**

9. **Either the Public Works Payroll Reporting Form (Form A-1-131) or similar form.**

# Sample
# Missing Document List

Attachment 2 **ACME PROJECT**

PRIME CONTRACTOR: **ACME ROOFING CO., INC**

Original Issue date: 00-00-0000 Latest Issue: 00-00-0000

| REPORTING CONTRACTOR :**COMMERCIAL AND INDUSTRIAL ROOFING CO.,INC** | | | | | | | | **Quad Knopf, Inc** | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **CONTRACTOR PROVIDED INFORMATION** | | | | | | | | **Quad Knopf Comments** | | |
| **Employee Name & Social Security Number** | **Work Classification** | **Week Ending** | **Rate Paid** | **Fringes Paid** | **Gross Per Hour** | **Hours Worked** | **Gross Amount Paid** | **Prevailing Wage Rate** | **Amount they should have been paid** | **Difference** |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | $0.00 | | $0.00 | | $0.00 | $0.00 |
| | | | | | | | Total Contractor Difference: | | | **$0.00** |

Total Project Difference $0.00

Quad Knopf

**Sample**

**Certified Payroll Correction Letter**

Date

COMPANY NAME
ADDRESS
CITY, STATE, ZIP
PHONE /FAX

Re: PROJECT NAME- Labor Compliance Program

Dear :

After reviewing the contract documents and files for the PROJECT NAME, the only issues that stand out are:

1. Items to be corrected
2. Items to be corrected

If there are any other particular items of concern or if you have any questions, please let me know so we can discuss them. My phone number is (559)733-0440 ext 3230.

Respectfully,

John Doe
Labor Compliance Officer

cc: Client
Project Manager

Project Number
XX/xxx

**QUAD KNOPF, INC.**

# Report of Action for Prevailing Wage Violations

Name of Project:_____

Contract Number:_____ First Advertised Date:_____

County Where Work Is Performed:_____

Date Notice of Completion Filed:_____

Date of Project Acceptance or Current Percent Complete:_____

Name and Address of Prime Contractor:

_____

_____

_____

Project's Scope of Work:_____

_____

Contractors in Violation of the Labor Code and their Scope of Work:_____

_____

Statement of the Issues Identified to the Contractor:_____

_____

_____

Summary of the Audit Investigation:

CPR Spread Sheets
Labor Code Sections Violated:

Summary of Penalty Assessment Justification:_____

_____

_____

Identify Labor Code 1775 and 1813 Penalties Requested with Calculated Totals:

_____

Is the Violation Due to Mistake, Inadvertence or is it a Willful Failure to Pay the Correct Wages:

_____

Previous Record in Meeting Prevailing Wage Obligations:_____

_____

Identify and Provide All Correspondence:_____

Identify and Provide Any Contractor Response:_____

Recommend Penalty Assessment:_____

# Appendix C

## North Kern WSD Drought Relief Project IS/MND

North Kern Water Storage District

# Drought Relief Project

## Initial Study/Mitigated Negative Declaration

**Kern County, California**
**March 2015**

Prepared for:

North Kern Water Storage District
Kern County, California

Prepared by:

Provost & Pritchard Consulting Group
Bakersfield, California

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**Report Prepared for:**

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(661) 393-2696

**Report Prepared by:**

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Mallory Serrao, Project Administrator

Angie Hammon, Project Administrator

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# 1 Introduction

The North Kern Water Storage District (NKWSD or District) has prepared this proposed Initial Study/Mitigated Negative Declaration (IS/MND) to address the potential environmental impacts resulting from the implementation of the NKWSD Drought Relief Project (Proposed Project). This IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et.seq. and California Code of Regulations (CCR) Title 14 (Chapter 3, Section 15000 et seq.), known as the CEQA Guidelines. The NKWSD is the lead agency under CEQA for this Proposed Project.

The Proposed Project would construct and operate an underground pipeline along with associated infrastructure (including inlets, valves, flowmeters, monitoring stations, and sample ports), which would connect to the California Resources Production Corporation (CRC) pipeline in order to accept and convey treated produced water from the existing Kern Front Water Plant to delivery points in the District, e.g., the Rosedale Spreading Ponds and Lerdo Canal, for NKWSD's beneficial uses including irrigation and groundwater recharge. The Proposed Project pipeline and associated infrastructure being proposed for construction by NKWSD would total approximately 2.5 miles in length. The Proposed Project includes the conveyance of water into the Lerdo Canal through CRC's existing pipeline at a point just north of the Cawelo Pump Station B (as described in Chapter 2, *Project Description*).

All of the proposed construction and operational activities associated with the implementation of the Proposed Project are analyzed in this IS/MND pursuant to CEQA.

## 1.1 CEQA Statutory Information

In accordance with the CEQA Guidelines, an Initial Study (IS) is a document prepared by a lead agency to determine if a project may have a significant effect on the environment. Section 15063(b)(1) states that an Environmental Impact Report (EIR) must be prepared if there is substantial evidence that any aspect of the proposed project either individually or cumulatively, may cause a significant effect on the environment. Subsequently, CEQA Guidelines Section 15070 states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b. The IS identified potentially significant effects, but:

    1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

### 1.1.1 Document Format

This IS/MND contains five chapters, and three technical appendices:

Chapter 1: Introduction – Provides an overview of the Proposed Project and the CEQA IS/MND process.

Chapter 2: Project Description – Provides a detailed description of the Proposed Project, its objectives and components.

Chapter 3: Impact Analysis – Presents the CEQA Guidelines Appendix G Checklist and contains the environmental analysis for all impact areas, mandatory findings of significance, and mitigation measures.

In Chapter 3, the environmental impacts are separated into the following categories:

- Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- Less Than Significant After Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
- Less Than Significant Impact. This category is identified when the proposed project would result in impacts below the threshold of significance, and no mitigation measures are required.
- No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

  If the Proposed Project does not have the potential to significantly impact a given topic, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Proposed Project could have a potentially significant impact on a resource, the topic discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level.

Chapter 4: Mitigation Monitoring and Reporting Program (MMRP) – Provides the proposed mitigation measures, their implementation timeline, and the person or agency responsible for monitoring and reporting on implementation.

Chapter 5: List of Preparers – Provides a list of key personnel involved in the preparation of the IS/MND.

Finally, this IS/MND includes the following resource reports that were relied on for the impact analysis as appendices:

Appendices: Three appendices are included to support the analysis of this IS/MND -

A. Air Quality and Greenhouse Gas Emissions Evaluation Report
B. Biological Resources Evaluation Report
C. Cultural and Historical Resources Evaluation Report

# 2 Project Description

## 2.1 Project Title

North Kern Water Storage District Drought Relief Project

## 2.2 Lead Agency Name and Address

North Kern Water Storage District

33380 Cawelo Avenue

Bakersfield, CA 93308

## 2.3 Contact Person and Phone Number

### 2.3.1 Proponent

North Kern Water Storage District

Richard Diamond, General Manager

(661) 393-2696

### 2.3.2 CEQA Consultant

Provost & Pritchard Consulting Group

286 W. Cromwell Avenue

Fresno, CA 93711

Jeffrey T. Fugelsang, Project Manager

(559) 449-2700

## 2.4 Project Location

The North Kern Water Storage District Drought Relief Project ("Proposed Project") is located approximately one mile north of the City of Bakersfield, on the east and west sides of Highway 99, between the Lerdo Canal and the Calloway Canal in Kern County (see **Figure 2-1** and **Figure 2-2**). The Proposed Project is located in the following Public Land Survey System (PLSS) Township (T), Range (R), Sections, and United States Geologic Geological Survey (USGS) Topographic Quadrangles:

Table 2-1. Proposed Project Location

| Proposed Project Location | |
|---|---|
| PLSS | |
| T28S R26E S27 | in N1/2 of NE 1/4 |
| T28S R26E S26 | mostly in N 1/2 |
| T28S R26E S25 | full width E-W in middle (N/S) |
| T28S R27E S30 | SW ¼ of NW 1/4 |
| USGS Topo Quads | |
| Rosedale | Oildale |

# 2.5 Latitude and Longitude

## 2.5.1 Proposed Pipeline

- Point of connection to CRC pipeline: 35.2749701, -119.0653573
- Delivery point at Rosedale Spreading Ponds: 35.2807066, -119.0928763
- Delivery point at Lerdo Canal: 35.2818138, -119.0710567

# 2.6 General Plan Designation

The Proposed Project would be located within rights-of-way and easements which are intended to support infrastructure. As such, County and City General Plan land use designations do not apply. Land use designations of the surrounding properties include Intensive Agriculture (Kern County) and Exclusive Agriculture (City of Shafter).

# 2.7 Zoning

The Proposed Project would be located within rights-of-way and easements which are intended to support infrastructure. As such, County and City zoning regulations do not apply. Zoning of the surrounding properties include Limited Agriculture (Kern County), Exclusive Agriculture (Kern County) and Specific Plan (City of Shafter).

# 2.8 Description of Project

## 2.8.1 Background

The North Kern Water Storage District (NKWSD or District) has had discussions with the California Resources Production Corporation (CRC) about a proposed project to accept treated produced water for beneficial uses within the District, including irrigation and groundwater recharge, from CRC's existing oil operations in the Kern Front oil field. For every barrel of crude oil produced, the operator/CRC must dispose of nine barrels of produced water. Before being accepted by NKWSD under the Proposed Project, this produced water would be treated through a filtering process to remove oil, grease, and inorganic sediment.

The "Drought Relief Project", herein referred to as "Proposed Project", would provide NKWSD with water supplies additional to its base supplies (primarily from the Kern River). These additional supplies would be particularly valuable in dry years when the District receives little Kern River surface water (for example, in 2013 and 2014 the District's Kern River supplies were sufficient to meet less than 10% of its demands).

NKWSD has access to Kern River water supplies through various agreements and pre-1914 water rights and has developed facilities to manage these supplies. However, the District relies on its Kern River water supplies for more than 90% of its surface water supplies and its Kern River water supplies can be highly variable. Consequently, NKWSD is interested in acquiring additional supplies to diversify its water supply and increase reliability to its landowners.

For the period from 1980 through 2001 NKWSD accepted and managed an average of nearly 6,000 acre-feet per year (AFY) of produced water from oil field operations in the Kern River oil field into its Beardsley Canal (the Beardsley Canal becomes the "Lerdo Canal" north of 7th Standard Road; the "Beardsley/Lerdo" is the District's primary canal system providing service to approximately 55,000 acres of highly productive agricultural land). With construction of a domestic water treatment plant off of the Beardsley Canal in the mid-2000s conveyance of blended treated produced water in the Canal ceased. NKWSD has many years of experience managing treated produced water and substantial water and facility assets to manage additional treated produced water supplies in the future.

## 2.8.2 Project Objectives and Description

### 2.8.2.1 Put Produced Water to Beneficial Use

The Proposed Project would initially convey approximately 8,500 AFY of treated produced water from CRC's operations in the Kern Front oil field westerly into NKWSD's service area for beneficial uses including irrigation and groundwater recharge. Treated produced water volumes are expected to increase to approximately 20,000 AFY and then gradually decrease as oil production declines over a period of 20 years.

### 2.8.2.2 Proposed Infrastructure

The Proposed Project would construct a pipeline with associated infrastructure (including inlets, valves, flowmeters, monitoring stations, and sample ports) that would convey treated produced water from a point on the CRC pipeline approximately one mile north of Imperial Street to the Rosedale Spreading Ponds for NKWSD's beneficial use. The proposed pipeline would total approximately 2.5 miles in length and would be constructed within District easements and the following rights-of-way:

- Lerdo Canal (NKWSD)
- Highway 99 (Caltrans)
- Railroad (Union Pacific)
- Petroleum Pipeline (Kinder Morgan, Inc.)
- Verdugo Lane (City of Shafter)
- Zerker Road (City of Shafter)
- Calloway Canal (NKWSD)
- CT-1 Canal (NKWSD)

- Friant-Kern Canal (United States Bureau of Reclamation and Friant-Kern Water Authority)[1]

The Proposed Project facilities would connect to CRC's underground pipeline. The CRC pipeline route begins at the Kern Front Water Plant, located approximately two miles north of the James Road and Oilfields Road intersection, and extends west within the Imperial Street right-of-way for approximately four miles to the east side of Highway 99, turns north and then follows the Lerdo Canal until it reaches a delivery point which is located just north of Cawelo Pump Station B. The Proposed Project's point of connection is located on the east side of Highway 99, approximately one mile north of Imperial Street (see Figure 1-2). The Proposed Project also includes the delivery of produced water through CRC's existing pipeline into the Lerdo Canal at a point just north of the Cawelo Pump Station B.

#### 2.8.2.3 Delivery Point

*Lerdo Canal*

The primary proposed delivery point for treated produced water is NKWSD's Lerdo Canal east of Highway 99 and just north of the Cawelo Pump Station B. Delivery into this location would maximize the benefit of treated produced water to NKWSD in drier years because it would directly reduce the quantity of groundwater pumped to meet irrigation demands in NKWSD. Maintaining the quality of treated produced water would be particularly important in dry years since "base" canal flows available for blending would be relatively low during these periods. Furthermore, since the Lerdo Canal is the District's only way to provide water to large portions of the District, maintaining the quality of treated produced water is imperative for any deliveries of treated produced water made into the Lerdo Canal.

*Rosedale Spreading*

To maximize the quantity of produced water received by NKWSD (and thus the water supply benefits) the District is planning to construct a pipeline to convey produced water into its Rosedale Spreading facility when deliveries into the Lerdo Canal are restricted. Produced water conveyed into Rosedale Spreading would not be used directly for irrigation, but would percolate into the groundwater basin. Percolated produced water mixed with other surface water supplies being recharged in Rosedale Spreading would incrementally increase groundwater storage and water levels.

#### 2.8.2.4 Maintaining Quality of Treated Produced Water

In accordance with California Water Code Section 13260, Article 4, Waste Discharge Requirements, compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board (CVRWQCB) is required to deliver treated produced water into the Lerdo Canal through CRC's existing pipeline and the Rosedale Spreading facility. Based on NKWSD's considerable experience managing treated produced water under a previous WDR Order, the District estimates that at least a 2:1 blending ratio with NKWSD surface or groundwater will be required to deliver water to the Lerdo Canal. Based on preliminary estimates, NKWSD does not believe blending will be required for delivery into the Rosedale Spreading facility. However, the CVRWQCB will serve as the Responsible Agency under CEQA and will act on the acceptable water quality levels, blending and monitoring requirements through their issuance of the WDR Order[2]. Additionally, the CVRWQCB will serve as the enforcement agency responsible for ensuring that violations to any water quality standards or the WDR Order do not occur.

[1] Based on a conversation with United States Bureau of Reclamation (USBR) on February 11, 2015, it is assumed that any environmental analysis required by the National Environmental Policy Act for the Friant-Kern Canal's elevated crossing (approximately a 90 foot segment of the 2.5 mile pipeline) will be prepared by USBR.
[2] Issuance of a WDR Order will occur as a subsequent action by the CVRWQCB.

### 2.8.3 Construction

The following actions are proposed for construction:

- District acquired easements and rights-of-way – Trench and backfill
- Lerdo Canal (NKWSD) – Existing
- Highway 99 (Caltrans) – Jack-and-bore
- Railroad (Union Pacific) - Jack-and-bore
- Petroleum Pipeline (Kinder Morgan, Inc.) – Jack-and-bore
- Verdugo Lane (City of Shafter) - Jack-and-bore or open-cut
- Zerker Road (City of Shafter) – Jack-and-bore or open-cut
- Calloway Canal (NKWSD) - Open-cut
- CT-1 Canal (NKWSD) – Open-cut
- Friant-Kern Canal (United States Bureau of Reclamation and Friant-Kern Water Authority)[3] – at grade crossing

#### 2.8.3.1 Type of Equipment & Number

Variance in number is due to whether multiple crews will be working at different places or tasks simultaneously during construction or if all construction activity is focused at one place with just one main crew. If multiple crews are utilized, the construction time would be on the shorter side of the time estimate.

- Excavator – 2 to 4 varying in size
- Wheel loader – 1 to 2
- Side boom tractor – 2
- Hydro-crane – 1 to 2
- Sheepsfoot compactor – 1
- Dozer – 1
- Motor grader – 1
- Backhoe - 1
- Water truck – 2
- Water tower - 1
- Welding truck – 2 to 4
- Pipe x-ray vehicle - 1
- Ready mix truck – As needed
- Bore/Jack equipment for crossing HWY and RR and Zerker Road

[3] Ibid

- Service & Fuel truck – 1
- Pickups & autos to and from site – 6 to 20 daily

#### 2.8.3.2 Materials

- 24" to 30" Poly Wrapped, Steel Pipe
- 36" to 42" in steel casing for bore/jack
- Miscellaneous steel/beams for Friant-Kern canal crossing
- Various valves, vents, flanges on pipeline
- Sand Slurry mix or pea gravel for bedding of pipe
- Concrete for Thrust Blocks
- Temporary shoring material for bore/jack pits

#### 2.8.3.3 Timeline

Construction timeline is estimated to be 4 to 6 months.

### 2.8.4 Operation and Maintenance

Daily a NKWSD operator would control the pipeline operation, read meters, and patrol the route to verify there are no problems with the pipeline and its operation. Seasonal maintenance would occur for the rights-of-way and periodic maintenance would occur as needed for the pipeline, valves vents, etc.

#### 2.8.4.1 Type of Equipment & Number

- Pick-up or Service truck – 1 (daily)
- Backhoe – 1 (as needed)
- Motorgrader – 1 (as needed)

#### 2.8.4.2 Best Management Practices

The Proposed Project has incorporated standard Best Management Practices (BMPs) relating to air quality, biology, hazardous materials, water quality and traffic, as summarized in **Table 2-2**.

**Table 2-2** is intended to give an overview, focusing on the BMPs specifically needed to avoid potentially significant project impacts;

All BMPs for the Proposed Project installation and operating activities will be incorporated into the installation documents (plans and specifications), so contractors employed on the Proposed Project will be contractually required to adhere to them. These BMPs are not intended to serve as mitigation measures since they have been incorporated into the Proposed Project description.

**Table 2-2. Best Management Practices for Construction Activities**

| Best Management Practices for Construction Activities | | |
|---|---|---|
| **Air Quality – 1** | Use Basic Dust Control Measures For All Construction Sites | Implement San Joaquin Valley Air Pollution Control District's (SJVAPCD) **Regulation VIII Control Measures for Construction Emissions of $PM_{10}$[4]:**<br>1. All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.<br>2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer suppressant.<br>3. All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.<br>4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.<br>5. All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.<br>6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.<br>7. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.<br>8. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. |
| **Air Quality – 2** | Incorporate Additional Dust Control Measure, As Appropriate | Implement appropriate SJVAPCD Optional Control Measures for construction emissions of $PM_{10}$ at all construction sites. The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions[5]:<br>1. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;<br>2. Install wind breaks at windward side(s) of construction areas;<br>3. Suspend excavation and grading activity when winds exceed 20 mph; and*<br>4. Limit area subject to excavation, grading, and other construction activity at any one time. |

[4] Guide for Assessing and Mitigating Air Quality Impacts. San Joaquin Valley Air Pollution Control District. 2002. Page 65.
[5] Ibid

| Best Management Practices for Construction Activities | | |
|---|---|---|
| | | *Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation. |
| **Biology – 1**<br>*All projects occurring between January 15 and August 31* | Avoid Impacts to Nesting Migratory Birds from Pending Construction | Nesting exclusion devices may be installed to prevent potential establishment or occurrence of nests in areas where construction activities would occur. All nesting exclusion devices will be maintained throughout the nesting season or until completion of work in an area makes the devices unnecessary. All exclusion devices will be removed and disposed of when work in the area is complete. |
| **Biology – 2**<br>*For construction and trenching activities* | Avoid Animal Entry and Entrapment | All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those materials will cease until a qualified biologist determines the appropriate course of action.<br><br>To prevent entrapment of animals, all excavations, steep-walled holes or trenches more than 6-inches deep will be secured against animal entry at the close of each day. Any of the following measures may be employed, depending on the size of the hole and method feasibility:<br><br>1. Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or<br><br>2. In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or<br><br>3. In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry. |
| **Hazardous Materials – 1**<br>*All construction projects* | Ensure Proper Vehicle and Equipment Fueling and Maintenance | No fueling or servicing will be done in a waterway, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators).<br><br>1. For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will not be able to come in direct contact with soil, surface water, or the storm drainage system.<br><br>2. All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation.<br><br>3. All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented.<br><br>4. All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use.<br><br>5. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain. |

| Best Management Practices for Construction Activities | | |
|---|---|---|
| **Hazardous Materials – 2**<br>*All construction projects* | Utilize Spill Prevention Measures | Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures:<br>1. Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean up of accidental spills;<br>2. Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements;<br>3. Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means;<br>4. Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and,<br>5. 5. The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained. |
| **Hazardous Materials – 3**<br>*Projects in areas with fire hazards* | Incorporate Fire Prevention Measures | 1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.<br>2. During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site.<br>3. An extinguisher shall be available at the project site at all times when welding or other repair activities that can generate sparks (such as metal grinding) is occurring.<br>4. Smoking shall be prohibited except in designated staging areas and at least 20 feet from any combustible chemicals or vegetation. |
| **Water Quality – 1**<br>*All construction projects* | Maintain Clean Conditions at Work Sites | The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways.<br>For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality<br>Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site. |
| **Water Quality – 2**<br>*All construction projects* | Manage Sanitary and Septic Waste | Temporary sanitary facilities will be located on jobs that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 California Code of Regulations 1526. All temporary sanitary facilities will be located where overflow or spillage will not enter a watercourse directly (overbank) or indirectly (through a storm drain). |
| **Water Quality – 3**<br>*All construction projects* | Storm Water Pollution Prevention Plan | For construction activity covering more than one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) and a Order No. 2009-0009-DWQ Construction General Permit shall be obtained and implemented throughout construction. |

| Best Management Practices for Construction Activities | | |
|---|---|---|
| **Transportation/ Traffic – 1** *Construction activities on or adjacent to public roads* | Incorporate Public Safety Measures | Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof. |

## 2.9 Environmental Setting and Surrounding Land Uses

The Proposed Project is located approximately one mile north of the City of Bakersfield, on the east and west sides of Highway 99, between the Lerdo Canal and the Calloway Canal in Kern County.

The Proposed Project alignments are highly disturbed. The proposed pipeline would be constructed underground within District maintained easements and various rights-of-way (see Section 2.8.2.2) and connect to the CRC pipeline. Lands in the Proposed Project's vicinity consist of relatively flat, irrigated farmland. Agricultural practices in the vicinity consist of row crop, field crop and orchard cultivation. Additionally, rural roadways, canals, water retention basins and other infrastructure typical of rural agricultural areas along the Highway 99 corridor in the San Joaquin Valley are located in the Proposed Project's immediate vicinity.

## 2.10 Other Public Agencies Whose Approval May Be Required

- City of Shafter
- County of Kern
- Union Pacific Railroad
- San Joaquin Valley Air Pollution Control District
- Regional Water Quality Control Board
- California Department of Transportation (Caltrans)

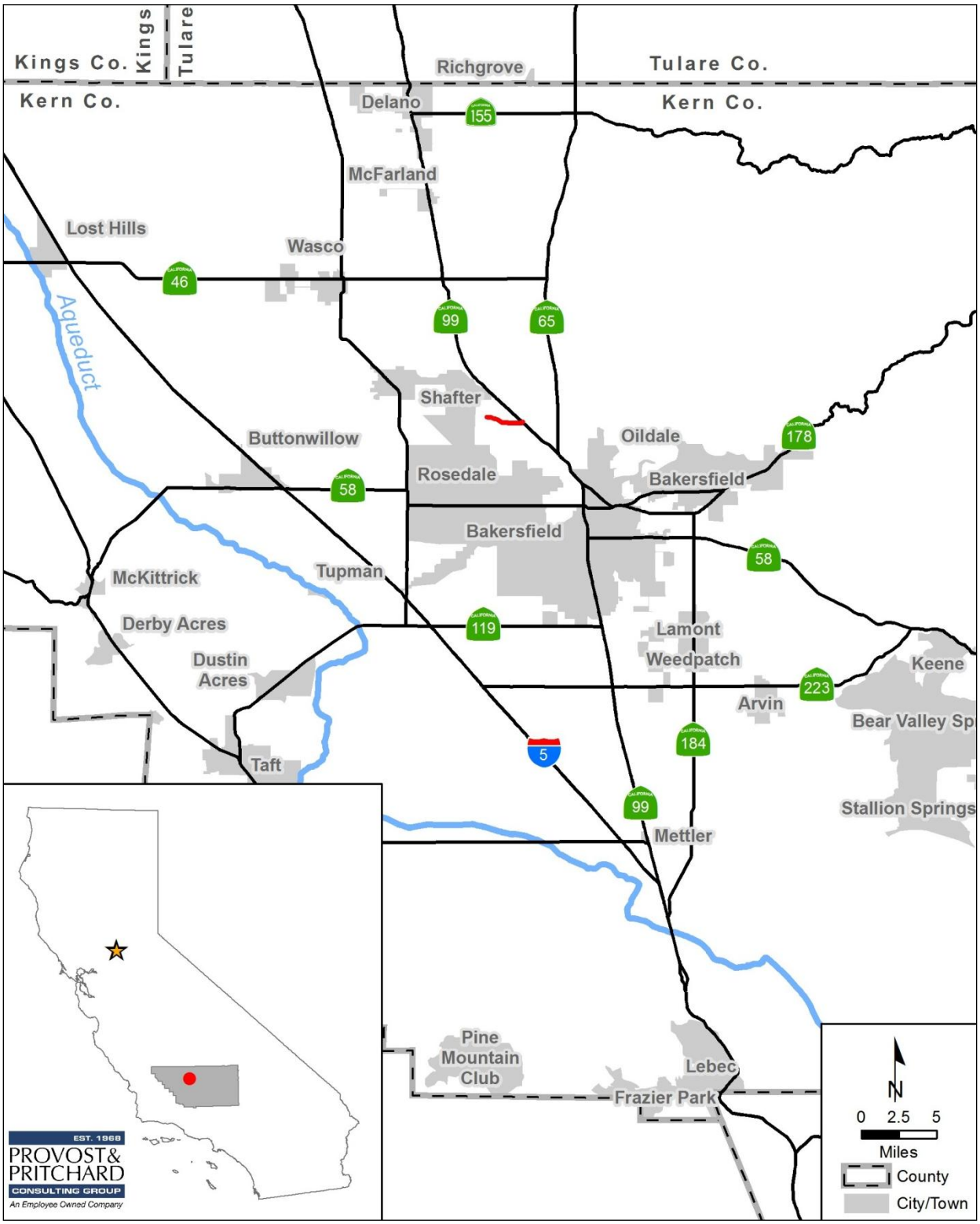


Figure 2-1. Regional Location

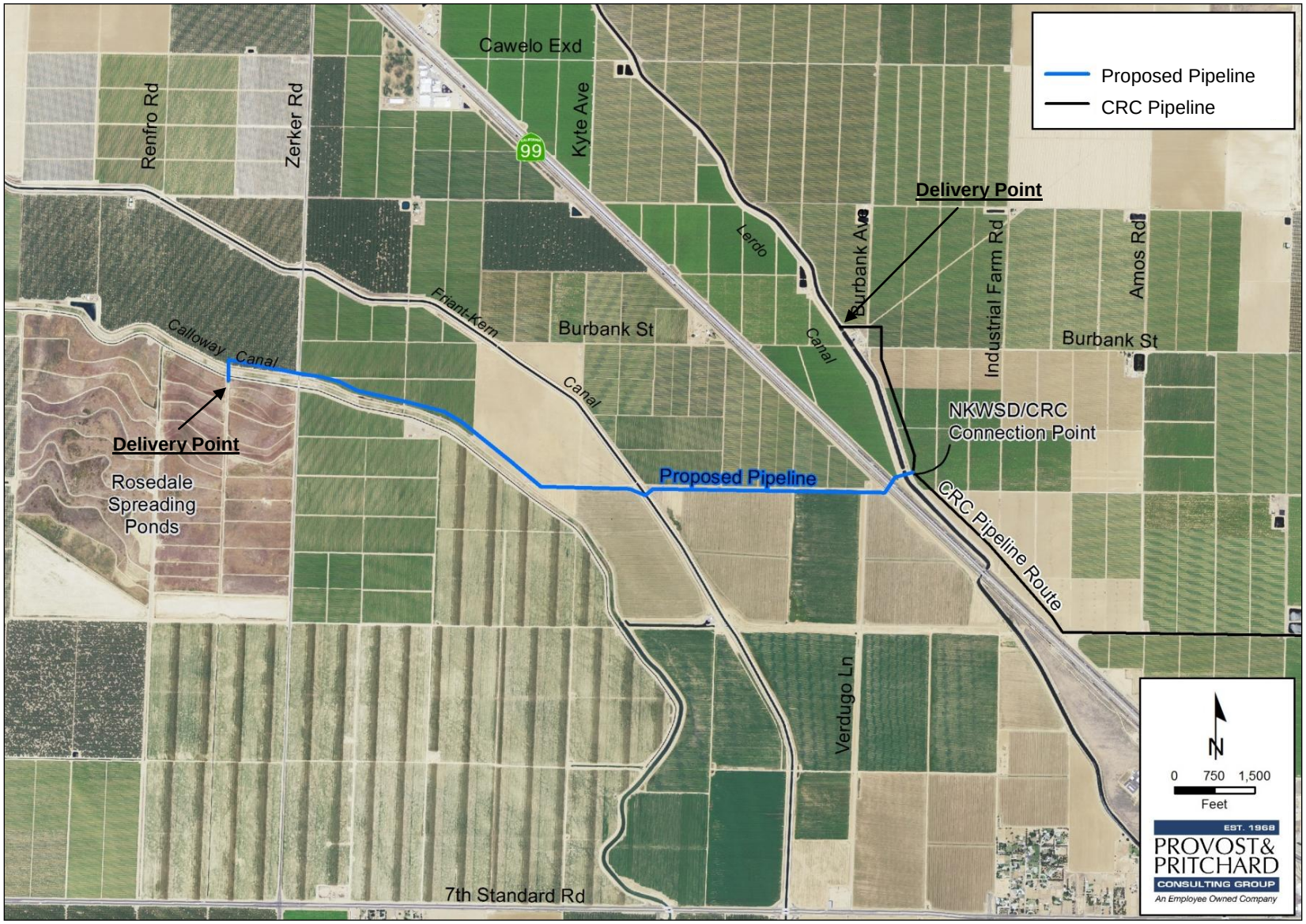


**Figure 2-2. Project Map**

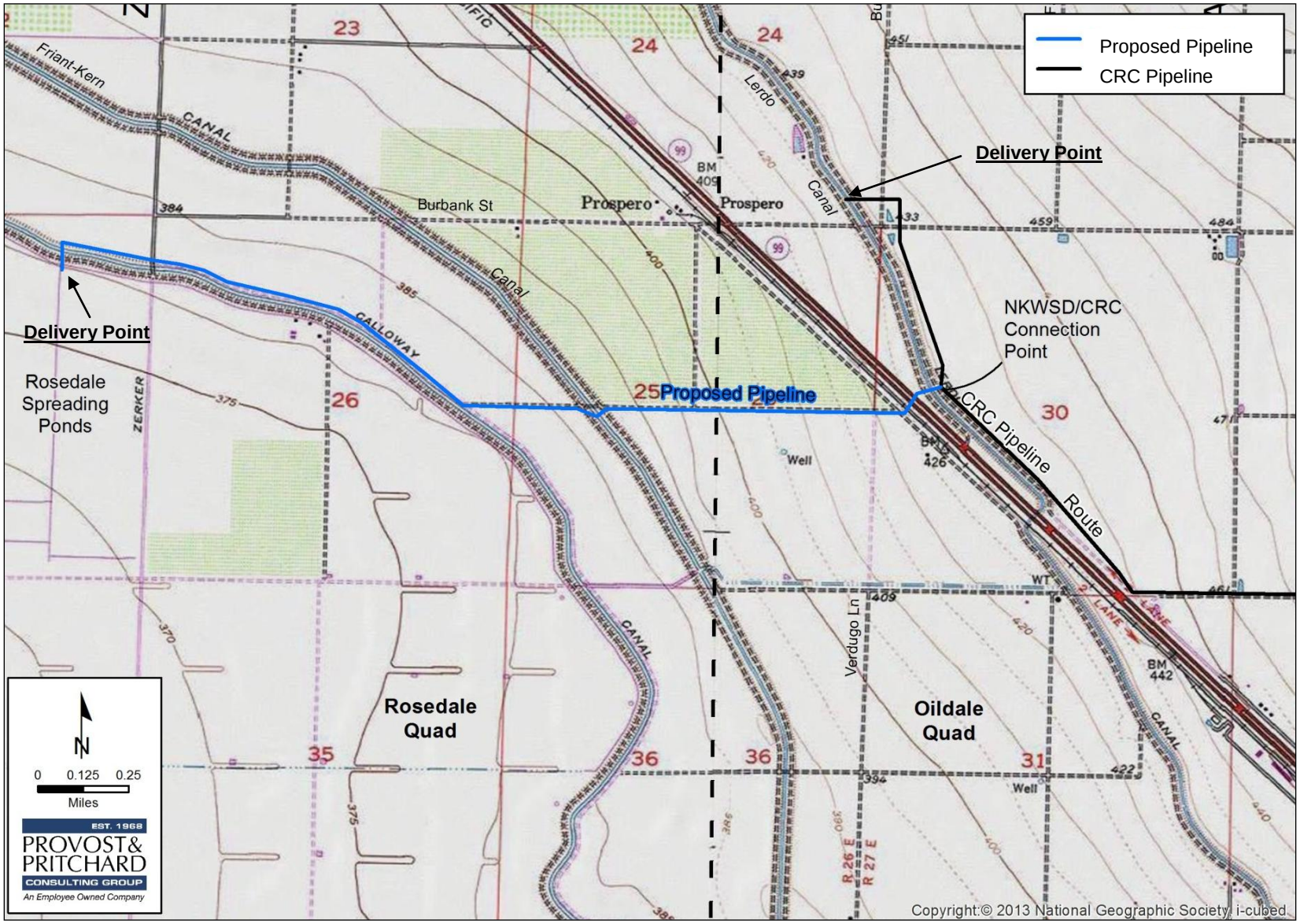


Figure 2-3. Project Topographic Map

# Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this proposed project, as indicated by the checklist and subsequent discussion on the following pages.

- ☐ Aesthetics
- ☒ Biological Resources
- ☐ Greenhouse Gas Emissions
- ☐ Land Use/Planning
- ☐ Population/Housing
- ☐ Transportation/Traffic
- ☐ Agriculture Resources
- ☐ Cultural Resources
- ☐ Hazards & Hazardous Materials
- ☐ Mineral Resources
- ☐ Public Services
- ☒ Utilities / Service Systems
- ☐ Air Quality
- ☐ Geology/Soils
- ☒ Hydrology/Water Quality
- ☐ Noise
- ☐ Recreation
- ☒ Mandatory Findings of significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

3/23/15
Date

Richard Diamond, General Manager

# 3 Impact Analysis

## 3.1 Aesthetics

Table 3-1. Aesthetics

| Aesthetics | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ |

### 3.1.1 Environmental Setting

The Proposed Project alignments are highly disturbed. The proposed pipeline would be constructed underground within District maintained easements and various rights-of-ways (see Section 2.8.2.2). Lands in the Proposed Project's vicinity consist of relatively flat, irrigated farmland. Agricultural practices in the vicinity consist of row crop, field crop and orchard cultivation. Additionally, rural roadways, canals, water retention basins and other infrastructure typical of rural agricultural areas along the Highway 99 corridor in the San Joaquin Valley are located in the Proposed Project's immediate vicinity. Therefore, the Proposed Project is consistent with the aesthetics of its vicinity.

### 3.1.2 Regulatory Setting

#### 3.1.2.1 Federal

Federal regulations relating to aesthetics include: Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The Proposed Project is not subject to any of these regulations since there are no federally designated lands or rivers in the vicinity.

#### 3.1.2.2 State

State regulations relating to aesthetics include: California Scenic Highway Program, California Landscape Province Preservation, California State Park Program. The Proposed Project is not subject to any of these regulations since there are no state designated lands or scenic highways in the vicinity.

California Building Code Title 24 Outdoor Lighting Standards[6]: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed

[6] California Building Energy Efficiency Standards- Outdoor Lighting Zones.

equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50% of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4.

By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The Proposed Project is located in a rural area. Therefore, it is in Lighting Zone 2.

#### 3.1.2.3 Local

Kern County General Plan[7]: The Kern County General Plan EIR, page 4.6-3 through -6, identifies scenic routes in Kern County that are not Caltrans adopted State Scenic Highways. These include: State Highway 14/U.S. Highway 395 from north of Mojave to the Inyo County line; State Highway 58 east side of Mojave to San Bernardino County Line; State Highway 41 northwest corner of County between Kings County and San Luis Obispo County Lines; State Highway 58 Comanche Drive east of Bakersfield to State Highway 14 at Mojave; Bakersfield-Glennville Road, Granite Road, State Highway 155 north of Bakersfield at James Road, through Glennville and Alta Sierra to Wofford Heights; State Highway 223 between the east side of Arvin and State Highway 58 at Caliente; State Highway 178 from Alfred Harrell Highway east of Bakersfield to State Highway 14; Alfred Harrell Highway-Comanche Drive along Alfred Harrell Highway at Panorama Drive in Bakersfield, past State Highway 178 and along Comanche Drive to State Highway 58; Interstate Route 5, Fraizer Mountain Park Road, Cuddy Valley Road, Mil Potrero Road, Cerro Noroeste Road, State Highway 33 between Grapevine on I-5 to Maricopa on State Highway 33; Bena Road, Bealeville Road, Caliente-Bodfish Road from Comanche Road through Caliente to State Highway 58. This route passes through the lower Sierra Nevada foothills, along Caliente Creek and, by slight detour, to the town of Caliente; State Highway 119 south of Tupman, west to Elk Hills Road, Brite Road, Dunford Road, Dairy Road, Adohr Road, Tupman Road to SH119 loop route; Caliente-Bodfish Road, Caliente Creek Road, Walker Basin Road, Johns Road, Williams Road, Daily Road, Walser Road, Caliente-Bodfish Road to Bodfish. None of these routes are located in the Proposed Project's vicinity.

Kern County General Plan Goals, Policies and Implementation Measures: The Kern County General Plan consists of goals policies, and implementation measures relating to aesthetic resources. However, it does not contain any goals, policies, or implementation measures that are applicable to the Proposed Project.

Kern County Zoning Ordinance: Title 19 of the Kern County Municipal Code provides a description of permitted uses, building height, yard, and distance between buildings for the various zones within the County. The Ordinance consists of two primary parts: a map that delineates the boundaries of zoning districts, and text that explains the purpose of the district, specifies permitted and conditional uses, and establishes development and performance standards.

- Chapter 19.74, Scenic Corridor (SC) Combining District: Chapter 19.74 of the Zoning Ordinance establishes a Scenic Corridor (SC) Combining District. This zoning district is intended to protect

http://www.energy.ca.gov/title24/2005standards/outdoor_lighting/2004-09-30_LIGHTING_ZONES.PDF Accessed January 20, 2015.

[7] Kern County General Plan and Environmental Impact Report. http://pcd.kerndsa.com/planning/planning-documents/general-plans Accessed January 20, 2015.

areas with unique visual and scenic resources from intrusion by excessive or inappropriate forms of signage by requiring additional review by the Planning Department. The Proposed Project is not located in a designated Scenic Corridor Combining District.

- Chapter 19.81, Dark Skies Ordinance (Outdoor Lighting): The purpose of this ordinance is to maintain the existing character of Kern County by requiring a minimal approach to outdoor lighting, recognizing that excessive illumination can create a glow that may obscure the night sky and excessive illumination or glare may constitute a nuisance. The ordinance provides requirements for outdoor lighting within specified unincorporated areas of Kern County in order to accomplish the following objectives.
- The Kern County Development Standards: have specific regulations pertaining to lighting standards. Lighting must be designed so that light is reflected away from surrounding land uses so as not to affect or interfere with vehicular traffic, pedestrians, or adjacent properties.

#### 3.1.2.4 Private Programs

Nature Conservancy and National Audubon Society – California Chapter: These non-profits conservation groups own and manage Kern River Preserve and Kelso Creek Sanctuary. *The Proposed Project is not subject to this program since it is not located in the vicinity.*

### 3.1.3 Photos of the Project Site and Vicinity

**Figure 3-1. Photo of the Highway 99 crossing (jack-and-bore under) looking west towards the CRC connection point**

Figure 3-2. Photo of Proposed Project's Alignment

Figure 3-3. Photo of Proposed Project's Friant-Kern Canal crossing

**Figure 3-4. Photo of Proposed Project's Vicinity**

**Figure 3-5. Photo of Proposed Project's crossing at the CT-1 and Calloway Canal near the proposed Rosedale Spreading delivery point**

### 3.1.4 Impact Assessment

#### I-a) Have a substantial adverse effect on a scenic vista?

No Impact. There are no scenic vistas located in the Proposed Project's vicinity. Lands in the vicinity consist of relatively flat, irrigated farmland. Agricultural practices in the vicinity consist of row crop, field crop and orchard cultivation. Additionally, Highway 99, rural roadways, canals, water retention basins and other infrastructure typical of rural agricultural areas along the Highway 99 corridor in the San Joaquin Valley are located in the Proposed Project's immediate vicinity. The Proposed Project would install agricultural water-related infrastructure underground and within existing canals. Therefore, it is consistent with land uses in the vicinity. There would be no impact.

#### I-b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated or eligible state scenic highways in the Proposed Project's vicinity. Additionally, there are no designated scenic resources in the Proposed Project's vicinity. There would be no impact.

#### I-c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. The existing visual character of the Proposed Project and its surroundings consist of irrigated farmland and canals, access roads and water retention basins consistent with the agricultural infrastructure of the San Joaquin Valley. The Proposed Project would install agricultural water-related infrastructure underground and within existing canals. Therefore, the Proposed Project is consistent with its surrounding and would not substantially degrade the existing visual character of the site or its surroundings. There would be no impact.

#### I-d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. The Proposed Project is located in Lighting Zone 2 which is subject to rural lighting impacts as a result of street lights, residences, and agricultural-related facilities within the vicinity. The Proposed Project does not include any on-site permanent lighting. A temporary lighting unit may be used at construction staging areas for security purposes. However, these temporary lighting units are hooded so that light reflects downward and away from adjacent properties and right-of-ways. Therefore, the Proposed Project would not result in a substantial new light source or glare which would adversely affect day or nighttime views in the area. There would be no impact.

## 3.2 Agriculture and Forestry Resources

Table 3-2. Agriculture and Forest Resources

| Agriculture and Forest Resources | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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? | ☐ | ☐ | ☐ | ☒ |

| Agriculture and Forest Resources | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| 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))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.2.1 Environmental Setting

According to the Kern County Department of Agriculture and Measurement Standards 2013 Crop Report:

> *Agricultural commodities exported from Kern County include almonds, apricots, beans, cabbage, cantaloupe, carrots, citrus, cotton lint and planting seed, grapes, hay, honeydew, lettuce, nectarines, nursery stock, peaches, plums, rose plants and watermelon. These commodities are shipped to over 85 foreign countries, with the Asian rim receiving a majority of the exports.*
>
> *As the second most productive agricultural county in California in 2013, Kern County relies on water, which is the lifeblood of the industry. Careful water management practices have been developed by both the agricultural and urban sectors, and Kern County farmers are among the most skillful water managers through the use of highly efficient irrigation methods. Laser land-leveling also helps to achieve uniform water distribution.*
>
> *With national and worldwide demands for food and fiber increasing, the agricultural and water communities of Kern County continue to develop technologies designed to meet future needs and requirements*[8].

The Proposed Project alignments are highly disturbed. The proposed pipeline would be constructed underground within District maintained easements and various rights-of-ways (see Section 2.8.2.2). Lands in the Proposed Project's vicinity consist of relatively flat, irrigated farmland. Agricultural practices in the vicinity consist of row crop, field crop and orchard cultivation. Additionally, rural roadways, canals, water retention basins and other infrastructure typical of rural agricultural areas along the Highway 99 corridor in the San Joaquin Valley are located in the Proposed Project's immediate vicinity. Therefore, Proposed Project would not remove acreage from agricultural production nor would it disrupt agricultural cultivation or crop harvesting activities in the vicinity.

## 3.2.2 California Drought Update, February 2015

With California facing one of the most severe droughts on record, Governor Brown declared a drought State of Emergency in January and directed state officials to take all necessary actions to prepare for water shortages[9]. For up to date information on the drought, please visit: http://ca.gov/drought/

[8] 2013 Kern County Crop Report. http://www.kernag.com/caap/crop-reports/crop10_19/crop2013.pdf . Accessed January 20, 2015.

## 3.2.3 Regulatory Setting

### 3.2.3.1 Federal

Farmland Protection Policy Act: The Natural Resources Conservation Service, a federal agency within the U.S. Department of Agriculture, is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures to implement the FPPA every two years (USDA-NRCS, 2011)[10].

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the biobased economy. It provides a dependable safety net for America's farmers, ranchers and growers. It maintains important agricultural research, and ensure access to safe and nutritious food for all Americans[11].

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed project because no forestry resources exist in the Proposed Project's vicinity.

### 3.2.3.2 State

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes

[9] California Drought Update. http://ca.gov/drought/ Accessed February 22, 2015.
[10] Farmland Protection Policy Act.
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/?ss=16&navtype=SUBNAVIGATION&cid=nrcs143_008275&navid=100170180000000&position=Welcome.Html&ttype=detail
Accessed January 21, 2015.
[11] 2014 Farm Bill. http://www.ag.senate.gov/issues/farm-bill Accessed January 21, 2015.

throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland[12].

- Prime Farmland. Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Farmland of Statewide Importance. Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- Unique Farmland. Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- Farmland of Local Importance. Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- Urban and Built-up Land. Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- Other Land. Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

**California Land Conservation Act (Williamson Act):** The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. However, in order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

[12] California Department of Conservation. FMMP – Important Farmland Map Categories. http://www.consrv.ca.gov/dlrp/fmmp/mccu/Pages/map_categories.aspx. Accessed January 2015.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners[13].

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses[14].

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed project because no forestry resources exist in the Proposed Project's vicinity.

#### 3.2.3.3 Local

Kern County General Plan: The Kern County General Plan states that agriculture is vital to the future of Kern County and sets the goals of protecting important agricultural lands for future use and preventing the conversion of prime agricultural lands to other uses (e.g., industrial or residential). The development of major water projects has greatly increased the amount of land in agricultural production during the recent past. The Kern County General Plan includes three designations for agricultural land:

- Intensive Agriculture (minimum parcel size 20 acres gross) — devoted to the production of irrigated crops or having potential for such use;
- 8.2 Resource Reserve (minimum parcel size 80 acres gross) — devoted to areas of mixed natural resource characteristics including rangeland; and
- 8.3 Extensive Agriculture (minimum parcel size 20 acres gross except lands subject to a Williamson Act contract/Farmland Security Zone contract, in which case the minimum parcel size shall be 80 acres, gross), devoted to uses involving large amounts of land with relatively low value-per-acre yields, such as livestock grazing, dryland farming, and woodland uses.

Kern County Zoning Ordinance: The Kern County Zoning Ordinance identifies two zoning districts for agricultural uses: Exclusive Agriculture District (A) and Limited Agriculture District (A-1).

The purpose of the Exclusive Agriculture District is to designate areas suitable for agriculture uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to non-agricultural uses. Uses in the "A" District are limited primarily to agricultural uses and other activities compatible with agricultural uses.

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[13] California Department of Conservation. Williamson Act Program. http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx. Accessed January 2015.
[14] Farmland Security Zone Act.
http://www.consrv.ca.gov/dlrp/lca/farmland_security_zones/Pages/Index.aspx
Accessed January 21, 2015.

The purpose of the Limited Agriculture (A-1) District is to designate areas suitable for a combination of estate-type residential development, agricultural uses, and other compatible uses. Final map residential subdivisions are not allowed in the A-1 District[15].

## 3.2.4 Impact Assessment

### II-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?

No Impact. Pursuant to CEQA Statute §21060.1, "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria. According to FMMP, the minimum land use mapping unit is 10 acres unless specified. Smaller units of land are incorporated into the surrounding map classification. For example, FMMP typically maps rural canals and roadways in agricultural areas as an agricultural soil type for the ease of mapping. Lands onsite and in the vicinity are designated as Prime Farmland[16]. Agricultural cultivation in the vicinity consist of row crop, field crop and orchard cultivation. However, the Proposed Project alignments are highly disturbed consisting of District maintained easements and rights-of-way (see Section 2.8.2.2) which include infrastructure that is intended to support agricultural practices in the vicinity. The Proposed Project will help maintain or achieve groundwater sustainability for agricultural uses consistent with the Sustainable Groundwater Management Act (discussed in Chapter 3, Section 3.9). Therefore, Proposed Project would not remove acreage from production nor would it disrupt agricultural cultivation and harvesting activities in the vicinity. There would be no impact.

### II-b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Proposed Project would be located within District maintained easements and rights-of-way (see Section 2.8.2.2). The Proposed Project would not remove acreage from production nor would it disrupt agricultural cultivation and harvesting activities in the vicinity. Therefore, it would not conflict with the vicinity's agricultural zoning or the Williamson Act. There would be no impact.

### II-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))?

No Impact. The Proposed Project lies on the Central Valley floor, in a relatively flat and agricultural area. The Proposed Project would be located within District maintained easements and existing rights-of-way (see Section 2.8.2.2) in an agricultural area. There are no forests or timberland located on or near the Proposed Project. There would be no impact.

### II-d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Proposed Project lies on the Central Valley floor, in a relatively flat and agricultural area. The Proposed Project would be located within District maintained easements and existing rights-of-way (see Section 2.8.2.2) in an agricultural area. There are no forest lands on or near the Proposed Project. There would be no impact.

[15] Zoning Ordinance of Kern County. Chapter 19.02. July, 2012. http://pcd.kerndsa.com/ Accessed January 29, 2015.
[16] California Department of Conservation, FMMP Kern County Map, 2012 ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/ker12_central.pdf

**II-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?**

No Impact. The Proposed Project would not impede on the existing agricultural uses in the area nor would it result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There will be no impact.

# 3.3 Air Quality

Table 3-3. Air Quality

| Air Quality | | | | | |
|---|---|---|---|---|---|
| | Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| b) | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| 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)? | ☐ | ☐ | ☒ | ☐ |
| d) | Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| e) | Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

## 3.3.1 Environmental Setting

The project is located within the County of Kern, within the San Joaquin Valley Air Basin (SJVAB). The SJVAB is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Air quality in the SJVAB is influenced by a variety of factors, including topography, local and regional meteorology. Factors affecting regional and local air quality are discussed in Appendix A.

## 3.3.2 Methodology

An Air Quality and Greenhouse Gas Emissions Evaluation Report, Appendix A, was prepared by Ambient Air Quality and Noise Consulting for the Proposed Project in February 2015. The sections below detail the methodology of the air quality and greenhouse gas emissions report (Appendix A) and its conclusions.

### 3.3.2.1 Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the proposed project were calculated using the California Emissions Estimator Model (CalEEMod), version 2013.2.2. Emissions modeling includes emissions generated by off-road equipment, haul trucks, and worker commute trips. Emissions were quantified based on anticipated construction schedules and construction equipment requirements provided by the project

applicant. All remaining assumptions were based on the default parameters contained in the model. Localized air quality impacts associated with the proposed project would be minor and were qualitatively assessed. Modeling assumptions and output files are included in Appendix A.

#### 3.3.2.2 Long-Term Operational Emissions

Long-term operational emissions associated with the proposed project were calculated using the CalEEMod, version 2013.2.2. Emissions modeling included the use of off-road equipment and maintenance worker vehicle trips associated with routine maintenance activities. No stationary sources of emissions are proposed. Modeling assumptions and output files are included in Appendix A.

#### 3.3.2.3 Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2002). This guidance document includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The thresholds of significance are summarized, as follows:

Short-Term Emissions of Particulate Matter ($PM_{10}$): Construction impacts associated with the proposed project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and $NO_x$): Construction impacts associated with the proposed project would be considered significant if the project generates emissions of ROG or $NO_X$ that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter ($PM_{10}$): Operational impacts associated with the proposed project would be considered significant if the project generates emissions of $PM_{10}$ that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and $NO_x$): Operational impacts associated with the proposed project would be considered significant if the project generates emissions of ROG or $NO_X$ that exceeds 10 TPY.

Conflict with or Obstruct Implementation of Applicable Air Quality Plan: Due to the region's non-attainment status for ozone, $PM_{2.5}$, and $PM_{10}$, if the project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and $NO_x$) or $PM_{10}$ would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans. In addition, if the project would result in a change in land use and corresponding increases in vehicle miles traveled, the project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

Local Mobile-Source CO Concentrations: Local mobile source impacts associated with the proposed project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than 1.

Odor impacts associated with the proposed project would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

#### 3.3.2.4 Construction Details

For the purpose of calculating construction related impacts, the following data was analyzed:

- Construction of 13,600 LF Poly-Wrapped Steel Pipe – 90 working days

Table 3-4. Equipment Projection

| Equipment Projection | | | | | | |
|---|---|---|---|---|---|---|
| Description | Quantity | Make | Model | Year | Horsepower | Operating Days |
| Excavator | 1 | John Deere | 350 | 2006 | 271 | 30 |
| Excavator | 1 | John Deere | 270 | 2004 | 180 | 30 |
| Excavator | 1 | John Deere | 230 | 2003 | 170 | 30 |
| Backhoe | 1 | John Deere | 410K | 2012 | 106 | 60 |
| Backhoe | 1 | John Deere | 410K | 2006 | 106 | 60 |
| Wheel Loader | 1 | John Deere | 644J | 2006 | 185 | 30 |
| Compactor | 1 | John Deere | 644B | 2010 | 131 | 10 |
| Water Truck | 2 | International | 4200 | 2006 | 200 | 40 |
| Dump Truck | 1 | Peterbilt | Transfer | 2001 | 445 | 10 |
| Welding Truck | 3 | GMC | 3500 | 2006 | 355 | 40 |
| Concrete Ready-Mix Truck | 1 | Mack | Granite GU713 | 2006 | 300 | 5 |
| Service Truck | 3 | Ford | F-350 | 2010 | 350 | 60 |
| Trucks / Autos | 6 | various | various | various | 200* | 90 |
| Wacker Packer | 3 | Mikasa | | | 1 | 15 |
| Generator | 3 | Honda | | | 1 | 5 |
| Air Compressor | 3 | Honda | | | 1 | 5 |
| Cut Off Saw | 3 | Huskvarna | | | 1 | 10 |
| Jack & Bore Equipment | 1 | | | | 300* | 10 |

**estimated average*

### 3.3.3 Regulatory Setting

Air quality within the SJVAB is regulated by several jurisdictions including the U.S. EPA, ARB, and the SJVAPCD. Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. Although U.S. EPA regulations may not be superseded, both state and local regulations may be more stringent.

#### 3.3.3.1 Federal

U.S. Environmental Protection Agency: At the federal level, the U.S. EPA has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the FCAA, which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990.

Federal Clean Air Act: The FCAA required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS), and also set deadlines for their attainment. Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions.

The FCAA also required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The FCAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and

regulations of the air basins as reported by their jurisdictional agencies. The U.S. EPA has responsibility to review all state SIPs to determine conformance with the mandates of the FCAA, and the amendments thereof, and determine if implementation will achieve air quality goals. If the U.S. EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area that imposes additional control measures.

Toxic Substances Control Act: The Toxic Substances Control Act (TSCA) first authorized the U.S. EPA to regulate asbestos in schools and Public and Commercial buildings under Title II of the law, which is also known as the Asbestos Hazard Emergency Response Act (AHERA). AHERA requires Local Education Agencies (LEAs) to inspect their schools for ACBM and prepare management plans to reduce the asbestos hazard. The Act also established a program for the training and accreditation of individuals performing certain types of asbestos work.

National Emission Standards for Hazardous Air Pollutants: Pursuant to the FCAA of 1970, the U.S. EPA established the National Emission Standards for Hazardous Air Pollutants (NESHAP). These are technology-based source-specific regulations that limit allowable emissions of HAPs.

### 3.3.3.2 State

California Air Resources Board: The ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act of 1988. Other ARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control districts and air quality management districts, establishing California Ambient Air Quality Standards (CAAQS), which in many cases are more stringent than the NAAQS, and setting emissions standards for new motor vehicles. The emission standards established for motor vehicles differ depending on various factors including the model year, and the type of vehicle, fuel and engine used.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

**Table 3-5. Summary of Ambient Air Quality Standards & Attainment Designation**

| Summary of Ambient Air Quality Standards & Attainment Designation | | | | | |
|---|---|---|---|---|---|
| Pollutant | Averaging Time | California Standards* | | National Standards* | |
| | | Concentration* | Attainment Status | Primary | Attainment Status |
| Ozone ($O_3$) | 1-hour | 0.09 ppm | Non- Attainment | – | Non-Attainment (Extreme)** |
| | 8-hour | 0.070 ppm | | 0.075 ppm | |
| Particulate Matter ($PM_{10}$) | AAM | 20 µg/m3 | Non-Attainment | – | Attainment |
| | 24-hour | 50 µg/m3 | | 150 µg/m3 | |
| Fine Particulate Matter ($PM_{2.5}$) | AAM | 12 µg/m3 | Non-Attainment | 12 µg/m3 | Non-Attainment |
| | 24-hour | No Standard | | 35 µg/m3 | |
| Carbon Monoxide (CO) | 1-hour | 20 ppm | Attainment/ Unclassified | 35 ppm | Attainment/ Maintenance |
| | 8-hour | 9 ppm | | 9 ppm | |

| Summary of Ambient Air Quality Standards & Attainment Designation | | | | | |
|---|---|---|---|---|---|
| Pollutant | Averaging Time | California Standards* | | National Standards* | |
| | | Concentration* | Attainment Status | Primary | Attainment Status |
| | 8-hour (Lake Tahoe) | 6 ppm | | – | |
| Nitrogen Dioxide ($NO_2$) | AAM | 0.030 ppm | Attainment | 0.053 ppm | Attainment/ Unclassified |
| | 1-hour | 0.18 ppm | | 0.100 ppb | |
| Sulfur Dioxide ($SO_2$) | AAM | – | Attainment | 0.03 ppm | Attainment/ Unclassified |
| | 24-hour | 0.04 ppm | | 0.14 ppm | |
| | 3-hour | – | | -- | |
| | 1-hour | 0.25 ppm | | 75 ppb | |
| Lead | 30-day Average | 1.5 µg/m3 | Attainment | – | No Designation/ Classification |
| | Calendar Quarter | – | | 1.5 µg/m3 | |
| | Rolling 3-Month Average | – | | 0.15 µg/m3 | |
| Sulfates | 24-hour | 25 µg/m3 | Attainment | No Federal Standards | |
| Hydrogen Sulfide | 1-hour | 0.03 ppm (42 µg/m3) | Unclassified | | |
| Vinyl Chloride | 24-hour | 0.01 ppm (26 µg/m3) | Attainment | | |
| Visibility-Reducing Particle Matter | 8-hour | Extinction coefficient: 0.23/km-visibility of 10 miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70%. | Unclassified | | |

** For more information on standards visit :http//ww.arb.ca.gov.research/aaqs/aaqs2.pdf*
*** No federal 1-hour standard. Reclassified extreme nonattainment for the federal 8-hour standard May 5, 2010.*
****Secondary Standard*
*Source: ARB 2015; SJVAPCD 2015*

California Assembly Bill 170: Assembly Bill 170, Reyes (AB 170), was adopted by state lawmakers in 2003 creating Government Code Section 65302.1 which requires cities and counties in the San Joaquin Valley to amend their general plans to include data and analysis, comprehensive goals, policies and feasible implementation strategies designed to improve air quality.

Assembly Bills 1807 & 2588 - Toxic Air Contaminants: Within California, TACs are regulated primarily through AB 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics Hot Spots Information and Assessment Act of 1987). The Tanner Air Toxics Act sets forth a formal procedure for ARB to designate substances as TACs. This includes research, public participation, and scientific peer review before ARB designates a substance as a TAC. Existing sources of TACs that are subject to the Air Toxics Hot Spots Information and Assessment Act are required to: (1) prepare a toxic emissions inventory; (2) prepare a risk assessment if emissions are

significant; (3) notify the public of significant risk levels; and (4) prepare and implement risk reduction measures.

San Joaquin Valley Air Pollution Control District: The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the proposed project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD Rules and Regulations that are applicable to the Proposed Project include, but are not limited to, the following:

Regulation VIII (Fugitive Dust Prohibitions), Regulation VIII (Rules 8011-8081): This regulation is a series of rules designed to reduce particulate emissions generated by human activity, including construction and demolition activities, carryout and trackout, paved and unpaved roads, bulk material handling and storage, unpaved vehicle/traffic areas, open space areas, etc. If a non-residential area is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Additional requirements may apply, depending on total area of disturbance.

#### 3.3.3.3 Regulatory Attainment Designations

Under the CCAA, the ARB is required to designate areas of the state as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The U.S. EPA designates areas for ozone, CO, and $NO_2$ as "does not meet the primary standards," "cannot be classified," or "better than national standards." For $SO_2$, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the ARB terminology of attainment, nonattainment, and unclassified is more frequently used. The U.S. EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, U.S. EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for $PM_{10}$ based on the likelihood that they would violate national $PM_{10}$ standards. All other areas are designated "unclassified."

The state and national attainment status designations pertaining to the SJVAB are summarized in **Table 3-5**. The SJVAB is currently designated as a nonattainment area with respect to the state $PM_{10}$ standard, ozone, and $PM_{2.5}$ standards. The SJVAB is designated nonattainment for the national 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the U.S. EPA redesignated the San Joaquin Valley to attainment for the $PM_{10}$ NAAQS and approved the $PM_{10}$ Maintenance Plan.

## 3.3.4 Impact Assessment

### III-a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. As noted in Impact Assessment III-b and III-c below, implementation of the Proposed Project would not result in short-term or long-term increases in emissions that would exceed applicable thresholds of significance. Projects that do not exceed the recommended thresholds would not be considered to conflict with or obstruct the implementation of applicable air quality plans. This impact would be considered less than significant.

### III-b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? and

### III-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)?

Less than Significant Impact.

*Short-Term Construction-Generated Emissions*

Short-term increases in emissions would occur during the construction process. Construction-generated emissions are of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact. The construction of the Proposed Project would result in the temporary generation of emissions associated with site grading and excavation, motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces.

Estimated construction-generated emissions are summarized in **Table 3-6**. As indicated, construction of the Proposed Project would generate maximum uncontrolled annual emissions of approximately 0.15 tons/year of ROG, 1.26 tons/year of $NO_x$, 0.80 tons/year of CO, 0.07 tons/year of $PM_{10}$, and 0.07 tons/year of $PM_{2.5}$. Estimated construction-generated emissions would not exceed the SJVAPCD's significance thresholds of 10 tons/year of ROG, 10 tons/year of $NO_x$, or 15 tons/year $PM_{10}$.

It is important to note that the Proposed Project would be required to comply with SJVPACD Regulation VIII (Fugitive $PM_{10}$ Prohibitions). Mandatory compliance with SJVAPCD Regulation VIII would further reduce emissions of fugitive dust from the Project site, and adequately minimize the Proposed Project's potential to adversely affect nearby sensitive receptors to localized PM impacts.

Given that project-generated emissions would not exceed applicable SJVAPCD significance thresholds and that the Proposed Project would be required to comply with SJVAPCD Regulation VIII, construction-generated emissions of ozone-precursor pollutants (i.e., ROG and $NO_X$) and PM would be considered less than significant.

Table 3-6. Short-Term Construction-Generated Emissions of Criteria Air Pollutants

| Short-Term Construction-Generated Emissions of Criteria Air Pollutants | | | | | |
|---|---|---|---|---|---|
| Source | Annual Emissions (Tons/Year)(1) | | | | |
| | ROG | $NO_X$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| Off-Road Equipment | 0.15 | 1.21 | 0.71 | 0.07 | 0.07 |
| Haul Trucks | 0.00 | 0.04 | 0.06 | 0.00 | 0.00 |
| Worker Vehicles | 0.00 | 0.00 | 0.04 | 0.01 | 0.00 |
| Total Proposed Project Emissions: | 0.15 | 1.26 | 0.80 | 0.07 | 0.07 |
| *SJVAPCD Significance Thresholds:* | *10* | *10* | *None* | *15* | *None* |
| *Exceed SJVAPCD Thresholds?* | *No* | *NA* | *No* | *No* | *NA* |

1. *Emissions were quantified using CalEEMod, version 2013.2.2. Refer to* ***Appendix A*** *for modeling results and assumptions. Totals may not sum due to rounding.*

### *Long-Term Operational Emissions*

Long-term operation of the Proposed Project would result in emissions generated by routine maintenance activities. On a daily basis, an operator would control the pipeline operation, read meters, and patrol the route to verify there are no problems with the pipeline and its operation. Seasonal maintenance would occur along the pipeline right-of-way on an as needed basis. Maintenance activities may require the use of off-road equipment, such as backhoes or graders. Estimated operational emissions are summarized in **Table 3-7**. As indicated, operation of the Proposed Project would not result in a substantial increase in emissions. Uncontrolled annual emissions would total approximately 0.01 tons/year of ROG, 0.07 tons/year of $NO_X$, 0.08 tons/year of CO, and approximately 0.01 tons/year of $PM_{10}$ and $PM_{2.5}$. Estimated operational emissions would not exceed the SJVAPCD's significance thresholds. This impact would be considered less than significant.

Table 3-7. Long-Term Operational Emissions of Criteria Air Pollutants

| Long-Term Operational Emissions of Criteria Air Pollutants | | | | | |
|---|---|---|---|---|---|
| Source | Annual Emissions (tons/year)(1) | | | | |
| | ROG | $NO_X$ | CO | $PM_{10}$ | $PM_{2.5}$ |
| Off-Road Maintenance Equipment | 0.01 | 0.07 | 0.04 | 0.00 | 0.00 |
| Maintenance Worker Vehicle Trips | 0.00 | 0.00 | 0.04 | 0.01 | 0.01 |
| Total Proposed Project Emissions: | 0.01 | 0.07 | 0.08 | 0.01 | 0.01 |
| *SJVAPCD Significance Thresholds:* | *10* | *10* | *None* | *15* | *None* |
| *Exceed SJVAPCD Thresholds?* | *No* | *NA* | *No* | *No* | *NA* |

*Emissions were quantified using CalEEMod, version 2013.2.2. Assumes 1 worker commute trip per day, total travel distance of 70 miles/day. Off-road equipment use assumes the use of 1 backhoe and 1 grader, each operating a total of 80 hours annually. Refer to* ***Appendix B*** *for modeling results and assumptions. Totals may not sum due to rounding.*

### III-d) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact.

#### *Toxic Air Contaminants*

Implementation of the Proposed Project would not result in the long-term operation of any major onsite stationary sources of TACs, nor would Project implementation result in an increase in vehicle trips along area roadways, in comparison to existing conditions. However, construction of the Proposed Project may result in temporary increases in emissions of diesel-exhaust particulate matter (DPM) associated with the use of off-road diesel equipment. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. As such, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a long-term (e.g., 70-year) period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Construction activities would occur over an approximate 4- to 6-month construction period, which would constitute less than 1 percent of the typical 70-year exposure period. As a result, exposure to construction-generated DPM would not be anticipated to exceed applicable thresholds (i.e., incremental increase in cancer risk of 10 in one million). Furthermore, no sensitive land uses have been identified in the vicinity of the proposed construction areas. For these reasons, this impact would be considered less than significant.

#### *Naturally Occurring Asbestos*

Naturally-occurring asbestos, which was identified by ARB as a TAC in 1986, is located in many parts of California and is commonly associated with ultramafic rock. The project site is not located near any areas that are likely to contain ultramafic rock (DOC 2000). As a result, risk of exposure to asbestos during the construction process would be considered less than significant.

#### Fugitive Dust

Construction of the Proposed Project would include ground-disturbing activities which would be anticipated to result in increased emissions of airborne particulate matter. The Proposed Project would be required to comply with SJVPACD Regulation VIII (Fugitive $PM_{10}$ Prohibitions). Mandatory compliance with SJVAPCD Regulation VIII would reduce emissions of fugitive dust from the Project site. Furthermore, no sensitive land uses have been identified in the vicinity of the proposed construction areas. As a result, localized emissions of airborne particulate matter emitted during construction would be considered less than significant.

### III-e) Create objectionable odors affecting a substantial number of people?

Less than Significant Impact. Implementation of the Proposed Project would not result in long-term emissions of odors. However, construction of the Proposed Project would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel-exhaust, may be considered objectionable by some people. However, no sensitive land uses have been identified in the vicinity of the proposed construction areas. As a result, short-term construction activities would not expose a substantial number of people to frequent odorous emissions. This impact would be considered less than significant.

# 3.4 Biological Resources

Table 3-8. Biological Resources

| Biological Resources | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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 U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☒ | ☐ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.4.1 Methodology

A biological evaluation report, Appendix B, was prepared by Live Oak Associates (LOA), Inc. for the Proposed Project. The impact assessment below is based on the this report which included an analysis of: (1) the California Natural Diversity Data Base, (2) the Online Inventory of Rare and Endangered Vascular Plants of California, and (3) manuals, reports, and references related to plants and animals of the San Joaquin Valley region. Additionally, the report included the findings of a reconnaissance-level field survey of the Project site which was conducted on February 10, 2015 by Live Oak Associates, Inc. (LOA) biologist Rebekah Jensen. This survey consisted of driving the perimeter of the agricultural fields and along the onsite canals, and walking within and around representative habitats of the project site. During the field visit the principal land uses of the site were identified and the constituent plants and animals of each were noted. Special status species habitat or other sensitive biological resources were identified on a site map. Comprehensive surveys for sensitive biological resources were not conducted for this study. Field surveys conducted for this study were sufficient to assess the significance of possible biological impacts associated with the construction of

pipelines and to assess the need for more detailed studies that could be warranted if potentially sensitive biotic resources were identified during the initial survey.

## 3.4.2 Regulatory Setting

### 3.4.2.1 Federal and State

Threatened and Endangered Species: State and federal "endangered species" legislation has provided CDFW and USFWS with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts. Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated *Carabell/Rapanos* decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable and therefore jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high water marks" on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

#### 3.4.2.2 Local

The Proposed Project is subject to the provisions of the Kern County General Plan, City of Shafter General Plan, and the Metropolitan Bakersfield General Plan. The Project is not subject to the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) because the Project does not fall within the category of "Urban Development". The "Threatened and Endangered Species" element of the Kern County General Plan, the "Biological Habitats and Wildlife Resources" element of the City of Shafter General Plan, and the "Biological Resource" element of the Metropolitan Bakersfield General Plan addresses Kern County, City of Shafter, and City of Bakersfield policies towards these resources. The generalized goals of City's and County are as follows:

1. Conserve and enhance Bakersfield's and Shafter's biological resources in a manner which facilitates orderly development and reflects the sensitivities and constraints of these resources.
2. To conserve and enhance habitat areas for designated "sensitive" animal and plant species.

### 3.4.3 Impact Assessment

#### IV-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 U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated.

A number of special status plants and animals occur in the vicinity of the Project site. These species, and their potential to occur in the project site, are listed in Appendix B. Sources of information for this table included *California's Wildlife, Volumes I, II, and III* (Zeiner et. al 1988-1990), *California Natural Diversity Data Base* (CDFW 2015a), *Special Animals* (CDFW 2015b), *Endangered, Threatened and Rare Plants List* (CDFW 2014a), *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2014b), *The Recovery Plan for Upland Species of the San Joaquin Valley, California* (USFWS 1998), *Amphibian and Reptile Species of Special Concern in California* (Jennings and Hayes 1994), *The Jepson Manual: Vascular Plants of California* (2012) and *The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2015). This information was used to evaluate the potential for special status plant and animal species that occur onsite. It is important to note that the California Natural Diversity Data Base (CNDDB) is a volunteer database; therefore, it may not contain all known literature records.

A search of published accounts for all of the relevant special status plant and animal species was conducted for the *Oildale and Rosedale* USGS 7.5-minute quadrangles in which the project site occurs, and for the ten surrounding quadrangles (*Wasco, Famoso, North of Oildale, Knob Hill, Oil Center, Lamont, Gosford, Stevens, Tubman,* and *Rio Bravo*) using the CNDDB Rarefind 5.0.

Endangered, threatened, or special status plant and animal species meriting further discussion include the San Joaquin kit fox and the burrowing owl:

### San Joaquin Kit Fox (Vulpes macrotus mutica). Federal Listing Status: Endangered; State Listing Status: Threatened.

*Potential to occur onsite.* Areas surrounding the site consist of agricultural fields, vineyards, orchards, roads, ruderal fields, and the various irrigation canals. The site itself has been heavily managed for decades for agricultural uses. Agricultural lands are not generally suitable for SJKF. Ground squirrel burrows were observed along the banks of the roads and some of the canals, some of which were of suitable size for SJKF, however, no sign of kit fox was observed at these burrows. Having been modified for agricultural use, the majority of the Project site provides a limited prey base and, therefore, marginal foraging habitats for SJKF. Considering the highly disturbed condition of the site, the marginal to poor suitability of the site as foraging habitat, and the limited prey base on the site, the SJKF is highly unlikely to reside on the site. The Project site may, however, occasionally support dispersing and denning SJKF. Implementation of the following mitigation measures will reduce future construction related impacts to kit fox, to a less than significant level.

Prior to and during the construction of any future projects on the Project site, the BMPs identified in Chapter 2 – *Project Description* and the following measures will be implemented, as outlined in the U.S. Fish and Wildlife Service's *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).

#### *Mitigation Measure BIO-1: San Joaquin Kit Fox –*

- Pre-Construction Surveys. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact San Joaquin kit fox. These surveys will be conducted in all potential San Joaquin kit fox habitat on and within 200 feet of the project site and in accordance with the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011). The primary objective is to identify San Joaquin kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a San Joaquin kit fox burrow. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be notified and the observation record(s) will be submitted to the CNDDB.
- Avoidance. Should San Joaquin kit fox be found using the site during preconstruction surveys a qualified biologist shall establish a disturbance free buffer consistent with the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011) to be maintained until a qualified biologist has determined that the burrow(s) have been abandoned.
- Minimization. Permanent and temporary construction activities and other types of project-related activities should be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; and proper disposal of food items and trash.

- Employee Education Program. Prior to the start of construction, the applicant will retain a qualified biologist to conduct an on-site training session to educate construction staff on the San Joaquin kit fox. This training will include a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the endangered species act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. All construction staff must be trained prior to starting work on the project. The training will include a hand out with all of the training information included. The project manager will use this handout to train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the project.
- Mortality Reporting. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

### Burrowing Owl (Athene cunicularia). Federal Listing Status: None; State Listing Status: Species of Special Concern.

*Potential to occur onsite.* Burrowing owls could roost or nest within or adjacent to the site in areas containing burrows of suitable size, and forage in open areas supporting a sufficient prey base. At the time of the February 2015 field survey, burrows of suitable size for burrowing owl were observed along the canal and road banks and one burrow was observed with owl sign (pellets and white wash) adjacent to Proposed Project site on the north side of the Calloway Canal access road in ruderal habitat adjacent to a fallow agricultural field. In addition, two occurrences of burrowing owl are located within a 3.1-mile radius of the site.

Burrowing owl sign was observed at one burrow onsite. Ground squirrel burrows located on site provide suitable nesting habitat and suitable foraging habitat in adjacent fields or field edges is also present. Construction-related activities involving the use of heavy equipment or the movement of earth by heavy equipment may result in harm or injury to individual burrowing owls, as they are known to retreat into their burrows ahead of approaching grading activity. These small raptors are protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. Implementation of the following mitigation measures will reduce future construction related impacts to burrowing owls, to a less than significant level.

Prior to construction-related activities involving the use of heavy equipment or the movement of earth by heavy equipment, the BMPs identified in Chapter 2 – *Project Description* and the following measures will be implemented.

#### *Mitigation Measure BIO -2: Burrowing Owl –*

- Take Avoidance Survey. A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 14 days of the onset of construction. This survey will be conducted according to the "Take Avoidance Surveys" described in the CDFW Staff Report on Burrowing Owl Mitigation (2012). All suitable habitats of the site will be covered during this survey.
- Avoidance of Active Nests. If take avoidance surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer determined by the biologist will be established around all active owl nests. The buffer areas will be enclosed with temporary fencing, and construction equipment and workers will not enter the enclosed setback areas. Buffers will remain in place for the duration of the breeding season. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described in measure below.

- Passive Relocation of Resident Owls. During the non-breeding season (September 1 - January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.

Seventeen special status vascular plant species are known to occur in the vicinity of the Proposed Project site. The Project site is located on lands that have been farmed for decades. Historic and current agricultural practices have rendered onsite lands and surrounding lands unsuitable for these special status plant species. Therefore, the proposed land use changes would have no impact on regional populations of these species.

Thirteen species may regularly or occasionally utilize the site for foraging. These species include the tricolored blackbird, mountain plover, loggerhead shrike, northern harrier, white-tailed kite, Swainson's hawk, burrowing owl, short-eared owl, long-eared owl, pallid bat, Townsend's big-eared bat, western mastiff bat, and San Joaquin kit fox. Because nearly all of the new pipelines will be buried, impacts to habitats of the site will essentially all be temporary, and animals using the site for foraging will be able to continue using the site after the project is completed. Furthermore, the Proposed Project site does not provide regionally important foraging habitat for these species. In fact, similar agricultural lands are abundant throughout the region. Considerable habitat suitable for migratory movements and winter foraging will continue to be available for these species on other lands within the region following development. Therefore, future development will result in a less-than-significant impact on these species due to loss of foraging habitat.

Of the 33 special status animal species potentially occurring in the region, 20 species would be absent or unlikely to occur on the site due to unsuitable habitat conditions. These include the vernal pool fairy shrimp, valley elderberry longhorn beetle, western spadefoot, western pond turtle, silvery legless lizard, coast horned lizard, blunt-nosed leopard lizard, giant garter snake, San Joaquin whipsnake, western snowy plover, bald eagle, least Bell's vireo, Le Conte's thrasher, Buena Vista Lake shrew, Tulare grasshopper mouse, Tipton kangaroo rat, giant kangaroo rat, short-nosed kangaroo rat, Nelson's antelope squirrel, and American badger. Loss of habitat as a result of future development of the project site would have no effect on these species because there is little or no likelihood that they are present.

Based on the findings above, impacts would be reduced to less than significant levels with incorporation of the BMPs identified in **Chapter 2: Project Description** and Mitigation Measures BIO-1 and 2.

### IV-b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The biological evaluation report determined that riparian habitat is absent from the Proposed Project site. Agricultural lands constitute the majority of the types of habitat on the site and are not considered habitats of special concern. These habitats are not of significant importance to regional wildlife populations. Because riparian and other habitats of special concern are absent, future project construction will have no impact on these habitats. Additionally, the biological evaluation report determined that natural communities of concern are also absent from the Proposed Project site. There would be no impact.

### IV-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?

Less than Significant. The Proposed Project will avoid and not discharge water into the Friant-Kern canal, which is a Water of the U.S. The biological evaluation report determined that impacts to the Lerdo Canal, Calloway Canal, and CT-1 Canal are minimal, and none of these canals appear to meet the criteria of a Water of the U.S. Lands in and around the Proposed Project site are nearly level and experience regular soil disturbance that exposes barren soils. No natural hydrologic features are found in the immediate vicinity of the project site where grading or ground disturbance would occur. Additionally, NKWSD has agreed to implement BMP Hazardous Materials 1, 2, 3 and Water Quality 1, 2, 3 in **Table 2-2**, which would ensure that less than significant impacts occur as a result of construction related activities. Therefore, impacts would be less than significant.

### IV-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?

Less Than Significant with Mitigation Incorporated. The Proposed Project would not disturb any waterways. Therefore, migratory fish would not be affected. The canals of the Proposed Project site are not likely to function as movement corridors for native wildlife during dispersal and migration because of lack of riparian vegetation. Furthermore, if any wildlife were using the canals as a movement corridor, they would be able to continue doing so after construction. Therefore, this Proposed Project will result in a less than significant effect on regional wildlife movements.

Potential nesting habitat for raptors and migratory birds occur on the Proposed Project site, mostly within the orchard and vineyard habitat. Ground-nesting species such as the killdeer (*Charadrius vociferus*) could nest in even the most disturbed habitats of the area as well. Should raptors or migratory birds be nesting on or adjacent to the Project site at the time of construction, Project-related activities could result in nest abandonment or direct mortality to these birds. Implementation of the following mitigations will reduce future construction related impacts to nesting raptors and other nesting migratory birds to a less than significant level.

Prior to Project-related activities involving the use of heavy equipment or the removal of vegetation the BMPs identified in Chapter 2 – *Project Description* and the following measures will be implemented.

*Mitigation Measure Bio- 3: Migratory Birds*

- Avoidance. In order to avoid impacts to nesting raptors and other migratory birds from disturbance, project-related activities will occur, where possible, outside the nesting season (September 1st to January 31st).
- Pre-construction Surveys. If project-related activities must occur between February 1st and August 31st (the nesting season), then a qualified biologist will conduct pre-construction surveys, on and up to 500 feet outside of the site, for active raptor and migratory bird nests within 30 days of the onset of these activities during the nesting season. If no nesting raptors or other migratory birds are observed, no further mitigation is required.
- Establish Buffers. Should any active nests be discovered in or near proposed construction zones, the biologist will determine an appropriate construction free buffer from the nest. The buffer(s) will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.

Based on the findings above, impacts would be reduced to less than significant levels with incorporation of the BMPs identified in **Chapter 2: Project Description** and Mitigation Measure BIO-3.

### IV-e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant with Mitigation Incorporated. The Proposed Project is subject to the provisions of the Kern County General Plan, City of Shafter General Plan, and the Metropolitan Bakersfield General Plan. The "Threatened and Endangered Species" element of the Kern County General Plan, the "Biological Habitats and Wildlife Resources" element of the City of Shafter General Plan, and the "Biological Resource" element of the Metropolitan Bakersfield General Plan addresses Kern County, City of Shafter, and City of Bakersfield policies towards these resources. The generalized goals of City's and County are as follows:

1. Conserve and enhance Bakersfield's and Shafter's biological resources in a manner which facilitates orderly development and reflects the sensitivities and constraints of these resources.
2. To conserve and enhance habitat areas for designated "sensitive" animal and plant species.

Potential impacts relating to biological resources are addressed under impact assessments IV-a through IV-d. With implementation of the BMPs identified in Chapter 2 – *Project Description* and Mitigation Measures BIO-1 through 3, the Proposed Project would comply with the Kern County, City of Shafter and Metropolitan Bakersfield General Plans.

### IV-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?

No Impact. The biological evaluation report determined that the Proposed Project is not subject to the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) since it does not fall within the category of "Urban Development". There would be no impact.

## 3.5 Cultural Resources

Table 3-9. Cultural Resources

| Cultural Resources | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☐ | ☒ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

### 3.5.1 Methodology

A cultural and historic resource evaluation report, Appendix C, was prepared by Johnson & Associates for the Proposed Project. The impact assessment below is based on the evaluation report which documents the

efforts to identify historic properties that could be affected by the proposed project pursuant to 36 CFR 800.4 (d) (1). The report also fulfills California Environmental Quality Act (CEQA) requirements that mandate public agencies determine whether a project will have a significant impact on important historical resources. A substantial adverse change in the significant qualities of a historical resource is considered a significant impact. As defined by CEQA, in part, a ,historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) [14 California Code of Regulations (CCR) 15064.5 (a)(3)].

Records Search: Prior to the commencement of fieldwork, the author conducted an in-house records search (RS# 05-080) at the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historical Resource Information System (CHRIS), located at California State University, Bakersfield. During the records search, the files of the SSJVIC were examined for known cultural resources in or near the APE and previously completed cultural resources studies pertaining to the vicinity. Additional sources consulted at the SSJVIC included the National Register of Historic Places, the California Register of Historical Resources, California Historical Landmarks List, Points of Historical Interest, the Historic Property Data File, the California Inventory of Historic Resources, as well as site records and existing cultural resources reports.

Archival Research: Archival research was conducted to develop a historic context for the formal evaluation of linear features within the project APE and to gather specific information about the subject properties. Data sources included the records gathered from the Southern San Joaquin Information Center located at California State University, Bakersfield; in-house library; as well as resources available on the Internet. Historical documents obtained from online archives such as the David Rumsey Map Collection, the California Department of Water Resources, California State Engineer Bulletins, Google E-Books, and the National Map: Historic Topographic Map Collection.

Field Methods: Prior to the field work, a survey strategy was developed based on the culturally-modified landscape within the project APE. The Project area is generally flat and open and the ground visibility is close to 100% due to recent tilling and ongoing road and berm maintenance. Although the ground surface was visible, the agricultural and road work constitute a disturbance that may have obscured surface deposits. Where the opportunity presented itself, surveyors examined road cuts, furrows, and native surfaces to assess subsurface characteristics. Survey methods included complete, intensive-level coverage with parallel transects at intervals of 20 meters or less.

During the month of February 2015, field visits were made to the Project area to document potentially historic structures. Previously unrecorded or unevaluated structures were recorded on California Department of Parks and Recreation Primary and Building, Structure, and Object forms (DPR 523A and 523B).

## 3.5.2 Regulatory Setting

### *3.5.2.1* Federal

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

a. that are associated with events that have made a significant contribution to the broad patterns of our history; or

b. that are associated with the lives of persons significant in our past; or

c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. that have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

#### 3.5.2.2 State

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation.). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

Native American Consultation : In a letter dated February 10, 2015, the Native American Heritage Commission (NAHC) supplied the authors with a list of seven Native American contacts. The seven Tribal representatives were contacted by mail and email (if available) and supplied with a project description and map of the proposed project area. The individuals contacted are listed in **Table 3-10**. To date no responses have been received from the contacts. Follow up phone calls will be made to each contact in March 2015. Any responses received will be forwarded to the lead agency.

**Table 3-10. Native American Tribal Consultation**

| Native American Tribal Consultation | | | | |
|---|---|---|---|---|
| **Native American Contact** | **Tribe** | **Date of Contact** | **Method of Contact** | **Comments** |
| Delia Dominguez | Kitanemuk and Yowlumne Tejon Indians | 2/15/2015 | Via Email and mail | No response to date |
| John Valenzuela | San Fernando Band of Mission Indians | 2/15/2015 | Via Email and mail | No response to date |
| Katherine Montes | Tejon Indian Tribe | 2/15/2015 | Via Email and mail | No response to date |

| Native American Tribal Consultation | | | | |
|---|---|---|---|---|
| Native American Contact | Tribe | Date of Contact | Method of Contact | Comments |
| Morgan | | | | |
| Julie Turner | Kern Valley Indian Council | 2/15/2015 | Letter with copy of Project area map | No response to date |
| Ernie Garcia | Tejon Indian Tribe | 2/15/2015 | Letter with copy of Project area map | No response to date |
| Kathy Van Meter | Tejon Indian Tribe | 2/15/2015 | Letter with copy of Project area map | No response to date |

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources[17].CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

### 3.5.2.3 Local

Kern County General Plan: The Kern County General Plan consists of the following goals policies, and implementation measures relating to cultural resources:

Policy:

25: The County will promote the preservation of cultural and historic resources which provide ties with the past and constitute a heritage value to residents and visitors.

Implementation Measures:

K. Coordinate with the California State University, Bakersfield's Archaeology Inventory Center.

L. The County shall address archaeological and historical resources for discretionary projects in accordance with the California Environmental Quality Act (CEQA).

M. In areas of known paleontological resources, the County should address the preservation of these resources where feasible.

[17] Society of Vertebrate Paleontology. Conformable Impact Mitigation Guidelines Committee Policy Statements. http://www.vertpaleo.org/ConformableImpactMitigationGuidelinesCommittee.htm.

N. The County shall develop a list of Native American organizations and individuals who desire to be notified of proposed discretionary projects. This notification will be accomplished through the established procedures for discretionary projects and CEQA documents.

O. On a project specific basis, the County Planning Department shall evaluate the necessity for the involvement of a qualified Native American monitor for grading or other construction activities on discretionary projects that are subject to a CEQA document.

## 3.5.3 Impact Assessment

### V-a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less Than Significant Impact. A cultural and historic resources evaluation report was prepared for the Proposed Project. The field survey identified no archaeological artifacts, deposits, or sites that qualify as historic properties pursuant to 36 CFR 800 or as historical resources per [14 California Code of Regulations (CCR) 15064.5 (a) (3)]. Additionally, the architectural historian inventoried the structural features within the project area that may be directly or indirectly impacted by project activities. A list of the resources is provided in **Table 3-11** below. Each of these linear structures was photographed, while California DPRs were completed for only one property, the Lerdo Canal. Four of the other five linear properties have been previously evaluated (see conclusions section below). The CT-1 Canal is the only structure within the Project APE that is less than 50 years old, thus no further investigation is required for this structure.

**Table 3-11. Architectural Resources within or Adjacent to the Proposed Project Site**

| Architectural Resources within or Adjacent to the Proposed Project Site | | | | |
|---|---|---|---|---|
| **Resource Name** | **Number** | **Eligibility Finding** | **Evaluated/Date** | **Proposed Impact** |
| Lerdo Canal | P-15-004727 | Not Eligible | Evaluated Not Eligible for NR and CA Register | Open cut under dirt bed of canal; bury 24-36 in pipe |
| Calloway Canal | P-15-7223/CA-KER-8810H | Not Eligible | Evaluated/5-24-1996 (concurrence letter) | Open cut under dirt bed of canal; bury 24-36 in pipe |
| CT-1 Canal – concrete-lined canal on berm of Calloway Canal | Less than 50 years old (ca-1960s-70s) pers. Comm. Bill Zeiders | N/A | N/A | Open cut and replace in kind under concrete bed of canal |
| Friant-Kern Canal | CA Historical Property No. 163703/not listed in SJVIC maps | Eligible under Criterion A (National Register); (CA Register, C-1) | n.d. | 30 inch pip over top of canal; bury pipe in berm; No Adverse Effect/No Sub. Adverse Change |
| Southern Pacific Railroad Grade (now Union Pacific RR) | Unknown/not listed | Not Eligible | n.d. | Outside APE-Jack and Bore under (no impacts) bury 24-30 inch pipe |
| State Route 99 | | Not Eligible | n.d. | Bore under (no impacts) bury 24-30 inch pipe – Outside APE |

Based on the findings above, less than significant impacts would occur.

### V-b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant Impact. Any impacts to archaeological resources have been discussed in Impact V-a. Impacts would be less than significant.

### V-c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. No known paleontological resources exist within the Project area, nor are there any known geologic features in the Proposed Project's area. Although the entire Project area has been heavily impacted by 100 years of intensive agriculture and development, there remains a small potential for buried archaeological deposits occurring within the Project site. In the unlikely event that unanticipated buried archaeological deposits are encountered during construction, work in the immediate vicinity of the discovery must cease until the finds can be evaluated by a qualified archaeologist. Therefore, installation of the Proposed Project is not expected to disturb any paleontological resources not previously disturbed. Impacts would be less than significant.

### V-d) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact. No formal cemeteries or other places of human internment are known to exist on the Proposed Project site. Although the entire Project area has been heavily impacted by 100 years of intensive agriculture and development, there remains a small potential for buried archaeological deposits occurring within the Project site. In the unlikely event that unanticipated buried archaeological deposits are encountered during construction, work in the immediate vicinity of the discovery must cease until the finds can be evaluated by a qualified archaeologist. Should human remains be encountered within the project area, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well (California Health and Safety Code Section 7050.5—7055). Impacts would be less than significant.

# 3.6 Geology and Soils

Table 3-12. Geology and Soils

| Geology and Soils | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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 Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) Landslides? | ☐ | ☐ | ☐ | ☒ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.6.1 Environmental Setting

The Proposed Project is located in a rural, agricultural area of Kern County. Lands to the north, east and west of the Proposed Project consist of traditional agricultural land uses including crop production and associated uses (i.e. barns, equipment storage, wells, etc.), rural residences, rural roadways and canals and ditches of varied sizes which are used to convey water for irrigation. Lands to south-southeast consist of the outer limits of Oildale and Bakersfield, and increasing structural development. The lands within the Proposed Project's immediate vicinity are located in the Central Valley region of Kern County and are characterized as relatively flat as a result of historical agricultural related land leveling and cultivation practices.

Geomorphic Province: The Proposed Project is located within the Great Valley Geomorphic Province of California. According to the Kern County Revised General Plan Update EIR, Page 4-I-4,

The Great Valley Geomorphic Province of California is an alluvial plain, about 50 miles wide and 400 miles long, between the Coast Ranges and Sierra Nevada. The Great Valley is drained by the Sacramento and San

Joaquin rivers, which join and enter San Francisco Bay. The southern part of the Great Valley is the San Joaquin Valley. The Great Valley is a northwesterly trending trough (geocycline) filled with immense thickness of sediments (estimated at 40,000 feet at the axis) deposited from surrounding mountains. Streams flowing westerly from the Sierra Nevada have eroded and deposited materials into the trough, forming alluvial fans at the surface. The largest of theses in the General Plan area is the Kern River fan, covering about 300 square miles of the valley and made up of sand, silt and clay deposits. The Kern River flood plain is incised into the upper part of the fan, north of downtown Bakersfield, and spread out across the broad, flat lower fan to the southwest.

The southern portion of the Great Valley is called the San Joaquin Valley and reaches from Suisun Bay near Antioch to Grapevine in Kern County. The southerly most third of the San Joaquin Valley has no normal outlet for surface waters. Over the past million years, the waters would flow into the Buena Vista and Tulare Lake beds. The Great Valley Province filled with marine and conditional sediments. These sediments are as thick as 50,000 vertical feet in the Sacramento Valley and about 32,000 to 40,000 vertical feet in the Tulare Basin.

Ground Shaking: According to the Kern County Revised General Plan Update EIR, Page 4-I-7, Kern County is susceptible to moderate to extreme ground shaking from a number of seismic sources in the region. Seismic design standards have been established to reduce many of the structural problems occurring as a result of major earthquakes. In 1998, the Uniform Building Code was revised as follows:

- Upgrade the level of ground motion used in the seismic design of buildings;
- Add site amplification factors based on local soil conditions; and
- Improve the way ground motion is applied in detailed design.

Local jurisdictions are required to inventory existing unreinforced masonry buildings and develop structural hazards reduction programs for such buildings. The County has performed an inventory of such buildings and notified owners of the status of their buildings. The County will help minimize impacts of ground shaking from earthquake activity by utilizing the Uniform Building Code for future development in the General Plan Area. The County will continue to enforce existing engineering requirements for new development and redevelopment pursuant to the General Plan.

Liquefaction: Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause the soils to liquefy and temporarily behave as a dense fluid. Liquefaction is caused by a sudden temporary increase in pore water pressure due to seismic densification or other displacement of submerged granular soils. According to the Kern County General Plan Update Environmental Impact Report, the soil formations throughout much of Kern County, are comprised of thick, unconsolidated, coarse-textured alluvial sediments composed of gravel, sand and silt of granitic composition. Due to the great depth to groundwater in the desert area, liquefaction does not present a major potential hazard within the Kern County area.[18]

Landslides: Landslide-prone areas can be identified with by geologic studies and, when mapped in sufficient detail, can be used for reference in land use planning. The severity of landslide problems depends upon the local bedrock and soil conditions, including moisture content, slope, and vegetation. The Proposed Project is located on the San Joaquin Valley floor and not in slide-prone areas such as the foothills of Kern County.[19]

Subsidence: According to the Kern County General Plan EIR, Page 4-I-10, Land subsidence is occurring within the San Joaquin Valley. It is most often caused by the withdrawal of large volumes of fluids from underground reservoirs, but it can also occur by the addition of surface water to certain types of soils (hydrocompaction). Ground shaking can aggravate this type of ground failure. Subsidence from any cause

[18] Kern County Revised General Plan Update. Recirculated Draft Program EIR. January 2004. Page 4-I-8.
[19] Ibid. Page 4-I-9.

accelerates maintenance problems on roads, lined and unlined canals, and underground utilities. All new installations in areas suspected of subsidence should be engineered to withstand such subsidence. The usual remedial action consists of raising the water table by injecting water or by reducing ground pumpage. This increases the fluid pressure in the aquifer and, in most cases, subsidence decreases or stops after a period of time. There are four types of subsidence occurring in Kern County:

1. Tectonic subsidence, which consists of a long-term, very slow sinking of the valley trough, and is significant only over a geologic time period.
2. Subsidence caused by the extraction of oil and gas. This type of subsidence is still too small to be of serious concern. The State Division of Oil and Gas monitors subsidence in oil and gas fields and regulates oil and gas withdrawal and repressuring of the fields.
3. Subsidence caused by withdrawal of groundwater in quantities much larger than replacement can occur, causing a decline of the water level. This type of subsidence is of major concern. This practice has lowered the ground level over a large area south of Bakersfield and in other areas of the County.
4. Subsidence caused by hydrocompaction of moisture-deficient alluvial deposits. This is the one-time densification from collapse of the soil structure in near-surface strata where the rainfall or other moisture has not penetrated during a long period of time. Parts of the California Aqueduct were constructed through and over hydrocompatable deposits after compaction had occurred through ponding. Any development on these areas of damaging subsidence requires corrective measures.

In April 2014, the California Water Foundation produced the Land Subsidence from Groundwater Use in California Full Report of Findings which documents the rate and effects of subsidence throughout California. Section 4.2 of the report addresses impacts within the San Joaquin Valley, including areas of Kern County. According to Figure 4.8[20], recent subsidence in the Proposed Project's area occurred at a rate of 0 to 0.5 feet between 2007 and 2011. This range of subsidence is the lowest of the seven ranges occurring within the San Joaquin Valley.

Expansive Soils: According to the Kern County General Plan EIR, Page 4-I-11, fine-grained, cohesive clay soils, that expand when moisture is added, tend to lose their ability to support foundations of structures. The weight of these structures squeezes the water-saturated clays laterally from under the foundations. As a result the structures located on these soils could collapse or become uninhabitable.

## 3.6.2 Regulatory Setting

### 3.6.2.1 Federal

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with

[20] Luhdorff & Scalmanini Consulting Engineers. Report of Findings: Land Subsidence from Groundwater Use in California. April 2014. Page 32.

other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

#### 3.6.2.2 State

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

### 3.6.3 Impact Assessment

#### VI-a) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

*VI-a-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 Division of Mines and Geology Special Publication 42.*

No Impact. According to the Alquist-Priolo Earthquake Fault Zoning Maps, the nearest fault is the Premier Fault. The southern end of the Premier Fault is approximately 3.25 miles from the Proposed Project. The next nearest fault is the Kern Front Fault which is located approximately 6.0 miles away. [21]

The Proposed Project does not include any infrastructure that would be occupied by people. The majority of the proposed pipeline and associated infrastructure is to be installed underground or within existing canal infrastructure. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death in the event of a rupture of a known earthquake fault. There would be no impact.

*VI-a-ii) Strong seismic ground shaking?*

No Impact. The Proposed Project does not include any infrastructure that would be occupied by people. The majority of the proposed pipeline and associated infrastructure is to be installed underground or within existing canal infrastructure. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death in the event of strong seismic ground shaking. There would be no impact.

[21] Ibid.

*VI-a-iii) Seismic-related ground failure, including liquefaction?*

Less Than Significant Impact. The Proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps[22]. In addition, no buildings and/or structures are included in the Proposed Project which would be occupied by people. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death in the event of seismic-related ground failure, including liquefaction. The impact would be less than significant.

*VI-a-iv) Landslides?*

No Impact. The Proposed Project does not include any infrastructure that would be occupied by people. Additionally, the areas surrounding the Proposed Project are relatively flat and would not pose risks for landslides. Therefore, the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death in the event of a landslide. There would be no impact.

### VI-b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The proposed pipeline would be constructed underneath the Lerdo Canal, Highway 99, Calloway Canal, CT-1 Canal and over the Friant-Kern Canal, therefore not displacing topsoil or resulting in substantial soil erosion. The remainder of the proposed pipeline alignment would result in the temporary loss of topsoil. However, these soils would also be backfilled in the trenches following construction. The total impacted area of the construction would be greater than one acre. As a result, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared for the project in accordance with the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ. As part of the SWPPP, the applicant would be required to provide erosion control measures to protect the topsoil during the construction process. Therefore, with implementation of the required SWPPP, impacts are less than significant.

### VI-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?

Less than Significant Impact. The Proposed Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the proposed project and thus would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- Landslides – According to the California Department of Conservation Landslide Map Database, the proposed modified project is not located in a landslide zone[23]. Therefore, there would be no impact.
- Lateral Spreading – The Proposed Project may be subject to potential lateral spreading. However, the Proposed Project is located in a rural area surrounded by relatively flat agricultural lands. The nearest urban development is located in the City of Bakersfield approximately two miles south of the Proposed Project. The Proposed Project would not contribute to lateral spreading within the area. However, the project elements may be subject to lateral spreading. In the event of lateral spreading, water-related infrastructure and agricultural and native lands may be impacted. However, impacts would not expose people or structures to potential substantial adverse effects, including the risk of

[22] California Department of Conservation. California Geologic Survey regulatory maps. http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm Accessed January 27, 2015.
[23] California Department of Conservation. California Geologic Survey regulatory maps. http://www.quake.ca.gov/gmaps/WH/landslidemaps.htm Accessed January 27, 2015.

loss, injury, or death. The only effect from lateral spreading would be that the District would need to repair any failures in infrastructure. Therefore, impacts are less than significant.

- Subsidence – The Proposed Project would not contribute to subsidence. Additionally, the Proposed Project would not be significantly impacted by ongoing subsidence in the area. According to The California Water Foundation's Land Subsidence from Groundwater Use in California Full Report of Findings, the Proposed Project is located in an area of minor recent subsidence, occurring at a rate of 0.0-0.5 feet between 2007 and 2011[24]. This range of subsidence is the lowest of the seven ranges occurring within the San Joaquin Valley. Therefore, any impacts would be less than significant.
- Liquefaction – According to the California Department of Conservation Regulatory Map Database, the Proposed Project is not located in a known liquefaction area[25]. Therefore, there would be no impact.
- Collapse – The Proposed Project is located in a rural area surrounded by generally flat agricultural lands. The nearest urban development is located in the City of Bakersfield approximately 2 miles to the south of the Proposed Project. The Proposed Project would not contribute to ground collapse within the area. However, the project elements may be subject to collapse. In the event of a collapse, water-related infrastructure and agricultural and native lands may be impacted. However, impacts would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death. The only effect from a collapse would be that the District would need to repair any failures in infrastructure. Therefore, impacts are less than significant.

### VI -d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

No Impact. The Proposed Project does not include any infrastructure that would be occupied by people. The majority of the proposed pipeline and associated infrastructure is to be installed underground or within existing canal infrastructure. According to the NRCS soil survey for the northwestern portion of Kern County, which covers the Proposed Project's vicinity, the dominant soil compositions in the Proposed Project location are fine and coarse sandy loams, which are generally considered very stable in regards to expansion[26]. Therefore, the Proposed Project is not located on an expansive soil nor would it create substantial risks to life or property. There would be no impact.

### VI-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?

No Impact. The Proposed Project does not include the installation of septic tanks or other alternative waste water disposal system. Therefore, there would be no impact.

[24] Luhdorff & Scalmanini Consulting Engineers. Report of Findings: Land Subsidence from Groundwater Use in California. April 2014. Page 32.
[25] California Department of Conservation. California Geologic Survey regulatory maps. http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm Accessed January 27, 2015.
[26] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. http://websoilsurvey.nrcs.usda.gov/. Accessed January 27, 2015.

# 3.7 Greenhouse Gas Emissions

Table 3-13. Greenhouse Gas Emissions

| Greenhouse Gas Emissions | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

## 3.7.1 Methodology

An Air Quality and Greenhouse Gas Emissions Evaluation Report, Appendix A, was prepared by Ambient Air Quality and Noise Consulting for the Proposed Project in February 2015. The sections below detail the methodology of the report and its conclusions.

### *Short-Term Construction-Generated Emissions*

Short-term construction emissions associated with the Proposed Project were calculated using CalEEMod, version 2013.2.2. Emissions modeling was assumed to occur an approximate 4- to 6-month period, based on anticipated construction schedules and construction equipment requirements provided by the Project applicant. An average of 8 haul truck trips and a total of approximately 25 construction worker trips were assumed to occur on a daily basis. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in **Appendix A.**

### *Long-Term Operational Emissions*

Long-term operational emissions associated with the Proposed Project were calculated using CalEEMod, version 2013.2.2. Emissions modeling included the use of off-road equipment and maintenance worker vehicle trips associated with routine maintenance activities. No stationary sources of emissions are proposed. Modeling assumptions and output files are included in **Appendix A** of this report.

### 3.7.1.1 Thresholds of Significance

CEQA Guidelines Amendments became effective March 18, 2010. Included in the Amendments are revisions to the Appendix G Initial Study Checklist. In accordance with these Amendments, a project would be considered to have a significant impact to climate change if it would:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or,

b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

In accordance with SJVAPCD's CEQA Greenhouse Gas Guidance, proposed projects complying with BPS would be determined to have a less-than-significant impact. Projects not complying with BPS would be considered less than significant if operational GHG emissions would be reduced or mitigated by a minimum of 29 percent, in comparison to business-as-usual (year 2004) conditions. In addition, Project-generated

emissions complying with an approved plan or mitigation program would also be determined to have a less-than-significant impact.

## 3.7.2 Environmental Setting

The earth's climate has been warming for the past century. It is believed that this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the earth. As the infrared energy is absorbed, the air surrounding the earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past two decades. The 10 warmest years of the last century all occurred within the last 15 years. It appears that the decade of the 1990s was the warmest in human history [NOAA 2010]. Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases. The following is a brief description of the most commonly recognized GHGs.

### 3.7.2.1 Greenhouse Gases

Commonly identified GHG emissions and sources include the following:

- Carbon dioxide ($CO_2$) is an odorless, colorless natural greenhouse gas. $CO_2$ is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
- Methane ($CH_4$) is a flammable greenhouse gas. A natural source of methane is from the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.
- Nitrous oxide ($N_20$), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.
- Water vapor is the most abundant, important, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.
- Ozone is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.
- Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.
- Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.
- Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as

refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

- Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.
- Sulfur hexafluoride (SF6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

#### 3.7.2.2 Effects of Climate Change

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About three-quarters of human emissions of $CO_2$ to the global atmosphere during the past 20 years are due to fossil fuel burning. Atmospheric concentrations of $CO_2$, $CH_4$, and $N_2O$ have increased 31 percent, 151 percent, and 17 percent respectively since the year 1750 (CEC 2008). GHG emissions are typically expressed in carbon dioxide-equivalents ($CO_2e$), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of $CH_4$ has the same contribution to the greenhouse effect as approximately 21 tons of $CO_2$. Therefore, $CH_4$ is a much more potent GHG than $CO_2$.

### 3.7.3 Regulatory Setting

#### 3.7.3.1 Federal

Although climate change and GHG reduction is a concern at the federal level; currently there are no regulations or legislation that have been enacted specifically addressing GHG emissions reductions and climate change at the project level. Neither the U.S. EPA nor the Federal Highway Administration (FHWA) has promulgated explicit guidance or methodology to conduct project-level GHG analysis. However, the FHWA recommends that climate change impacts and strategies to reduce GHG emissions should considered and integrated throughout the transportation decision-making process. Such strategies include implementation of improved transportation system efficiency, use of cleaner fuels and cleaner vehicles, and a reduction in the growth of vehicle hours travelled. Climate change and its associated effects are being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and EO 13514 - Federal Leadership in Environmental, Energy and Economic Performance (Caltrans 2013).

##### *Executive Order 13514*

Executive Order 13514 is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the Interagency Climate Change

Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change (Caltrans 2013).

On April 2, 2007, in Massachusetts v. EPA, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the U.S. EPA has the authority to regulate GHG. The Court held that the U.S. EPA Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision (Caltrans 2013).

On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act (Caltrans 2013):

- Endangerment Finding: The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases—carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$)—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the U.S. EPA's Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles, which was published on September 15, 2009. On May 7, 2010 the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards was published in the Federal Register.

U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations. These steps were outlined by President Obama in a Presidential Memorandum on May 21, 2010.

The final combined U.S. EPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of $CO_2$ per mile, (the equivalent to 35.5 miles per gallon if the automobile industry were to meet this $CO_2$ level solely through fuel economy improvements). Together, these standards will cut GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016). On November 16, 2011, U.S. EPA and NHTSA issued their joint proposal to extend this national program of coordinated greenhouse gas and fuel economy standards to model years 2017 through 2025 passenger vehicles (Caltrans 2013).

### 3.7.3.2 State

#### *Assembly Bill 1493*

Assembly Bill (AB) 1493 (Pavley) of 2002 (Health and Safety Code Sections 42823 and 43018.5) requires the California Air Resources Board (ARB) to develop and adopt the nation's first GHG emission standards for automobiles. These standards are also known as Pavley I. The California Legislature declared in AB 1493 that global warming is a matter of increasing concern for public health and the environment. It cites several risks that California faces from climate change, including a reduction in the state's water supply, an increase in air pollution caused by higher temperatures, harm to agriculture, an increase in wildfires, damage to the coastline, and economic losses caused by higher food, water, energy, and insurance prices. The bill also states that

technological solutions to reduce GHG emissions would stimulate California's economy and provide jobs. In 2004, the State of California submitted a request for a waiver from federal clean air regulations, as the State is authorized to do under the Clean Air Act, to allow the State to require reduced tailpipe emissions of $CO_2$. In late 2007, the USEPA denied California's waiver request and declined to promulgate adequate federal regulations limiting GHG emissions. In early 2008, the State brought suit against the USEPA related to this denial.

In January 2009, President Obama instructed the USEPA to reconsider the Bush Administration's denial of California's and 13 other states' requests to implement global warming pollution standards for cars and trucks. In June 2009, the USEPA granted California's waiver request, enabling the State to enforce its GHG emissions standards for new motor vehicles beginning with the current model year.

Also in 2009, President Obama announced a national policy aimed at both increasing fuel economy and reducing GHG pollution for all new cars and trucks sold in the US. The new standards would cover model years 2012 to 2016 and would raise passenger vehicle fuel economy to a fleet average of 35.5 miles per gallon by 2016. When the national program takes effect, California has committed to allowing automakers who show compliance with the national program to also be deemed in compliance with state requirements. California is committed to further strengthening these standards beginning in 2017 to obtain a 45 percent GHG reduction from the 2020 model year vehicles.

### *Executive Order No. S-3-05*

Executive Order No. S-3-05 was signed on June 1, 2005, by former Governor Arnold Schwarzenegger. The goal of this EO is to reduce California's GHG emissions to: 1) year 2000 levels by 2010, 2) year 1990 levels by the 2020, and 3) 80 percent below the year 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

### *Executive Order S-6-06*

Executive Order S-6-06 (State of California), signed on April 25, 2006, established two primary goals related to the use of biofuels within California, including: (1) by 2010, 20 percent of its biofuels need to be produced within California; increasing to 40 percent by 2020 and 75 percent by 2050; and (2) by 2010, 20 percent of the renewable electricity should be generated from biomass resources within the state, maintaining this level through 2020.

### *Assembly Bill 32 - California Global Warming Solutions Act of 2006*

AB 32 (Health and Safety Code Sections 38500, 38501, 28510, 38530, 38550, 38560, 38561–38565, 38570, 38571, 38574, 38580, 38590, 38592–38599) requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. The gases that are regulated by AB 32 include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride. The reduction to 1990 levels will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs ARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then ARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

AB 32 requires that ARB adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrives at the cap, institute a schedule to meet the emissions cap, and develop tracking, reporting, and enforcement mechanisms to ensure that the state achieves reductions in GHG emissions necessary to meet the cap. AB 32 also includes guidance to institute emissions reductions in an economically efficient manner and conditions to ensure that businesses and consumers are not unfairly affected by the reductions.

### *Climate Change Scoping Plan*

In October 2008, ARB published its Climate Change Proposed Scoping Plan, which is the State's plan to achieve GHG reductions in California required by AB 32. The Scoping Plan contains the main strategies California will implement to achieve reduction of 169 million metric tons (MMT) of $CO_2e$, or approximately 30 percent from the state's projected 2020 emissions level of 596 $MMTCO_2e$ under a business-as-usual scenario (this is a reduction of 42 $MMTCO_2e$, or almost 10 percent, from 2002–2004 average emissions). The Scoping Plan also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations are from improving emissions standards for light-duty vehicles (estimated reductions of 31.7 $MMTCO_2e$), implementation of the Low Carbon Fuel Standard (15.0 $MMTCO_2e$) program, energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 $MMTCO_2e$), and a renewable portfolio standard for electricity production (21.3 $MMTCO_2e$). The Scoping Plan identifies the local equivalent of AB 32 targets as a 15 percent reduction below baseline GHG emissions level, with baseline interpreted as GHG emissions levels between 2003 and 2008.

A key component of the Scoping Plan is the Renewable Portfolio Standard, which is intended to increase the percentage of renewables in California's electricity mix to 33 percent by year 2020, resulting in a reduction of 21.3 $MMTCO_2e$. Sources of renewable energy include, but are not limited to, biomass, wind, solar, geothermal, hydroelectric, and anaerobic digestion. Increasing the use of renewables will decrease California's reliance on fossil fuels, thus reducing GHG emissions.

The Scoping Plan states that land use planning and urban growth decisions will play important roles in the state's GHG reductions because local governments have primary authority to plan, zone, approve, and permit how land is developed to accommodate population growth and the changing needs of their jurisdictions. (Meanwhile, ARB is also developing an additional protocol for community emissions.) ARB further acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors. The Scoping Plan states that the ultimate GHG reduction assignment to local government operations is to be determined. With regard to land use planning, the Scoping Plan expects approximately 5.0 $MMTCO_2e$ will be achieved associated with implementation of Senate Bill 375, which is discussed further below. The Climate Change Proposed Scoping Plan was approved by ARB on December 11, 2008.

The First Update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) on the road to reaching the 2050 goals. ARB's Key Action for the Waste Sector focused on eliminating organics from the landfill starting in 2016 and financing the in-state infrastructure development of composting and anaerobic digestion facilities. ARB's Key Action for Short-lived Climate Pollutants such as methane is to develop a comprehensive strategy by 2015 which will focus on methane generated at landfills from the disposal of organic wastes.

### *Senate Bill 97 - CEQA: Greenhouse Gas Emissions*

Senate Bill 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010. Amendments to the CEQA guidelines took effect March 18, 2010. The revisions include a new section (Sec. 15064.4) that specifically addresses the potential significance of GHG emissions. Section 15064.4 calls for a "good-faith effort" to "describe, calculate or estimate" GHG emissions. Section 15064.4 further states that a lead agency "should" consider several factors when assessing the significance of impacts from GHG emissions on the environment, including: the extent to which the project would increase or reduce GHG emissions; whether project emissions exceed an applicable threshold of significance; and the extent to which the project complies with "regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions."

The guidelines also state that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements of previously approved plan or mitigation program(Sec. 15064(h)(3)). However, the guidelines do not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions.

This bill also protected projects until January 1, 2010 that were funded by the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, or the Disaster Preparedness and Flood Protection Bond Act of 2006 (Proposition 1B or 1E) from claims of inadequate analysis of GHG as a legitimate cause of action. Thus, this "protection" is highly limited to a handful of projects and for a short time period (CAPCOA 2008).

### *Senate Bill 1368*

Senate Bill (SB) 1368 (codified at Public Utilities Code Chapter 3) is the companion bill of AB 32. SB 1368 required the California Public Utilities Commission (CPUC) to establish a greenhouse gas emissions performance standard for baseload generation from investor-owned utilities by February 1, 2007. The bill also required the California Energy Commission (CEC) to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural-gas-fired plant. The legislation further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and the CEC.

### *Senate Bill 1078 and Governor's Order S-14-08 (California Renewables Portfolio Standards)*

Senate Bill 1078 (Public Utilities Code Sections 387, 390.1, 399.25 and Article 16) addresses electricity supply and requires that retail sellers of electricity, including investor-owned utilities and community choice aggregators, provide a minimum 20 percent of their supply from renewable sources by 2017. This Senate Bill will affect statewide GHG emissions associated with electricity generation. In 2008, Governor Schwarzenegger signed Executive Order S-14-08, which set the Renewables Portfolio Standard target to 33 percent by 2020. It directed state government agencies and retail sellers of electricity to take all appropriate actions to implement this target. The proposed project area would receive energy service from the investor-owned Pacific Gas and Electric Company.

Prior to the Executive Order, the CPUC and the CEC were responsible for implementing and overseeing the Renewables Portfolio Standard. The Executive Order shifted that responsibility to ARB, requiring it to adopt regulations by July 31, 2010. ARB is required by current law, AB 32 of 2006, to regulate sources of greenhouse gases to meet a state goal of reducing greenhouse gas emissions to 1990 levels by 2020 and an 80 percent reduction of 1990 levels by 2050. The CEC and CPUC are expected to serve in advisory roles to help ARB develop the regulations to administer the 33 percent by 2020 requirement. Additionally, the CEC and CPUC will continue their implementation and administration of the 20 percent requirement. The Executive Order also stipulates that ARB may delegate to the CPUC and CEC any policy development or program implementation responsibilities that would reduce duplication and improve consistency with other energy programs. ARB is also authorized to increase the target and accelerate and expand the time frame.

The general definition under the State Renewables Portfolio Standard for biomass is any organic material not derived from fossil fuels, including agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, sludge derived from organic matter, and wood and wood waste from timbering operations. Biomass feedstock from state and national forests is allowable under the definition.

#### *Executive Order S-13-08: The Climate Adaptation and Sea Level Rise Planning Directive*

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08 in order to reduce and assess California's vulnerability to climate change and sea level rise. The Executive Order initiated four major actions:

- Initiate California's first statewide climate change adaptation strategy that will assess the state's expected climate change impacts, identify where California is most vulnerable, and recommend climate adaptation policies by early 2009.
- Request the National Academy of Sciences establish an expert panel to report on sea level rise impacts in California to inform state planning and development efforts.
- Issue interim guidance to state agencies for how to plan for sea level rise in designated coastal and floodplain areas for new projects.
- Initiate a report on critical existing and planned infrastructure projects vulnerable to sea level rise. This report was released in 2009 as the California Adaptation Strategy (CNRA 2009).

#### *Mandatory Reporting of Greenhouse Gas Emissions*

Reporting of greenhouse gases by major sources is required by the California Global Warming Solutions Act (AB 32, 2006). Revisions to the existing ARB mandatory GHG reporting regulation were considered at the board hearing on December 16, 2010. The revised regulation was approved by the California Office of Administrative Law and became effective on January 1, 2012. The revised regulation affects industrial facilities, suppliers of transportation fuels, natural gas, natural gas liquids, liquefied petroleum gas, and carbon dioxide, operators of petroleum and natural gas systems, and electricity retail providers and marketers.

#### *Cap-and-Trade Regulation*

The cap-and-trade regulation is a key element in California's climate plan. It sets a statewide limit on sources responsible for 85 percent of California's greenhouse gas emissions, and establishes a price signal needed to drive long-term investment in cleaner fuels and more efficient use of energy. The cap-and-trade rules came into effect on January 1, 2013 and apply to large electric power plants and large industrial plants. In 2015, they will extend to fuel distributors (including distributors of heating and transportation fuels). At that stage, the program will encompass nearly 85 percent of the state's total greenhouse gas emissions.

GHG emissions addressed by the cap-and-trade regulation are subject to an industry-wide cap on overall GHG emissions. The cap-and-trade regulation sets a firm limit or cap on GHGs, which declines approximately 3 percent each year beginning in 2013. Any growth in emissions must be accounted for under the cap, such that a corresponding and equivalent reduction in emissions must occur to allow any increase. The cap-and-trade regulation will help California achieve its goal of reducing GHG emissions to 1990 levels by the year 2020, and ultimately achieving an 80% reduction from 1990 levels by 2050. As such, the ARB has determined that the cap-and-trade regulation meets the requirements of AB 32.

### 3.7.3.3 Local

#### San Joaquin Valley Air Pollution Control District

#### *SJVAPCD Climate Change Action Plan*

On August 21, 2008, the SJVAPCD Governing Board approved the District's Climate Change Action Plan with the following goals and actions:

Goals:

- Assist local land-use agencies with California Environmental Quality Act (CEQA) issues relative to projects with GHG emissions increases.
- Assist Valley businesses in complying with mandates of AB 32.
- Ensure that climate protection measures do not cause increase in toxic or criteria pollutants that adversely impact public health or environmental justice communities.

Actions:

- Authorize the Air Pollution Control Officer to develop GHG significance threshold(s) or other mechanisms to address CEQA projects with GHG emissions increases. Begin the requisite public process, including public workshops, and develop recommendations for Governing Board consideration in the spring of 2009.
- Authorize the Air Pollution Control Officer to develop necessary regulations and instruments for establishment and administration of the San Joaquin Valley Carbon Exchange Bank for voluntary GHG reductions created in the Valley. Begin the requisite public process, including public workshops, and develop recommendations for Governing Board consideration in spring 2009.
- Authorize the Air Pollution Control Officer to enhance the District's existing criteria pollutant emissions inventory reporting system to allow businesses subject to AB32 emission reporting requirements to submit simultaneous streamlined reports to the District and the state of California with minimal duplication.
- Authorize the Air Pollution Control Officer to develop and administer voluntary GHG emission reduction agreements to mitigate proposed GHG increases from new projects.
- Direct the Air Pollution Control Officer to support climate protection measures that reduce GHG emissions as well as toxic and criteria pollutants. Oppose measures that result in a significant increase in toxic or criteria pollutant emissions in already impacted area.

### *SJVAPCD CEQA Greenhouse Gas Guidance.*

On December 17, 2009, the SJVAPCD Governing Board adopted "Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA" and the policy, "District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency." The SJVAPCD concluded that the existing science is inadequate to support quantification of the impacts that project specific greenhouse gas emissions have on global climatic change. The SJVAPCD found the effects of project-specific emissions to be cumulative, and without mitigation, that their incremental contribution to global climatic change could be considered cumulatively considerable. The SJVAPCD found that this cumulative impact is best addressed by requiring all projects to reduce their greenhouse gas emissions, whether through project design elements or mitigation.

The SJVAPCD's approach is intended to streamline the process of determining if project-specific greenhouse gas emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources and have a certified final CEQA document.

Best performance standards (BPS) to address operational emissions of a project would be established according to performance-based determinations. Projects complying with BPS would not require specific quantification of GHG emissions and would be determined to have a less than significant cumulative impact for GHG emissions. Projects not complying with BPS would require quantification of GHG emissions and

demonstration that operational greenhouse gas emissions have been reduced or mitigated by 29 percent, as targeted by ARB's AB 32 Scoping Plan. Furthermore, quantification of GHG emissions would be required for all projects for which the lead agency has determined that an Environmental Impact Report is required, regardless of whether the project incorporates BPS.

#### *APR 2025 – CEQA Determinations of Significance for Projects Subject to ARB's Cap-and Trade Regulation*

The purpose of this policy is to provide guidance for the determination of significance for increases of GHG emissions associated with projects that are subject to ARB's cap-and-trade regulation. The SJVAPCD recognizes that the ARB's Cap-and-Trade Regulation is an adopted state-wide plan for reducing or mitigating GHG emissions from targeted industries. GHG emissions addressed by the Cap-and-Trade regulation are subject to an industry-wide cap on overall GHG emissions. As such, any growth in emissions must be accounted for under that cap, such that a corresponding and equivalent reduction in emissions must occur to allow any increase. Further, the cap decreases over time, resulting in an overall decrease in GHG emissions. Therefore, the SJVAPCD concluded that GHG emissions increases subject to ARB's Cap-and-Trade regulation would have a less than significant individual and cumulative impact on global climate change. This policy applies to projects for which the SJVAPCD is the lead agency, but is also useful for evaluation of other CEQA related projects for which the SJVAPCD may not be the lead agency.

### 3.7.4 Impact Assessment

#### VII-a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? and

#### VII-b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact.

#### *Short-Term Construction-Generated Emissions*

Estimated construction-generated emissions are summarized in **Table 3-14**. As indicated, construction of the proposed project would generate maximum annual emissions of approximately 136 metric tons of carbon dioxide equivalent ($MTCO_2e$). When amortized over the approximate 30-year project life, amortized emissions would be less than 5 $MTCO_2e/year$.

**Table 3-14. Short-Term Construction-Generated GHG Emissions**

| Short-Term Construction-Generated GHG Emissions | |
|---|---|
| **Construction Activity** | **Emissions (MT $CO_2e$)[1]** |
| Off-Road Equipment | 122.9 |
| Haul Trucks Trips | 7.9 |
| Worker Commute Trips | 5.6 |
| *Total:* | *136.4* |
| *Amortized[2]:* | *4.5* |

1. *Emissions were quantified using CalEEMod, version 2013.2.2. Refer to* ***Appendix A*** *for modeling results and assumptions. Totals may not sum due to rounding.*
2. *Amortized emissions were quantified based on an approximate 30-year project life.*

### *Long-Term Operational Emissions*

Long-term operation of the Proposed Project would result in emissions predominantly associated with the occasional use of off-road maintenance equipment and maintenance worker vehicle trips. Emissions would also be generated associated with electricity consumption required for the powering of water conveyance pumps. However, these emissions would be minimal and would occur on an as-needed basis. Furthermore, implementation of the Proposed Project is not projected to result in an overall increase in water use within the district service area. As a result, substantial changes in overall electricity use within the district associated with the pumping and conveyance of water would not be anticipated to occur with project implementation. For these reasons, any changes in emissions associated with electricity use are anticipated to be negligible and were not included in this analysis. Estimated operational emissions are summarized in **Table 3-15.**

**Table 3-15. Long-Term Operational GHG Emissions**

| Long-Term Operational GHG Emissions | |
|---|---|
| **Source** | **Annual Emissions (MT $CO_2e$)[1]** |
| Off-Road Equipment | 4.4 |
| Worker Vehicle Trips | 6.1 |
| Construction Emissions (Amortized)[3] | 4.5 |
| Total: | 15.0 |

1. *Emissions were quantified using CalEEMod, version 2013.2.2.*
2. *Loss of carbon sequestration calculated using CalEEMod, version 2013.2.2 for field row crop. The existing orchard is planned to be removed with or without project implementation and, therefore, is excluded from this calculation. Emissions were amortized assuming an average 30-year project life.*
3. *Construction-generated emissions were amortized assuming a 30-year project life.*

As indicated in Table 3-15, annual operational GHG emissions generated by the proposed project would be minimal, totaling approximately 10.5 MTCO2e/year. With the inclusion of amortized construction emissions, GHG emissions would total approximately 15.0 MTCO2e/year. Given the low GHG emissions generated by the proposed project, impacts to the environment would be considered less than significant.

In accordance with SJVAPCD's recommended guidance, project-generated GHG emissions would be considered less than significant if: (1) the proposed project complies with applicable BPS; (2) operational GHG emissions would be reduced or mitigated by a minimum of 29 percent in comparison to business-as usual (year 2004) conditions; or (3) project-generated emissions would comply with an approved plan or mitigation program.

The SJVAPCD recognizes that the ARB's Cap-and-Trade regulation is an adopted state-wide plan for reducing or mitigating GHG emissions from targeted industries. In June of 2014, the SJVAPCD issued APR-2025. In this policy document, the SJVAPCD concluded that the combustion of fossil fuels including fuels associate with on- and off-road vehicles, are subject to Cap-and-Trade requirements. The SJVAPCD further concluded that through implementation of the Cap-and-Trade regulation, project specific GHG emissions, generated by fossil fuel use, would be fully mitigated. The SJVAPCD therefore concluded that project generated GHG emissions that are associated with sources subject to ARB's Cap-and-Trade regulation would have a less than significant individual and cumulative impact on global climate change.

As noted above in Table 3-14 and Table 3-15, project-generated GHG emissions would be attributable to the consumption of fossil fuels associated with the operation of on- and off-road vehicles. As discussed above, the SJVAPCD has determined that project-generated GHG emissions associated with the use of fossil fuels would be fully mitigated through implementation of ARB's Cap-and-Trade regulation and, therefore, would be considered have a less than significant individual and cumulative impact on the environment.

As discussed earlier in this document, the Cap-and-Trade regulation is a key component in California's AB32 GHG-reduction goals. Given that project-generated emissions would be mitigated through implementation of the Cap-and-Trade regulation, implementation of the proposed project would not conflict with or interfere with the State's GHG reduction plans or goals. On August 21, 2008, the SJVAPCD Governing Board approved the District's Climate Change Action Plan (CCAP). The CCAP includes various recommended measures for the reduction of GHG emissions associated with development projects. However, of the measures recommended, none are applicable to the proposed project. Kern County has not yet adopted a plan for the reduction or mitigation of GHG emissions, nor are there any regulations for the reduction of GHG emissions that are applicable to the proposed project.

For the above-stated reasons, implementation of the Proposed Project is not anticipated to conflict with any applicable plan, policy or regulation for reducing the emissions of GHGs, nor will the proposed project have a significant impact on the environment. This impact would be considered less than significant.

## 3.8 Hazards and Hazardous Materials

Table 3-16. Hazards and Hazardous Materials

| Hazards and Hazardous Materials | | | | | |
|---|---|---|---|---|---|
| | Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| g) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |

| | | | | | |
|---|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.8.1 Environmental Setting

The Proposed Project is located in a rural, agricultural area of Kern County. Lands to the north, east and west of the Proposed Project consist of traditional agricultural land uses including crop production and associated uses (i.e. barns, equipment storage, wells, etc.), rural residences, rural roadways and canals and ditches of varied sizes which are used to convey water for irrigation. Lands to south-southeast consist of the outer limits of Oildale and Bakersfield, and increasing structural development.

The Hazardous Waste and Substances Sites List (Cortese List) and the EnviroStor database are tools used to comply with the CEQA requirements for providing information about the location of hazardous materials release sites. A search of the Cortese List was completed to identify any known hazardous release sites located on or adjacent to the Project. The records search revealed no sites within 2 miles of the Proposed Project.

## 3.8.2 Regulatory Setting

### 3.8.2.1 Federal

Hazardous Materials - U.S. Environmental Protection Agency: The U.S. Environmental Protection Agency (U.S. EPA) was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities to ensure environmental protection. U.S. EPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. U.S. EPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, U.S. EPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act. Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states[27]. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code.

Several federal regulations govern hazards as they are related to transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

### 3.8.2.2 State

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR)[28]

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water

[27] National Fire Protection Association, 2015. NFPA 70: National Fire Code.
[28] California Environmental Protection Agency. http://www.calepa.ca.gov Accessed January 27, 2015.

or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.[29]

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs[30]:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

[29] California Department of Toxic Substances Control. http://www.dtsc.ca.gov/ Accessed January 27, 2015.
[30] California Environmental Protection Agency. http://www.calepa.ca.gov/cupa/ Accessed January 27, 2015.

#### 3.8.2.3 Local

Kern County Multi-Hazard Mitigation Plan: The 2005 Kern County Multi-Hazard Mitigation Plan (MHMP) describes those natural hazards and impacts (including wildland fires) that threaten communities, and establishes mitigation goals and strategies. Information contained in the MHMP could also be used to help guide and coordinate mitigation activities and local policy decisions for future land use decisions. The MHMP divides the County into three regions, including the Valley, Mountain, and Desert. The Proposed Project area is located within the Valley region which includes the western one-third of the county and is the population and agricultural center[31].

Kern County Fire Code: Kern County has adopted portions of the California Building Standards Code and the Uniform Fire Code, with modifications and amendments, in Chapter 17.32 of the Kern County Code of Building Regulations (Fire Code). The Fire Code prescribes the minimum requirements necessary to establish a reasonable level of fire safety to protect life and property from hazards created by fire, explosion, and dangerous conditions. The Fire Code defines a hazardous fire area as any land that is covered with grass, grain, brush, or forest and situated (e.g., in an inaccessible location) so that a fire originating upon such land would present an abnormally difficult job of suppression and would result in great and unusual damage through fire or the resulting erosion.

Kern County Airport Land Use Compatibility Plan: The purpose of the Kern County Airport Land Use Compatibility Plan (ALUCP) is to establish procedures and criteria by which the County of Kern and affected incorporated cities can address compatibility issues when making planning decisions regarding airports and the land uses around them.

### 3.8.3 Impact Assessment

#### VIII-a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? and;

#### VIII-b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant. The Proposed Project will require the storage, transport and use of small quantities of hazardous materials such as gasoline, diesel and oil during the construction phase. During the construction phase, there is the potential for small leaks from refueling of the gasoline tanks. However, standard construction and operational Best Management Practices (BMPs) including the installation of regulated spill containment at each tank (HM-1 and HM-2, as identified in Chapter 2, *Project Description*) will minimize the potential for the release of construction-related fuels and other hazardous materials. These BMPs will also control storm water contamination from spills or leaks, control the amount of runoff from the site, and require proper disposal or recycling of hazardous materials.

In addition, the storage, transport, and use of these materials is required to comply with Local, State and Federal laws. With implementation of BMPs HM-1 and HM-2 as identified in Chapter 2, *Project Description*, Table 2-2 and compliance with laws, the impact to public or environment through the transport, use, or disposal of hazardous materials and accidental release of such materials would be less than significant.

There would be no hazardous materials associated with the operation of the Proposed Project.

[31] Kern County Fire Department Office of Emergency Services. Kern County, California Multi-Hazard Mitigation Plan. November 2005.

### VIII-c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. There are not any existing or proposed schools within one-quarter mile of the Proposed Project. There will be no impact.

### VIII-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?

No Impact. The Proposed Project is not located on lands listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control per a review of "Identified Hazardous Waste Sites", conducted on January 27, 2015. There will be no impact.

### VIII-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?; and,

### VIII-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?

No Impact. The Proposed Project is not located within an airport land use plan, according to the Kern County Airport Land Use Community (ALUC) Plan[32]. The nearest public airports include; Meadows Field Airport, located approximately 2 miles southeast of Proposed Project's connection point to the CDC pipeline, and Shafter Airport/Minter Field, located approximately 3 miles to the northwest of the Rosedale Spreading Ponds. However, there will be no employees stationed at the Proposed Project location on a permanent basis. Therefore, the Proposed Project would not result in a safety hazard for people working in the proposed project area. Additionally, underground water pipelines and related infrastructure are common throughout the ALUC zones and are considered consistent with the Plan. There would be no impact.

### VIII-g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The majority of the proposed pipeline and associated infrastructure is to be installed underground or adjacent to current infrastructure. All construction activities will take place out of the Caltrans right-of-way, including the construction of the pipeline underneath Highway 99 which would utilize jack and bore construction and would not impact the public, traffic or the highway itself. However, City of Shafter roads Verdugo Lane and Zerker Road would be temporarily impacted by lane closures during construction of the pipeline. With implementation of BMP Transportation/Traffic-1 the Proposed Project would not interfere with traffic or site access. As a result, the Proposed Project would not impair implementation of or physical interfere with an adopted emergency response plan or emergency evacuation plan. There would be a less than significant impact.

[32] Kern County Planning and Community Development Department. County of Kern Airport Land Use Community Plan. November 2012. http://pcd.kerndsa.com/planning/planning-documents Accessed 13 February 2015.

### VIII-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?

No Impact. The Proposed Project is located in rural agricultural area which is not considered wildlands. However, standard construction and operational Best Management Practices (BMPs) including the incorporation of fire prevention measures[33] (HM-3, as identified in Chapter 2, *Project Description*) will minimize the potential for wildland fires caused by construction during high fire danger periods. Additionally, the proposed infrastructure would be installed in the disturbed District canal rights-of-way and/or easements that are maintained on a regular basis for weed control. There would be no impact.

## 3.9 Hydrology and Water Quality

Table 3-17. Hydrology and Water Quality

| Hydrology and Water Quality | | | | | |
|---|---|---|---|---|---|
| | Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) | Violate any water quality standards or waste discharge requirements? | ☐ | ☒ | ☐ | ☐ |
| 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 which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |
| 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 erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ |
| 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 flooding on- or off-site? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) | Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |

[33] Chapter 2. Table 2. Best Management Practices for Construction Activities. Page 2-10.

| Hydrology and Water Quality | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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? | ☐ | ☐ | ☐ | ☒ |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

## 3.9.1 Environmental Setting

The Proposed Project is located in a rural, agricultural area of Kern County. Lands to the north, east and west of the Proposed Project consist of traditional agricultural land uses including crop production and associated uses (i.e. barns, equipment storage, wells, etc.), rural residences, rural roadways and canals and ditches of varied sizes which are used to convey water for irrigation. Lands to south-southeast consist of the outer limits of Oildale, and increasing structural development.

### 3.9.1.1 Water and Agriculture

According to the Kern County Department of Agriculture and Measurement Standards,

> *Agricultural commodities exported from Kern County include almonds, apricots, beans, cabbage, cantaloupe, carrots, citrus, cotton lint and planting seed, grapes, hay, honeydew, lettuce, nectarines, nursery stock, peaches, plums, rose plants and watermelon. These commodities are shipped to over 85 foreign countries, with the Asian rim receiving a majority of the exports*[34].
>
> *As the second most productive agricultural county in California in 2013*[35]*, Kern County relies on water, which is the lifeblood of the industry. Careful water management practices have been developed by both the agricultural and urban sectors, and Kern County farmers are among the most skillful water managers through the use of highly efficient irrigation methods. Laser land-leveling also helps to achieve uniform water distribution.*
>
> *With national and worldwide demands for food and fiber increasing, the agricultural and water communities of Kern County continue to develop technologies designed to meet future needs and requirements.*

### 3.9.1.2 Hydrologic Region

The Proposed Project is located in the Tulare Lake Hydrologic Region which includes roughly the southern two-thirds of the Central Valley. The San Joaquin River watershed forms the northern boundary of the region, and the Tehachapi Mountains form the southern boundary. The region is bounded to the east by the Sierra Nevada crest and by the Temblor Range to the west. The area includes several rapidly growing cities, which include Bakersfield, Fresno and Visalia. In the sparsely populated areas on the west side of the valley, industrial water demands for petroleum recovery and production exceed municipal water demands.

The region has 12 distinct groundwater basins and 7 sub-basins of the San Joaquin Valley Groundwater Basin which crosses north into the San Joaquin River Hydrological Region. Eleven of these areas are completely or partially within Kern County, and they are listed as follows: Cuyama Valley Basin, Carrizo Plain Basin, San Joaquin Valley basin with the Kern County Sub-basin, Kern River Valley Basin, Walker Creek Valley Basin,

[34] Kern County Department of Agriculture and Measurement Standards. Agricultural Export Directory. http://www.kernag.com/caap/export-dir/export-dir.asp Accessed 9 February 2015

[35] Kern County Department of Agriculture and Measurement Standards. 2013 Kern County Agricultural Crop Report. http://www.kernag.com/ Accessed 6 February 2015.

Cummings Valley Basin, Castac Lake Valley Basin, Cuddy Canyon Valley Basin, Cuddy Ranch Area Basin, Cuddy Valley Basin, Mil Potrero Area Basin, and the Tehachapi Valley West Basin.

The Proposed Project is located in the Kern County Sub-basin which is bounded on the north by the Kern County line and the Tule Groundwater subbasin, on the east and southeast by granitic bedrock of the Sierra Nevada foothills and Tehachapi mountains, and on the southwest and west by the marine sediments of the San Emigdio Mountains and Coast Ranges. Principal rivers and streams include Kern River and Poso Creek. Active faults include the Edison, Pond-Poso, and White Wolf faults. Average precipitation values range from 5 in. at the subbasin interior to 9 to 13 in. at the subbasin margins to the east, south, and west.[36]

## 3.9.2 Regulatory Setting

### 3.9.2.1 Federal

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

### 3.9.2.2 State

State Water Resources Control Board: The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

The Central Valley Regional Water Quality Control Board (CVRWQCB) administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff

[36] California Department of Water Resources. California's Groundwater Bulletin 118. San Joaquin Valley Groundwater Basin: Kern County Subbasin. http://www.water.ca.gov/groundwater/bulletin118/tularelake.cfm Accessed January 28, 2015.

Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

Recycled Water Policy: The Water Recycling Act of 1991 (Water Code section 13575 *et seq.*) established a statewide goal to recycle a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010.

In February 2009, the State Water Board adopted its Recycled Water Policy (SWRCB Resolution No. 2009-0011), the purpose of which is to increase the beneficial use of recycled water from municipal wastewater sources in a manner that fully implements state and federal water quality laws. The policy directs the State to rely less on variable annual precipitation and more on sustainable management of surface waters and groundwater, together with enhanced water conservation, water reuse and the use of stormwater. As a part of the new recycled water policy, the Water Board adopted the following four goals for California:

1. Increase the use of recycled water over 2002 levels by at least one million acre-feet per year (AFY) by 2020 and by at least two million AFY by 2030.
2. Increase the use of stormwater over use in 2007 by at least 500,000 AFY by 2020 and by at least one million AFY by 2030.
3. Increase the amount of water conserved in urban and industrial uses by comparison to 2007 by at least 20 percent by 2020.
4. Included in these goals is the substitution of as much recycled water for potable water as possible by 2030.

In the new policy, the Water Board also discussed several practical impacts of the greater use of recycled water in the state. Those impacts include the following:

- Groundwater salt and nutrient control: The Water Board imposed a requirement that consistent salt and nutrient management plans be prepared for each basin and subbasin in California. Such plans must include a significant stormwater use and recharge component.
- Landscape irrigation: The Water Board discussed issues involving the permitting of landscape irrigation projects that use recycled water, including the control of incidental runoff of recycled water.
- Groundwater recharge: The Water Board addressed site-specific approvals of groundwater recharge projects using recycled water, emphasizing that such projects must not lower the water quality within a groundwater basin.
- Chemicals of emerging concern: The Water Board further addressed chemicals of emerging concern (CEC), knowledge of which is currently "incomplete." An advisory panel will advise the Water Board regarding actions involving CECs, as they relate to the use of recycled water.

The wide-ranging ramifications of using recycled water, coupled with the aggressive goals established by the Water Board for such future use in California, demonstrates that the new Recycled Water Policy will have a significant impact on land use activities within the state for many years to come.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 1998 update is the most current review and contained the following conclusions:

- The Tulare Basin's population is projected to increase to 3.3 million people by 2020 (from about 1.7 million in 1995). Urban annual net water demand will decrease to about 2.98 million-acre-feet (maf) by 2020 (from about 3.1 maf in 1995).

- Overall, California's irrigated agricultural acreage is expected to decline by nearly 400,000 acres from the 1990 level of 9.2 million acres to a 2020 level of 8.8 million acres, representing a 700,000-acre reduction from the 1980 level. Reductions in projected irrigated acreage are due primarily to urban encroachment onto agricultural land and land retirement in the western San Joaquin Valley, where poor drainage conditions exist. Increases in agricultural water use efficiency, combined with reductions in agricultural acreage and shifts to growing high-value, lower-water-use crops, are expected to reduce agricultural annual net water demand by about 2 maf by 2020 in California, but only a 0.5 maf reduction will occur in the Tulare Basin.
- The 1995 through 2020, level and projections of environmental water needs include fresh water wetland needs, instream fishery requirements, Delta outflow, and wild and scenic rivers. Average annual net water demands for existing environmental needs is expected to stay approximately the same until 2020, which is 1,675 maf. Though regulatory agencies have proposed a number of changes in instream flow needs for major rivers, including the Sacramento and San Joaquin, which may change this number slightly.
- Greater local government and other stakeholder participation in state-wide-level water management decision-making is an emerging trend.

California Government Code 65302 (d): A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

1. The reclamation of land and waters.
2. Prevention and control of the pollution of streams and other waters.
3. Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
4. Prevention, control, and correction of the erosion of soils, beaches, and shores.
5. Protection of watersheds.
6. The location, quantity and quality of the rock, sand and gravel resources.
7. Flood control.

Sustainable Groundwater Management Act: On September 16, 2014 Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater, and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium-priority including the Kern County Sub-basin. The Act took effect on January 1, 2015, and will be implemented over the course of next several years and decades.37

[37] California Drought. Update September 16, 2014. http://ca.gov/drought/topstory/top-story-13.html Accessed January 28, 2015.

### 3.9.2.3 Local

Kern County Land Division Ordinance/ Development Standards and Zoning Ordinance: Kern County regulates development through the Kern County Land Division Ordinance, Development Standards and Zoning Ordinance. Development sites are required to provide for their own on-site retention or show that existing facilities have sufficient capacity to carry the additional runoff. These on-site retention basins are maintained by a County Service Area if for a residential project and privately maintained by the developer through a special district or other entity if it is for a commercial or industrial development. The county declines assume liability for commercial or industrial drainage sumps due to the issues of increased nonpoint source contamination, particularly from industrial uses. The County has identified urbanizing areas to formulate planned drainage areas with master storm drain systems, however lack of funding has slowed implementation.

Water Association of Kern County: The mission of the Water Association of Kern County is to inform and educate the public and water community about water issues in Kern County.

Formed in 1955, the Water Association of Kern County was originally designed to educate the citizens of Kern County about the need for the construction of the State Water Project (California Aqueduct). The organization's goal was to keep the public well informed about activities and issues related to water and on the continuing need for a reliable water supply to Kern County.

Over the years, the WAKC evolved to include outreach and activities that provided information about many water topics including: federal, state and local water projects; water quality; legislation and regulations; historical water agreements; water supply; endangered species;' the Kern River; water banking; conservation; water development and many other water-related topics.

The WAKC is a non-profit business association, funded by voluntary memberships and donations/grants from organizations and individuals interested in the economic, recreational, and conservation benefits of sound water management and development. Membership is open to anyone wishing to support the important educational efforts of the association.

Kern County Multi-Hazard Mitigation Plan: The purpose of the Kern County Multi-Hazard Mitigation Plan (2005) is to reduce or eliminate long-term risk to people and property from natural hazards in the County, including floods and their effects. This plan was prepared to meet the Disaster Mitigation Act of 2000 requirements in order to maintain the County's eligibility for FEMA Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Programs (HMGP). This plan lays out the strategy that will enable the County to become less vulnerable to future disaster losses.

Kern County Emergency Operations Plan: The Kern County Emergency Operations Plan establishes an emergency management organization and assigns functions and tasks consistent with California's Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The preservation of life and property is an inherent responsibility of all levels of government. Since disasters in many devastating forms may strike at any time, the County of Kern endeavours to save lives and minimize property damage through prior planning, preparedness measures, and training. Sound emergency plans carried out by knowledgeable and well-trained personnel can and will minimize losses from any disasters that may occur. As defined by SEMS, an Operational Area is defined as an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county boundary. The County of Kern is the lead agency for the Kern Operational Area and is tasked to coordinate emergency activities between the county, cities and special districts and to serve as a communications link focusing on the collection, processing and dissemination of vital disaster information.

The Plan provides for the integration and coordination of planning efforts of the County/Operational Area with those of its cities, special districts and the state. The content is based on guidance provided by the California Emergency Management Agency, the Federal Emergency Management Agency and Department of Homeland Security. The intent of the Plan is to facilitate emergency response and short-term recovery by providing a framework for response to all significant emergencies, regardless of the nature of the event.

Kern County General Plan Goals, Policies, and Implementation Measures: Water Resources Policy 35) Encourage the development of the County's groundwater supply to sustain and ensure water quality and quantity for existing users, planned growth, and maintenance of the natural environment.

Water Resources Implementation Measure W) Encourage effective groundwater resource management for the long-term benefit of the County through the following: iii. Support the development of Groundwater Management Plans. iv. Support the development of future sources of additional surface water and groundwater, including conjunctive use, recycled water, conservation, additional storage of surface water and groundwater and desalination.

Safety Policy 3) Require emergency response plans for the planning area to include specific procedures for the sequential and orderly evacuation of the potential dam inundation area.

Poso Creek Integrated Regional Water Management Plan (IRWMP): The Poso Creek IRWMP is administered by a Regional Management Group which includes Cawelo Water District, Delano- Earlimart Irrigation District, Kern-Tulare Water District, North Kern Water Storage District, North West Kern Resource Conservation District, Rag Gulch Water District, Semitropic Water Storage District, and Shafter-Wasco Irrigation District. The purpose of the original 2007 Poso Creek IRWM Plan, the first IRWM Plan completed and adopted by the Poso Creek IRWM Group, was to provide a framework for (1) coordinating groundwater and surface water management activities through regional objectives, and (2) implementing the measures necessary to meet those objectives. These statements reflected the aims of the IRWM Group to improve water resources management that benefits inhabitants throughout the Poso Creek Region as well as water purveyors in other parts of California while satisfying regional priorities. At the time, the priorities principally considered the Department of Water Resources' IRWM Proposition 50 Program Guidelines and the Resource Management Strategies (RMSs) presented in the California Water Plan Update 2005. While these purposes and goals remain, the 2014 IRWM Plan Update reflected the IRWM Group's expanded planning efforts to address requirements in the DWR's Proposition 84 IRWM Guidelines that focus on additional RMSs (California Water Plan Update 2013) and the IRWM Plan Standards.

## 3.9.3 Impact Assessment

### IX-a Violate any water quality standards or waste discharge requirements?

#### Less than Significant with Mitigation Incorporated.

In accordance with California Water Code Section 13260, Article 4, Waste Discharge Requirements, compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board (CVRWQCB) is required to deliver treated produced water into the Lerdo Canal through CRC's pipeline and the Rosedale Spreading facility. Based on NKWSD's considerable experience managing treated produced water under a previous WDR Order, the District estimates that at least a 2:1 blending ratio with NKWSD surface or groundwater will be required to deliver water to the Lerdo Canal. Based on preliminary estimates, NKWSD does not believe blending will be required for delivery into the Rosedale Spreading facility. However, the CVRWQCB will serve as the Responsible Agency under CEQA and will act on the acceptable water quality levels, blending and monitoring requirements through their issuance of the WDR Order[38]. Additionally, the CVRWQCB will serve as the enforcement agency responsible for ensuring that violations to any water quality standards or the WDR Order do not occur. Therefore, implementation of mitigation measure HYDRO/WQ-1, Compliance with a CVRWQCB Waste Discharge Requirement Order, would reduce impacts to less than significant levels[39].

[38] Issuance of a WDR Order will occur as a subsequent action by the CVRWQCB.
[39] Rio Vista Farm Bureau Center v. County of Solano, 5 Cal. App. 4th 351 (1992).

Mitigation Measure Hydro/WQ-1: North Kern Water Storage District and California Resources Production Corporation operations shall continually demonstrate compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board.

### IX-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 which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The Proposed Project would increase groundwater recharge by efficiently utilizing treated produced water conveyed to the District's facilities via the CRC pipeline. Delivery of treated produced water would be conveyed into the Rosedale Spreading Ponds would percolate into the groundwater basin without interfering with other groundwater recharge activities, increasing water in storage for use in dry years. Additionally, delivery into the Lerdo Canal would provide additional surface water for irrigation purposes and would directly reduce the need for groundwater pumping (Chapter 2, Section 8). Therefore, the Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The Proposed Project would not result in a net deficit in aquifer volume or lowering of the groundwater table. There would be no impact.

### IX-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 erosion or siltation on- or off-site?

No Impact. The Proposed Project would not require extensive grading. All pipeline related project elements would be constructed and operated underground or adjacent to current canal infrastructure within disturbed right-of-ways and agricultural access roads. All pipeline related trenches would be backfilled and compacted with the excavated dirt resulting in no excess loose soil. The Proposed Project does not cross or alter the course of a stream or river.

The proposed pipeline would be constructed underneath the Lerdo Canal, Highway 99 and Calloway Canal and over the Friant-Kern Canal, therefore not displacing topsoil or resulting in substantial soil erosion. The remainder of the proposed alignment would result in the temporary loss of topsoil. However, these soils would also be backfilled in the trenches following construction. The total impacted area of the construction would be greater than one acre. As a result, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared for the project in accordance with the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ. As part of the SWPPP, the applicant would be required to provide erosion control measures to protect the topsoil during the construction process (See Chapter 2, Table 1-2, BMP WQ-3). The purpose of the SWPPP is to ensure that there are no impacts. Therefore, through compliance with the required SWPPP, there would be no impact.

### IX-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 flooding on- or off-site?

No Impact. The Proposed Project would not require extensive grading. All pipeline related project elements would be constructed and operated underground or adjacent to current canal infrastructure within disturbed right-of-ways and agricultural access roads. All pipeline related trenches would be backfilled and compacted with the excavated dirt resulting in no excess loose soil. The Proposed Project does not cross or alter the course of a stream or river.

The proposed pipeline would be constructed within District easements and various rights-of-way. All pipeline related trenches would be backfilled and compacted with the excavated dirt resulting in no excess loose soil. The Proposed Project would not alter the course of a stream, a river or the drainage pattern of the area which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. There would be no impact.

### IX-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?

No Impact. The Proposed Project would not result in any additional impervious surfaces in the area. Additionally, there are no existing or planned stormwater drainage systems within the area. Therefore, the project would not 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.

### IX-f) Otherwise substantially degrade water quality?

Less Than Significant Impact. The Proposed Project's objective is to provide the District with water supplies additional to its base supplies from the Kern River, thereby diversifying its water supply and increasing reliable delivery of supplies to its customers**.** The additional water supplies provided by the Proposed Project will help meet existing demands for agricultural irrigation water and groundwater in the District. The Proposed Project is subject to a substantial permitting process through the RWQCB to ensure it does not have an impact on water quality. Additionally, NKWSD has agreed to incorporate the following BMPs into the Project in an effort to further limit potential impacts to water quality:

- WQ-1: Maintain Clean Conditions at Work Sites, and
- WQ-2: Manage Sanitary and Septic Waste.[40]

Through the incorporation of these BMPs and through compliance with the required permits, the impact would be less than significant.

### IX-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? and,

### IX-h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. The eastern-most portion of the proposed pipeline is located in DFIRM panel Zone-X, Map 06029C1825E (dated September 26, 2008). The remainder of the proposed pipeline (west of the Friant-Kern Canal and extending to the Rosedale Spreading Ponds) is located DFIRM panel Zone X, Map 06029C1800E (dated September 26, 2008). The Proposed Project is not located within a 100-year flood hazard area. Additionally, the Proposed Project would not involve placement of housing or structures. There would be no impact.

### IX-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? and,

No Impact. The Proposed Project involves the construction of an underground pipeline and associated infrastructure. Therefore, the Proposed Project will not be occupied by people and no impacts relating to injury or death from flooding could occur.

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[40] Chapter 2. **Table 2-2**. Best Management Practices for Construction Activities. Page 2-10.

### IX-j) Inundation by seiche, tsunami, or mudflow?

No Impact. Lands in the vicinity of the Proposed Project consist of relatively flat, irrigated farmland, and infrastructure typical of rural agricultural areas. Therefore, the Proposed Project would not be subject to inundation by seiche, tsunami, or mudflow. No impact would occur.

# 3.10 Land Use and Planning

Table 3-18. Land Use and Planning

| Land Use and Planning | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

## 3.10.1 Environmental Setting

The Proposed Project is located approximately 4 miles northwest of Oildale, approximately 8 miles southeast of central City of Shafter and 1.25 miles northwest of the city limits of Bakersfield, within the NKWSD. The District is located in central Kern County, California. The immediate area surrounding the Proposed Project consists primarily of agriculturally productive lands, associated agricultural-support facilities and scattered rural residences. A variety of water conveyance facilities exist within the Proposed Project vicinity including canals, drainage ditches, reservoirs, wells, pump stations, pipelines, and associated appurtenances. A small portion of the Proposed Project is located in unincorporated Kern County. The majority of the Proposed Project is located within the outer city limits of the City of Shafter. Properties within the immediate vicinity are designated and zoned "Exclusive Agriculture" in the Kern County Zoning Code, while some are zoned "Community Facilities" (Rosedale Spreading Ponds) and "Specific Plan" by the City of Shafter.

## 3.10.2 Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the Proposed Project.

### 3.10.2.1 Local

Kern County General Plan and Zoning Ordinance: The General Plan Land Use Element. The Land Use Element designates the type, intensity, and general distribution of uses of the land for housing, business, industry, open-space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses. Land Use and Zoning. Land use has historically and primarily been regulated through the process of zoning. Zoning is the legal regulation of the use of land. It is an application of the police power for

the protection of the public health, safety, and welfare. Land use regulations usually include provisions for the use of property and limitations upon the shape and bulk of buildings that occupy the land.[41]

Exclusive Agriculture: The purpose of the Exclusive Agriculture (A) District is to designate areas suitable for agricultural uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to non-agricultural uses. Uses in the A District are limited primary to agricultural uses and other activities compatible with agricultural uses.[42]

City of Shafter General Plan, Land Use Program: The Land Use Program is the cornerstone of the City of Shafter General Plan-synthesizing all General Plan land use issues. The Land Use Program designates the proposed general distribution, location, and extent of land uses for housing, business, industry, and open space. It also establishes standards for the spatial relationships between the various types of land uses within the study area.[43]

Specific Plan: Includes a mix of residential, commercial, industrial, community facilities, parks and schools provided in a planned community setting. Maximum development intensity shall be set forth in Section 2.8 of the Land Use Program.

Community Facilities: Includes facilities related to government and other public and quasi-public agency uses. Maximum floor area ratio shall be 0.5.

Resource Management: Includes facilities associated with the extraction of mineral resources. Maximum floor area ratio shall be 0.2.[44]

## 3.10.3 Impact Assessment

### X-a) Would the project physically divide an established community?

No Impact. The Proposed Project is located in a rural area of Kern County within NKWSD easements and the existing canal right-of-way (see Figure 1). There are no communities within or adjacent to the Proposed Project. The Proposed Project will not physically divide any established community. There will be no impact.

### X-b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Proposed Project is located in a rural area of Kern County within NKWSD easements and various rights-of-way (see Section 2.8.2.2). A small portion of the Proposed Project is located in unincorporated Kern County. The majority of the Proposed Project is located within the outer city limits of the City of Shafter. Properties within the immediate vicinity are designated and zoned "Exclusive Agriculture" in the Kern County Zoning Code, while some are zoned "Community Facilities" (Rosedale Spreading Ponds) and "Specific Plan" by the City of Shafter. The Proposed Project is consistent with both the Kern County General Plan and City of Shafter General Plan land use designations and zoning ordinances. Therefore, the project would not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the Project. Therefore, there would be no impact.

[41] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.7 Land Use/Planning and Agriculture.
[42] Kern County Zoning Ordinance Chapter 19.12. Exclusive Agriculture (A) District. July 2012.
[43] City of Shafter Draft General Plan. Chapter 2.0 Land Use Program. April 2005. Prepared by LSA Associates, Inc.
[44] City of Shafter Draft General Plan. Table 2.A.. April 2005. Prepared by LSA Associates, Inc.

### X-c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The Proposed Project is within the Draft Valley Floor Habitat Conservation Plan (VFHCP) boundary[45]; however, the VFHCP is not currently adopted and no date for adoption has been set. A small portion of the Proposed Project is located within the northern boundaries of the Metropolitan Bakersfield Habitat Conservation Plan; however, the Proposed Project is not considered "Urban Development" and would not be subject to the fees and requirements of the MBHCP. There would be no impact.

# 3.11 Mineral Resources

Table 3-19. Mineral Resources

| Mineral Resources | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.11.1 Environmental Setting

Kern County is one of the largest producers of mineral products in California. The principal mineral product is petroleum and related products which contributes about 75% of the total value of all County mineral products. Kern County produces more oil than any other County in California. Additionally, borax, cement production, and construction aggregates are major economic mineral resources in the County [46].

The California Department of Conservation, Office of Mine Reclamation (OMR) provides mine information to the public through the Mines Online (MOL) website. The website is an interactive web map designed to provide information such as mine name, operation status, commodities sold, and mine locations. According to the MOL geographic information system (GIS), the closest mine to the Proposed Project area is a closed mine located approximately 2 miles east of the eastern portion of the project (Mine ID: 91-15-0025). According to the OMR GIS, the mine operator historically provided sand and gravel[47].

California Department of Conservation's Division of Oil, Gas and Geothermal Resources maintains a database of oil wells in the Proposed Project area (DOGGR). According to the DOGGR Well Finder there is one active and approximately six inactive or dry oil wells within the Project vicinity.[48]

[45] First Public Draft, Kern County Valley Floor Habitat Conservation Plan. December 2006. Kern County Planning Department. Prepared by Garcia and Associates.
[46] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.8.1 Minerals/Oil-Natural Resources.
[47] State of California, Department of Conservation, http://maps.conservation.ca.gov/mol/mol-app.html
[48] State of California Department of Conservation, Division of Oil, Gas & Geothermal Resources Well Finder http://maps.conservation.ca.gov/doggr/index.html#close

## 3.11.2 Regulatory Setting

### 3.11.2.1 Federal

There are no federal regulations pertaining to mineral resources relevant to the Proposed Project.

### 3.11.2.2 State

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California. The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

### 3.11.2.3 Local

Kern County General Plan: The General Plan Land Use Element and Conservation and Open Space Element provide goals, policies, and implementation measures related to mineral resources in the Project area.

*Land Use Element – Resource*

Goals:

- Goal 1: To contain new development within an area large enough to meet generous projections of foreseeable need, but in locations which will not impair the economic strength derived from the

petroleum, agriculture, rangeland, or mineral resources, or diminish the other amenities which exist in the County.

- Goal 2: Protect areas of important mineral, petroleum, and agricultural resource potential for future use.
- Goal 3: Ensure the development of resource areas minimize effects on neighboring resource lands.
- Goal 5: Conserve prime agriculture lands from premature conversion.

Policies:

- Policy 10: To encourage groundwater resource management for the long-term economic benefit of the County the following shall be considered:
- Promote groundwater recharge activities in various zone districts.
- Support for the development of Urban Water Management Plans and promote Department of Water Resources grant funding for all water providers.
- Support the development of groundwater management plans.
- Support the development of future sources of additional surface water and groundwater, including conjunctive use, recycled water, conservation, additional storage of surface water and groundwater and desalination.
- Policy 12: Area identified by the Natural Resource Conservation Service (formerly Soil Conservation Service) as having high range-site value should be conserved for Extensive agriculture uses or as Resource Reserve, if located within a County water district.
- Policy 14: Emphasize conservation and development of identified mineral deposits.
- Policy 15: Agriculture and other resource uses will be considered a consistent use in areas designated for Mineral and Petroleum Resource uses on the General Plan.
- Policy 25: Discourage incompatible land use adjacent to Map Code 8.4 (Mineral and Petroleum) areas.

*Land Use Element – General Provisions*

Goals:

- Goal 1: Ensure that the County can accommodate anticipated future growth and development while maintaining a safe and healthful environment and a prosperous economy by preserving valuable natural resources, guiding development away from hazardous areas, and assuring the provision of adequate public services.

## 3.11.3 Impact Assessment

### XI-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?

No Impact. The Proposed Project would be constructed within District maintained easements and various rights-of-way (see Section 2.8.2.2) .The Project would not interfere with the operation of the existing oil wells in the vicinity of the Proposed Project. Additionally, the site is not located in an area of significant identified

mineral resources[49]. Therefore, the Proposed Project would not result in the loss of available mineral resources that would be of value to the Kern County region and the residents of the state.

### XI-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?

No Impact. The Proposed Project is located in a State identified Mineral Resource Zone, identified as MRX-3 (PCC)[50]. Zones delineated as MRZ-3 are classified as areas containing known or inferred mineral occurrences of undetermined mineral resource significance[51]. The Proposed Project area is not within an oil field as delineated on Figure 4.8-1. Kern County Oil Fields, included in the Kern County General Plan Update PEIR[52]. The Proposed Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, implementation of the Proposed Project will not result in the loss of known availability of any mineral resources. There will be no impact.

## 3.12 Noise

Table 3-20. Noise

| Noise | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

[49] California Geological Survey, Department of Conservation. Special Report 210: Update of Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Kern County, California. 2009.
[50] California Geological Survey, Department of Conservation. Updates Mineral Land Classification Map for the Bakersfield Production-Consumption Region, Kern County, CA. 2009.
[51] California Geological Survey, Department of Conservation. Special Report 210: Update of Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Kern County, California. 2009.
[52] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.8.1 Minerals/Oil-Natural Resources.

## 3.12.1 Environmental Setting

The area in the vicinity of the Proposed Project is surrounded by cultivated agriculture and agriculture-supporting infrastructure. Background noise levels are typical of agricultural practices, including vehicle traffic, farm equipment operations, roadway noise, and aviation operations (including airplane and helicopter crop dusting).

Maximum noise levels generated by farm related equipment typically range from 77 to 85 db at a distance of 50 feet from the tractor, depending on the horsepower of the tractor and the operating conditions. Due to the seasonal nature of the agricultural industry, there are often extended periods of time when no noise is generated at the proposed basin site, followed by short-term periods of intensive mechanical equipment usage and corresponding noise generation.

Noise generated from roadways is dependent on the amount of traffic, the traffic mix (proportion of trucks to cars) and speed of traffic. An additional factor where trucks are present is gradient, road alignment and signalization. Trucks going up or down a grade can produce significantly more noise due to de-acceleration or acceleration.[53] Typical hourly equivalent continuous noise levels (Leq) for 4-lane urban arterial road and 2-lane suburban arterial road traffic is approximately 65 db and 60db respectively at 50 feet. Typical background noise levels for small town residential areas is 50 db[54].

## 3.12.2 Regulatory Setting

### 3.12.2.1 Federal

**Federal Vibration Policies:** The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage[55]. The FTA has identified the human annoyance response to vibration levels as 75 VdB.[56]

### 3.12.2.2 State

The California Noise Control Act was enacted in 1973 (Health and Safety Code § 46010 *et seq.*), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the OPR to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

### 3.12.2.3 Local

Kern County General Plan: The General Plan Noise Element provides goals, policies, and implementation measures related to noise control in the project area.

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[53] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.5 Noise.
[54] Federal Transit Administration, Transit Noise and Vibration Impact Assessment, 2006
[55] Federal Railway Administration, High-Speed Ground Transportation Noise and Vibration Impact Assessment, September 2012.
[56] Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

Goals:

- Goal 1: Ensure that residents of Kern County are protected from excessive noise and that moderate levels of noise are maintained.

Policies:

- Policy 2: Require noise level criteria applied to all categories of land uses to be consistent with the recommendations of the California Division of Occupational Safety and Health (DOSH).
- Policy 3: Utilize good land use planning principles to reduce conflicts related to noise emissions.
- Policy 5: Prohibit new noise-sensitive land uses in noise-impacted areas unless effective mitigation measures are incorporated into the project design. Such mitigation shall be designed to reduce noise to the following levels:
  - 65 dB Ldn (Day Night Average Sound Level) or less in outdoor activity areas;
  - 45 dB Ldn or less within interior living spaces or other noise sensitive interior spaces.
- Policy 7: Employ the best available methods of noise control.

Kern County, California – Code of Ordinances, Chapter 8.36 - Noise Control

*Section 8.36.020 – Prohibited Sounds:*

H: To create noise from construction, between the hours of nine (9:00) p.m. and six (6:00) a.m. on weekdays and nine (9:00) p.m. and eight (8:00) a.m. on weekends, which is audible to a person with average hearing faculties or capacity at a distance of one hundred fifty (150) feet from the construction site, if the construction site is within one thousand (1,000) feet of an occupied residential dwelling except as provided below:

1. The development services agency director or his designated representative may for good cause exempt some construction work for a limited time.
2. Emergency work is exempt from this section.

## 3.12.3 Impact Assessment

### XII-a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. Long–term Project operation would not generate a substantial increase in ambient noise levels. Potential noise sources resulting from implementation of the project include noise associated with periodic vehicular trips for site operation and maintenance. Maintenance and operation activities are not expected to substantially increase ambient noise levels in the area above existing levels without the Project, especially when considering existing farming operations within the immediate area.

Project construction would involve temporary noise sources and is anticipated to last approximately four to six months. Typical construction equipment would include backhoe, excavators, loader, crane, grader, dump trucks, compactors, concrete trucks, water truck, tractors and miscellaneous equipment. During the construction phases of the Project, noise from construction activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in **Table 3-21**, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control.

Table 3-21. Noise Levels of Typical Construction Equipment

| Noise Levels of Typical Construction Equipment[57] | | |
|---|---|---|
| Type of Equipment | dBA at 50 ft | |
| | Without Feasible Noise Control | With Feasible Noise Control[1] |
| Dozer or Tractor | 80 | 75 |
| Excavator | 88 | 80 |
| Scraper | 88 | 80 |
| Front End Loader | 79 | 75 |
| Backhoe | 85 | 75 |
| Grader | 85 | 75 |
| Truck | 91 | 75 |

[1] *Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications*

The noise levels of construction equipment in Table 1 above are at a distance of 50 feet from the listed equipment. The nearest offsite residences are located approximately 3,800 feet (0.71 miles) south of the eastern-most portion of Proposed Project and approximately 3,800 feet north of the western-most portion of the Proposed Project as it follows the Calloway Canal. Noise levels will decrease at an approximate rate of 3 dB every 50 feet. At a distance of 3,800 feet or 0.71 miles from the nearest rural residences, noise generated from construction-related activities would be reduced to a level less than established for outdoor activities in the Kern County General Plan. Therefore, the impact would be less than significant.

### XII-b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings[58].

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels[59].

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day[60].

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the

[57] US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971
[58] Federal Transit Administration. Transit Noise and Vibration Impact Assessment. 2006.
[59] Ibid.
[60] Ibid.

ground and diminish in strength with distance. **Table 3-22** describes the typical construction equipment vibration levels.

Table 3-22. Typical Construction Vibration Levels

| Typical Construction Vibration Levels | |
|---|---|
| Equipment | VdB at 25 ft[2] |
| Small Bulldozer | 58 |
| Vibratory Roller | 94 |
| Jackhammer | 79 |
| Loaded Trucks | 86 |

Vibration levels of construction equipment in **Table 3-22** are at a distance of 25 feet from the equipment. The nearest offsite residences are located approximately 3,800 feet east of the south of the eastern-most portion of the Proposed Project and approximately the same distance north of western-most portion of the Proposed Project as it follows the Calloway Canal. At a distance of 3,800 feet, vibration generated from construction related activities would be reduced to a level less the FTA threshold. Additionally, vibration from construction activities would be temporary. The impact would be less than significant.

### XII-c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? and,

### XII-d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Upon completion of construction activities, Project operation would not generate a substantial increase in ambient noise levels. Potential noise sources resulting from implementation of the Proposed Project include noise associated with periodic vehicular trips for operation and maintenance. Maintenance and operation activities are not expected to substantially increase ambient noise levels in the area above existing levels, especially when considering existing canal infrastructure and farming operations within the immediate area. The impact would be less than significant.

Any impacts regarding the temporary increase in ambient noise levels have been discussed in the analysis of Impact XII-a and c. The impact would be less than significant.

### XII-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? and,

### XII-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?

No Impact. The nearest public airports include; Meadows Field Airport, located approximately 1.5 miles southeast of the Proposed Project's connection point to the CRC pipeline and Shafter Airport/Minter Field, located approximately 3 miles to the northwest of the Rosedale Spreading Ponds. Based on the Airport Land Use Compatibility Plan for the County of Kern the Proposed Project is not located within an airport land use plan area[61]. Additionally, the Proposed Project would not permanently staff onsite employees. There would be no impact.

[61] Kern County Planning and Community Development Department. County of Kern Airport Land Use Community Plan. November 2012. http://pcd.kerndsa.com/planning/planning-documents Accessed 13 February 2015.

# 3.13 Population and Housing

Table 3-23. Population and Housing

| Population and Housing | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

## 3.13.1 Environmental Setting

The immediate area surrounding the Proposed Project consists primarily of agriculturally productive lands, associated agricultural-support facilities, and rural highways. A variety of water conveyance facilities exist within the Proposed Project's vicinity area including canals, drainage ditches, reservoirs, wells, pump stations, pipelines, and associated appurtenances. Properties within the immediate vicinity of the Proposed Project located within Kern County boundaries are designated and zoned "Exclusive Agriculture" and "Medium Industrial.[62]" Properties within the immediate vicinity of the Proposed Project located within City of Shafter limits are designated and zoned "Industrial" and "Agriculture/Open Space.[63]"

## 3.13.2 Regulatory Setting

### 3.13.2.1 Federal

There are no federal regulations, plans, programs or guidelines associated with population or housing that are applicable to the Proposed Project.

### 3.13.2.2 State

California Housing Element Law: State law requires each city and county to adopt a general plan for future growth. This plan must include a Housing Element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the State level, the California Department of Housing and Community Development estimates the relative share of California's projected population growth that could occur in each county in the State based on Department of Finance population projections and historic growth trends. Where there is a regional council of governments, as in Kern County, the California Department of Housing and Community Development provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations.

[62] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.7 Land Use/Planning.
[63] City of Shafter Draft General Plan. Chapter 2.0 Land Use Program. April 2005. Prepared by LSA Associates, Inc.

The California Department of Housing and Community Development oversees the process to ensure that the councils of governments distribute their share of the State's projected housing need.

Each city and county must update its general plan housing element on a regular basis (typically, every five to eight years). Among other things, including incorporating policies, the housing element must identify potential sites that could accommodate the city's share of the regional housing need. Before adopting an update to its housing element, the city or county must submit a draft to the California Department of Housing and Community Development for review. The department advises the local jurisdiction as to whether its housing element complies with the provisions of California housing element law.

The councils of governments are required to assign regional housing shares to the cities and counties within their regions on a similar five-year schedule. At the beginning of each cycle, the California Department of Housing and Community Development provides population projections to the councils of governments, which then allocate shares to their cities and counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

#### 3.13.2.3 Local

Kern Council of Governments and Kern County Regional Allocation Plan: A council of governments (COG) acts as an area-wide planning agency. COGs assist local governments with multi-jurisdictional issues such as air quality, transportation, water quality, energy, and housing. Kern COG serves this purpose for Kern County. The primary function of the Kern COG is to address regional transportation issues, but it also functions as the State designated Census Data Center Affiliate. Kern COG and its member agencies include the County of Kern and the 11 incorporated cities within Kern County. Kern COG facilitates comprehensive planning and intergovernmental coordination.

Under California housing law, the California Department of Housing and Community Development is responsible for estimating the relative share of California's projected population growth that would occur in each county in the State based on DOF population projections and historical growth trends. In turn, Kern COG is required by State law to determine the portion of funding for regional housing to be allocated to each jurisdiction within the region. To do this, Kern COG developed a Regional Housing Needs Assessment (RHNA) for the period between 2013 and 2023. The plan addresses all housing needs for all income levels in the Kern region. Need is based on available census data, market demand for housing, employment opportunities, the availability of suitable sites, public facilities, commuting patterns, and population projections. Future housing needs refer to the projected amount of housing a community is required to plan for during a specified planning period. The RHNA supports communities in anticipating growth so that they can grow in a way that enhances quality of life; improves access to jobs, transportation, and housing; and avoids adversely affecting the environment. Each of the local governments has an opportunity to comment on the allocations proposed by Kern COG.

On December 30, 2013, the California Department of Housing and Community Development formally transmitted the County's housing allocation to Kern COG for the period from January 1, 2013, to December 31, 2023, which included the need to provide 67,675 dwelling units. Adoption of the Kern COG Regional Housing Allocation Plan was scheduled for June 19, 2014 and was approved in September 2014. This plan establishes housing production goals for each jurisdiction within the region for the period between 2013 and 2023.

### 3.13.3 Impact Assessment

#### XIII-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)?

No Impact. The Proposed Project's objective is to provide the District with water supplies additional to its base supplies from the Kern River, thereby diversifying its water supply and increasing reliable delivery of supplies to its customers. The Proposed Project would install agricultural water-related infrastructure underground and within existing irrigation water canals. The Project would not induce substantial population growth. There would be no impact.

#### XIII-b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Proposed Project will be constructed within District easements and various rights-of-way. No existing housing will be displaced during the construction and implementation of the Proposed Project. There would be no impact.

#### XIII-c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The Proposed Project will be constructed within District easements and various rights-of-way. The Proposed Project would not displace substantial numbers of people. There would be no impact.

## 3.14 Public Services

Table 3-24. Public Services

| Public Services | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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? | ☐ | ☐ | ☐ | ☒ |
| Police protection? | ☐ | ☐ | ☐ | ☒ |
| Schools? | ☐ | ☐ | ☐ | ☒ |
| Parks? | ☐ | ☐ | ☐ | ☒ |
| Other public facilities? | ☐ | ☐ | ☐ | ☒ |

## 3.14.1 Environmental Setting

Law enforcement for the Proposed Project area is provided by the Kern County Sherriff Department (Zone 1). Fire protection is provided by the Kern County Fire Department Station 32 (Rosedale Spreading Pond parcel) and Station 61 (the remainder of the Proposed Project). Local schools are operated through the Richland Union School District. Parks and other urban facilities are not located within the immediate vicinity.

## 3.14.2 Regulatory Setting

### 3.14.2.1 Federal

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

### 3.14.2.2 State

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

Under Title 14 of the California Code of Regulations, the California Department of Forestry and Fire Protection (CAL FIRE) has the primary responsibility for fire protection in the 31 million acres of State Responsibility Area in California. In Kern County, SRA fire protection is contracted out by CAL FIRE to KCFD. CAL FIRE provides funding to Kern County for fire protection services, including wages of suppression crews, lookouts, maintenance of fire fighting facilities, fire prevention assistants, pre-fire management positions, dispatch, special repairs, and administrative services. CAL FIRE's budget also provides for infrastructure improvements, and expanded fire fighting needs when fires grow beyond initial attack.

### 3.14.2.3 Local

Kern County General Plan: The General Plan Land Use Element and Conservation and Open Space Element provide goals, policies, and implementation measures related to public facilities and services in the project area.

*Land Use Element – Public Facilities and Services*

Goals:

- Goal 5: Ensure that adequate supplies of quality (appropriate for intended use) water are available to residential, industrial, and agricultural users within Kern County.

Policies:

- Policy 6: The County will ensure adequate fire protection to all Kern County residents.
- Policy 7: The County will ensure adequate police protection to all Kern County residents

## 3.14.3 Impact Assessment

### XIV-a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:

No Impact. As described below, the Proposed Project would not result in a need for the addition or alteration of any public services. The Proposed Project is located within Kern County and would utilize existing services provided by the County. There would be no impact.

- Fire Protection – Kern County Fire Stations No. 32 and 61 would continue to provide fire protection services to the Proposed Project site during and after Proposed Project implementation. No residential or office construction is included in the Proposed Project. The infrastructure associated with the proposed project would not increase fire potential. There would be no impact.
- Police Protection – The Kern County Sheriff (Zone 1) would continue to provide sheriff protection services to the Proposed Project site during and after Proposed Project implementation. The closest Kern County Sheriff Station is located approximately 4 miles southeast of the Proposed Project site in Bakersfield. Emergency response from Kern County is adequate to the Proposed Project site. No residential or office construction is included in the Proposed Project. Thus, there would be no impact.
- Schools – The nearest school to the Proposed Project site is approximately 2 miles south of the eastern-most boundary of the Proposed Project. The nearest school within the Proposed Project's school district boundary is approximately 7 miles northwest of the Rosedale Spreading Ponds parcel. The Proposed Project itself would not include construction of any residential structures, nor change the existing land use. The Proposed Project would not result in an increase of population that would impact existing school facility service levels nor require additional need for school facilities to be expanded. There would be no impact.
- Parks – The nearest park is located approximately 2.5 miles south of the Proposed Project. As the Proposed Project would not impact any existing recreational activities or induce greater population growth, there would be no need for additional park or recreational services or facilities as a result of proposed project implementation. There would be no impact.
- Other Public Facilities – No power stations, water treatment plants or other public facilities are nearby. In addition, the site would not generate additional water treatment, sewer or electricity needs. Furthermore, the Proposed Project would not induce population growth. As such, there would be no impact as a result of Proposed Project implementation.

# 3.15 Recreation

Table 3-25. Recreation

| Recreation | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Would the project 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? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

## 3.15.1 Environmental Setting

The Proposed Project is in a rural agricultural area of Kern County. No recreational facilities are located in the general vicinity of the Proposed Project. The closest recreational facilities are located approximately 2.5 miles to the south within the Bakersfield city limits.

## 3.15.2 Regulatory Setting

### 3.15.2.1 Federal

There are no federal regulations, plans, programs, and guidelines associated with recreation that is applicable to the Proposed Project.

### 3.15.2.2 State

There are no state regulations, plans, programs, and guidelines associated with recreation that is applicable to the Proposed Project.

### 3.15.2.3 Local

Kern County General Plan: The Kern County General Plan sets forth goals and policies to provide recreational facilities and parks. There are no goals or policies associated with recreation that are applicable to the Proposed Project.

## 3.15.3 Impact Assessment

### XV-a) Would the project 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?

No Impact. As discussed in Impact XIV-a, the Proposed Project will not increase the demand for recreational facilities nor put a strain on the existing recreational facilities such that substantial physical deterioration of existing recreational facilities would occur or be accelerated. Therefore, there will be no impact.

### XV-b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Proposed Project does not include recreational facilities. As there is no population growth associated with the Proposed Project, construction or expansion of nearby recreational facilities will not be necessary. There will be no impact.

# 3.16 Transportation/Traffic

Table 3-26. Transportation/Traffic

| Transportation/Traffic | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 3.16.1 Environmental Setting

The Proposed Project is located approximately 4 miles northwest of Oildale, approximately 8 miles southeast of central City of Shafter and 1.25 miles northwest of the city limits of Bakersfield, within the NKWSD. The Proposed Project is located within a rural and agricultural area of Kern County. Highway 65 is located approximately 2 miles east of the Proposed Project. Lerdo Highway is located approximately 2 miles to the north. 7th Standard Road is approximately 1 mile to the south. State Route 99 runs through the middle of the project area.

The nearest public airports include; Meadows Field Airport, located approximately 1.5 miles southeast of Proposed Project's connection point to the CRC pipeline, and Shafter Airport/Minter Field, located approximately 3 miles to the northwest of the Rosedale Spreading Ponds.

## 3.16.2 Regulatory Setting

### 3.16.2.1 Federal

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

Federal Aviation Administration: The Federal Aviation Administration (FAA) regulates aviation at regional, public, and private airports. The FAA regulates objects affecting navigable airspace.

### 3.16.2.2 State

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

State Route 99 is designated as Segment 10 and Segment 11 in the vicinity of the Proposed Project and has a route concept rationale of LOS C (2025). State Route 99 is rural through this segment and exists as a 6-lane highway. Planned programs for this segment include widening from a 6 lane freeway to an 8 lane freeway.[64]

### 3.16.2.3 Local

Kern County General Plan: The Kern County General Plan sets forth goals and policies to provide guidance for planning and development of transportation improvements.

*Circulation Element*

Goals:

- Goal 5: Maintain a minimum Level of Service (LOS) D.

Kern County Airport Land Use Compatibility Plan: The purpose of the Kern County Airport Land Use Compatibility Plan (ALUCP) is to establish procedures and criteria by which the County of Kern and affected incorporated cities can address compatibility issues when making planning decisions regarding airports and the land uses around them.

[64] Caltrans, Office of System Planning, District 6. State Route 99 Transportation Concept Report. November 2003. http://www.dot.ca.gov/dist6/planning/tcrs/index.htm#sr99 Accessed 17 February 2015.

Kern Council of Governments: The Kern Council of Governments (Kern COG) is the association of County and city governments which addresses regional transportation issues. Kern COG is the state-designated Regional Transportation Planning Agency and Census Data Center affiliate. Kern COG is responsible for developing and updating a variety of transportation plans and for allocating the state and federal funds to implement them. Transportation programs administered by Kern COG include the Regional Transportation Plan (RTP), the Regional Transportation Improvement Plan (RTIP), the Kern County Intelligent Transportation Systems (ITS) Early Deployment Plan, the Kern Motorist Aid Authority Project, and the Kern County Bicycle Facilities Plan. The following provides a brief description of each of these Kern COG administered programs:

Regional Transportation Plan: The Regional Transportation Plan (RTP) is a multi-modal, long-range planning document prepared by Kern COG in coordination with federal, State, and other regional and local agencies in Kern County. The 2014 RTP is a 26-year blueprint that establishes goals, objectives, policies, and actions pertaining to each mode of transportation. The RTP assesses the environmental impacts of Proposed Projects and establishes air quality conformity as required by federal regulations.

Regional Transportation Improvement Plan: The Regional Transportation Improvement Plan (RTIP) a short-range program for the region that incrementally implements the long-range RTP. The RTIP is comprised of project lists from the State Transportation Improvement Program (STIP), urbanized and non-urbanized areas, and other programs using state and/or federal funding. The RTIP must have an air quality conformity statement showing that the RTIP complies with the requirements of the Clean Air Act of 1990. All federally-funded projects must be consistent with the RTP. The RTIP identifies short-term projects listed in the RTP that are to be financed and implemented in Kern County.

Kern County Intelligent Transportation Systems Early Deployment Plan: The Kern County Intelligent Transportation System (ITS) describes the application of electronic computer and communication technology to vehicles and roadways to achieve a viable ITS infrastructure that improves mobility and enhances safety within the region. A number of core ITS components have been identified by Kern COG that are needed to deploy a comprehensive set of ITS services throughout the County.

The ITS Deployment Plan includes a process to evaluate the most effective ITS projects and the benefits of those projects on the transportation system. The plan can also be used to assist the County with application for federal or State funding for specific types of ITS projects within the region.

Kern County Regional Bicycle Plan: The Bicycle Plan guides the development of bicycle transportation facilities in an orderly and timely fashion throughout Kern County.

## 3.16.3 Impact Assessment

### XVI-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?

Less Than Significant Impact. The Proposed Project would not require any changes to existing highways, intersections, pedestrian or bike facilities. The Proposed Project would generate temporary trips; not to exceed 60 trips per day during the construction activities. Kern County operates their rural areas at a Level of Service (LOS) "D". According to the Transportation Concept Report for SR 99 (6-lanes), Segments 10 and

11 have an average daily traffic amount of 56,000 and 50,500, respectively (2003)[65]. Due to the low number of traffic trips associated with implementation/maintenance of the Proposed Project and the temporary nature of construction activities, the Proposed Project would have a negligible effect on the service for the roadways surrounding the Proposed Project; therefore, the impact to local roadways would be less than significant.

### XVI-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?

Less Than Significant Impact. The Proposed Project would not exceed 60 vehicle trips per day during construction activities, which are expected to last approximately 4 to 6 months. Construction-related traffic would likely utilize SR 99, followed by Lerdo Highway and Zerker Road to access the Project area. This segment of SR 99 currently operates at a LOS D (Segment 10) and LOS C (Segment 11) which is at or above the minimum level of service foal required by the Kern County General Plan. The Proposed Project would not generate significant permanent traffic during long-term operation and maintenance, and based on existing LOS conditions, the existing roadways will be able to serve the Proposed Project. The impact to the level of service on surrounding roadways due to the Proposed Project will be less than significant.

### XVI-c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

No Impact. The nearest airport, Meadows Field, is approximately 1.8 miles southeast of the Proposed Project. The Proposed Project will not cause an increase in air traffic levels or cause a change in air traffic location. There will be no impact.

### XVI-d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Proposed Project does not include any components that would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). As such, no impacts will occur as a result of Proposed Project implementation.

### XVI-e) Result in inadequate emergency access?

Less than Significant Impact. The majority of the Proposed Project will be constructed adjacent to current canal infrastructure or along rural agricultural access roads. However, the Proposed Project requires the installation of the pipeline under SR 99. All construction activities will take place out of the Caltrans right-of-way, including the construction of the pipeline underneath Highway 99 which would utilize jack and bore construction and would not impact the public, traffic or the highway itself. However, City of Shafter roads Verdugo Lane and Zerker Road would be temporarily impacted by lane closures during construction of the pipeline. With implementation of BMP Transportation/Traffic-1, public safety measures would be incorporated to ensure the Proposed Project would not result in inadequate emergency access. NKWSD has agreed to implement BMP's relating to Transportation/Traffic (TP-1) as identified in Table 2-2, specifically incorporating public safety measures.[66] With implementation of these BMPs, the impact would be less than significant.

[65] Caltrans, Office of System Planning, District 6. State Route 99 Transportation Concept Report. November 2003. http://www.dot.ca.gov/dist6/planning/tcrs/index.htm#sr99 Accessed 17 February 2015.
[66] Chapter 2. **Table 2-2** Best Management Practices for Construction Activities. Page 2-10.

### XVI-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?

No Impact. The Proposed Project will be constructed within District easements and various rights-of-way in a rural agricultural area of Kern County. The Proposed Project would not permanently alter any roadway or construct new roads. There are no adopted alternative transportation policies, plans, or programs for public transit, bicycle, or pedestrian facilities in these areas. There will be no impact.

# 3.17 Utilities and Service Systems

Table 3-27. Utilities and Service Systems

| Utilities and Service Systems | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ |
| e) Result in a determination by the wastewater treatment provider which 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? | ☐ | ☐ | ☐ | ☒ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

## 3.17.1 Environmental Setting

The Proposed is located within the boundaries of the NKWSD in an area entirely surrounded by cultivated agriculture and agriculture-supporting infrastructure. A variety of public utilities and services are provided in the Proposed Project area. Electrical power is provided by Pacific Gas & Electric. Irrigation water and agricultural drainage services are provided through NKWSD. There are no public sewer systems, water treatment plants, or wastewater treatment plants in the vicinity of the Proposed Project. There are several locations in Kern County where residents and businesses can take grass, leaves, tree limbs, brush, and construction and demolition wood materials to be processed into mulch, compost and biomass fuel.

Agricultural-related waste is generally made up of these types of waste. Most farming operations compost matter on site, either with compost piles or by disking crop residuals into the soil[67].

## 3.17.2 Regulatory Setting

### 3.17.2.1 Federal

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits.

Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

### 3.17.2.2 State

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27[68]. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans) which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

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[67] Revised Update of the Kern County General Plan. Volume 1. Recirculated Draft Program Environmental Impact Report. Kern County Planning Department. January 2004. Chapter 4.7 Land Use/Planning and Agriculture.
[68] California State Water Resources Control Board. Land Disposal Program, General Information, Waste Discharge Requirements Program. http://www.swrcb.ca.gov/water_issues/programs/land_disposal/waste_discharge_requirements.shtml

- National Pollutant Discharge Elimination System (NPDES) Permit. As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits[69]

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

#### 3.17.2.3 Local

Kern County General Plan: The General Plan Land Use Element and Conservation and Open Space Element provide goals, policies, and implementation measures related to public facilities and services in the project area.

*Land Use Element – Public Facilities and Services*

Goals:

- Goal 5: Ensure that adequate supplies of quality (appropriate for intended use) water are available to residential, industrial, and agricultural users within Kern County.
- Goal 9: Serve the needs of industries and Kern County residents in a manner that does not degrade the water supply and the environment and protect the public health and safety by avoiding surface and subsurface nuisances resulting from the disposal of hazardous wastes, irrespective of the geographic origin of the waste.
- Policy 13: Ensure landfill capacity for Kern County residents and industries.

The Kern County Integrated Waste Management Plan: The Kern County Integrated Waste Management Plan (KCIWMP) was established in response to the California Integrated Waste Management Act of 1989 (AB 939). The law also established a hierarchy that the local jurisdictions must comply with to address waste management issues. Since the late 1980's, California legislators have enacted a variety of recycling laws impacting all governmental jurisdictions. Kern County has developed a variety of recycling programs to comply with the mandated legislation.[70]

## 3.17.3 Impact Assessment

### XVII-a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than Significant with Mitigation Incorporated. The Proposed Project does not include permanent restroom facilities, require a sewer hookup, or generate any wastewater. As discussed in Impact Assessment XI-a, the Proposed Project would accept treated produced water from the Kern Front oil fields. In accordance with California Water Code Section 13260, Article 4, Waste Discharge Requirements, compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board (CVRWQCB) is required to deliver treated produced water into the Rosedale Spreading facility and the Lerdo

[69] California State Water Resources Control Board. National Pollutant Discharge Elimination System (NPDES). Site Available: http://www.waterboards.ca.gov/water_issues/programs/npdes/.
[70] Kern County Waste Management. Education: Recycling Legislation. http://www.kerncountywaste.com/education/recycling-legislation

Canal. As such, CVRWQCB will serve as the Responsible Agency under CEQA and will act on the acceptable water quantity and quality levels, blending and monitoring requirements through their issuance of the WDR Order[71]. Additionally, the CVRWQCB will serve as the enforcement agency responsible for ensuring that violations to any water quality standards or the WDR Order do not occur. Therefore, implementation of mitigation measure HYDRO/WQ-1, Compliance with a CVRWQCB Waste Discharge Requirement Order, would reduce potential impacts to less than significant levels[72].

### XVII-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?

No Impact. The construction of new water or wastewater treatment facilities or expansion of existing facilities is not included in the scope of the Proposed Project. There would be no impact.

### XVII-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?

No Impact. The Proposed Project is located in a rural area which is absent of storm water drainage facilities. The Proposed Project will not create new impervious surfaces which would result in excess runoff. There would be no impact.

### XVII-d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact. Due to the nature of the Proposed Project, it will not result in a need for additional water supply; instead it will result in utilizing existing water supplies more efficiently. There would be no impact.

### XVII -e) Result in a determination by the wastewater treatment provider which 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?

No Impact. The Proposed Project would only convey treated produced water. The amount of produced water currently being generated by oil field operations would not increase as a result of the Proposed Project, since the Proposed Project will convey water generated by existing oil field operations and the Proposed Project does not require and will not cause an increase in oil production. Therefore, there would be no increase in the amount of produced water currently being generated from the Kern Front oil field as a result of the Proposed Project. There would be no impact.

### XVII-f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. Operation of the Proposed Project would not generate additional solid waste. There would be no impact.

### XVII-g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. The Proposed Project will continue to comply with any federal, state, and local regulations. There is no impact.

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[71] Review and issuance of the WDR Order to occur as a subsequent action by the CVRWQCB.
[72] Rio Vista Farm Bureau Center v. County of Solano, 5 Cal. App. 4th 351 (1992).

# 3.18 Mandatory Findings of Significance

Table 3-28. Mandatory Findings of Significance

| Mandatory Findings of Significance | | | | |
|---|---|---|---|---|
| Would the project: | Potentially Significant Impact | Less than Significant With Mitigation Incorporation | Less than Significant Impact | No Impact |
| a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| 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)? | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

## 3.18.1 Impact Assessment

### XVIII-a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation Incorporation. Based on the analysis conducted in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems would be less than significant. Potential impacts to Biological Resources, Hydrology/Water Quality, Utility/Services Systems would be less than significant with implementation of mitigation measures BIO-1 through 3 and HYDRO/WQ-1. Additionally, with implementation of the Best Management Practices for Construction Activities identified in **Table 2-2**, the Proposed Project's potential to degrade the quality of the environment, 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 a protected species, or eliminate important examples of the major periods of California history or prehistory would be less than significant with implementation of the above noted mitigation measures.

### XVIII-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)?

Less Than Significant Impact with Mitigation Incorporation. Cumulatively considerable means that "the incremental effects of an individual 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." NKWSD is not actively pursuing any projects of similar nature at this time nor is NKWSD aware of any past, current or probable future projects resulting in related impacts within its district boundaries. The Proposed Project would result in less than significant impacts to the environment with incorporation of mitigation Measures BIO-1 through 3 and HYDRO/WQ-1. Additionally, with implementation of the Best Management Practices for Construction Activities identified in **Table 2-2**, impacts would be less than significant. As mitigated, the Proposed Project will not have impacts that are cumulatively considerable.

### XVIII-c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact with Mitigation Incorporation. The Proposed Project will not result in substantial adverse effects on human beings, either directly or indirectly. With implementation of Mitigation Measure HYDRO/ WQ-1, NKWSD would be required to comply with CVRWQCB discharge requirements which will ensure protection of groundwater and surface water. Additionally, with implementation of the Best Management Practices for Construction Activities identified in **Table 2-2**, adverse effects on human beings resulting from implementation of the Proposed Project will be less than significant.

# 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings in Chapter 3 – Impact Analysis - of this Initial Study/Mitigated Negative Declaration (IS/MND) for the North Kern Water Storage District Drought Relief Project (Proposed Project). The MMRP lists mitigation measures recommended in the Addendum to the Adopted IS/MND for the proposed modified project and identifies monitoring and reporting requirements and responsible parties.

Table 4-1 presents the mitigation measures identified for the proposed modified project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, Bio-1 would be the second mitigation measure identified in the Biological Resources analysis of the IS/MND

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of which the monitoring of the mitigation measure should occur. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is properly implemented. The last columns will be used by NKWSD as a check-off tool to ensure that and when individual mitigation measures have been complied with and monitored.

Table 4-1. Mitigation Monitoring and Reporting Program

| Mitigation Monitoring and Reporting Program | | | | | |
|---|---|---|---|---|---|
| Mitigation Measure/Condition of Approval | When Monitoring is to Occur | Frequency of Monitoring | Agency Responsible for Monitoring | Method to Verify Compliance | Verification of Compliance |
| **Biological Resources** | | | | | |
| **Mitigation Measure Bio-1: San Joaquin kit fox** | | | | | |
| Pre-construction Surveys. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact San Joaquin kit fox. These surveys will be conducted in all potential San Joaquin kit fox habitat on and within 200 feet of the project site and in accordance with the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011). The primary objective is to identify San Joaquin kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a San Joaquin kit fox burrow. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be notified and the observation record(s) will be submitted to the CNDDB. | Prior to Construction/ During Construction | | NKWSD | Survey Report | |
| Avoidance. Should San Joaquin kit fox be found using the site during preconstruction surveys a qualified biologist shall establish a disturbance free buffer consistent with the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011) to be maintained until a qualified biologist has determined that the burrow(s) have been abandoned. | Prior to Construction/ During Construction/ During Operation | | NKWSD | | |

| Mitigation Monitoring and Reporting Program | | | | | |
|---|---|---|---|---|---|
| **Mitigation Measure/Condition of Approval** | **When Monitoring is to Occur** | **Frequency of Monitoring** | **Agency Responsible for Monitoring** | **Method to Verify Compliance** | **Verification of Compliance** |
| Minimization. Permanent and temporary construction activities and other types of project-related activities should be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; and proper disposal of food items and trash. | | | | | |
| Employee Education Program. Prior to the start of construction, the applicant will retain a qualified biologist to conduct an on-site training session to educate construction staff on the San Joaquin kit fox. This training will include a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the endangered species act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. All construction staff must be trained prior to starting work on the project. The training will include a hand out with all of the training information included. The project manager will use this handout to train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the project. | Prior to Construction/ Prior to Operation | | NKWSD | Training sign-in sheet | |

| Mitigation Monitoring and Reporting Program | | | | | |
|---|---|---|---|---|---|
| **Mitigation Measure/Condition of Approval** | **When Monitoring is to Occur** | **Frequency of Monitoring** | **Agency Responsible for Monitoring** | **Method to Verify Compliance** | **Verification of Compliance** |
| Mortality Reporting. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information. | Only if an event occurs | | NKWSD | | |
| **Mitigation Measure Bio -2: Burrowing Owl** | | | | | |
| Take Avoidance Survey. A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 14 days of the onset of construction. This survey will be conducted according to the "Take Avoidance Surveys" described in the CDFW Staff Report on Burrowing Owl Mitigation ( 2012). All suitable habitats of the site will be covered during this survey. | Prior to Construction | | NKWSD | Survey Report | |
| Avoidance of active nests. If take avoidance surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer determined by the biologist will be established around all active owl nests. The buffer areas will be enclosed with temporary fencing, and construction equipment and workers will not enter the enclosed setback areas. Buffers will remain in place for the duration of the breeding season. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described in measure below. | Prior to Construction/ During Construction | | NKWSD | | |

| Mitigation Monitoring and Reporting Program | | | | | |
|---|---|---|---|---|---|
| **Mitigation Measure/Condition of Approval** | **When Monitoring is to Occur** | **Frequency of Monitoring** | **Agency Responsible for Monitoring** | **Method to Verify Compliance** | **Verification of Compliance** |
| Passive relocation of resident owls. During the non-breeding season (September 1 - January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. | Prior to Construction | | NKWSD | | |
| **Mitigation Measure Bio- 3: Migratory Birds** | | | | | |
| Avoidance. In order to avoid impacts to nesting raptors and other migratory birds from disturbance, project-related activities will occur, where possible, outside the nesting season (September 1st to January 31st). | Prior to Construction/ During Construction | | | | |
| Pre-construction Surveys. If project-related activities must occur between February 1st and August 31st (the nesting season), then a qualified biologist will conduct pre-construction surveys, on and up to 500 feet outside of the site, for active raptor and migratory bird nests within 30 days of the onset of these activities during the nesting season. If no nesting raptors or other migratory birds are observed, no further mitigation is required. | Prior to Construction | | NKWSD | | |

| Mitigation Monitoring and Reporting Program | | | | | |
|---|---|---|---|---|---|
| **Mitigation Measure/Condition of Approval** | **When Monitoring is to Occur** | **Frequency of Monitoring** | **Agency Responsible for Monitoring** | **Method to Verify Compliance** | **Verification of Compliance** |
| Establish Buffers. Should any active nests be discovered in or near proposed construction zones, the biologist will determine an appropriate construction free buffer from the nest. The buffer(s) will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged. | Prior to Construction/ During Construction | | NKWSD | | |
| **Hydrology and Water Quality** | | | | | |
| **Mitigation Measure Hydro/WQ-1:** | | | | | |
| North Kern Water Storage District and California Resources Production Corporation operations shall continually demonstrate compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board. | Prior to Operation/ During Construction | | NKWSD | | |

# 4.1 Mitigation Measure Bio-1: San Joaquin kit fox

## 4.1.1 Pre-Construction Surveys.

Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact San Joaquin kit fox. These surveys will be conducted in all potential San Joaquin kit fox habitat on and within 200 feet of the project site and in accordance with the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011). The primary objective is to identify San Joaquin kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a San Joaquin kit fox burrow. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be notified and the observation record(s) will be submitted to the CNDDB.

## 4.1.2 Avoidance

Should San Joaquin kit fox be found using the site during preconstruction surveys a qualified biologist shall establish a disturbance free buffer consistent with the USFWS's Standardized Recommendations for Protection of the Endnagered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011) to be maintained until a qualified biologist has determined that the burrow(s) have been abandoned.

### 4.1.3 Minimization

Permanent and temporary construction activities and other types of project-related activities should be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; and proper disposal of food items and trash.

### 4.1.4 Employee Education Program

Prior to the start of construction, the applicant will retain a qualified biologist to conduct an on-site training session to educate construction staff on the San Joaquin kit fox. This training will include a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of San Joaquin kit fox in the project area; an explanation of the status of the species and its protection under the endangered species act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. All construction staff must be trained prior to starting work on the project. The training will include a hand out with all of the training information included. The project manager will use this handout to train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the project.

### 4.1.5 Mortality Reporting

The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

## 4.2 Mitigation Measure Bio -2: Burrowing Owl

### 4.2.1 Take Avoidance Survey

A pre-construction survey will be conducted by a qualified biologist for burrowing owls within 14 days of the onset of construction. This survey will be conducted according to the "Take Avoidance Surveys" described in the CDFW Staff Report on Burrowing Owl Mitigation (2012). All suitable habitats of the site will be covered during this survey.

### 4.2.2 Avoidance of active nests

If take avoidance surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer determined by the biologist will be established around all active owl nests. The buffer areas will be enclosed with temporary fencing, and construction equipment and workers will not enter the enclosed setback areas. Buffers will remain in place for the duration of the breeding season. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described in measure below.

### 4.2.3 Passive Relocation of Resident Owls

During the non-breeding season (September 1 - January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a

minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.

## 4.3 Mitigation Measure Bio- 3: Migratory Birds

### 4.3.1 Avoidance

In order to avoid impacts to nesting raptors and other migratory birds from disturbance, project-related activities will occur, where possible, outside the nesting season (September 1st to January 31st).

### 4.3.2 Pre-Construction Surveys

If project-related activities must occur between February 1st and August 31st (the nesting season), then a qualified biologist will conduct pre-construction surveys, on and up to 500 feet outside of the site, for active raptor and migratory bird nests within 30 days of the onset of these activities during the nesting season. If no nesting raptors or other migratory birds are observed, no further mitigation is required.

### 4.3.3 Establish Buffers

Should any active nests be discovered in or near proposed construction zones, the biologist will determine an appropriate construction free buffer from the nest. The buffer(s) will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.

## 4.4 Mitigation Measure Hydro/WQ-1

North Kern Water Storage District and California Resources Production Corporation operations shall continually demonstrate compliance with a Waste Discharge Requirement (WDR) Order issued by the Central Valley Regional Water Quality Control Board.

# Appendix D

## North Kern WSD Drought Relief Project Notice of Determination

RECEIVED WITH FEE
RECEIPT # 1313101

FILED
KERN COUNTY
APR 30 2015
MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY DEPUTY

# Notice of Determination

Appendix D

**To:**

☒ Office of Planning and Research

*For U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044

*Street Address:* 1400 Tenth St., Sacramento, CA 95814

☒ County Clerk
County of: Kern
Address: 1115 Truxtun Avenue
Bakersfield, CA 93301

**From:**
Public Agency: North Kern Water Storage District
Address: 33380 Cawelo Avenue
Bakersfield, CA 93308
Contact: Richard Diamond
Phone: (661) 393-2696

**Lead Agency (if different from above):**
Address:
Contact:
Phone:

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 2015031098

Project Title: Drought Relief Project

Project Location (include county): East and West of Highway 99 between the Lerdo Canal and the District's Rosedale spreading facility, Kern County.

Project Description:

The Proposed Project includes construction and operation of facilities that would allow the District to accept, convey and use water "produced" from oilfield operations in the Kern Front Field for irrigation and groundwater recharge. Facilities constructed as part of the Proposed Project include a pipeline along with associated infrastructure (including inlets, valves, flowmeters, monitoring stations, and sample ports) that would convey the produced water to existing District facilities.

This is to advise that the North Kern Water Storage District ☒ Lead Agency or ☐ Responsible Agency has approved the above described project on April 29, 2015 (Date) and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 33380 Cawelo Avenue, Bakersfield, CA 93308

Signature (Public Agency) _____ Title General Manager

Date 4/30/15

Date Received for filing at OPR _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2005

Notice of Environmental Document
Posted by County Clerk on 04/30/15
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

4251

# Appendix E

## North Kern WSD Design Drawings for CRC Produced Water Pipeline

# CALIFORNIA RESOURCES CORPORATION
# PIPELINE – PRODUCED WATER
# KERN FRONT
# TITLE SHEET/DRAWING INDEX – MECHANICAL

## DRAWING LIST

| DRAWING NUMBER | REV | DRAWING TITLE | DRAWING NUMBER | REV | DRAWING TITLE | DRAWING NUMBER | REV | DRAWING TITLE |
|---|---|---|---|---|---|---|---|---|
| TITLE SHEET | 0A | TITLE SHEET/DRAWING INDEX – MECHANICAL (0A) | | | | | | |
| | | | | | | | | |
| P-4024 SH.1 | 5 | SYMBOLS & LEGEND – PIPING & INSTRUMENT DIAGRAM | | | | | | |
| P-4024 SH.2 | 0 | SYMBOLS, LEGEND & ABBREVIATIONS – PIPING & INSTRUMENT DIAGRAM | | | | | | |
| | | | | | | | | |
| CHO-KFC-WD26-MEC-0002 | F | PIPING & INSTRUMENT DIAGRAM – 24" PRODUCED WATER | | | | | | |
| | | | | | | | | |
| CHO-KFC-WD26-MEC-0003 | 2 | PLOT PLAN – 24" PRODUCED WATER | | | | | | |
| | | | | | | | | |
| CHO-KFC-WD26-MEC-0010 | 2 | PIPING AREA KEY PLAN – 24" PRODUCED WATER | | | | | | |
| CHO-KFC-WD26-MEC-0011 | 0A | PIPELINE ALIGNMENT – AREA "1-A" | | | | | | |
| CHO-KFC-WD26-MEC-0012 | 0B | PIPELINE ALIGNMENT – AREA "1-B" (0A) | | | | | | |
| CHO-KFC-WD26-MEC-0013 | 0 | PIPELINE ALIGNMENT – AREA "1-C" | | | | | | |
| CHO-KFC-WD26-MEC-0014 | 0 | PIPELINE ALIGNMENT – AREA "1-D" | | | | | | |
| CHO-KFC-WD26-MEC-0015 | 0 | PIPELINE ALIGNMENT – AREA "1-E" | | | | | | |
| CHO-KFC-WD26-MEC-0016 | 0 | PIPELINE ALIGNMENT – AREA "1-F" | | | | | | |
| CHO-KFC-WD26-MEC-0017 | 0 | PIPELINE ALIGNMENT – AREA "1-G" | | | | | | |
| CHO-KFC-WD26-MEC-0018 | 0 | PIPELINE ALIGNMENT – AREA "1-H" | | | | | | |
| CHO-KFC-WD26-MEC-0019 | 0 | PIPELINE ALIGNMENT – AREA "1-J" | | | | | | |
| CHO-KFC-WD26-MEC-0020 | 0 | PIPELINE ALIGNMENT – AREA "1-K" | | | | | | |
| | | | | | | | | |
| CHO-KFC-WD26-MEC-0086 | A | LERDO METER CONTROL STATION DETAIL (0A) | | | | | | |
| CHO-KFC-WD26-MEC-0090 | 0 | PIPING DETAILS – 24" PRODUCED WATER | | | | | | |
| CHO-KFC-WD26-MEC-0094 | A | LERDO CASED CANAL CROSSING DETAIL | | | | | | |
| CHO-KFC-WD26-MEC-0095 | A | LERDO CASED CANAL CROSSING DETAIL (0A) | | | | | | |
| CHO-KFC-WD26-MEC-0096 | A | LERDO FOUNDATION DETAIL 1 & 2 | | | | | | |
| CHO-KFC-WD26-MEC-0097 | A | LERDO FOUNDATION DETAIL 3 & 4 | | | | | | |
| | | | | | | | | |
| P-4500 | 0 | TYP. ANODE/FLUSH MOUNT FINK STATION – CATHODIC PROTECTION | | | | | | |


PROJECT MANAGER:

RICHARD NOLAND
ENGINEERING PROJECT MANAGER
Richard.Noland@crc.com

ENGINEER

IES ENGINEERING
8800 CRIPPEN ST.
BAKERSFIELD, CALIFORNIA 93311
PH: 661 381-7800


**ISSUED FOR REVIEW**
**APR-10-2015**

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| 0A | ISSUED FOR REVIEW AFE: 2000692 PROJ: PRJ-2014-0292 | 04/10/15 | DCS | DCS | | | |
| 0 | ISSUED FOR CONSTRUCTION AFE: 2000692 PROJ: PRJ-2014-0292 | 3/16/15 | DCS | LMM | LAC | | |

REVISIONS — APPROVALS

CAD NO.
PLOT TIME
PLOT DATE

KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
TITLE SHEET/DRAWING INDEX – MECHANICAL

| DRAWING No. | SHEET | REV. | SCALE |
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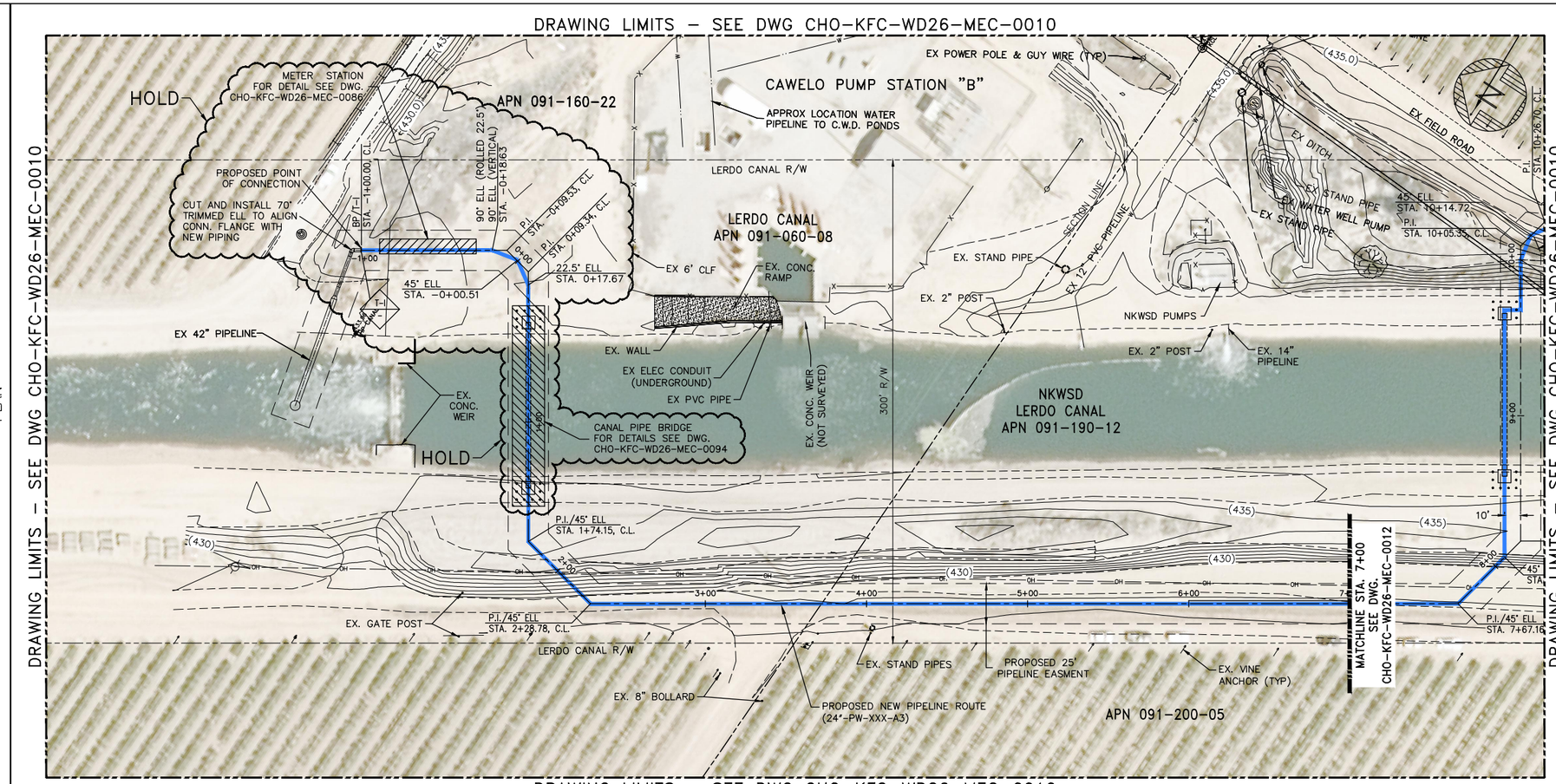


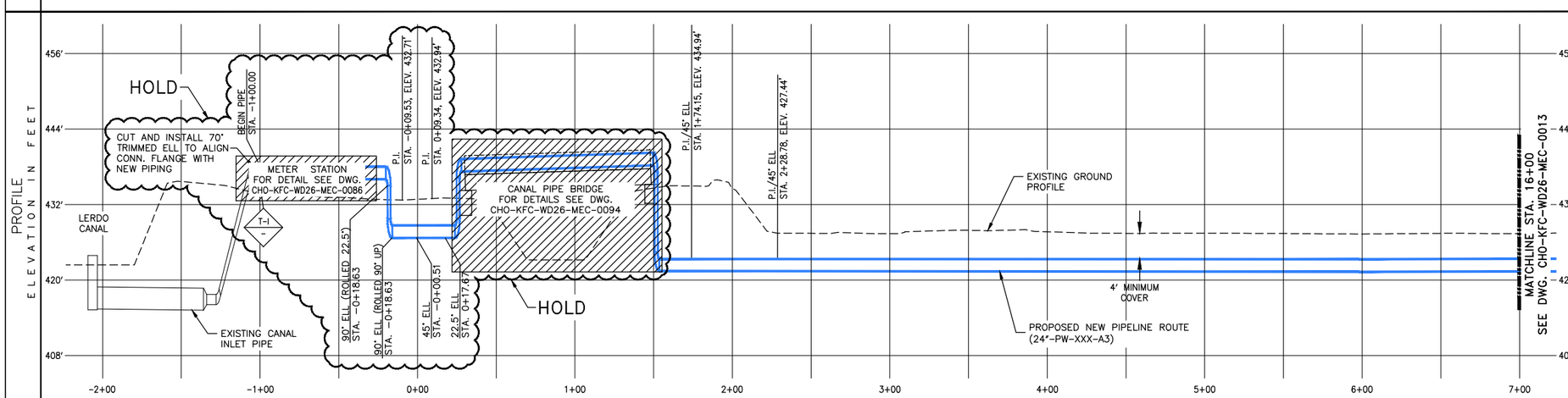


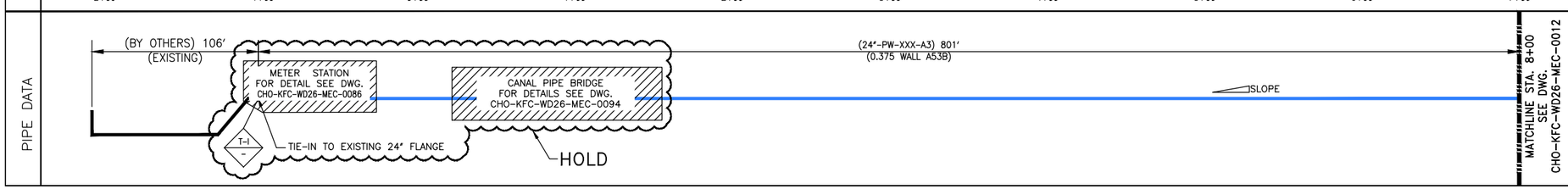


## NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO ANY FABRICATION.
2. ROAD CROSSINGS AND OTHER AREAS WHERE THE PIPELINES RUN UNDERGROUND ARE TO BE PER CRC STANDARD DRAWING, P-4000.
3. THE DISPLAY ORDER/ORIENTATION OF PIPELINE R.O.W., EXISTING PIPING & NEW PIPING ARE SHOWN ONLY AS A REFERENCE. THE ACTUAL INSTALLATION ORDER IN THE FIELD MUST BE PRE-APPROVED BY THE CRC FIELD REP.
4. PIPE WILL COME IN 40' LENGTHS. THESE LENGTHS WILL NEED TO HAVE 5' STRAIGHT RUNS ON BOTH ENDS AND HAVE A MAX BEND ANGLE OF 1° PER 1'-6". (ASSUME 30' ALLOWABLE BENDING PER JOINT).
5. ALL EXISTING UTILITIES LOCATIONS AND DEPTHS SHOWN ON PLANS ARE FOR REFERENCE ONLY. THIS INFORMATION SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. EXISTING BURIED LINES SHALL BE HYDRO-EXCAVATED AND ANY CONFLICT DISCOVERED IN THE FIELD SHALL BE RELAYED TO THE OWNER AND THE PROPOSED RESOLUTION SHALL REQUIRE APPROVAL PRIOR TO BEING IMPLEMENTED.
6. ALL EXISTING ABOVE AND BELOW GROUND UTILITIES SHALL BE PROTECTED IN PLACE.
7. UNDERGROUND PIPELINE INSTALLATION SHALL CONFORM TO SPEC. OEHI-L-661.
8. GENERAL EARTHWORK SHALL CONFORM TO SPEC. OEHI-S-668.
9. FIELD APPLIED PIPELINE COATING SHALL CONFORM TO SPEC. OEHI-L-661.
10. CATHODIC PROTECTION SHALL BE INSTALLED SEE DWG P-4500.
11. NEW 24" PIPELINE WALL THICKNESS DEVIATES FROM STANDARD A3 SPEC. ACTUAL WALL THICKNESS IS 0.375".

CALL BEFORE YOU DIG
CALL UNDERGROUND SERVICE ALERT (USA)
1-800-227-2600
AT LEAST 2 WORKING DAYS BEFORE YOU DIG

## LEGEND:

| | | | |
|---|---|---|---|
| | NEW PIPELINE | OH | OVERHEAD POWER LINE |
| | EASEMENT | E | ELECTRICAL CABLE |
| | SECTION LINE | T | TELEPHONE CABLE |
| | LOT LINE | W | WATER LINE |
| | RIGHT OF WAY | G | GAS LINE |
| | SALES MAP | S | SEWER LINE |
| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

**ISSUED FOR REVIEW**
**APR-10-2015**

VERTICAL SCALE: 1"=10'
HORIZONTAL SCALE: 1"=40'

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
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| 0 | ISSUED FOR CONSTRUCTION AFE: 2000692 PROJ: PRJ-2014-0292 | 3/16/15 | DCS | LMM | LAC | | |

REVISIONS — APPROVALS

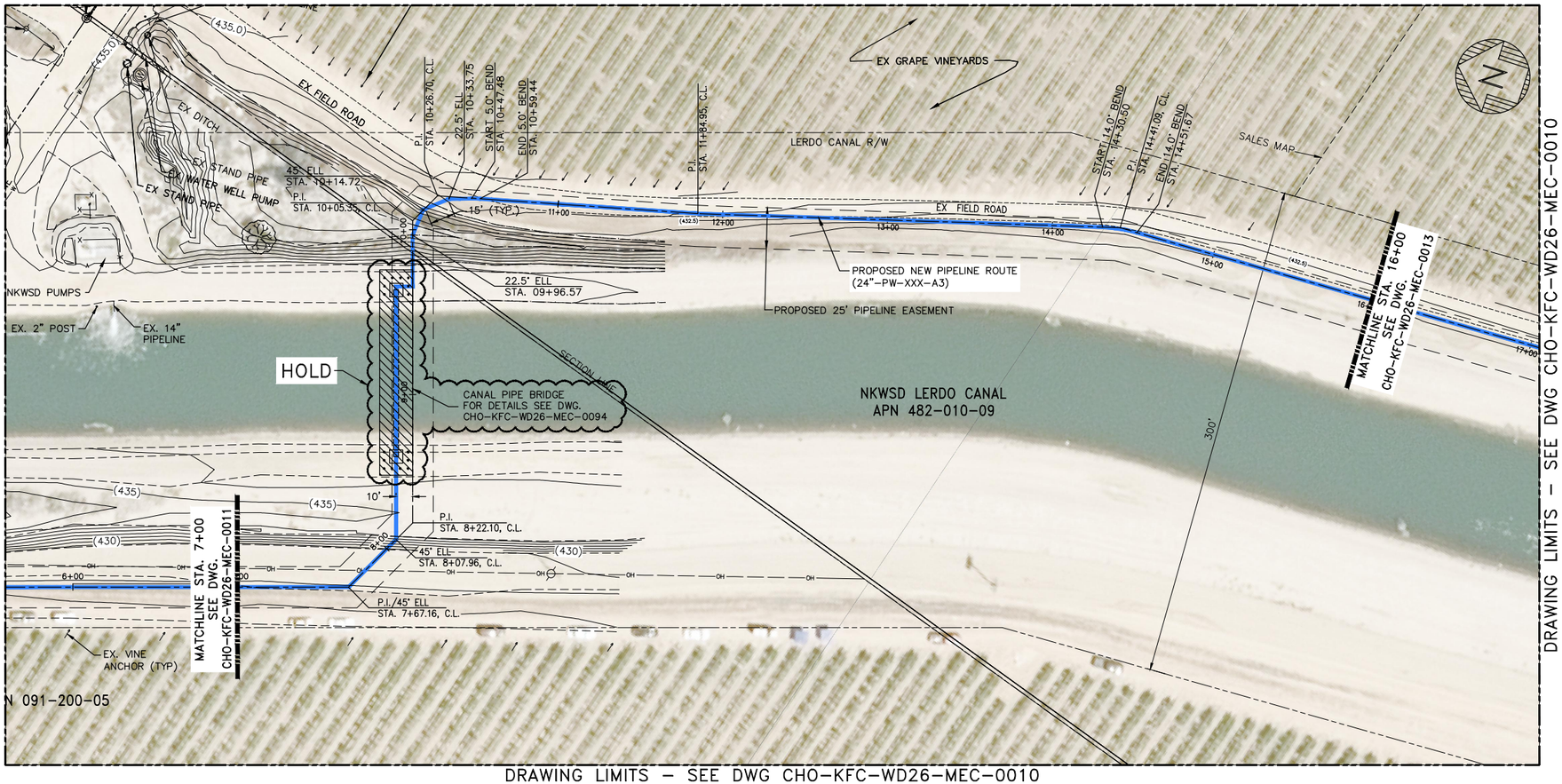
KERN FRONT

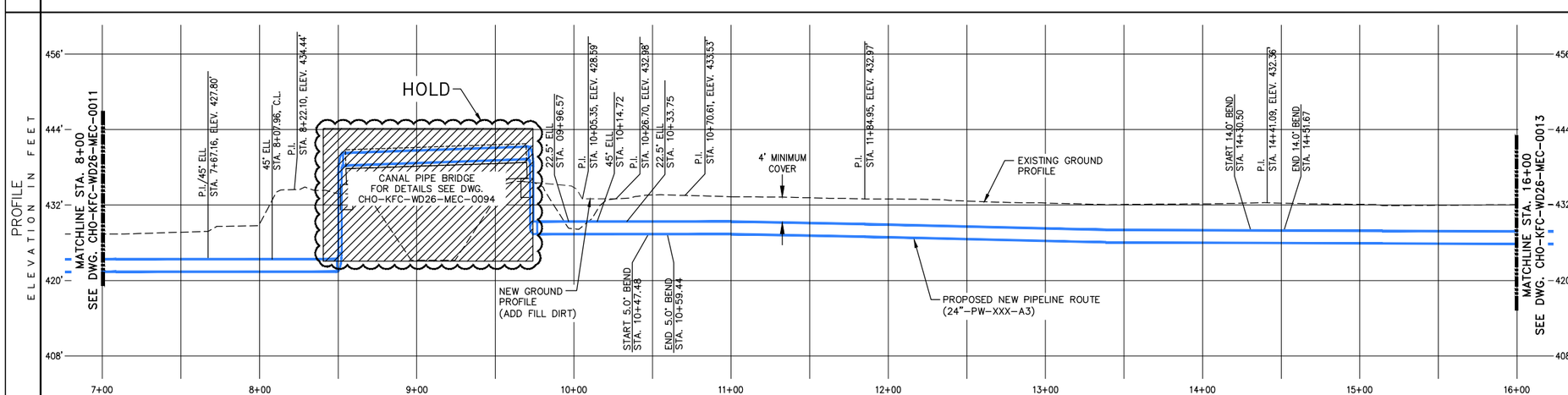
**CALIFORNIA RESOURCES CORPORATION**

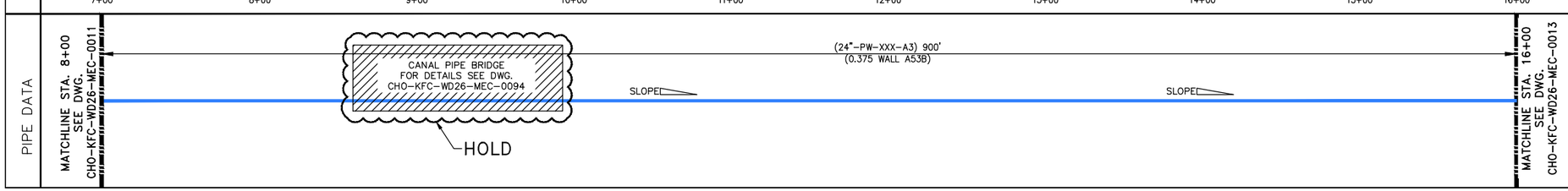
KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
PIPELINE ALIGNMENT – AREA "1-A"

| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0011 | | 0A | AS NOTED |

CAD NO.: CHO-KFC-WD26-MEC-0011
PLOT TIME: 4:06 PM
PLOT DATE: 2015/04/10




## NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO ANY FABRICATION.
2. ROAD CROSSINGS AND OTHER AREAS WHERE THE PIPELINES RUN UNDERGROUND ARE TO BE PER CRC STANDARD DRAWING, P-4000.
3. THE DISPLAY ORDER/ORIENTATION OF PIPELINE R.O.W., EXISTING PIPING & NEW PIPING ARE SHOWN ONLY AS A REFERENCE. THE ACTUAL INSTALLATION ORDER IN THE FIELD MUST BE PRE-APPROVED BY THE CRC FIELD REP.
4. PIPE WILL COME IN 40' LENGTHS. THESE LENGTHS WILL NEED TO HAVE 5' STRAIGHT RUNS ON BOTH ENDS AND HAVE A MAX BEND ANGLE OF 1° PER 1'-6". (ASSUME 30' ALLOWABLE BENDING PER JOINT).
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6. ALL EXISTING ABOVE AND BELOW GROUND UTILITIES SHALL BE PROTECTED IN PLACE.
7. UNDERGROUND PIPELINE INSTALLATION SHALL CONFORM TO SPEC. OEHI-L-661.
8. GENERAL EARTHWORK SHALL CONFORM TO SPEC. OEHI-S-668.
9. FIELD APPLIED PIPELINE COATING SHALL CONFORM TO SPEC. OEHI-L-661.
10. CATHODIC PROTECTION SHALL BE INSTALLED SEE DWG P-4500.
11. NEW 24" PIPELINE WALL THICKNESS DEVIATES FROM STANDARD A3 SPEC. ACTUAL WALL THICKNESS IS 0.375".

CALL BEFORE YOU DIG
CALL UNDERGROUND SERVICE ALERT (USA)
1-800-227-2600
AT LEAST 2 WORKING DAYS BEFORE YOU DIG

## LEGEND:

| | | | |
|---|---|---|---|
| | NEW PIPELINE | OH | OVERHEAD POWER LINE |
| | EASEMENT | E | ELECTRICAL CABLE |
| | SECTION LINE | T | TELEPHONE CABLE |
| | LOT LINE | W | WATER LINE |
| | RIGHT OF WAY | G | GAS LINE |
| | SALES MAP | S | SEWER LINE |
| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

**ISSUED FOR REVIEW**
**APR-10-2015**

VERTICAL SCALE: 1"=10' (20', 10', 5', 2.5', 0')
HORIZONTAL SCALE: 1"=40' (0', 40', 80', 160', 320')

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|---|---|---|---|---|---|---|---|
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| 0 | ISSUED FOR CONSTRUCTION AFE: 2000692 PROJ: PRJ-2014-0292 | 3/16/15 | DCS | LMM | LAC | | |

REVISIONS — APPROVALS

KERN FRONT

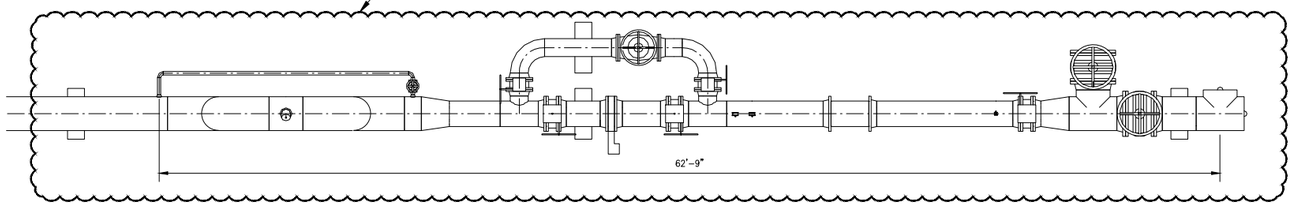
**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
PIPELINE ALIGNMENT – AREA "1-B"

| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0012 | | OB | AS NOTED |

PLOT DATE: 2015/04/10 PLOT TIME: 4:12 PM CAD NO.: CHO-KFC-WD26-MEC-0012

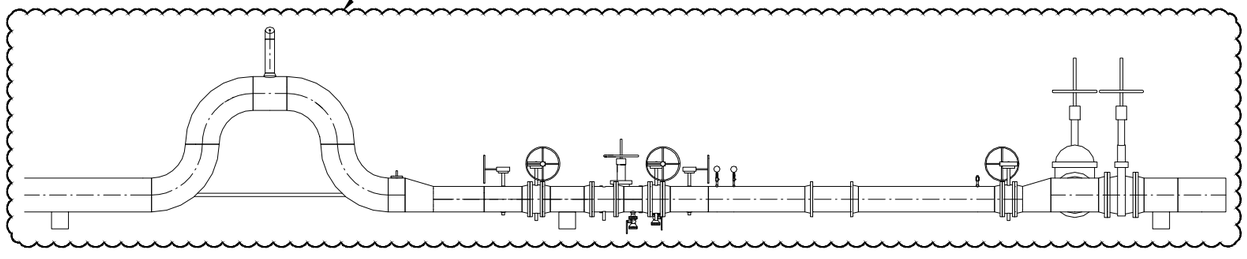
HOLD




LERDO METER CONTROL STATION DETAIL

PLAN VIEW

HOLD



SECTION A

ELEVATION VIEW
SCALE: NONE
LOOKING NORTH

THIS DWG.

## BILL OF MATERIAL

| MARK | QTY | SIZE | DESCRIPTION | TAG |
|---|---|---|---|---|
| 1 | 20 | 24" | 24" PIPE ERW STD – CS API 5L GR.B PSL1 | |
| 2 | 30 | 18" | 18" PIPE ERW STD – CS API 5L GR.B PSL1 | |
| 3 | 10 | 12" | 12" PIPE ERW STD – CS API 5L GR.B PSL1 | |
| 4 | 10 | 6" | 6" PIPE ERW STD – CS API 5L GR.B PSL1 | |
| 5 | 20 | 2" | 2" PIPE ERW STD – CS API 5L GR.B PSL1 | |
| 6 | 2 | 24" | 24"x24"x24" TEE BW STD. ASME B16.9 – CS ASTM A234 GR.WPB–W | |
| 7 | 2 | 18"x18"x12" | 18"x18"x12" TEE REDU. BW STD. ASME B16.9 – CS ASTM A234 GR.WPB–W | |
| 8 | 1 | 24"x24"x6" | 24"x24"x6" WELDOLET STD – CS ASTM A105 MSS SP–97 | |
| 9 | 2 | 24"x24"x2" | 24"x24"x2" WELDOLET STD – CS ASTM A105 MSS SP–97 | |
| 10 | 1 | 18"x18"x2" | 18"x18"x2" WELDOLET STD – CS ASTM A105 MSS SP–97 | |
| 11 | 1 | 18"x18"x1" | 18"x18"x1" SOCKOLET 3000# FS – CS ASTM A105 MSS SP–97 | |
| 12 | 1 | 18"x18"x3/4" | 18"x18"x3/4" SOCKOLET 3000# FS – CS ASTM A105 MSS SP–97 | |
| 13 | 1 | 18"x18"x1/2" | 18"x18"x1/2" SOCKOLET 3000# FS – CS ASTM A105 MSS SP–97 | |
| 14 | 1 | 12"x12"x2" | 12"x12"x2" WELDOLET STD – CS ASTM A105 MSS SP–97 | |
| 15 | 2 | 24"x18" | 24"x18" REDU. ECC. BW STD ASME B16.9 – CS ASTM A234 GR.WPB–W | |
| 16 | 4 | 2" | 24"x24" ELBOW 90 DEG. LR BW STD. ASME B16.9 – CS ASTM A234 GR.WPB | |
| 17 | 2 | 12" | 12"x12" ELBOW 90 DEG. LR BW STD. ASME B16.9 – CS ASTM A234 GR.WPB | |
| 18 | 1 | 6" | 6"x6" ELBOW 45 DEG. LR BW STD. ASME B16.9 – CS ASTM A234 GR.WPB | |
| 19 | 2 | 2" | 2"x2" ELBOW 90 DEG. LR BW STD. ASME B16.9 – CS ASTM A234 GR.WPB | |
| 20 | 4 | 24" | 24"x24" FLANGE 150# RFWN STD. ASME B16.5 – CS ASTM A105 | |
| 21 | 10 | 18" | 18"x18" FLANGE 150# RFWN STD. ASME B16.5 – CS ASTM A105 | |
| 22 | 6 | 12" | 12"x12" FLANGE 150# RFWN STD. ASME B16.5 – CS ASTM A105 | |
| 23 | 6 | 2" | 2"x2" FLANGE BLIND 150# RF ASME B16.5 – CS ASTM A105 | |
| 24 | 4 | 24" | 24"x24" GASKET 150# RF 1/8" THK. – FLEXIBLE GRAPHITE w/304SS or 316SS CORRUGATED INSERT ASME B16.21 | |
| 25 | 10 | 18" | 18"x18" GASKET 150# RF 1/8" THK. – FLEXIBLE GRAPHITE w/304SS or 316SS CORRUGATED INSERT ASME B16.21 | |
| 26 | 6 | 12" | 12"x12" GASKET 150# RF 1/8" THK. – FLEXIBLE GRAPHITE w/304SS or 316SS CORRUGATED INSERT ASME B16.21 | |
| 27 | 6 | 2" | 2"x2" GASKET 150# RF 1/8" THK. – FLEXIBLE GRAPHITE w/304SS or 316SS CORRUGATED INSERT ASME B16.21 | |
| 28 | 2 | 24" | 24"x24" GATE VALVE 150# RF CS BODY w/13 CR TRIM, HF ST, FP – SEE SPEC. PNSMV003 | |
| 29 | 3 | 18" | 18"x18" BUTTERFLY VALVE 150# RF DOUBLE FLANGED, TRIPLE OFFSET, SHORT PATTERN, GO – SEE SPEC. PNSMV007 | |
| 30 | 2 | 12" | 12"x12" BUTTERFLY VALVE 150# RF DOUBLE FLANGED, TRIPLE OFFSET, SHORT PATTERN, GO – SEE SPEC. PNSMV007 | |
| 31 | 1 | 2" | 2"x2" GATE VALVE 150# RF CS BODY w/13 CR TRIM, HF ST – SEE SPEC. PNSMV003 | |
| 32 | 2 | 2" | 2"x2" BALL VALVE 150# RF CS BODY w/316 SS TRIM, RTFE ST – SEE SPEC. PNSMV006 | |
| 33 | 1 | 1" | 1"x1" BALL VALVE 1500# T/SW SS BODY w/316 SS TRIM, RTFE ST WITH 4" LONG PLAIN END NIPPLE SCH. 160 | |
| 34 | 1 | 3/4" | 3/4"x3/4" BALL VALVE 1500# T/SW SS BODY w/316 SS TRIM, RTFE ST WITH 4" LONG PLAIN END NIPPLE SCH. 160 | |
| 35 | 1 | 1/2" | 1/2"x1/2" BALL VALVE 1500# T/SW SS BODY w/316 SS TRIM, RTFE ST WITH 4" LONG PLAIN END NIPPLE SCH. 160 | |
| 36 | 1 | 18" | 18"x18" VALVE BUTTERFLY RF TRIPLE OFFSET 150# B16.10 – CONTROL VALVE | FV–103A |
| 37 | 1 | 12" | 12"x12" GLOBE VALVE 150# RF CS BODY w/13 CR TRIM, HF ST – CONTROL VALVE | FV–103B |
| 38 | 1 | 3/4" | 3/4"x3/4"x3/4" PRESSURE INDICATOR WITH ROOT VALVE TAG: | PI–103 |
| 39 | 1 | 1/2" | 1/2"x1/2"x1/2" PRESSURE INDICATOR WITH ROOT VALVE TAG: | PIT–103 |
| 40 | 1 | 1" | 1"x1" PLUG HEX HEAD ASME B16.11 – CS ASTM A105 | |

**ISSUED FOR REVIEW**

**APR-10-2015**

| REV. No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| A | ISSUED FOR REVIEW PROJ:PRJ AFE: | 4/10/15 | BAR | BAR | LAC | | |

REVISIONS — APPROVALS

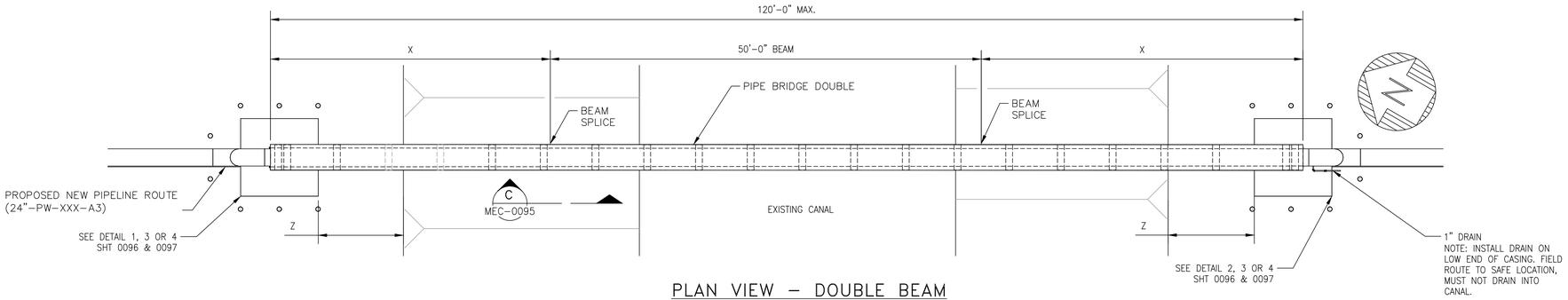
KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
LERDO METER CONTROL STATION – DETAIL

| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO–KFC–WD26–MEC–0086 | | A | AS NOTED |

PLOT DATE: 2015/04/10 PLOT TIME: 5:43 PM CAD NO.: CHO–KFC–WD26–MEC–0086




## PLAN VIEW – DOUBLE BEAM

SCALE: 1/8" = 1'-0"

## NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO ANY FABRICATION.
2. ROAD CROSSINGS AND OTHER AREAS WHERE THE PIPELINES RUN UNDERGROUND ARE TO BE PER CRC STANDARD DRAWING, P-4000.
3. THE DISPLAY ORDER/ORIENTATION OF PIPELINE R.O.W., EXISTING PIPING & NEW PIPING ARE SHOWN ONLY AS A REFERENCE. THE ACTUAL INSTALLATION ORDER IN THE FIELD MUST BE PRE-APPROVED BY THE CRC FIELD REP.
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6. ALL EXISTING ABOVE AND BELOW GROUND UTILITIES SHALL BE PROTECTED IN PLACE.
7. UNDERGROUND PIPELINE INSTALLATION SHALL CONFORM TO SPEC. OEHI-L-661.
8. GENERAL EARTHWORK SHALL CONFORM TO SPEC. OEHI-S-668.
9. FIELD APPLIED PIPELINE COATING SHALL CONFORM TO SPEC. OEHI-L-661.
10. CATHODIC PROTECTION SHALL BE INSTALLED SEE DWG P4500.
11. NEW 24" PIPELINE WALL THICKNESS DEVIATES FROM STANDARD A3 SPEC. ACTUAL WALL THICKNESS IS 0.375".

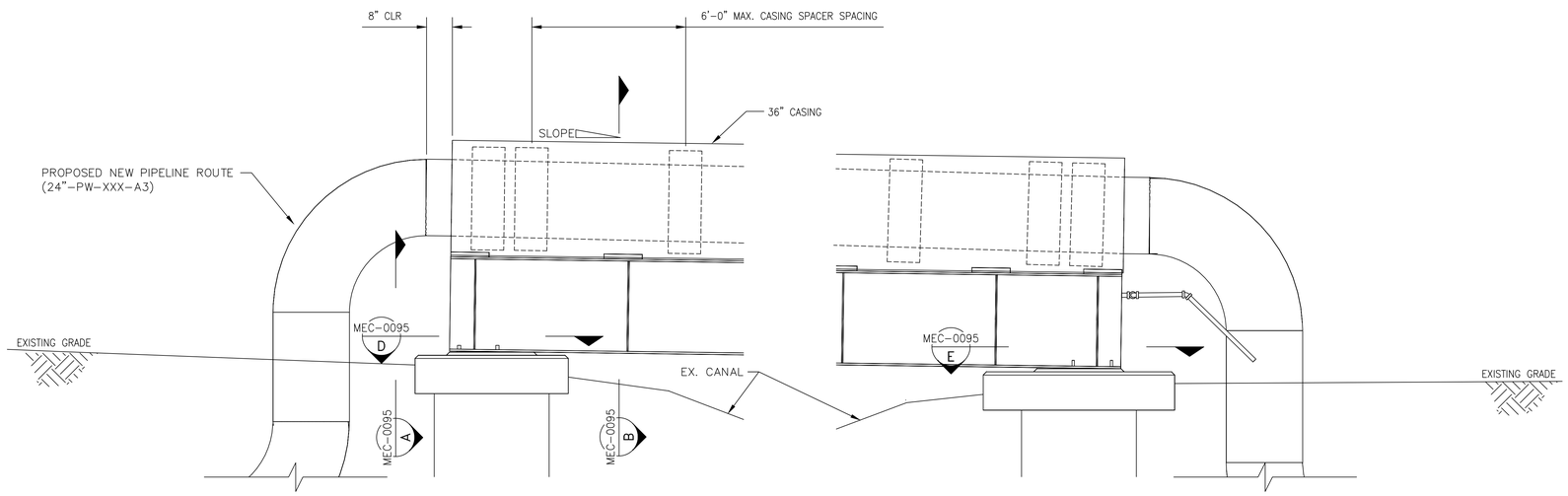
CALL BEFORE YOU DIG
CALL UNDERGROUND SERVICE ALERT (USA)
1-800-227-2600
AT LEAST 2 WORKING DAYS BEFORE YOU DIG

## LEGEND:

| | | | |
|---|---|---|---|
| | NEW PIPELINE | OH | OVERHEAD POWER LINE |
| | EASEMENT | E | ELECTRICAL CABLE |
| | SECTION LINE | T | TELEPHONE CABLE |
| | LOT LINE | W | WATER LINE |
| | RIGHT OF WAY | G | GAS LINE |
| | SALES MAP | S | SEWER LINE |
| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

## NOTE:

(2) CASING SPACERS AT EACH END OF CASING




## ELEVATION VIEW

SCALE: 1/2" = 1'-0"

**ISSUED FOR REVIEW**

**APR-10-2015**

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| A | ISSUED FOR REVIEW AFE: 2000692 PROJ: PRJ-2014-0292 | 4/10/15 | GHD | JT | | | |

REVISIONS — APPROVALS

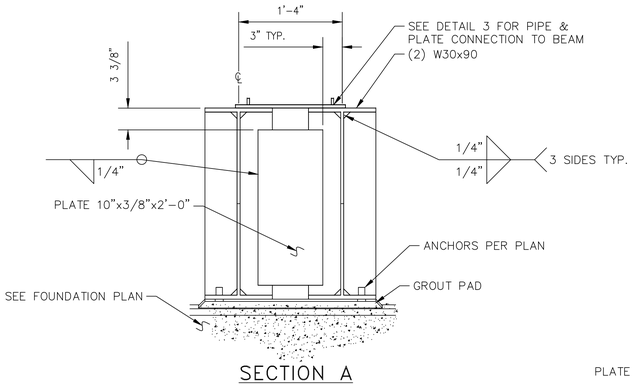
KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

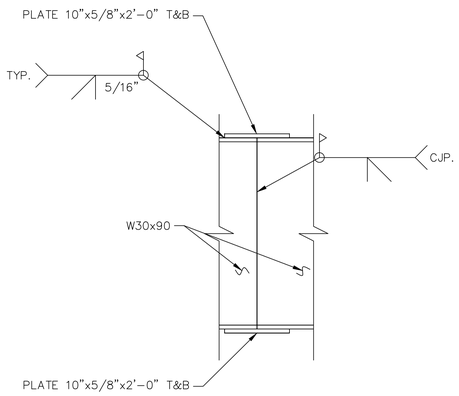
KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
LERDO CASED CANAL CROSSING DETAIL

| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0094 | | A | AS NOTED |

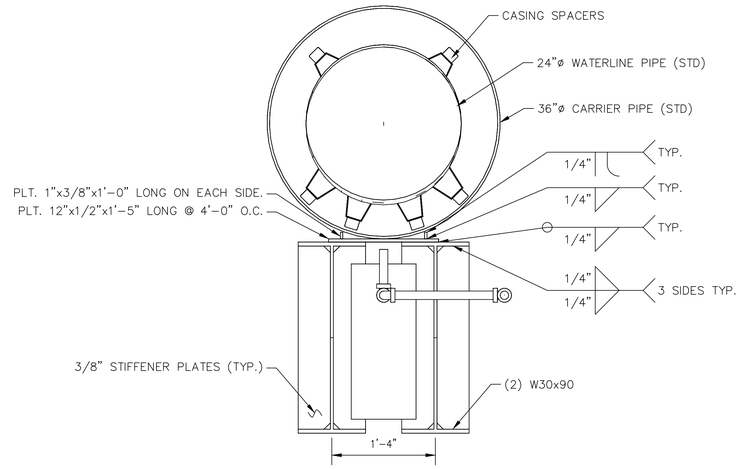
PLOT DATE: 2015/04/10 PLOT TIME: 4:27 PM CAD NO.: CHO-KFC-WD26-MEC-0094




## SECTION A
ANCHORS
SCALE: 1" = 1'-0"




## SECTION C
TYPICAL BEAM SPLICE CONNECTION
SCALE: 1" = 1'-0"




## SECTION B
PIPE BRIDGE SECTION @ 4' O.C.
SCALE: 1" = 1'-0"

## NOTES:
1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD PRIOR TO ANY FABRICATION.
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CALL BEFORE YOU DIG
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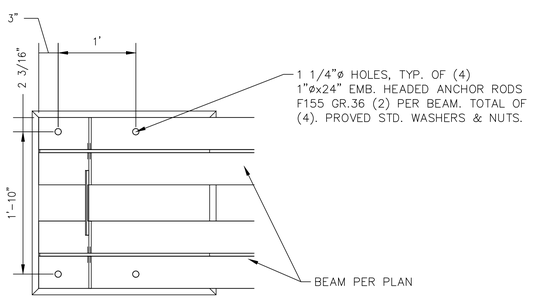
1-800-227-2600
AT LEAST 2 WORKING DAYS BEFORE YOU DIG

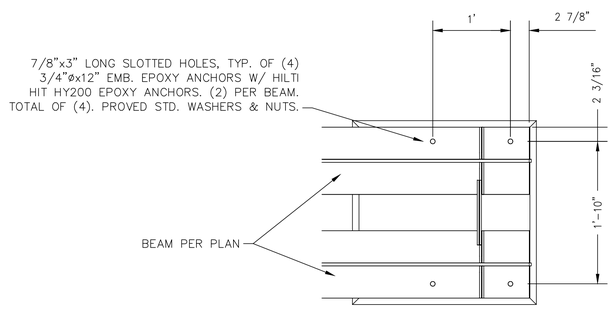
## LEGEND:

| | | | |
|---|---|---|---|
| | NEW PIPELINE | OH | OVERHEAD POWER LINE |
| | EASEMENT | E | ELECTRICAL CABLE |
| | SECTION LINE | T | TELEPHONE CABLE |
| | LOT LINE | W | WATER LINE |
| | RIGHT OF WAY | G | GAS LINE |
| | SALES MAP | S | SEWER LINE |
| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

**ISSUED FOR REVIEW**
**APR-10-2015**




## SECTION D
FIXED END ANCHORS
SCALE: 1" = 1'-0"




## SECTION E
SLIDING END ANCHORS
SCALE: 1" = 1'-0"

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| A | ISSUED FOR REVIEW AFE: 2000692 PROJ: PRJ-2014-0292 | 4/10/15 | GHD | JT | | | |

REVISIONS — APPROVALS

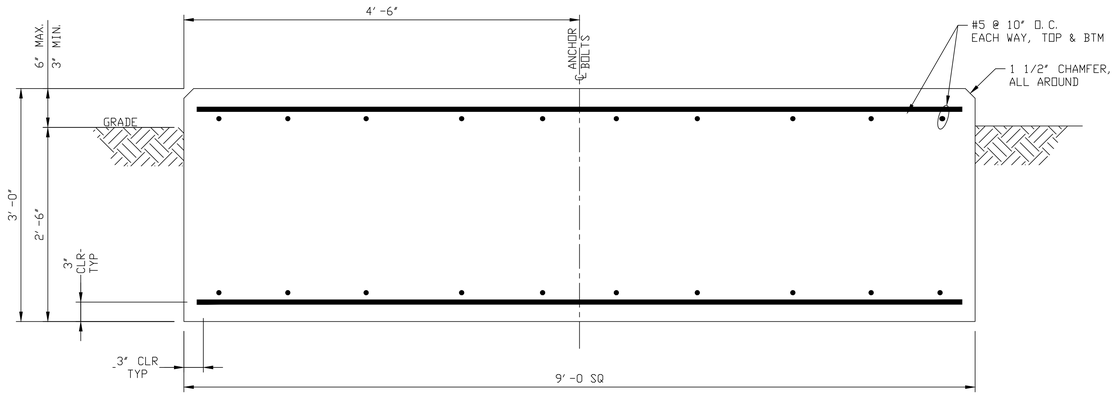
# KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
LERDO CASED CANAL CROSSING DETAIL

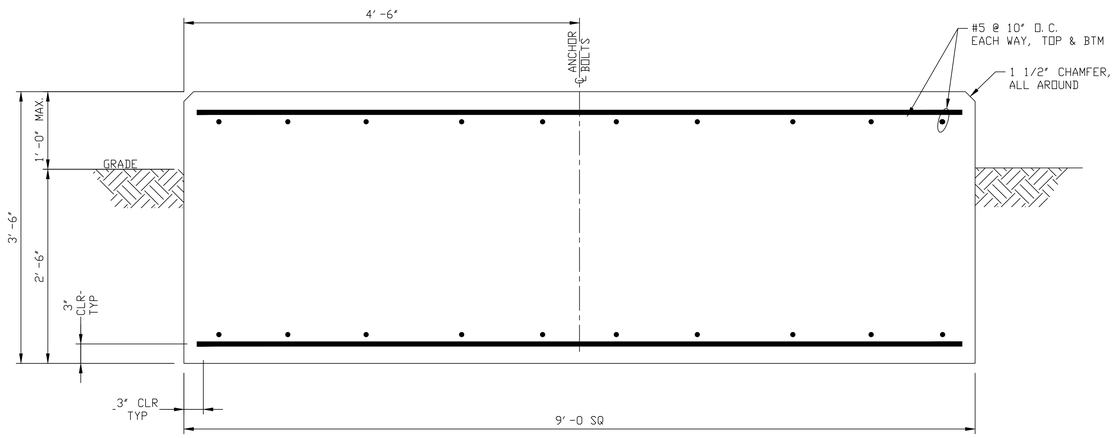
| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0095 | | A | AS NOTED |

PLOT DATE: 2015/04/10 PLOT TIME: 3:02 PM CAD NO.: 95




## DETAIL 1

FIXED END FOOTING
SCALE: 1" = 1'-0"




## DETAIL 2

SLIDING END FOOTING
SCALE: 1" = 1'-0"

## NOTES:

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AT LEAST 2 WORKING DAYS BEFORE YOU DIG

## LEGEND:

| | | | |
|---|---|---|---|
| | NEW PIPELINE | OH | OVERHEAD POWER LINE |
| | EASEMENT | E | ELECTRICAL CABLE |
| | SECTION LINE | T | TELEPHONE CABLE |
| | LOT LINE | W | WATER LINE |
| | RIGHT OF WAY | G | GAS LINE |
| | SALES MAP | S | SEWER LINE |
| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

**ISSUED FOR REVIEW**
**APR-10-2015**

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| A | ISSUED FOR REVIEW AFE: 2000692 PROJ: PRJ-2014-0292 | 4/10/15 | GHD | JT | | | |

REVISIONS — APPROVALS

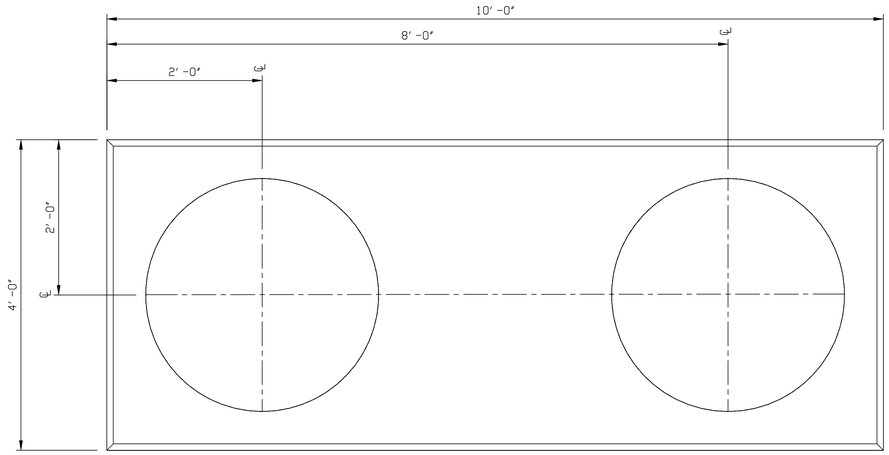
KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
LERDO FOUNDATION DETAIL 1 & 2

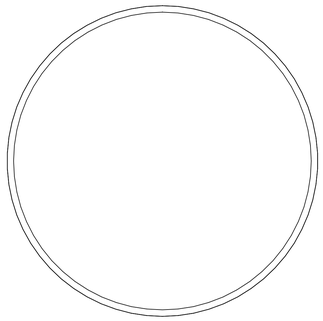
| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0096 | | A | AS NOTED |

PLOT DATE: 2015/04/10 PLOT TIME: 3:00 PM CAD NO.: CHO-KFC-WD26-MEC-0096



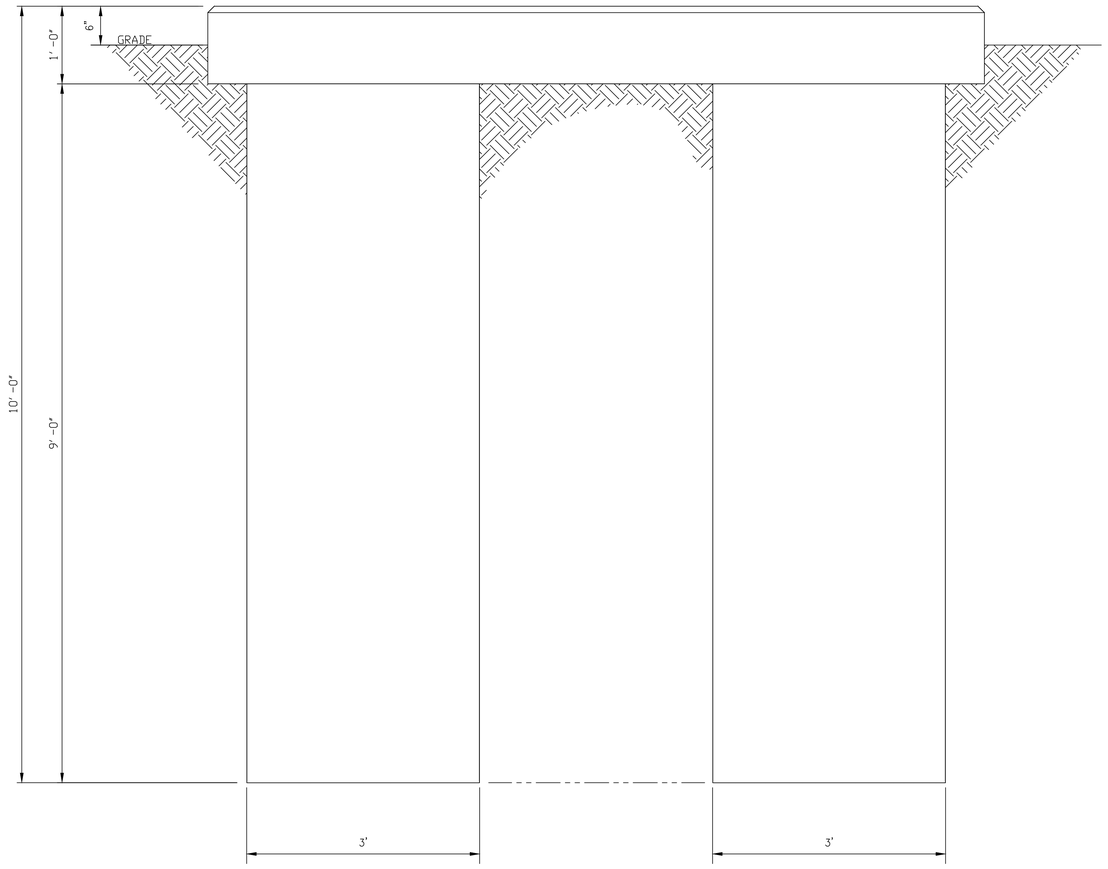

## DETAIL 3

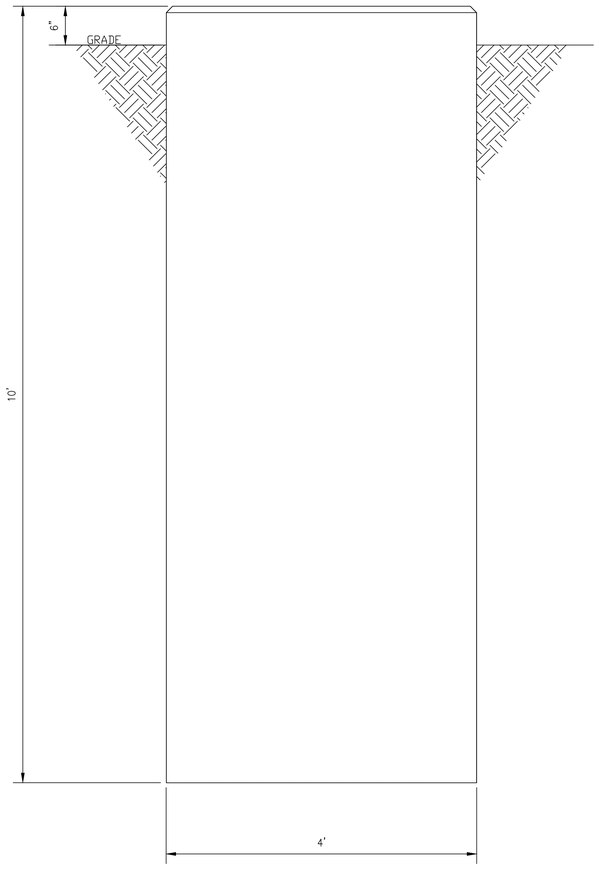
SCALE: 1" = 1'-0"



## DETAIL 4

SCALE: 1" = 1'-0"

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| | | | |
|---|---|---|---|
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| | SECTION LINE | T | TELEPHONE CABLE |
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| | FENCE LINE | | EX VINE ANCHOR |
| | SURFACE FEATURE | | IRR RISERS |
| | RAIL | | POWER POLE |
| 465 | CONTOUR LINE | | FIRE HYDRANT |

**ISSUED FOR REVIEW**

**APR-10-2015**

| REV No. | DESCRIPTION | DATE | DRAFTER | DSNR/ENG | QC | PROJECT ENG | TEAM LEAD |
|---|---|---|---|---|---|---|---|
| A | ISSUED FOR REVIEW AFE: 2000692 PROJ: PRJ-2014-0292 | 4/10/15 | GHD | JT | | | |

REVISIONS — APPROVALS

KERN FRONT

**CALIFORNIA RESOURCES CORPORATION**

KERN FRONT
PIPELINE – PRODUCED WATER
24" PRODUCED WATER
LERDO FOUNDATION DETAIL 3 & 4

| DRAWING No. | SHEET | REV. | SCALE |
|---|---|---|---|
| CHO-KFC-WD26-MEC-0097 | | A | AS NOTED |

PLOT DATE: 2015/04/10 PLOT TIME: 3:01 PM CAD NO.: CHO-KFC-WD26-MEC-0097

# Appendix F

## CVRWQCB Report of Waste Discharge (Comfort Letter)

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

18 June 2015

Anibal Araya
Operations Manager
California Resources Corporation, LLC
9600 Ming Avenue
Bakersfield, CA 93308

Richard Diamond
General Manager
North Kern Water Storage District
33380 Cawelo Avenue
Bakersfield, CA 93311

**REPORT OF WASTE DISCHARGE, CALIFORNIA RESOURCES CORPORATION, LLC, AND THE NORTH KERN WATER STORAGE DISTRICT, PRODUCED WATER BLENDING AND REUSE PROJECT, KERN COUNTY.**

The California Resources Corporation, LLC (CRC) and the North Kern Water Storage District submitted a Report of Waste Discharge (RWD) on 20 March 2015 for a proposed project to blend oil field produced water from California Resources Corporation, LLC's Kern Front Oil Field leases with North Kern Water Storage District surface water and groundwater supplies. The average concentrations of key constituents include oil and grease at 21 milligrams per liter (mg/L), electrical conductivity at 772 micromhos per centimeter, chloride at 85 mg/L, sodium at 172 mg/L, and sulfate at 2.7 mg/L. The oil field produced water will be blended with Kern River water, which will reduce the results presented above. The proposed project will provide about 18.5 million gallons per day (6.8 billion gallons annually) of oil field produced water for crop irrigation during the irrigation season (typically March through November) and groundwater recharge during the non-irrigation season within the approximately 55,000 acres that comprise the North Kern Water Storage District.

**Report of Waste Discharge**

Central Valley Water Board staff reviewed the following project materials:

1. The 20 March 2015 RWD, including:
   a. A complete State Form 200,
   b. A waste characterization of the blended water,
   c. Estimated flows to the North Kern Water Storage District, and
   d. A map depicting the North Kern Water Storage District's distribution facilities, as well as the locations of the facilities providing oilfield-produced water to the North Kern Water Storage District.
2. 20 April 2015 extended suite laboratory analytical results for CRC Section 23 Treatment Facility produced water,
3. A 26 March 2015, *North Kern Water Storage District, Drought Relief Project, Initial Study/Mitigated Negative Declaration.*

**Regulatory Considerations**

During the irrigation season, the project will provide up to 18.5 million gallons of supplemental water for irrigation use in a water short area currently in the midst of a severe drought. During periods of

low irrigation demand (non-irrigation season), the project will allow the discharge of produced water for groundwater recharge/banking for later use in a water short area. The project will maximize reclamation.

Water Code section 13264 prohibits dischargers from initiating new discharges before a complete RWD is filed, and before the Board either issues waste discharge requirements or certain timelines expire (provided that the discharge does not create or threaten to create a condition of pollution or nuisance).

The RWD provides Central Valley Water Board staff sufficient information to draft WDRs for the proposed discharge, and demonstrates that the proposed discharge can be conducted in a manner that complies with State laws and policies on water quality control. Therefore, California Resources Corporation, LLC has submitted a complete RWD for the project. Furthermore, based on the information contained in the RWD and supporting materials, it is the best professional judgment of the Board's staff that initiating the discharge described in the RWD will not create, or threaten to create, a condition of pollution[1] or nuisance[2] if the management measures described in the RWD are implemented. Lastly, North Kern Water Storage District is the lead agency for the project, and adopted a Negative Declaration for the project on 26 March 2015.

Therefore, according to the applicable timelines in Water Code section 13264, CRC may begin discharging on 7 August 2015, even if the Board does not issue WDRs for the project by that date. California Resources Corporation, LLC and the North Kern Water Storage District may discharge wastes only as described in the RWD and supporting documents. Should the discharges create a condition of pollution or nuisance, California Resources Corporation, LLC and/or the North Kern Water Storage District may be liable for the cleanup or abatement of the wastes discharged.

Central Valley Water Board staff will draft WDRs for the Central Valley Water Board's consideration in the next few months. Please note that this letter does not constitute waste discharge requirements, and that the discharge of waste to waters of the state is a privilege, and not a right. If you have any questions regarding this matter, please contact Jeff Pyle at (559) 445-5145 or at jpyle@waterboards.ca.gov.

LONNIE M. WASS
Supervising Engineer

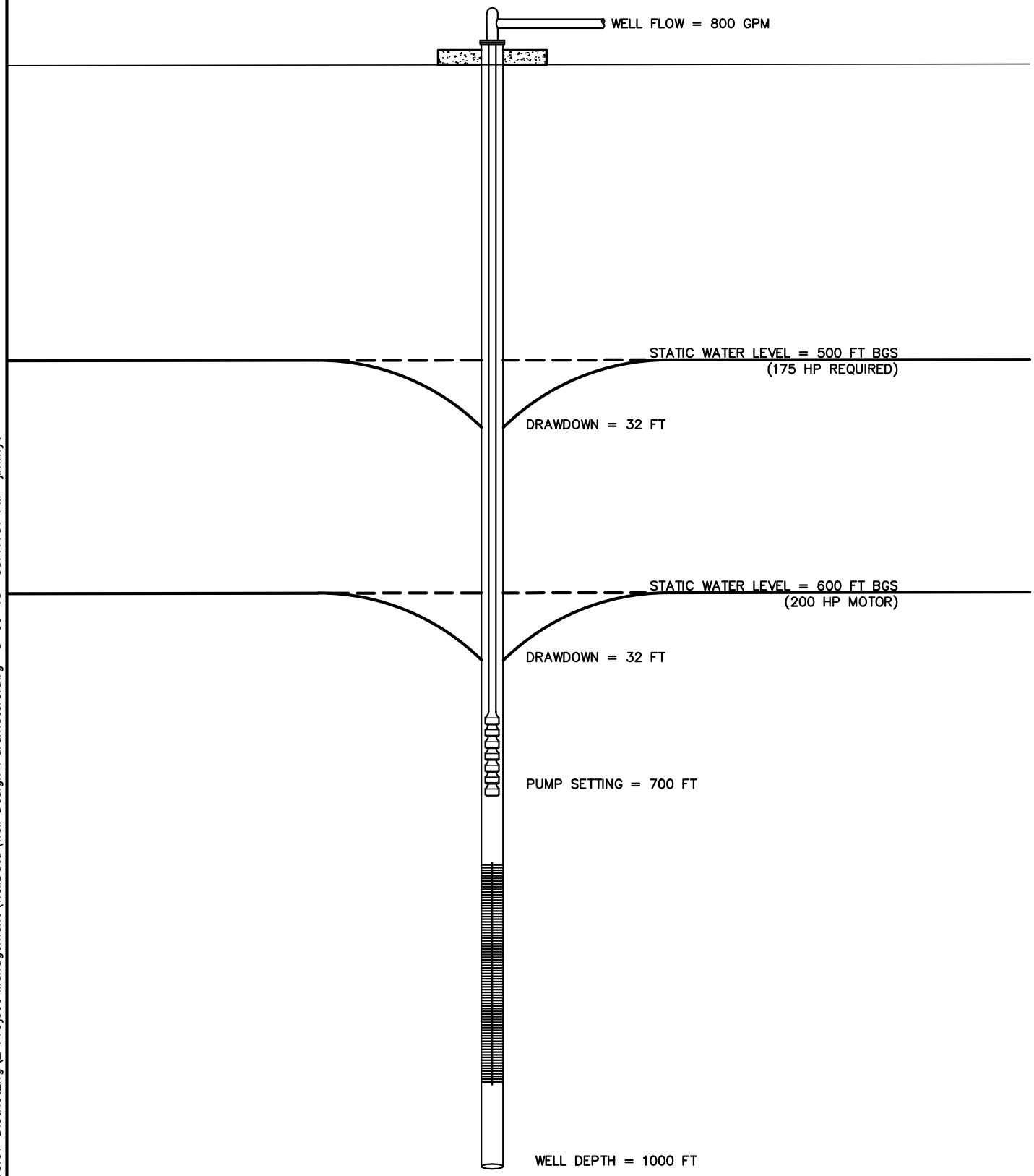
cc: Gary Carlton, Kennedy/Jenks, Rancho Cordova

[1] "Pollution" means "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses; (B) Facilities which serve these beneficial uses." (Wat. Code, § 13050, subd. (l)(1). "Pollution" may also include "contamination". (Wat. Code, § 13050, subd. (l)(2).

[2] "Nuisance" means anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as a result of, the treatment or disposal of wastes." (Wat. Code, § 13050, subd. (m).)

# Appendix G

## Lost Hills New Well No. 3 Preliminary Design Parameters




N

N.T.S.

# FUTURE NEW WELL

## DESIGN PARAMETERS

Cannon
1050 Southwood Drive
San Luis Obispo, CA 93401
P 805.544.7407 F 805.544.3863

F:\proj\2012\120618\120618.01-DistrictEng\2 Project Management\WellData\Well Design Parameters.dwg 8-03-15 03:17:31 PM jimmyt

# Appendix H

## LHUD New Well Site Project Draft Mitigated Negative Declaration

# Draft
# Mitigated Negative Declaration
# Lost Hills Utility District New Well Site Project

The Lost Hills Utility District (District) has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**Name of Project:** Lost Hill Utility District New Well Site Project

**Project File Number:** 00390.14

**Project Description:** The project would install a new potable water well in order to meet future maximum day demand for the community of Lost Hills and to provide a water source in the event that an existing well (East Well) were to fail.

**Project Location and Assessor's Parcel Number:** The existing proposed potable water well is located east of and adjacent to Gun Club Road, north of State Route 46, and approximately 12 miles east of the community of Lost Hills, California.

**Mailing Address and Phone Number of Applicant Contact Person:** Emma Clifford, President, 21331 Highway 46, Lost Hills, CA 93249; 661-797-2903

**Findings**

The attached initial study identifies one or more potentially significant effects on the environment, but the District agrees to implement mitigation found in the initial study that would mitigate the effects to a less-than-significant level. The District therefore finds that there is no substantial evidence that this project may have a significant effect on the environment.

**Mitigation Measures Included in the Project to Reduce Potentially Significant Effects to a Less-Than-Significant Level**

> **MM BIO-1. Pre-Disturbance San Joaquin Kit Fox Surveys.** The District shall have a qualified biologist conduct pre-disturbance surveys for kit fox no less than 14 days and no more than 30 days prior to any construction-related activities. The primary objective is to identify kit fox habitat features (potential dens and refuges) on the project site and within a 200-foot buffer zone, and to evaluate them sufficiently to ascertain if a kit fox is using them. If an active kit fox den is detected within the area of work or the 200-foot buffer zone, the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) shall be contacted immediately to determine the best course of action. If no kit fox activity is detected, the project work shall continue as planned, and

a brief written report shall be submitted to the CDFW and USFWS within 5 days of completion of the surveys.

**MM BIO-2. Pre-Disturbance Burrowing Owl Surveys and Exclusion.** The District shall retain a qualified biologist to conduct pre-disturbance burrowing owl surveys on the project site prior to construction or site preparation activities. The surveys shall be conducted no more than 30 days prior to commencement of construction activities. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls are observed using burrows during the surveys, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFW protocols. In such case, exclusion devices shall not be placed until the young have fledged, as determined by a qualified biologist, and found to be no longer dependent upon the burrow. Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and backfilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

**MM BIO-3. Pre-Disturbance Nesting Surveys and No Active Nest Disruptions.** The District shall have pre-disturbance surveys conducted by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region) within 30 days prior to ground disturbance activities associated with construction or grading, which would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through September in the project region). These surveys would determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 300 feet (500 feet for raptors) of the construction zone.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, and there is no evidence of a subsequent attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur. The results of the survey and any avoidance measures taken shall be submitted to the District and CDFW within 30 days of completion of the pre-disturbance surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

**MM CUL-1. Previously Unknown Cultural Resources.** If previously unknown archaeological and/or paleontological resources are discovered during construction activities, such activities shall cease after discovery and a qualified cultural resources specialist shall be contacted to determine the significance of a find and next steps.

**MM GHG-1. Non-Residential On-Site Mitigation Checklist.** To the greatest extent feasible, the San Joaquin Valley Air Pollution Control District's "Non-Residential On-Site Mitigation Checklist" shall be incorporated into the project design.

**MM WQ-1. Best Management Practices.** Prepare a SWPPP and implement BMPs for the proposed project to capture and treat polluted runoff from the proposed project site during the construction period. Recommended BMPs include proper stockpiling and disposal of demolition debris, concrete, and soil; protection of existing storm drain inlets; stabilization of disturbed areas; erosion controls; proper management of construction materials; waste management; aggressive litter control; and sediment controls.

**Public Review Period**

Before September 18, 2014 any person may:

(1) Review the Draft Mitigated Negative Declaration (MND); and

(2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND to the contact person above.

Name: Emma Clifford

Title: President

Signed: /s/

Circulated on: August 19 through September 18, 2014

Title

Adopted on: _____

# DRAFT

# LOST HILLS UTILITY DISTRICT NEW WELL SITE PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**PREPARED FOR:**

Lost Hills Utility District
21331 Highway 46
Lost Hills, CA 93249
Contact: Emma Clifford, President
661.797.2903

**PREPARED BY:**

ICF International
4900 California Avenue, Tower B, Suite 210
Bakersfield, CA 93309
Contact: Steve Esselman, Project Manager
661.377.2151

**August 2014**

ICF International. 2014. Lost Hills Utility District New Well Site Initial Study/Mitigated Negative Declaration. Draft. August. (ICF 00390.14.) Bakersfield, CA. Prepared for Lost Hills Utility District, Lost Hills, CA.

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# Acronyms and Abbreviations

| | |
|---|---|
| $\mu g/m^3$ | micrograms per cubic meter |
| AB 32 | Assembly Bill 32 |
| APN | Assessor's Parcel Number |
| AsWTP | Arsenic Removal Water Treatment Tank |
| BAU | business-as-usual |
| bgs | below ground surface |
| BMPs | best management practices |
| BMWD | Berrenda Mesa Water District |
| CAAQS | California Ambient Air Quality Standards |
| CalEEMod | California Emissions Estimator Model |
| CAPCOA | California Air Pollution Control Officers Association |
| CARB | California Air Resources Board |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CE | California Endangered |
| CEQA | California Environmental Quality Act |
| $CH_4$ | methane |
| CNDDB | California Natural Diversity Database |
| CNPS | California Native Plant Society |
| $CO_2$ | carbon dioxide |
| $CO_2e$ | carbon dioxide equivalencies |
| CSC | California Species of Concern |
| CT | California Threatened |
| dBA | A-weighted decibels |
| District | Lost Hills Utility District |
| EIR | Environmental Impact Report |
| FE | Federal Endangered |
| FMMP | Farmland Mapping and Monitoring Program |
| FSC | Federal Species of Concern |
| FT | Federal Threatened |
| GAMAQI | Guide for Assessing and Mitigating Air Quality Impacts |
| GHG | greenhouse gas |
| gpm | gallons per minute |
| HAPs | hazardous air pollutants |
| HFCs | hydrofluorocarbons |
| hp | horsepower |
| I-5 | Interstate 5 |
| IS/MND | Initial Study/Mitigated Negative Declaration |
| LHUD | Lost Hills Utility District |
| MBTA | Migratory Bird Treaty Act |
| MDD | maximum day demand |
| $mg/m^3$ | milligrams per cubic meter |
| $N_2O$ | nitrous oxide |
| NA | not applicable |
| NAAQS | National Ambient Air Quality Standards |
| NEPA | National Environmental Policy Act |
| $NO_X$ | oxides of nitrogen |
| NPDES | National Pollutant Discharge Elimination System |
| NPSH | net pressure suction head |

| | |
|---|---|
| PFCs | perfluorocarbons |
| PM10 | particulate matter less than 10 microns10 microns |
| ppb | parts per billion |
| ppb | parts per billion |
| ppm | parts per million |
| PRC | Public Resources Code |
| ROG | reactive organic gas |
| $SF_6$ | sulfur hexafluoride |
| SJVAPCD | San Joaquin Valley Air Pollution Control District |
| SR | State Route |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWRCB | State Water Resource Control Board |
| USDA | U.S. Department of Agriculture |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | U.S. Geological Survey |

Chapter 1
# Introduction

## Overview

The Lost Hills Utility District (LHUD or District) is proposing to install a new potable water well in order to meet future maximum day demand (MDD) for the community of Lost Hills and to provide a water source in the event that an existing well (East Well) were to fail. The proposed project will require discretionary approval by LHUD and, therefore, is required to undergo an environmental review pursuant to the California Environmental Quality Act (CEQA). Additionally, LHUD is seeking an Emergency Community Water Assistance Grant (Grant) from the U.S. Department of Agriculture (USDA). Since the project is seeking federal grant money, this project is also subject to the National Environmental Policy Act (NEPA). The USDA Rural Development Program would be responsible for meeting federal requirements by using information from this document.

The District is the lead agency under CEQA and has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental consequences associated with the installation of the new well. The main objective of CEQA is to fully disclose to the public and decision-makers the potential environmental effects of proposed activities that require discretionary approval.

## California Environmental Quality Act

The preparation of this IS/MND is governed by two principal sets of documents: CEQA (Public Resources Code [PRC] Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15000, et seq.). Specifically, IS preparation is guided by Section 15063 of the State CEQA Guidelines, and MND preparation is guided by Sections 15070–15075 of Article 6. Where appropriate and supportive to an understanding of the issues, reference will be made either to the statute, the State CEQA Guidelines, or appropriate case law.

This IS/MND contains all of the contents required by CEQA: a project description; a description of the environmental setting, potential environmental impacts, and mitigation measures for any significant effects; a discussion of consistency with applicable plans and policies; and a list of IS/MND preparers.

## Scope of the Initial Study/Mitigated Negative Declaration

This IS/MND evaluates the proposed project's effects on the following resource topics.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality

- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems.

# Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of *no impact* is appropriate if the analysis concludes that the project would not affect the particular topic area in any way.
- An impact is considered *less than significant* if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered *less than significant with mitigation incorporated* if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered *potentially significant* if the analysis concludes that it could have a substantial adverse effect on the environment.

# Organization of the Initial Study/Mitigated Negative Declaration

The content and format of this report are designed to meet the requirements of CEQA. The report contains the following sections.

- Chapter 1, “Introduction,” identifies the purpose and scope of the IS/MND and the terminology used in the report.
- Chapter 2, “Environmental Checklist,” includes the project description, which identifies the location, background, and planning objectives of the project, and describes the proposed project

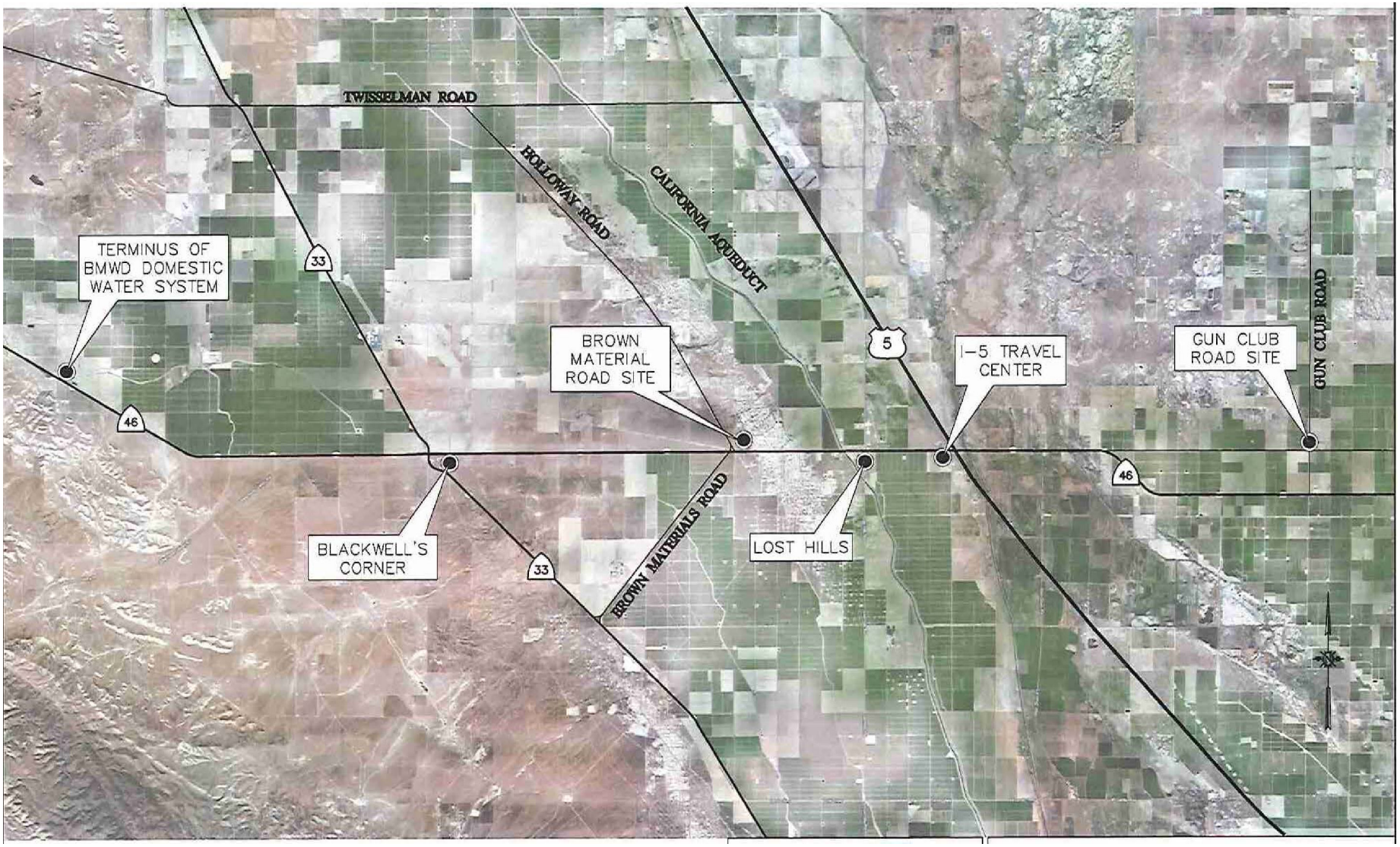


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**Figure 1**
**Regional Vicinity**
**Lost Hills Utility District New Well Site**

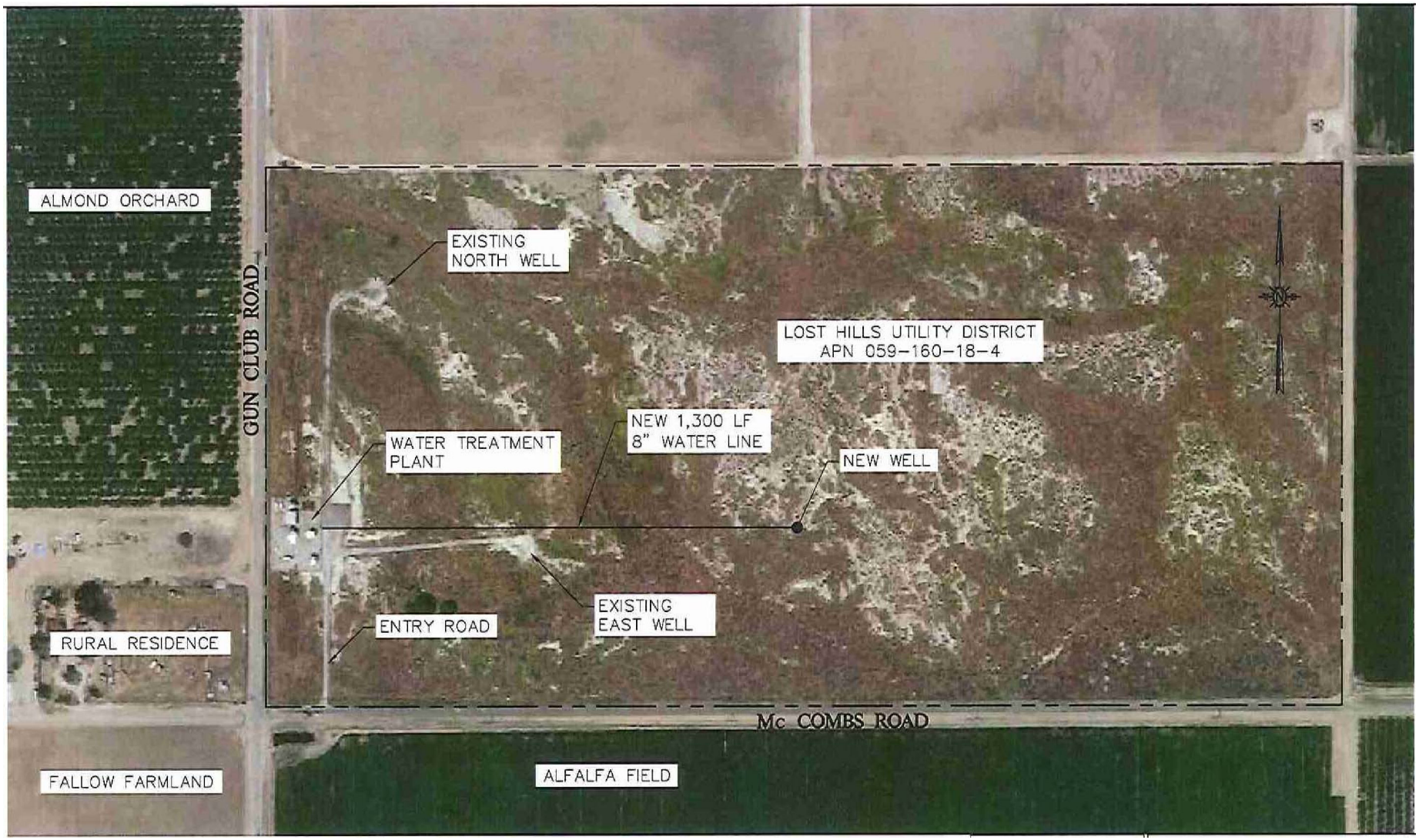


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**Figure 2**
**Project Location**
**Lost Hills Utility District New Well Site**

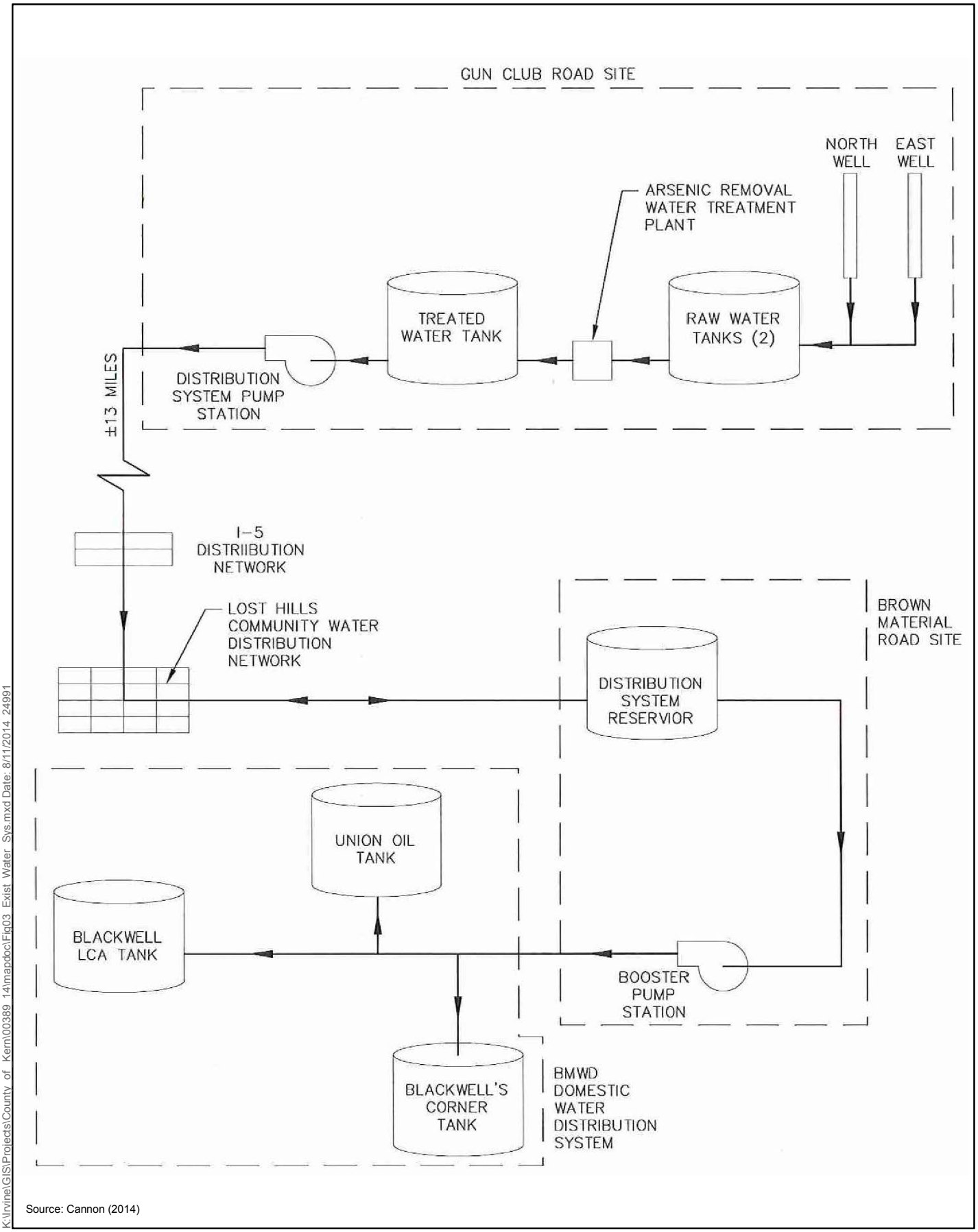


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**Figure 3**
**Existing Water System**
**Lost Hills Utility District New Well Site**

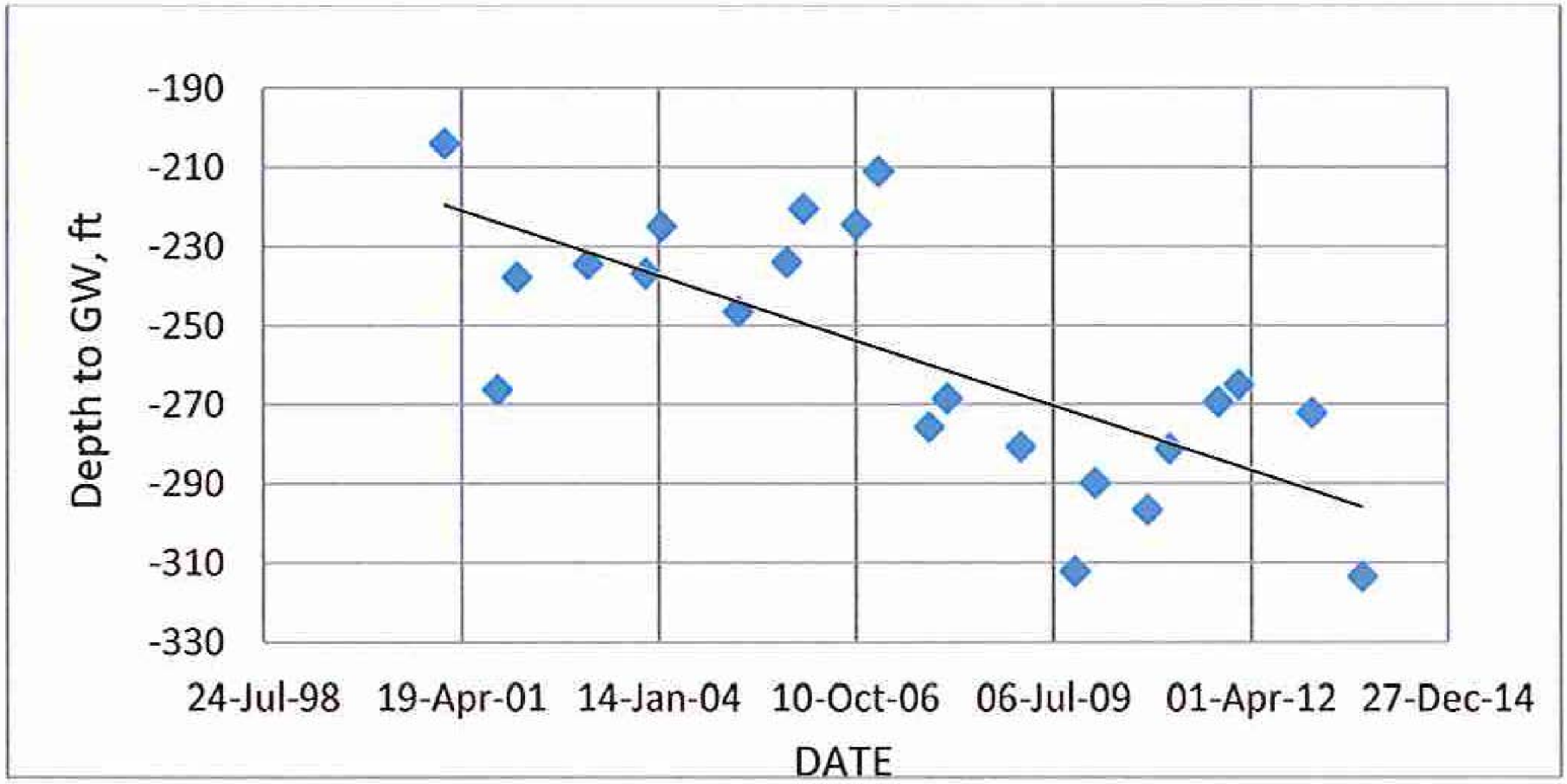


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**Figure 4**
**Groundwater Levels**
**Lost Hills Utility District New Well Site**

in detail. This chapter also presents the checklist responses for each resource topic, identifies the impacts of implementing the proposed project, and provides mitigation, if necessary, to reduce project impacts to a less-than-significant level.

- Chapter 3, "List of Preparers," identifies the individuals who prepared the IS/MND.

# Chapter 2
# Environmental Checklist

| | | |
|---|---|---|
| **1.** | **Project Title:** | Lost Hills Utility District New Well Site Project |
| **2.** | **Lead Agency Name and Address:** | Lost Hills Utility District, 21331 Highway 46, Lost Hills, CA 93249 |
| **3.** | **Contact Person and Phone Number:** | Emma Clifford, 661.797.2903 |
| **4.** | **Project Location:** | The existing proposed potable water well is located east of and adjacent to Gun Club Road, north of State Route (SR) 46, and approximately 12 miles east of the community of Lost Hills, California. |
| **5.** | **Project Sponsor's Name and Address:** | Same as Lead Agency |
| **6.** | **General Plan Designation:** | 8.1 [Intensive Agriculture (Min. 20 Acre Parcel Size)] (Kern County General Plan) |
| **7.** | **Zoning:** | A (Exclusive Agriculture) (Kern County Zoning Ordinance) |

**8. Description of Project:**

Existing Conditions

LHUD owns the 80-acre property (Assessor's Parcel Number [APN] 059-160-18) where the new well would be installed. This property is referred to as the Gun Club Road Site. Figure 1 provides a regional vicinity map for the project, and Figure 2 provides a project location map.

LUHD provides potable water and sewer services. The existing potable water system includes distribution systems for the community and a travel center located by Interstate 5 (I-5) as well as for an area previously serviced by the Berrenda Mesa Water District (BMWD) but now serviced by LHUD. Additionally, a distribution reservoir and booster pumps are located at the Brown Material Road Site. Although the wells located at the Gun Club Road Site service a number of areas and are assisted by offsite facilities, these components of the water system will not be further discussed in this document. The remainder of this document will focus on the existing and proposed facilities at the Gun Club Road Site.

The Gun Club Road Site includes two wells, raw water tanks, Arsenic Removal Water Treatment Tank (AsWTP), treated water tank, and distribution system pumps. Water underlying Lost Hills is not potable because it has high levels of total dissolved solids (i.e., salt); therefore, the existing wells are located approximately 12 miles to the east at the Gun Club Road Site, where groundwater water quality is acceptable for potable water use. Figure 3 provides a schematic of the existing water system operated by LHUD.

The two existing wells at the Gun Club Road Site (North and East Wells) pump groundwater at depths of 623 and 615 feet below ground surface (bgs), respectively. The pumped groundwater is conveyed to two 42,000-gallon raw water tanks. From these tanks, the raw water is transmitted via underground pipe to the AsWTP, which filters it to achieve final arsenic concentrations of less than 10 parts per billion (ppb). The treated water is conveyed via another underground pipe to an 82,000-gallon treated water tank. Water quality testing occurs at this tank, and then the water is conveyed via two distribution system pumps to the community, travel center, and area previously serviced by the BMWD.

Proposed Expansion

The purpose of the proposed well is to meet MDD with the highest capacity well offline[1] and to provide a water source in case of significant failure of the East Well. LUHD currently meets MDD but anticipates needing additional pumping capacity in the near future for projected growth. Additionally, drought conditions and LUHD's inability to manage adjacent agricultural groundwater pumping have lowered the groundwater level by 100 feet in the past 12 years (see Figure 4). Current groundwater levels are within approximately 70 feet of the new well pump's net pressure suction head (NPSH) limit. If this limit is exceeded, cavitation would occur, which could cause the pump to not work properly or at all and could cause damage to the well. This also places LUHD at risk of not meeting MDD with the current wells. Finally, the proposed well would reduce the use of existing wells that produce water with high arsenic concentrations; arsenic in the area is associated with a subsurface geologic layer located near the depth of the existing wells. The proposed well would be drilled to a depth below this layer.

LUHD has explored several alternatives, including repairing the existing wells, deepening the existing wells, replacing pumps with stronger ones, and connecting to the State Water Project or the water system of the nearby City of Wasco. See Appendix A for more details about these alternatives.

After considering all alternatives, LHUD has concluded that the most cost-effective alternative is to install a new well at the Gun Club Road Site. The proposed well would be installed approximately 500 feet east of the existing East Well. This new well would be sized to provide up to 800 gallons per minute (gpm). The well would be drilled to a depth of 800 feet bgs, and a pump would be placed within the water column. A 100-horsepower (hp) motor would be installed at the surface, and it would stand approximately 5 feet high. A new 8-inch-diameter belowground pipe would be installed to convey raw water from the well to the existing AsWTP. The construction footprint, including staging areas (i.e., well-drilling equipment), would be 250 feet by 250 feet (1.5 acres) total.

**9. Surrounding Land Uses and Setting:**

Land use in the vicinity of the new well site consists of active agricultural lands.

**10. Other Public Agencies Whose Approval is Required:**

- State Water Resources Control Board—Statewide General Construction National Pollutant Discharge Elimination System Permit and Notice of Intent.

[1] Per California Waterworks Standards Section 54554.

# Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agricultural and Forestry | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☐ Mandatory Findings of Significance |

# Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

| | |
|---|---|
| /s/ | August 19, 2014 |
| Signature | Date |
| Emma Clifford | Lost Hills Utility District |
| Printed Name | For |

# Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. "Negative Declaration: Less than Significant with Mitigation Incorporated" applies when the incorporation of mitigation measures has reduced an effect from a "Potentially Significant Impact" to a "Less-than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)
5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
    a. Earlier Analysis Used. Identify and state where earlier analyses are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to a less-than-significant level.

| I. Aesthetics | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☒ | ☐ |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ |
| d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less-than-Significant Impact.** The construction of the proposed well would occur approximately 500 feet east of the existing East Well at the Gun Club Road Site. The only aboveground feature would be the 5-foot-high 100-hp motor. The motor would not have a larger profile than the existing equipment and structures at the site, and it would look similar to existing equipment and structures. Potential viewers already see the existing equipment and structures, and the proposed project would not appreciably change the existing condition for the affected viewers. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.

b. **No Impact.** The proposed project is not located along a designated or proposed scenic highway, and it would not damage any scenic resources viewed along a state scenic highway. There are no trees, rock outcroppings, or historic buildings at the site. Additionally, the proposed project would not have the capability to prevent distant views of scenic resources. There would be no impact.

c. **Less-than-Significant Impact.** The proposed project would not substantially degrade the existing visual character of the site and its surroundings. Minimal visual change would occur as a result of installing the well because the proposed equipment and structures would not have a larger profile, require the use of dissimilar materials, or be out of scale with the existing equipment and structures. Impacts would be less than significant.

d. **No Impact.** The proposed project would not change the existing interior and security lighting at the site. Therefore, the proposed project would not create a new source of substantial light or glare. There would be no impact.

| II. Agricultural and Forestry Resources | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts on 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 the Forest Protocols adopted by the California Air Resources Board. 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? | ☐ | ☐ | ☐ | ☒ |
| b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| 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))? | ☐ | ☐ | ☐ | ☒ |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e. Involve other changes in the existing environment that, 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? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** According to the Farmland Mapping and Monitoring Program (FMMP) maps, the existing construction footprint is designated as "Vacant or Disturbed Land." Additionally, the proposed occurs at a site owned by LHUD and would be used to exclusively to pump groundwater for potable use. There are no farming activities that occur at the site. Therefore, the proposed

project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. There would be no impact.

b. **No Impact.** No portion of the construction footprint is enrolled in the Williamson Act program. The use of the site to pump potable water is an allowable use in the A (Exclusive Agriculture) zoning district. Therefore, the proposed project would not conflict with existing zoning for agricultural use or conflict with a Williamson Act contract. There would be no impact.

c. **No Impact.** No portion of the Gun Club Road Site is zoned as forest land, timberland, or Timberland Production. The site is zoned A. Therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production. There would be no impact.

d. **No Impact.** Please refer to response II.c above. The project would not result in the loss of forest land or the conversion of forest land to non-forest use. There would be no impact.

e. **No Impact.** The site is not being actively cultivated and is not under a Williamson Act contract. There are also no lands zoned as forest land, timberland, or Timberland Production within the footprint. The construction footprint is on lands zoned A, and pumping potable water is an allowable use under such a zoning designation. Therefore, the proposed project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or forest land to non-forest use. There would be no impact.

| III. Air Quality | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☒ | ☐ |
| d. Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| e. Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

## Setting

Under the provisions of the Federal Clean Air Act, the San Joaquin Valley Air Basin, under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), has been classified as nonattainment, attainment, unclassified/attainment, or unclassified under the established National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for various criteria pollutants. Table 1 provides the NAAQS and CAAQS as well as the San Joaquin Valley Air Basin's designation and classification based on the various criteria pollutants. Because the proposed project is located in a nonattainment area for various criteria air pollutants, potential project air emissions for construction and operations have been estimated and evaluated for potential for violation NAAQS and CAAQS.

**Table 1. Federal and California Ambient Air Quality Standards with San Joaquin Valley Air Basin Attainment Status**

| Pollutant | Averaging Time | Federal Standard | Federal Attainment Status | State Standard | State Attainment Status |
|---|---|---|---|---|---|
| Ozone ($O_3$) | 1-hour[a] | -- | -- | 0.09 ppm (180 µg/m$^3$) | Nonattainment/Severe |
| | 8-hour[b] | 0.075 | Nonattainment/ Extreme | 0.070 ppm | Nonattainment |

| Pollutant | Averaging Time | Federal Standard | Federal Attainment Status | State Standard | State Attainment Status |
|---|---|---|---|---|---|
| Particulate Matter (PM10) | Annual arithmetic mean | Revoked | Attainment | 20 μg/m$^3$ | Nonattainment |
| | 24-hour | 150 μg/m$^3$ | Attainment | 50 μg/m$^3$ | Nonattainment |
| Particulate Matter (PM 2.5) | Annual arithmetic mean | 12 μg/m$^3$ | Nonattainment | 12 μg/m$^3$ | Nonattainment |
| | 24-hour | 35 μg/m$^3$ | Nonattainment | -- | -- |
| Carbon Monoxide (CO) | 8-hour | 9 ppm (10 mg/m$^3$) | Attainment/ Unclassified | 9 ppm (10 mg/m$^3$) | Attainment/Unclassified |
| | 1-hour | 35 ppm (40 μg/m$^3$) | Attainment/ Unclassified | 20 ppm (23 mg/m$^3$) | Attainment/Unclassified |
| Nitrogen Dioxide ($NO_2$)[c] | Annual average | 53 ppb | Attainment/ Unclassified | 0.030 ppm | Attainment |
| | 1-hour | 100 ppb | Attainment/ Unclassified | 0.18 ppm | Attainment |
| Sulfur Dioxide ($SO_2$) | Annual average | Revoked | -- | -- | -- |
| | 24-hour | Revoked | -- | 0.04 ppm (105 μg/m$^3$) | Attainment |
| | 1-hour | 75 ppb | Attainment/ Unclassified | 0.25 ppm (655 μg/m$^3$) | Attainment |
| Sulfates | 24-hour | -- | -- | 25 μg/m$^3$ | Attainment |
| Lead | Calendar quarter | 1.5 μg/m$^3$ | Attainment | -- | -- |
| | 30 day average | -- | -- | 1.5 μg/m$^3$ | Attainment |
| | Rolling 3-month average | 15 μg/m$^3$ | No Designation/ Classification | -- | -- |
| Hydrogen Sulfide | 1-hour | -- | -- | 0.03 ppm (42 μg/m$^3$) | Unclassified |
| Vinyl Chloride (chloroethene) | 24-hour | -- | -- | 0.010 ppm (46 μg/m$^3$) | Attainment |

Source: SJVAPCD 2014, CARB 2014.

ppm = parts per million

ppb = parts per billion

mg/m$^3$ = milligrams per cubic meter

μg/m$^3$= micrograms per cubic meter

[a] 1-Hour $O_3$ standard revoked effective June 15, 2005.

[b] EPA finalized the revised (2008) 8-hour $O_3$ standard of 0.075 ppm on March 27, 2008. The 1997 8-hour $O_3$ standard of 0.08 ppm has not been revoked. In the January 19, 2010, *Federal Register*, EPA proposed to revise the 2008 $O_3$ NAAQS of 0.075 ppm to a NAAQS in the range of 0.060 to 0.070 ppm. For more information, see www.epa.gov/groundlevelozone/.

[c] The state nitrogen dioxide ambient air quality standard was amended on February 22, 2007, to lower the 1-hour standard to 0.18 ppm and establish a new annual standard of 0.030 ppm. On January 22, 2010, EPA set a new 1-hour $NO_2$ standard of 100 ppb. They also retained the annual $NO_2$ standard of 53 ppb.

**Discussion:**

a. **Less-than-Significant Impact.** The project's potential emissions were calculated in accordance with the SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI), January 10, 2002, Revision. GAMAQI does not necessarily require a quantification of construction emissions for all projects, typically only requiring emissions quantification at the request of the lead agency. The SJVAPCD generally assumes that implementation of any construction-related mitigation measures would result in construction emissions impacts that are less than significant.

Thresholds of significance are established in the SJVAPCD's GAMAQI, and those thresholds separate a project's short-term emissions from its long-term emissions. According to these thresholds, a project's emissions within the San Joaquin Valley Air Basin would be significant if it exceeds one or more of the following annual emission rates: 10 tons per year of oxides of nitrogen ($NO_X$), 10 tons per year of reactive organic gas (ROG), and/or 15 tons per year of particulate matter less than 10 microns (PM10).

<u>Construction and Operational Emissions</u>

In order to estimate emissions associated with the proposed project, several changes were made to the standard defaults provided in the California Emissions Estimator Model (CalEEMod) v2013.2.2 (California Air Pollution Control Officers Association (CAPCOA) 2013).

The anticipated construction details of the proposed project were developed based on work on similar projects and providing the most conservative construction profile. The equipment values were input into the CalEEMod program and were used to estimate the (short-term) construction emissions. Although emissions from the project are expected to vary substantially from day to day, they are expected to be approximately equal over the course of the construction period.

Construction was split into three phases: Site Preparations, Drilling, and Equipment Installation (pump and water pipe).

Many variables are factored into the calculation of construction emissions, such as length of the construction period, number of each type of equipment, site characteristics, area climate, and construction personnel activities. As a worst case, the construction period is expected to occur over one calendar month of construction (although the project is anticipated to be built in less than 2 weeks). The following conservative assumptions were applied for the length of each phase: 7 days for Site Preparations; 12 days for Drilling; and 8 days for Equipment Installation. The modeled construction period started on October 1, 2014, and ended on October 31, 2014; these dates were the earliest the project could start, and actual construction dates may be later than these modeled dates. No more than 0.3 acre per day was assumed to be disturbed at the well site and for water pipeline trenching. All equipment, except the drilling rig, was conservatively assumed to be in use 8 hours per day. The drilling rig is anticipated to be in operation 24 hours per day for no more than 12 days (more likely 5 days). It is anticipated that five construction employees per shift would be needed during the construction period. Table 2 presents the project's unmitigated and mitigated short-term emissions based on the conservative construction period.

**Table 2. Construction-Related Emissions**

| Parameter | ROG | $NO_X$ | CO[a] | $SO_X$[a] | PM10 | PM2.5[a] |
|---|---|---|---|---|---|---|
| **Unmitigated Emissions** | | | | | | |
| Construction Emissions 2015 | 0.03 | 0.28 | 0.22 | 0.0003 | 0.33 | 0.06 |
| SJVAPCD Annual Thresholds | 10 | 10 | N/A | N/A | 15 | N/A |
| Threshold Exceeded before Mitigation? | No | No | -- | -- | No | -- |
| **Mitigated Emissions** | | | | | | |
| Construction Emissions 2015 | 0.03 | 0.28 | 0.22 | 0.0003 | 0.20 | 0.04 |
| SJVAPCD Annual Thresholds | 10 | 10 | N/A | N/A | 15 | N/A |
| Threshold Exceeded before Mitigation? | No | No | -- | -- | No | -- |

[a] SJVAPCD has not established significance thresholds for these emissions.

As calculated, the mitigated short-term emissions are predicted to be less than SJVAPCD significance threshold levels for all criteria pollutants. Therefore, project construction emissions are considered less than significant.

During operations, the project would increase electrical consumption by one electrical motor (up to 100 hp) used to power the well pump and represents the most conservative estimate of project operations; when Well 3 becomes operational, another existing well would be taken out of service; therefore, there would be no actual new emissions, no new workers, nor new equipment. As shown in Table 3, the operations of the Well 3 project would generate very minimal emissions and would not exceed SJVAPCD significance threshold levels for all criteria pollutants. Therefore, project operation emissions are considered less than significant.

**Table 3. Operation-Related Emissions**

| Parameter | ROG | $NO_X$ | CO[a] | $SO_X$[a] | PM10 | PM2.5[a] |
|---|---|---|---|---|---|---|
| Yearly Emissions | 0.00 | 0.00 | 0.00001 | 0.000 | 0.00 | 0.00 |
| SJVAPCD Annual Thresholds | 10 | 10 | N/A | N/A | 15 | N/A |
| Threshold Exceeded before Mitigation? | No | No | -- | -- | No | -- |

[a] SJVAPCD has not established significance thresholds for these emissions.

<u>Ambient Air Quality Standards</u>

Because there would not be a significant incremental increase in the project's long-term criteria pollutant emissions, an ambient air quality analysis to determine if the proposed project has the potential to impact ambient air quality through a violation of the ambient air quality standards or a substantial contribution to an existing or projected air quality standard was not performed. The project would not conflict with or obstruct implementation of the applicable air quality plan, and impacts are considered to be less than significant.

b. **Less-than-Significant Impact.** Please refer to response III.a above. The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

c. **Less-than-Significant Impact.** As discussed in response III.a above, unmitigated construction-related or operation-related emissions for the project would not result in significant air quality impacts. Additionally, because the operations of the project would imply that other existing wells would therefore not be in operation, the project would not substantially increase the operational employees or equipment or appreciably change the operational energy requirements in comparison to the existing condition; the project would therefore not result in additional air quality emissions during the operational period beyond the baseline condition. Consequently, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard. Impacts would be less than significant.

d. **Less-than-Significant Impact.** The proposed project would not substantially increase emissions of hazardous air pollutants (HAPs) (diesel particulate matter) during project operations (please refer to response III.c above). Further, the project is a rural water supply and treatment facility in a remote location. Therefore, an assessment of the potential risk to the population attributable to project emissions of HAPs is not required because the project would remain below the significance thresholds for acute and chronic non-cancer health risks and cancer risk. Consequently, this project would not expose sensitive receptors to substantial pollutant concentrations. Please also refer to response III.a above. Impacts would be less than significant.

e. **No Impact.** An odor evaluation is typically conducted for both of the following situations: (1) a potential source of objectionable odors is proposed for a location near existing sensitive receptors, and (2) sensitive receptors are proposed to be located near an existing source of objectionable odors. The criteria for this evaluation are based on the Lead Agency's determination of the proximity of the proposed project to the sensitive receptors. A sensitive receptor is a location where human populations, especially children, senior citizens, and sick persons, are present and where there is a reasonable expectation of continuous human exposure to pollutants, according to the averaging period for ambient air quality standards, i.e., the 24-hour, 8-hour, or 1-hour standards. Commercial and industrial sources are not considered sensitive receptors.

   The proposed project is a water supply well and would not create any odors or increase odors at the existing facility. The current baseline of potential odor nuisance from the existing facility remains unchanged by the proposed project. Therefore, the project would not create objectionable odors affecting a substantial number of people beyond the baseline condition. There would be no impact.

| IV. Biological Resources | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| 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 Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| 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 Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☒ | ☐ |
| 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, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☒ | ☐ | ☐ |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less than Significant with Mitigation Incorporated.** The existing site contains valley saltbush or alkali scrub and nonnative grasses. The area adjacent to the site contains agricultural land uses. Agricultural areas can be used by mammalian predators such as coyotes (*Canis latrans*) and foxes (*Vulpe*s spp.). Small mammals—including house mice (*Mus musculus*), deer mice (*Peromyscus maniculatus*), California voles (*Microtus californica*), and western harvest mice (*Reithrodontomys maniculatus*)—may occur, although the intensive agricultural practices and nearby urban development would tend to restrict their abundance due to disturbance and use of rodenticides. Coyotes and San Joaquin kit foxes (*Vulpes macrotis mutica*), which are common mammalian predators in the region, may occasionally forage for small mammals at the site.

A search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database for the Semitropic and eight surrounding U.S. Geological Survey (USGS) 7.5-minute quadrangles revealed that 18 special-status plant species and 27 special-status animal species have the potential to occur within the proposed project's vicinity. A biological reconnaissance survey of the site occurred in 2013. There are also three "natural communities" tracked by the CNDDB that are found within the vicinity of the project site. Table 4 provides a list of the special-status species that have the potential to occur in the vicinity of the site.

**Table 4. Special-Status Species Reported to Occur in the Semitropic and Eight Surrounding 7.5-Minute Quadrangles**

| Scientific Name<br>Common Name | Status | | | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| | Federal | State | CNPS | | |
| **Plants** | | | | | |
| *Atriplex cordulata* var. *cordulata*<br>heartscale | -- | -- | 1B.2 | Found in hard trampled, somewhat saline or alkaline soils. | *Not Expected:* not found during survey. |
| *Atriplex coronata* var. *coronate*<br>crownscale | -- | -- | 4.2 | Found in alkaline, often clay chenopod scrub, valley and foothill grassland, and vernal pools. | *Not Expected:* not found during survey. |
| *Atriplex cordulata* var. *erecticaulis*<br>Earlimart orache | -- | -- | 1B.2 | Grows in low-lying, sparsely vegetated grasslands and on the mounds between vernal pools. | *Not Expected:* no suitable habitat present. |
| *Atriplex coronata* var. *vallicola*<br>Lost Hills crownscale | -- | -- | 1B.2 | Found in alkaline chenopod scrub, valley and foothill grassland, and vernal pools. | *Not Expected:* not found during survey. |
| *Atriplex minuscula*<br>Lesser saltscale | -- | -- | 1B.1 | Found in alkaline, sandy chenopod scrub, playas, and valley and foothill grassland | *Not Expected:* not found during survey. |
| *Atriplex subtilis*<br>subtle orache | -- | -- | 1B.2 | Found in valley and foothill grassland, chenopod scrub, and in vernal pools. | *Not Expected:* not found during survey. |
| *Astragalus hornii* var. *hornii*<br>Horn's milk-vetch | -- | -- | 1B.1 | Found in lake margins, meadows, and seeps. | *Not Expected:* no suitable habitat present. |
| *Caulanthus californicus*<br>California jewel-flower | FE | CE | 1B.1 | Sandy soils within chenopod scrub, pinyon and juniper woodland, and grasslands. | *Not Expected:* no suitable habitat present. |
| *Cirsium crassicaule*<br>slough thistle | -- | -- | 1B.1 | Found in freshwater wetlands. | *Not Expected:* no suitable habitat present. |
| *Delphinium recurvatum*<br>recurved larkspur | FSC | -- | 1B.2 | Alkaline soils in chenopod scrub, cismontane woodlands, and grasslands. | *Not Expected:* no suitable habitat present. |

| Scientific Name<br>Common Name | Status<br>Federal | State | CNPS | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| *Eremalche kernensis*<br>Kern mallow | -- | -- | 1B.1 | Found where sufficient moisture is present. | *Not Expected:* suitable moisture not present. |
| *Eriastrum hooveri*<br>Hoover's eriastrum | FT | -- | 4.2 | Chenopod scrub, valley and foothill grasslands, and pinyon and juniper woodlands. | *Not Expected:* no suitable habitat present. |
| *Eriogonum gossypinum*<br>cottony buckwheat | -- | -- | 4.2 | Found in chenopod scrub and valley and foothill grassland | *Not Expected:* no suitable habitat present. |
| *Lasthenia glabrata* ssp. *Coulteri*<br>Coulter's goldfields | -- | -- | 1B.1 | Found in salt-marsh, playas, and vernal-pools. | *Not Expected:* no suitable habitat present. |
| *Layia munzii*<br>Munz's tidy-tips | -- | -- | 1B.2 | Grows on alkaline clay in low-lying scrublands and on hillsides in grasslands. | *Not Expected:* no suitable habitat present. |
| *Madia radiate*<br>showy golden madia | -- | -- | 1B.1 | Found on open, grassy slopes and hillsides, in friable clay soils that are calcium-rich, gypseous, and/or ultra-fine. | *Not Expected:* no suitable habitat present. |
| *Monolopia congdonii*<br>San Joaquin woollythreads | FE | -- | 1B.2 | Chenopod scrub and sandy valley and foothill grassland. | *Not Expected:* no suitable habitat present. |
| *Tropidocarpum californicum*<br>Kings gold | -- | -- | 1B.1 | Found in saltbush scrub habitat. | *Not Expected:* not found during survey. |
| **Animals** | | | | | |
| *Ammospermophilus nelson*<br>Nelson's antelope squirrel | -- | SE | -- | Lives in relatively arid annual grassland and shrubland communities in areas receiving less than about 23 centimeters (10 inches) of mean annual precipitation. | *Not Expected:* not found during survey. |
| *Anaxyrus californicus*<br>arroyo toad | FE | CSC | -- | Found in sandy or cobbly washes with swift currents and associated upland and riparian habitats. | *Not Expected:* no suitable habitat present. |
| *Anniella pulchra pulchra*<br>silvery legless lizard | -- | CSC | -- | Found in areas with sandy or loose loamy soils<br>such as under sparse vegetation of beaches, chaparral, or pine-oak woodland; or near sycamores, cottonwoods, or oaks that grow on stream terraces. | *Not Expected:* no suitable habitat present. |

| Scientific Name<br>Common Name | Status<br>Federal | State | CNPS | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| *Agelaius tricolor*<br>tricolored blackbird | -- | CSC | -- | Requires open accessible water; a protected nesting substrate, including flooded, thorny, or spiny vegetation; and a suitable foraging space that provides adequate insect prey within a few miles of the nesting colony. | *Not Expected:* not found during survey. |
| *Athene cunicularia*<br>western burrowing owl | MBTA | CSC | -- | Open, dry grasslands; deserts; and, sometimes, ruderal areas along ditch levees. Requires burrows, principally those made by California ground squirrels. | ***Low-Moderate:*** potential for burrowing owl burrows to be present at the site. |
| *Branchinecta lynchi*<br>vernal pool fairy shrimp | FT | -- | -- | Found in vernal pools. | *Not Expected:* no suitable habitat present. |
| *Buteo swainsoni*<br>Swainson's hawk | MBTA | CT | -- | Breeds in stands with few trees, in juniper-sage flats, in riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations. | *Not Expected:* Seasonal foraging habitat does exist; however, habitat for nesting does not exist. |
| *Charadrius alexandrinus nivosus*<br>western snowy plover | -- | CSC | -- | Found near tidal waters and coastal sites. | *Not Expected:* no suitable habitat present. |
| *Charadrius montanus*<br>mountain plover | -- | CSC | -- | Nests in upland short-grass prairie disturbed by fire or grazing. During the winter, it is found in heavily grazed short-grass plains and fields, sandy deserts, and agricultural land. | *Not Expected:* no suitable habitat present. |
| *Circus cyaneus*<br>northern harrier | -- | CSC | -- | Found in open country, where there is some limited cover from vegetation. | *Not Expected:* not found during survey. |
| *Dipodomys ingens*<br>giant kangaroo rat | FE | SE | -- | Found on gently sloping ground along the western edge of the San Joaquin Valley. | *Not Expected:* no suitable habitat present. |
| *Dipodomys nitratoides brevinasus*<br>short-nosed kangaroo rat | -- | CSC | -- | Found in arid grassland and shrubland associations along the western half of the Valley floor and hills on the western edge of the Valley. | *Not Expected:* not found during survey. |

| Scientific Name<br>Common Name | Status<br>Federal | State | CNPS | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| *Dipodomys nitratoides nitratoides*<br>Tipton kangaroo rat | FE | CE | -- | Saltbush scrub and sink scrub communities in the Tulare Lake Basin of the southern San Joaquin Valley. Requires soft friable soils that escape seasonal flooding, where it will dig burrows in elevated soil mounds at the base of shrubs. | *Not Expected:* not found during survey. |
| *Elanus leucurus*<br>white-tailed kite | -- | FP | -- | Mostly occurs in lowlands and middle elevations, frequenting open savannas, pastures, grassland, marshes, and agricultural areas with scattered trees, where it perches on the tops of trees or on power lines. | *Not Expected:* not found during survey. |
| *Emys marmorata*<br>western pond turtle | -- | CSC | -- | Occurs in both permanent and intermittent waters, including marshes, streams, rivers, ponds, and lakes. | *Not Expected:* no suitable habitat present. |
| *Eumops perotis californicus*<br>western mastiff bat | -- | CSC | -- | Occurs in a wide variety of habitats—including chaparral, coastal and desert scrub, coniferous and deciduous forest, and woodland—but in areas associated with roosting sites. Roosts are established in crevices in rocky canyons and cliffs where the canyon or cliff is vertical or nearly vertical. | *Not Expected:* no suitable habitat present. |
| *Gambelia sila*<br>blunt-nosed leopard lizard | FE | CE | -- | Inhabits sparsely vegetated alkali and desert scrub habitats in areas of low topographic relief. Preferred habitat includes semiarid grasslands, alkali flats, and washes. | *Not Expected:* not found during survey. |
| *Lanius ludovicianus*<br>loggerhead shrike | -- | CSC | -- | Occurs in open and semi-open areas, typically with short vegetation and scattered trees or bushes. | *Not Expected:* not found during survey. |
| *Masticophis flagellum ruddocki*<br>San Joaquin whipsnake | -- | CSC | -- | Open, dry habitats with little or no tree cover. Found in valley grasslands and saltbush scrub in the San Joaquin Valley. | *Not Expected:* not found during survey. |

| Scientific Name<br>Common Name | Status<br>Federal | State | CNPS | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| *Onychomys torridus tularensis*<br>Tulare grasshopper mouse | -- | CSC | -- | Habitats include alkali sink dominated by one or more saltbush species, iodine bush, seepweed, and pale-leaf goldenbush. | *Not Expected:* not found during survey. |
| *Phrynosoma blainvillii*<br>coast horned lizard | -- | CSC | -- | Distributed throughout the foothills and coastal plains from Los Angeles area to northern Baja California. It frequents areas with abundant, open vegetation such as chaparral or coastal sage scrub. | *Not Expected:* no suitable habitat present. |
| *Sorex ornatus relictus*<br>Buena Vista Lake ornate shrew | FE | CSC | -- | Associated with wetlands, lakes, and sloughs. | *Not Expected:* no suitable habitat present. |
| *Spea (=Scaphiopus) hammondii*<br>western spadefoot | -- | CSC | -- | Vernal pools and other wet areas within grasslands. | *Not Expected:* no suitable habitat present. |
| *Taxidea taxus*<br>American badger | -- | CSC | -- | Herbaceous shrub and open stages of most habitats with dry, friable soils. | *Not Expected:* not found during survey. |
| *Thamnophis gigas*<br>giant garter snake | FT | CT | -- | Associated with wetland habitat. | *Not Expected:* no suitable habitat present. |
| *Toxostoma lecontei*<br>Le Conte's thrasher | -- | CSC | -- | The Lost Hills population extends north from SR 46 for less than 9.6 kilometers (6 miles) with the California Aqueduct as the eastern boundary. | *Not Expected:* not found during survey. |
| *Vulpes macrotis mutica*<br>San Joaquin kit fox | FE | CT | -- | Chenopod scrub, grasslands; sometimes forages in agricultural areas. | ***Low-Moderate**:* kit fox likely not present within project site. However, because of their resilience to human disturbance, absence cannot be ruled out. |

| Scientific Name<br>Common Name | Status<br>Federal | State | CNPS | Habitat Requirements | Potential Onsite Occurrence |
|---|---|---|---|---|---|
| **Natural Communities** | | | | | |
| Alkali Seep | NA | NA | NA | -- | Not Present |
| Valley Saltbush Scrub | NA | NA | NA | -- | Present |
| Valley Sink Scrub | NA | NA | NA | -- | Not Present |

**STATUS KEY:**

Federal:
- FE = Federal Endangered
- FSC = Federal Species of Concern
- FT = Federal Threatened
- MBTA = Migratory Bird Treaty Act

State:
- CE = California Endangered
- CT = California Threatened
- CSC = California Species of Concern
- FP = Fully Protected Species

CNPS
- List 1B = Plants Rare and Endangered in California and elsewhere
- List 4 = Limited distribution (Watch List)

None of the 18 plant species are expected to occur on the proposed project site because either suitable habitat is not present or they were not found during the 2013 survey. Of the 27 special-status animal species with potential to occur at the site, two have a low-to-moderate potential to use the construction footprint: (1) San Joaquin kit fox and (2) western burrowing owl (*Athene cunicularia*). The size of the new well's construction footprint is less than 250 feet by 250 feet. Within that footprint there is very limited opportunity to encounter special-status species. However, it is possible that an individual kit fox could move onto the site prior to construction, and, if so, activities that would result in harm or injury to that kit fox would constitute a significant impact. Kit fox are known to frequent agricultural areas in Kern County and use such lands for foraging and denning opportunities. Implementation of mitigation measure MM BIO-1 would reduce kit fox impacts to a less-than-significant level.

Burrowing owl is a common bird species found within Kern County. This species could occur within the construction footprint during project construction, which could result in a significant impact regarding the potential loss of birds or active nests. Implementation of mitigation measure MM BIO-2 would reduce burrowing owl impacts to a level of less than significant.

**MM BIO-1. Pre-Disturbance San Joaquin Kit Fox Surveys.** The District shall have a qualified biologist conduct pre-disturbance surveys for kit fox no less than 14 days and no more than 30 days prior to any construction-related activities. The primary objective is to identify kit fox habitat features (potential dens and refuges) on the project site and within a 200-foot buffer zone, and to evaluate them sufficiently to ascertain if a kit fox is using them. If an active kit fox den is detected within the area of work or the 200-foot buffer zone, the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) shall be contacted immediately to determine the best course of action. If no kit fox activity is detected, the project

work shall continue as planned, and a brief written report shall be submitted to the CDFW and USFWS within 5 days of completion of the surveys.

**MM BIO-2. Pre-Disturbance Burrowing Owl Surveys and Exclusion.** The District shall retain a qualified biologist to conduct pre-disturbance burrowing owl surveys on the project site prior to construction or site preparation activities. The surveys shall be conducted no more than 30 days prior to commencement of construction activities. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls are observed using burrows during the surveys, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFW protocols. In such case, exclusion devices shall not be placed until the young have fledged, as determined by a qualified biologist, and found to be no longer dependent upon the burrow. Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and backfilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

b. **Less-than-Significant Impact.** The CNDDB search identified three tracked natural communities within the vicinity of the project: (1) Alkali Seep, (2) Valley Saltbush Scrub, and (3) Valley Sink Scrub. Valley Saltbush Scrub is present at the project site. However, the construction footprint would be limited to approximately 250 feet by 250 feet (1.5 acres). Additionally, after the project's completion, this community would be allowed to redevelop within the construction footprint. Therefore, this natural community would not be adversely affected by the project. There are no blue-line streams within the project site or its vicinity. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Impacts would be less than significant.

c. **No Impact.** The entire area at the Gun Club Road Site does not contain the proper vegetation (i.e., hydrophytes or water-loving plants), soil (i.e., hydric or waterlogged soils), and hydrology (i.e., inundated or saturated where anaerobic conditions occur) to be defined as a jurisdictional wetland according to the U.S. Army Corps of Engineers' *Wetland Delineation Manual*. Therefore, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. There would be no impact.

d. **Less than Significant with Mitigation Incorporated.** The project would not further affect wildlife movement because the existing fence surrounding the Gun Club Road Site already deters movement. The proposed upgrades within the water treatment plant's fence line would not change this baseline condition.

Project construction may interfere with migratory birds, raptors, and resident birds utilizing the Gun Club Road Site during project activities. Birds are not protected except during the nesting period. If construction activities were to result in noise levels or fugitive dust emissions severe enough to cause harassment and nest abandonment, this would be a violation of the federal Migratory Bird Treaty Act and California Fish and Game Code, and would represent a potentially

significant impact. However, incorporation of mitigation measure MM BIO-3 below would reduce this potential impact to a level of less than significant.

The following mitigation would be implemented to reduce potential impacts on nesting birds and raptors to a less-than-significant level:

**MM BIO-3. Pre-Disturbance Nesting Surveys and No Active Nest Disruptions.** The District shall have pre-disturbance surveys conducted by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region) within 30 days prior to ground disturbance activities associated with construction or grading, which would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through September in the project region). These surveys would determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 300 feet (500 feet for raptors) of the construction zone.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, and there is no evidence of a subsequent attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur. The results of the survey and any avoidance measures taken shall be submitted to the District and CDFW within 30 days of completion of the pre-disturbance surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

e. **No Impact.** The project site does not contain any protected trees or other biological resources that are protected by local policies or ordinances. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be no impact.

f. **No Impact.** The proposed project site is not within an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan area. Therefore, the project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

| V. Cultural Resources | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | ☐ | ☐ | ☐ | ☒ |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** The only existing structure to be affected by the project is the connection of the well (via an 8-inch-diameter pipe to the existing AsWTP, which was constructed in 2008. Consequently, the project would not cause a substantial adverse change in the significance of a historical resource. There would be no impact.

b. **Less Than Significant With Mitigation Incorporated.** The project is unlikely to disturb previously unknown archaeological resources given that the site is actively used for potable water pumping activities, and, therefore, the surface of the site has likely been disturbed in the past. The project would drill a well 800 feet bgs, and a shallow trench would be created to place the 8-inch-diameter pipe. Although unlikely, there is a chance that trenching and grading activities could unearth previously unknown archaeological resources. However, with implementation of mitigation measure MM CUL-1, potentially significant impacts on previously unknown archaeological resources would be reduced to less than significant.

> **MM CUL-1. Previously Unknown Cultural Resources.** If previously unknown archaeological and/or paleontological resources are discovered during construction activities, such activities shall cease after discovery and a qualified cultural resources specialist shall be contacted to determine the significance of a find and next steps.

c. **Less Than Significant With Mitigation Incorporated.** Please refer to response V.b above. There are no unique geologic features within the plant's footprint. Although unlikely, there is a chance that drilling and trenching activities could unearth previously unknown paleontological resources. However, with implementation of mitigation measure MM CUL-1, potentially significant impacts on previously unknown paleontological resources would be reduced to less than significant.

d. **No Impact.** No formal cemeteries or other places of human interment are known to exist within the proposed project area. If human remains were exposed during construction, the Kern County Coroner would be contacted in accordance with Section 7050.5 of the State Health and Safety Code, which states that no further disturbance will occur at the site until the County Coroner has made the necessary findings as to origin and disposition of the remains. The proposed project is not

anticipated to disturb human remains, including those interred outside of formal cemeteries. There would be no impact.

| VI. Geology and Soils | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| 1. 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 Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| 2. Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| 3. Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| 4. Landslides? | ☐ | ☐ | ☐ | ☒ |
| b. Result in substantial soil erosion or the loss of topsoil? | ☐ | ☒ | ☐ | ☐ |
| 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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☐ | ☒ | ☐ |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. The following numbered items discuss whether the project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving earthquake-related geologic hazards:

1. **No Impact.** The proposed project would not expose any people or structures to adverse effects associated with fault rupture. Damage due to surface rupturing is limited to the actual location of the fault-line break, unlike damage from ground shaking, which can occur at great distances from the fault. No known active fault systems are located within the Gun Club Road Site, and the site has not been designated under the Alquist-Priolo Act as an Earthquake Fault Zone. Because no Earthquake Fault Zones have been delineated at the project site, there would be no impact due to fault ruptures.

2. **Less-than-Significant Impact.** The site is subject to seismic hazard potential due to its proximity to known active faults such as the San Andreas Fault. The project would need to obtain a water well permit from the Kern County Environmental Health Services Department. Project plans would be reviewed during the plan check process, which would ensure that seismic safety measures are incorporated. Incorporation of seismic safety measures required by the Environmental Health Services Department would minimize the potential for significant impacts. Therefore, impacts would be less than significant.
3. **Less-than-Significant Impact.** The project is situated on deep ancient San Joaquin Valley Alluvium and alluvium of the Poso Creek Sand. These soils vary from sandy to loam and in texture from coarse to moderately coarse. Generally, these soils have good to high drainage and are permeable, deep, even, and fertile. The groundwater depth at the site is 317 feet bgs. Liquefaction is a phenomenon whereby, during periods of ground motion typically caused by an earthquake, the pore water in saturated soils increases to the point where the soils liquefy and shift, sometimes causing structural damage. Liquefaction is most common in clayey soils with a groundwater table at or near the surface. Due to the nature of the soils on site and the depth to groundwater, the potential for liquefaction and other seismic-related ground failures is considered low. As described in response VI.a-2 above, the County would review project plans during the plan check process to ensure that the proposed project would not result in seismic-related ground failure, including liquefaction. Impacts would be less than significant.
4. **No Impact.** The project site is located on relatively flat land (1 to 2% slope) away from any hillsides. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. There would be no impact.

b. **Less than Significant with Mitigation Incorporated.** The project would not require excavation, including excavation on the steeper slopes, which are more prone to erosion. As described in Section IX, "Hydrology and Water Quality" below, in compliance with the Clean Water Act and regulations of the State Water Resources Control Board, the proposed project would be required to prepare and implement a construction Storm Water Pollution Prevention Plan (SWPPP), which would include site-specific best management practices (BMPs) to address erosion and sediment control (see mitigation measure MM WQ-1 below). Given the relatively flat nature of the site, it is unlikely that soil erosion from runoff would occur. It is more likely that runoff at the site percolates to ground. Therefore, the project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant with incorporation of mitigation measure MM WQ-1.

c. **Less-than-Significant Impact.** As described in response VI.a-3 above, the proposed project is located on sandy to loam soils. Such soils are not likely subject to hydrocompaction, settlement, or soil subsidence. Therefore, the proposed project would likely not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project. Impacts would be less than significant.

d. **Less-than-Significant Impact.** It is currently unknown whether the proposed project site is located on expansive soils as defined by the Uniform Building Code. However, a potable water well, unlike an inhabitable structure, would not create substantial risk to life or property if it were found on expansive soils. Impacts are less than significant.

e. **No Impact**. Septic tanks and alternative wastewater disposal systems are not a part of the proposed project. There would be no impact.

| VII. Greenhouse Gas Emissions | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☒ | ☐ | ☐ |
| b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

**Discussion:**

a. **Less than Significant with Mitigation Incorporated.** The primary source of greenhouse gas (GHG) emissions from the proposed project would be from mobile sources during construction. Operationally, the project would emit roughly the same amount of GHG as the existing plant because no increase in employees, equipment, and energy usage at the plant is proposed by the project.

Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in carbon dioxide ($CO_2$) equivalencies ($CO_2e$). The proposed project's construction $CO_2$, methane ($CH_4$), and nitrous oxide ($N_2O$) emissions were estimated using the CalEEMod program (CAPCOA 2013). Table 5 provides project construction GHG emissions calculated for the project.

**Table 5. Project Construction GHG Emissions**

| Emissions | Emissions (metric tons) | Conversion Factor to $CO_2e$ | $CO_2e$ Emissions (metric tons) |
|---|---|---|---|
| $CO_2$ | 25.32 | 1 | 25.32 |
| $CH_4$ | 0.0067 | 21 | 0.14 |
| $N_2O$ | 0.00 | 310 | 0.00 |
| | | **Total $CO_2e$** | **25.46** |

Project operations would not generate any new emissions because the project is a replacement well; the project would use an electric pump and existing equipment and would be maintained by existing LHUD employees (please refer to response III.a above for more information). Project operations would therefore not result in new emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride ($SF_6$), the other gases identified as GHGs in Assembly Bill 32 (AB 32). However, the impacts on global warming and climate change are indirect, and the emissions cannot be correlated with specific impacts. Although climate change may be presumed to have global impacts, local government has yet to select a CEQA significance threshold for climate change or greenhouse gas emissions for this type of project. The proposed project would be subject to regulations and limitations, if any, developed under AB 32 as determined by the California Air Resources Board (CARB).

In order to comply with AB 32 a project must reduce its business-as-usual (BAU) GHG emissions. BAU is a term used by California agencies to describe the rate of greenhouse gas emissions assuming no climate regulations. It is a projection into the future of the greenhouse gases that could

foreseeably be emitted by projects based on current technologies and existing regulations in the absence of other reductions. AB 32 required a 29% reduction from 2008 levels by 2020. Because the project is a replacement water supply well for an existing LHUD well, it would not generate any new GHG emissions from operations. The project is therefore considered in compliance with AB 32 thresholds and would have a less-than-significant GHG operations impact.

Because impacts on global warming are based on long-term changes and the project's construction emissions are short-term, the project's GHG construction emissions are considered less-than-significant. CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts from construction and operations on air quality. The CEQA checklist includes measures that limit the exhaust from construction equipment and proposes the use of alternatives to diesel when possible (please refer to Appendix B for the checklist in its entirety). Implementation of mitigation measure MM GHG-1, which requires use of the SJVAPCD's "Non-Residential On-Site Mitigation Checklist" when evaluating the project's features, would adhere to the regulations and limitations developed under AB 32 as determined by CARB and would further reduce the project's construction-related GHG impacts.

Because: (1) the project would not generate any new long-term GHG emissions, either directly or indirectly; (2) the project's short-term GHG impacts are considered less-than-significant; and (3) the project's implementation of mitigation measure MM GHG-1 further reduces it's less than significant short-term GHG emissions, the project would have a have a less-than-significant short-term and long-term GHG impact on the environment.

> **MM GHG-1. Non-Residential On-Site Mitigation Checklist.** To the greatest extent feasible, the San Joaquin Valley Air Pollution Control District's "Non-Residential On-Site Mitigation Checklist" shall be incorporated into the project design.

b. **Less-than-Significant Impact.** Please refer to response VII.a above. The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.

| VIII. Hazards and Hazardous Materials | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ |
| c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| d. Be located on a site that 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? | ☐ | ☐ | ☐ | ☒ |
| e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ |
| f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☒ | ☐ |

**Discussion:**

a. **Less-than-Significant Impact.** As part of the construction phase for the proposed project, contractors would use a variety of petrochemicals—including fuels and lubricants—to operate the heavy equipment used for site preparation. Grading and construction activities, such as the fueling of construction equipment, would require the transport, storage, and use of hazardous materials. The presence and use of these materials, which are classified as hazardous materials, would create the potential for accidental spillage and exposure of workers to these substances. Compliance with the requirements set forth in U.S. Code and California Health and Safety Code would be required, and

would reduce construction impacts to a less-than-significant level. No hazardous materials would be used during operation of the well, and impacts would be less than significant.

b. **Less-than-Significant Impact.** Please see response VIII.a above. The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

c. **No Impact.** There are no schools within 0.25 mile of the site; therefore, the project would not significantly emit hazardous emissions or substances as to affect any schools. Also, please see response VIII.a above. There would be no impact.

d. **No Impact.** The proposed project is not located on a list of hazardous materials sites pursuant to Government Code Section 65962.5 (Cortese) and would not create a significant hazard to the public or the environment. There would be no impact.

e. **Less-than-Significant Impact.** The proposed project is not located within 2 miles of a public airport or public use airport or within an airport land use plan area. Given that the proposed project components would not be larger in height than the existing structures at the site, the proposed project would not result in structure heights that could affect landing and takeoff approaches and result in safety hazards. Therefore, the project would not be located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area. Impacts would be less than significant.

f. **No Impact.** The proposed project is not within the vicinity of a private airstrip. There would be no impact.

g. **No Impact.** The proposed site is located away from transportation corridors. Construction staging would occur entirely within the existing Gun Club Road Site's footprint, and ingress and egress for the plant would not be impeded by staging activities. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. There would be no impact.

h. **Less-than-Significant Impact.** During construction, all vehicles and crews working at the project site would have access to functional fire extinguishers at all times. In addition, crews are required to have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

   The site is completely surrounded by agricultural lands, which are not generally prone to wildland fires because they are frequently cleared and maintained as part of farming activities. There is nothing inherent to the operations of the project that requires the extensive use of flammable substances. Therefore, the proposed project would not 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. Impacts would be less than significant.

| IX. Hydrology and Water Quality | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Violate any water quality standards or waste discharge requirements? | ☐ | ☒ | ☐ | ☐ |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in 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)? | ☐ | ☐ | ☒ | ☐ |
| 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 that would result in substantial erosion or siltation onsite or offsite? | ☐ | ☐ | ☒ | ☐ |
| 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 that would result in flooding onsite or offsite? | ☐ | ☐ | ☒ | ☐ |
| e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ |
| f. Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| j. Contribute to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less-Than-Significant Impact. Less than Significant with Mitigation Incorporated.** The proposed project would disturb more than 1 acre of soil. Therefore, the City would be required to obtain a Statewide General Construction National Pollutant Discharge Elimination System (NPDES) permit and submit a Notice of Intent to the State Water Resource Control Board (SWRCB) prior to commencement of construction activities. The proposed project construction and groundbreaking activities have the potential to cause erosion, sedimentation, and discharge of construction debris from the project site. Clearing of vegetation and grading activities, for example, could lead to exposed or stockpiled soils susceptible to peak stormwater runoff flows. Also, the compaction of soils by heavy equipment may minimally reduce the infiltration capacity of soils (exposed during construction) and increase runoff and erosion potential. Demolition activities and the presence of significant amounts of raw materials for construction, including concrete, asphalt, and slurry, may lead to stormwater runoff contamination. If uncontrolled, these materials could lead to water quality problems, including sediment-laden runoff, prohibited non-stormwater discharges, and ultimately the degradation of downstream receiving water bodies. Consequently, short-term impacts on surface waters during construction activities are considered potentially significant. Implementation of mitigation measure MM WQ-1 would reduce potential short-term water quality impacts to a level of less than significant.

   **MM WQ-1. Best Management Practices.** Prepare a SWPPP and implement BMPs for the proposed project to capture and treat polluted runoff from the proposed project site during the construction period. Recommended BMPs include proper stockpiling and disposal of demolition debris, concrete, and soil; protection of existing storm drain inlets; stabilization of disturbed areas; erosion controls; proper management of construction materials; waste management; aggressive litter control; and sediment controls.

b. **Less-than-Significant Impact.** The project would not result in appreciable impervious surfaces that would hinder ground percolation. The project would pump groundwater at up to 800 gallons per minute, which could drop local groundwater levels. However, groundwater levels are declining in the area due to nearby agricultural pumping activities that LHUD has no control over and that far exceed the District's groundwater production. It has been concluded that if the proposed project is not implemented, "the community will experience a significant decline in the quality of water if the current drought conditions persist and result in continued decrease in groundwater levels and that such a decline is likely to occur within one year" (Appendix A). Although the project may result in declining groundwater levels, it is the nearby agricultural wells that are largely responsible, and this may result in 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). The community of Lost Hills is being adversely affected by these pre-existing nearby agricultural wells, and the community's wells production rates are dropping to a level that does not support existing land use or planned land use. This project is designed to alleviate this adverse effect. Impacts would be less than significant.

c. **Less-than-Significant Impact.** Proposed project operations would not alter the existing drainage pattern of the site or surrounding area. Given the limited size of the project and because no grading would occur, project-related erosion or siltation on- or off site is not anticipated. Surface water drainage in the area is by sheet flow to natural or human-made drainage; this drainage would not be altered as part of the proposed project. The project area is relatively flat and well drained with a

mostly unpaved surface, and would not substantially increase the amount of impermeable surfaces at the project site through the installation of the proposed equipment. Therefore, the project would not 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 that would result in substantial erosion or siltation on- or off site. Impacts would be less than significant.

d. **Less-than-Significant Impact.** The proposed project would not alter the existing drainage pattern of the site or surrounding area. The site is currently relatively flat and well drained with a mostly unpaved surface. Development of the proposed project would not substantially increase the amount of impermeable surfaces at the project site or alter grading at the site. Therefore, the project would not 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 that would result in flooding on- or off site. Impacts would be less than significant.

e. **No Impact.** The proposed project would not contribute runoff water that would exceed the capacity of existing stormwater drainage systems. Development of the proposed project would not substantially increase the amount of impermeable surfaces at the project site or alter grading at the site. No substantial additional sources of polluted stormwater runoff would occur due to development of the proposed project beyond the baseline condition. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. There would be no impact.

f. **Less-than-Significant Impact.** Please see responses IX.a through IX.e above. The project would not otherwise substantially degrade water quality, and impacts would be less than significant.

g. **No Impact.** The proposed project is located in the Federal Emergency Management Agency Flood Zone C (0.2% annual chance of flooding or the 500-year floodplain) and does not involve the construction of housing; therefore, there is no potential for impacts associated with placing housing within a flood hazard zone. There would be no impact.

h. **No Impact.** The proposed project is located in the FEMA Flood Zone C (0.2% annual chance of flooding or the 500-year floodplain). Therefore, the proposed project would not place a structure within a 100-year flood hazard area. There would be no impact.

i. **No Impact.** The proposed project would not expose people to flooding hazards. The proposed project area is not within a dam or levee flood inundation zone. There would be no impact.

j. **No Impact.** The proposed project is located on relatively flat land that is not near any hillsides, lakes, or oceans. Therefore, the project site does not have the capability to expose people to potential impacts involving seiche, tsunamis, or mudflows. There would be no impact.

| X. Land Use and Planning | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** The proposed project would not result in the development of an above-grade linear feature (such as a road or wall) that would divide any portion of an established community. The existing plant is already entirely fenced in, and the project would not change this baseline condition. Therefore, the proposed project would not physically divide an established community. There would be no impact.

b. **No Impact.** The proposed project is consistent with the Kern County General Plan. The proposed upgrades are to occur on lands zoned A (Exclusive Agriculture), and the project is an allowable use based on the current zoning designation; therefore, the proposed upgrades are consistent with the current Kern County zoning ordinance. There would be no impact.

c. **No Impact.** The proposed project site is not within an applicable habitat conservation plan or natural community conservation plan area. There would be no impact.

| XI. Mineral Resources | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** Mineral resource recovery operations do not occur at the Gun Club Road Site and would not occur as a result of the project. Therefore, the project would not 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. There would be no impact.

b. **No Impact.** The Kern County General Plan does not identify a locally important mineral resource recovery site within the site. The plant is not located within a specific plan area. Therefore, the project would not 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. There would be no impact.

| XII. Noise | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ |
| b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ |
| c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ |
| d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |
| f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** The current source of noise at the site is the hum of electric motors. The proposed project would include an additional pump motor that would generate similar noise levels. A site visit qualitatively indicated that the current noise level at the existing facility while the plant is in full operation is approximately 55 A-weighted decibels (dBA), which is equivalent to the sound of a normal voice at 5 to 10 feet. There are no nearby sensitive receptors. Therefore, the project would not expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. There would be no impact.

b. **No Impact.** The only groundborne vibrations would be those associated with the drilling of the new well and pouring concrete for the new well casing through the use of heavy equipment. These activities would have very localized vibration impacts. There are no nearby sensitive receptors. Therefore, the project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. There would be no impact.

c. **No Impact.** The noise levels associated with the ongoing well operation would not cause significant increases in the ambient noise levels. The new well would have the same kinds of noise sources as the existing wells, with the noise being primarily due to the hum of electric motors. The remote location of the site and its distance from the nearest residences would allow ample opportunity for

the noise to attenuate over distance before arriving to any sensitive receptors. Please also see response XII.a above. Therefore, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. There would be no impact.

d. **Less-than-Significant Impact.** During construction of the proposed project, there would be noise generated by heavy equipment for excavation purposes and installation of the upgrades (earthmovers, cement trucks, etc.). However, these noise impacts are expected to be short-term in nature and duration, and noises would be similar to those that are commonly heard in the existing environment surrounding the site (farm equipment, diesel motors, harvesters, etc.). The remote location of the site would allow ample opportunity for the noise to attenuate over distance before reaching any sensitive receptors. Therefore, the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Impacts would be less than significant.

e. **No Impact.** The proposed project is not located within 2 miles of a public airport or public use airport or within an airport land use plan area. Given the distance of the project from public or public use airports, the project would not expose people residing or working in the project area to excessive airport-related noise levels. Please also see response XII.a above. There would be no impact.

f. **No Impact.** The proposed project is not within the vicinity of a private airstrip. There would be no impact.

| XIII. Population and Housing | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |
| b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less-than-Significant Impact.** The project does not include the development of housing or businesses. The project water demand is anticipated to increase at a rate of 1.8% per year based on an analysis of historical water use, historical population growth, historical per-capita water use, and remaining infill and build out development. The proposed expansion indirectly accommodates this anticipated growth through the expansion of infrastructure. The impacts of this growth have been accounted for in the Kern County General Plan. Therefore, the project would not result in substantial population growth not already accounted for by Kern County that would lead to significant direct or indirect environmental effects. Impacts would be less than significant.

b. **No Impact.** The proposed project would not displace any existing housing. There would be no impact.

c. **No Impact.** The proposed project would not displace people. There would be no impact.

| XIV. Public Services | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services: | | | | |
| Fire protection? | ☐ | ☐ | ☒ | ☐ |
| Police protection? | ☐ | ☐ | ☒ | ☐ |
| Schools? | ☐ | ☐ | ☒ | ☐ |
| Parks? | ☐ | ☐ | ☒ | ☐ |
| Other public facilities? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. The following discusses the project's potential impacts on public services:

Fire Protection

**Less-than-Significant Impact.** The proposed project would not have an effect on fire protection services. The proposed project would comply with all applicable fire regulations that are required for operation. A demand for increased fire protection is generally associated with population increases or impacts on existing fire stations. The Kern County General Plan EIR already accounts for anticipated population growth and related impacts associated with fire protection. Impacts would be less than significant.

Police Protection

**Less-than-Significant Impact.** The proposed project would not have an effect on police protection services. The existing police force can accommodate the necessary service to the site. A demand for new police protection services is generally associated with population increases or impacts on existing police stations. The Kern County General Plan EIR already accounts for anticipated population growth and related impacts associated with police protection. Impacts would be less than significant.

Schools

**Less-than-Significant Impact.** The proposed project would not have an effect on schools or result in a need for new or altered schools. A demand for new schools is generally associated with population increases or impacts on existing schools. The Kern County General Plan EIR already accounts for anticipated population growth and related impacts associated with schools.

Furthermore, no existing schools would be affected by the proposed project. Impacts would be less than significant.

Parks

**Less-than-Significant Impact.** The proposed project would not have an effect on parks. The demand for parks is generally associated with an increase of housing and population in an area. The Kern County General Plan EIR already accounts for anticipated population growth and related impacts associated with parks. The project would not have any effect on existing parks. Impacts would be less than significant.

Other Public Facilities

**No Impact.** The project site is currently served by existing public utilities and infrastructure, including roadways. The project would not affect other public facilities. The project would be a public facility that would be upgraded as a result of the proposed project. The improvements would not result in the need for new or altered government services. There would be no impact.

| XV. Recreation | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |

**Discussion:**

a. **Less-than-Significant Impact.** The demand for recreational facilities is generally associated with an increase of housing and population in an area. The Kern County General Plan EIR already accounts for anticipated population growth and related impacts associated with recreational facilities. The project would not have any effect on existing recreational facilities. Impacts would be less than significant.

b. **Less-than-Significant Impact.** Please refer to response XV.a above. The proposed project would not include recreational facilities or result in the demand for new recreational facilities. Impacts would be less than significant.

| XVI. Transportation and Traffic | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e. Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less-than-Significant Impact.** Operation of the proposed project would not result in a substantial increase in traffic volumes on local and area roadways in the vicinity of the project site. The project would not increase the number of workers that maintain the LHUD water system during operations and, therefore, would not require additional trips to facilitate workers coming to and going from the site beyond the baseline condition. Impacts would be less than significant.

There would be a negligible temporary increase in traffic from construction-related activities. However, given the rural nature of the roads surrounding the site and the very low number of traffic trips generated on these roads, the minimal temporary traffic increase during construction is not expected to appreciably affect traffic patterns or conflict with applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

b. **No Impact.** Please refer to response XVI.a above. The proposed project would not increase traffic volumes on local and area roadways in the vicinity of the site during operations. Therefore, the project would not 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. There would be no impact.

c. **No Impact.** The proposed project would not result in the construction of project components that have a larger profile than the existing structures. Therefore, the proposed project would not change the baseline condition of the site in terms of equipment height that would result in a change in air traffic patterns for safety reasons. Consequently, the project would not 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. There would be no impact.

d. **No Impact.** The proposed upgrades do not include any improvements to nearby roads that would result in a hazardous design feature or in an incompatible use with the existing agricultural lands and residences in the project's vicinity. Therefore, the project would not substantially increase hazards because of a design feature or incompatible uses. There would be no impact.

e. **No Impact.** The proposed project would not hinder emergency access in the area because operations of all upgrades would not occur within public rights-of-way. No access closures would occur during construction or operation of the project. Therefore, the project would not result in inadequate emergency access. There would be no impact.

f. **No Impact.** There are no bike racks, bus turnouts, and such on or in the vicinity of the site that could be affected by the project. Construction and operations of the proposed project would not utilize any transportation modes or impede current public transportation routes. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit or bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. There would be no impact.

| XVII. Utilities and Service Systems | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☒ | ☐ |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **No Impact.** The project would not create wastewater and therefore would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. There would be no impact.

b. **No Impact.** The project would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. There would be no impact.

c. **No Impact.** The proposed project would not result in a need for new or substantial alterations to stormwater drainage systems. The proposed project would not appreciably increase the amount of impervious surface area at the project site; impervious surfaces can cause increased surface flows that overwhelm the local stormwater drainage system. The existing site has adequate existing drainage to accommodate the project. No new or expanded stormwater drainage facilities would be needed as a result of the project. Therefore, the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. There would be no impact.

d. **No Impact.** The project does not require potable water and therefore, does not require new or expanded water entitlements. There would be no impact.

e. **No Impact.** The project does not require disposal of wastewater at a wastewater treatment facility. There would be no impact.

f. **Less-Than-Significant Impact.** Construction of the project may generate solid waste, but the project would not generate a significant amount of solid waste that would contribute to the exceedance of the permitted capacity of a local landfill in order to accommodate the project's solid waste disposal needs. Impacts would be less than significant.

g. **No Impact.** The project would comply with all federal, state, and local statutes and regulations related to solid waste. There would be no impact.

| XVIII. Mandatory Findings of Significance | Potentially Significant Impact | Less-than-Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Does the project have the potential to 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☒ | ☐ |
| 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.) | ☐ | ☐ | ☐ | ☒ |
| c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ |

**Discussion:**

a. **Less-than-Significant Impact.** Analysis of the proposed project, proposed project site, and surrounding lands has determined that if project development occurs in the proposed project area, special-status species would not be adversely affected. Mitigation has been established in this Initial Study to protect historic or prehistoric resources at the site and reduce impacts to a level of less than significant.

b. **No Impact.** The project would not have impacts that are cumulatively considerable. No significant impacts have been identified for the proposed project. Additionally, no less-than-significant impacts of the project would be cumulatively considerable. There would be no impact.

c. **No Impact.** The proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. No substantial adverse impacts have been identified for the proposed project. There would be no impact.

Chapter 3
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# Chapter 4
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# Preliminary Engineering Report for Well 3

## DRAFT

## Lost Hills Utility District

Cannon

May 2014

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Acronyms

| | |
|---|---|
| AsWTP | Arsenic Removal Water Treatment Plant |
| BMWD | Berrenda Mesa Water District |
| CDP | Census Designated Place |
| District | Lost Hills Utility District |
| gpm | gallons per minute |
| I-5 | Interstate 5 |
| LF | linear feet |
| LHUD | Lost Hills Utility District |
| psi | pounds per square inch |
| PVC | polyvinyl chloride |
| Town | Town of Lost Hills |
| VFD | variable frequency drive |

# 1.0 Introduction

## 1.1 Purpose

The Lost Hills Utility District (District) has prepared a Preliminary Engineering Report (PER) for the United States Department of Agriculture's (USDA) Emergency Community Water Assistance Grant (ECWAG) to assist the District's construction of a new groundwater well to addrees short-term impacts from existing drought conditions and to provide more reliable water system infrastructure for the community.

## 1.2 Overview

Lost Hills is located 42 miles west-northwest of Bakersfield. The town is at the intersection of State Route 46 (SR 46) and Lost Hills Road. The Lost Hills Oil Field, which is the sixth largest by remaining reserves in California, lies west and northwest of town, extending about 10 miles along the range of the low Lost Hills Range, after which the town was named. Interstate 5 (I-5) is located near, but not adjacent, to Lost Hills. A rest stop by I-5 including restaurants, gasoline stations, and motels is located about 1 mile east from the town. A vicinity map is shown in Figure 1: Vicinity Map.

Lost Hills Utility District (District) provides water and sewer to the residents of the Town of Lost Hills, CA, (Town). The District provides water service to the I-5 Travel Center (east of the Town, along Hwy 46 on the west side of I-5) and residential, commercial, and industrial customers that were formerly part of the Berrenda Mesa Water District (BMWD). The District took over the BMWD domestic water system in 2013, and it is now part of the District's water system.

The District was formed in 1980 to provide sewer services to the Town of Lost Hills. In 1989, the District took over a water system built in the 1950s by an oil company that was active in the Lost Hills area. The primary system included two wells, one storage reservoir, one fire water tank with a booster station, and transmission and distribution pipelines. Water underlying the Town is not potable so the wells are located approximately 12 miles east of the Town and within the Semitropic Water District.

The water transmission main was in a state of disrepair at the time, and the District has made several upgrades since then, including upsize and replacement of the transmission main, upsize and replacement of some distribution pipelines, rehabilitation of both wells, and addition of an arsenic treatment system. The BMWD domestic water system includes a booster pump station near the District's storage reservoir, 18 miles of pipeline, and three distribution tanks, each with booster pump stations.

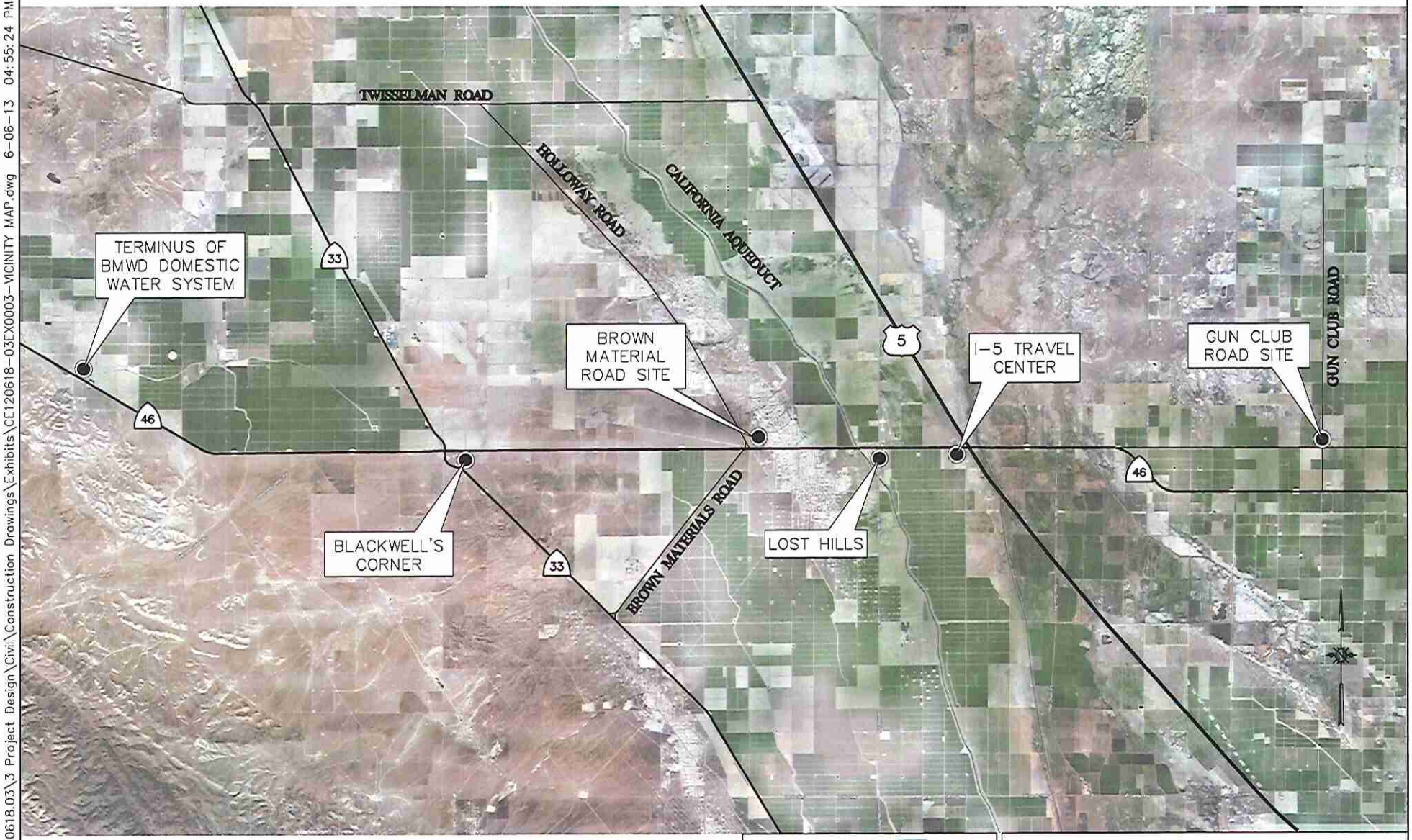
## 1.3 Project Location

As shown in Figure 3: New Well Site, the proposed Well 3 project site is located approximately 1,000 feet east of the existing East Well. The project site is located in the south half of the southwest quarter of Section 33 Township 26 south, Range 23 east, Mount Diablo Base Meridian. It is on the east side of the and adjacent to Gun Club Road, north of State Highway 46 and approximately 12 miles east of the community of Lost Hills in Kern County, California. The site is located on the western side of an 80-acre property owned by the District.

## 1.4 Environmental Resources Present

The District has not prepared a California Environmental Quality Act (CEQA) document for the proposed project yet. The document will be prepared during the Project's design phase. The District did complete Initial Study and Negative Declaration (IS/ND) in November 2004 (Jones and Stokes) for construction of the Arsenic Water Treatment Plant (AsWTP), which is located within 500 feet of the two existing wells. In addition, the District recently completed a Biological Reconnaissance Survey (McCormick Biological, 2013) for AsWTP dewatering facility additions. The content of this section is based on information included in each of these reports. The 80 acre site for the existing well, WTP and proposed wells is:

- Situated on deep ancient San Joaquin Valley Alluvium and alluvium of the Poso Creek fan.

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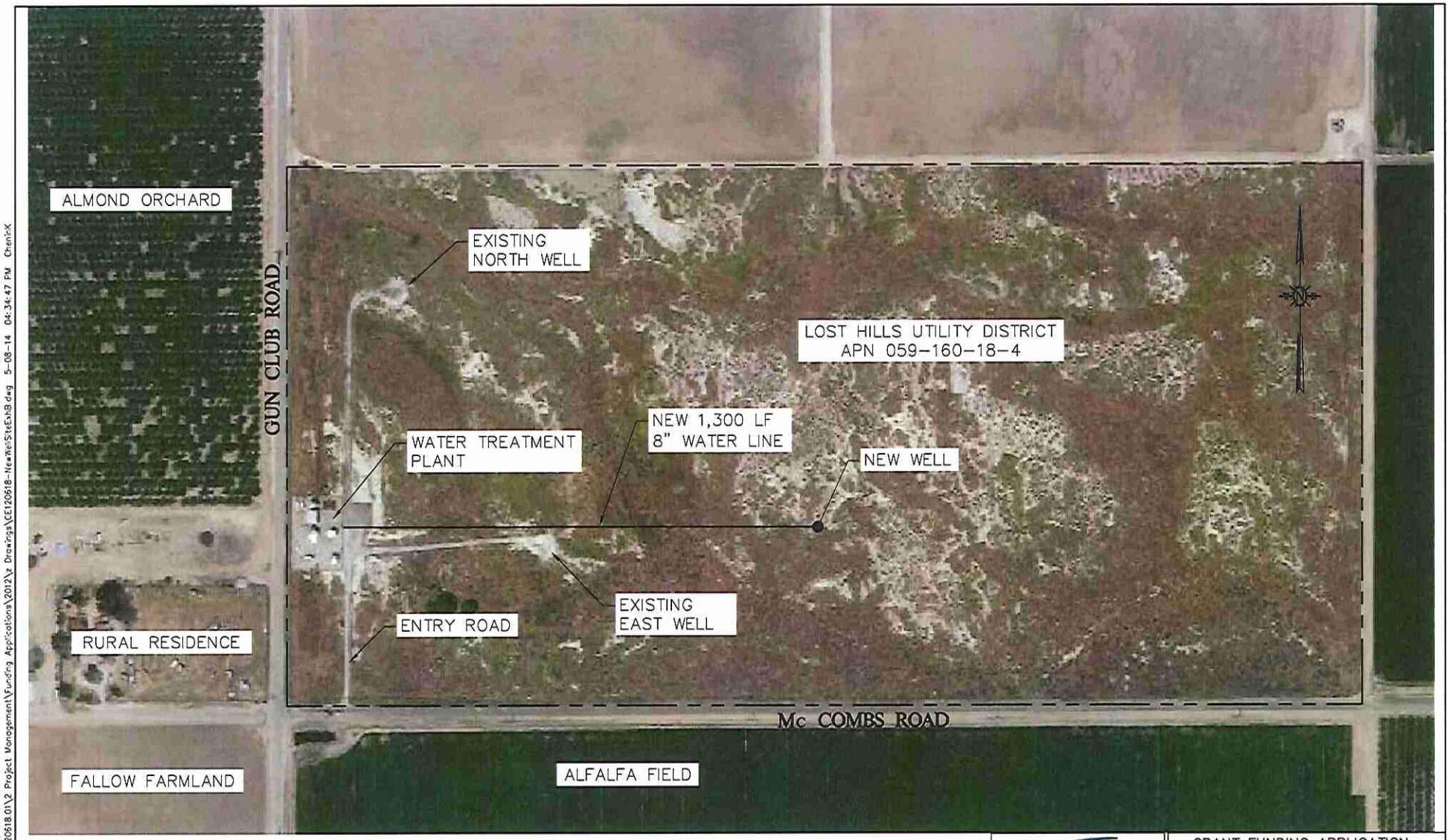
# VICINITY MAP
## FIGURE 1
### LOST HILLS, CALIFORNIA

| DRAWN BY | DATE | CA JOB NO. |
|---|---|---|
| CKM | 06/06/13 | 120618.03 |
| CHECKED BY | SCALE | SHEET |
| | NTS | 1 OF 1 |

F:\proj\2012\120618\120618.03\3 Project Design\Civil\Construction Drawings\Exhibits\CE120618-03EX0003-VICINITY MAP.dwg 6-06-13 04:55:24 PM chenini

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GRANT FUNDING APPLICATION
NEW WELL SITE
FIGURE 3
LOST HILLS, CA

| DRAWN BY | DATE | CA JOB NO. |
|---|---|---|
| AMK | 10/30/2012 | 120618.01 |
| CHECKED BY | SCALE | SHEET |
| | NTS | 1 OF 1 |

F:\proj\2012\120618\120618.01\2 Project Management\Funding Applications\2012\2 Drawings\CE120618-NewWellSiteExhB.dwg 5-08-14 04:34:47 PM ChenKX

- Situated on deep ancient San Joaquin Valley Alluvium and alluvium of the Poso Creek fan.
- Located in an area known as the Semitropic ridge at an elevation of approximately 250 feet above mean sea level.
- Natural slope of the land is approximately 1 to 2 percent.
- Located within FEMA flood category Zone C, which is considered an area of minimal flooding.
- Soils are shown on NRCS soil maps as being Garces silt loam and Milham sandy loam. Both are well drained soils
- Native vegetation is mostly valley saltbush or alkali scrub and non-native annual grasses
- With the exception of the 80 acres owned by the District, the property in the vicinity is being actively farmed
- The 80-acre site owned by the District is characterized mostly as disturbed (ruderal) akali scrubland

The 2004 AsWTP IS/ND identified six special-status species that have the potential to occur within the AsWTP project site. The IS/ND summary of potential environmental impacts stated:

*After close examination of the issues indicated in the CEQA Checklist and Initial Study – especially Biological Resources, Hydrology and Water Quality, and Hazards and Hazardous Materials – it is determined that there are no potential environmental impacts. The proposed project incorporates design and operational measures and pre-construction surveys and construction monitoring efforts to avoid any potential impacts. Therefore, the proposed project is self-mitigating and no significant adverse impacts are anticipated.*

Lastly, the Biological Reconnaissance Survey for expansion of the AsWTP dewatering facility found no evidence of any listed or special-status species during the field survey and that "it is very unlikely that the project would result in direct impacts to special status species within the identified [AsWTP Dewatering] project footprint." Several measures were identified to avoid potential adverse impacts to special-status species, primarily:

- Contractor orientation on local special-status species and habitat requirements
- Pre-construction biological survey

As discussed above, an IS/ND is expected for the new Well 3 project. The IS/ND can be prepared and circulated in the fall/winter 2015, during the design phase, should this project is moved forward.

# 2.0 Existing Facilities

## 2.1 Existing System Components

The District's existing water system consists of four primary components:

- Gun Club Road Site (Wells and Treatment)
- Town and I-5 Travel Center Distribution System
- Brown Material Road Site (Distribution Reservoir and BMWD Booster Pumps)
- BMWD Domestic Water Distribution System

A schematic of the system is shown Figure 2: Water System Schematic.

### *2.1.1 Gun Club Road Site / Proposed Well 3 Location*

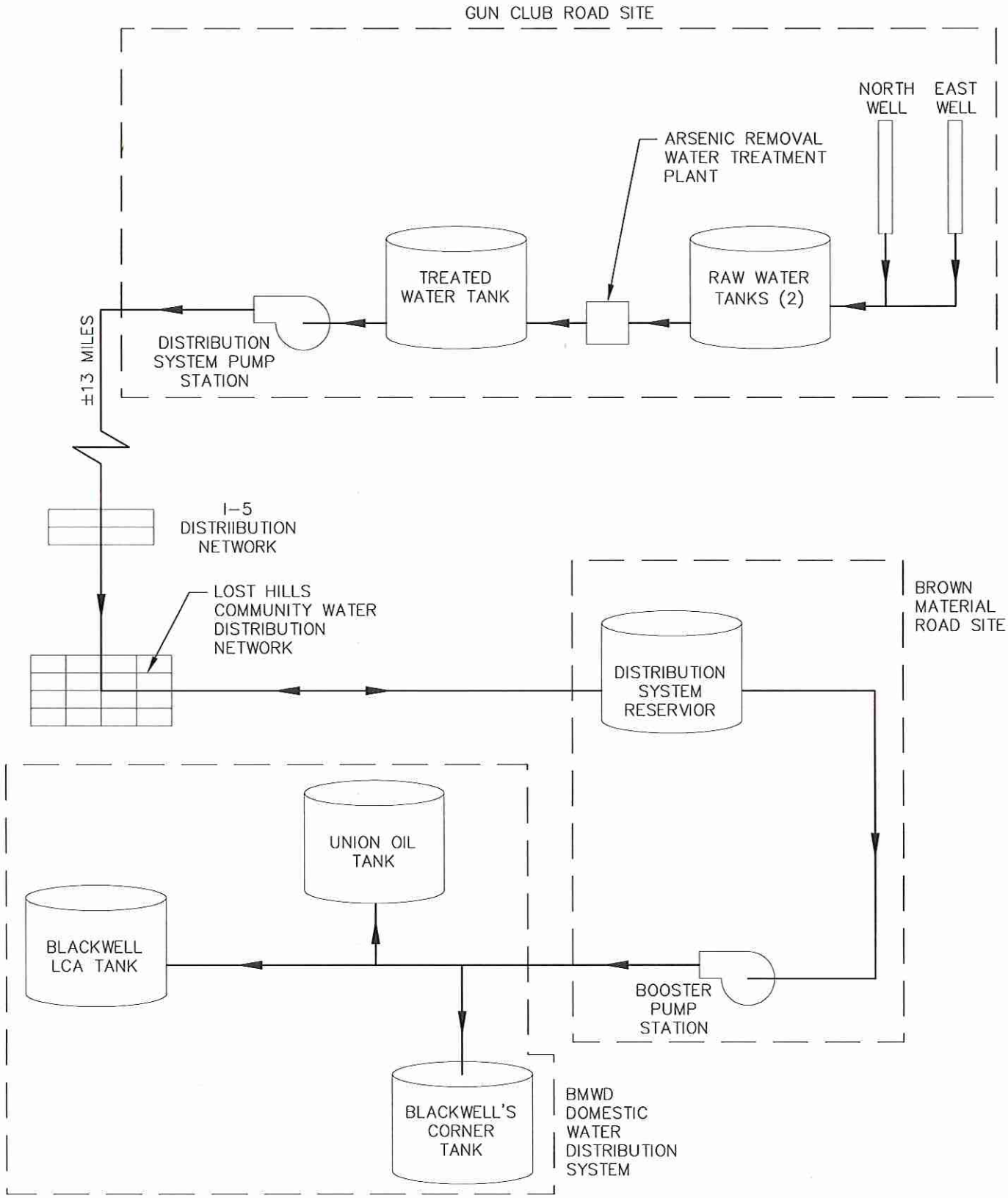
The Gun Club Road Site provides the water supply for the District and is located approximately 12 miles east of the Town. The facilities include two wells, raw water tanks, Arsenic Removal Water Treatment Plant (AsWTP), treated water tank, and distribution system pumps.

Two wells – North Well and East Well – pump groundwater from what is locally known as the lower or confined layer, which is a substantial clay layer at approximately 300 feet. Poor water quality exists above layer, and the water quality beneath the layer is adequate but deteriorates with depth. The wells are sited approximately 10 miles east of the Town due to groundwater with high total dissolved solids concentrations in the west side of San Joaquin Valley. High levels of arsenic occur locally and appear to be associated with lakebed areas that exist along the west side of the Valley. Concentrations vary from just below 10 ppb to 50 ppb and instigated the need for construction of the AsWTP in 2008.

The East Well was constructed in 1954 at a depth of 615 feet, and the North Well was drilled in 1988 to a depth of 623 feet and screened from 450 feet to 600 feet. Static water depth ranges between 200 and 300 below ground surface. Both well pumps are 75 hp and have a rated flow of 500 gpm at total design head of 384 feet. Generally, the East Well produces groundwater with lower arsenic concentrations than the groundwater produced by the North Well. Both wells were rehabilitated in 2008, including a new pump and replacement of worn columns, tubes, and shafts. The well was also pressure wash and motor rehabilitated.

**Table 1: Groundwater Supply**

| | North Well | East Well | Well 3 (Proposed) |
|---|---|---|---|
| Pumping/Flow Rate (gpm) | 520 | 560 | 300-800 |
| Pump Motor Size (HP) | 75 | 75 | 50-100 |
| Current Water Table (ft bgs) | 327[a] | 317[b] | ~317 |
| Pump Depth (ft bgs) | 420 | 420 | 520 |
| Well Depth (ft bgs) | 625 | 615 | 800 |
| Screened Interval Depth (ft bgs) | 450 - 600 | 450 - 600 | TBD |
| Well Yield (gpm) | 450[a] | 450[a] | 800 |
| Well Casing Material | steel | steel | steel |
| Well Casing Diameter (in) | 14 | 14 | 16 |
| Age (years) | 26 | 62 | - |

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# WATER SYSTEM SCHEMATIC
## FIGURE 2
LOST HILLS, CALIFORNIA

| DRAWN BY | DATE | CA JOB NO. |
|---|---|---|
| KK | 06/06/13 | 120618.03 |
| CHECKED BY | SCALE | SHEET |
| | NTS | 1 OF 1 |

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| | | | |
|---|---|---|---|
| Regulatory Contaminants | Arsenic | Arsenic | Arsenic[d] |

TBD To be determined during design / well development

Notes:

a. Measurement taken in December 2013.
b. Measurement taken in April 2014.
c. Existing well yields have fallen in recent years as the groundwater table has dropped.
d. Arsenic may be present at the new well location but the District intends to conduct zone pumping during well development and screen the well to minimize intake of high arsenic groundwater.

Recently, the District spent approximately $60,000 for minor improvements to the two existing wells. Work at the North Well and East well included:

- Removed pump from well
- Cleaned and tore down pump, tube, and shaft
- Replaced worn pump parts
- Repaired and replaced worn tube and shaft
- Replacement of 140 ft of 6" pump column pipe for the East Well
- Reassembled pump, tube, and shaft

Pumped groundwater is conveyed to two 42,000-gallon raw water tanks. One tank was added with the construction of the AsWTP, and the other tank was constructed in 1988. The tanks provide operational storage upstream of the AsWTP. The second tank was added as part of AsWTP project for redundancy to allow for shutdown of the either tank for repairs or rehabilitation.

The AsWTP is an Oxidation-Filtration Water Treatment System that commenced operation in 2008 to address the high levels of naturally occurring arsenic in the groundwater supply. The treatment component consists of two 625-gpm filter vessels. Two filters provide redundancy for O&M and flexibility of operating one or both wells. The AsWTP is operated to achieve final treated water arsenic concentration of less than 10 ppb and is designed to reduce concentrations to 8 ppb to provide a safety factor.

The AsWTP product water is stored in an 84,000-gallon Treated Water Tank. Water quality compliance testing occurs at the outlet of the tank. Two 375-gpm Distribution System Pumps feed the Town and I-5 Travel Center Distribution System, which is described in the following section.

*Emergency Operations Plan*

The District is currently implementing an Emergency Operations Plan to ensure the water system can operate with the Brown Material Road Reservoir offline. The plan includes installation of:

- Third Distribution System Pump with variable frequency drive (VFD); pump design flow of approximately 450 gpm is based on system analysis results in Section 4.3.1.
- VFD for one of two existing Distribution System Pumps
- An automatic transfer switch for connecting a mobile emergency generator at Gun Club Road Site facilities in case of power loss
- Plans for rental of an emergency generator when necessary

### *2.1.2 Town and I-5 Travel Center Distribution System*

The Town and I-5 Travel Center (Town/I-5) distribution system consists of a 12-inch-diameter polyvinyl chloride (PVC) transmission pipeline that forms the backbone of the system. The line was installed in 1993 to replace the 8-inch transmission pipeline when the District took over the water system in 1989.

The distribution system within the Town consists of 2- to 10-inch pipelines, and the distribution system within the I-5 Travel Center consists of 6- to 8-inch pipelines. In 1999, approximately 17,000 LF of undersized pipelines within the Town were replaced with 8-inch pipelines as part of the Fire Loop Protection System to enable sufficient fire flow. Four-inch pipelines are typically the smallest size constructed under current distribution system standards for fire flow. Therefore, the Town's 2-inch pipelines are slated for replacement in the future. Plans have already been and will be implemented as funds are available.

### *2.1.3 Brown Material Road Site*

The Brown Material Road Site is located approximately 3 miles west of the Town and includes a 2.2-MG distribution reservoir feeding the Town/I-5 distribution system and BMWD booster pumps. The Distribution System Reservoir is part of the system that the District took over in 1989. The reservoir lies approximately 100 feet higher than the Town and can provide low-pressure gravity supply back to the Town (100 feet of pressure is equivalent to approximately 40 psi). In January 2013, the District commissioned a reservoir inspection that determined the reservoir to be in dire need of repair or replacement. Replacement of the reservoir is discussed in Section xx. Until the rehabilitation or replacement of the existing reservoir, the District is implementing an Emergency Operations Plan to ensure the water system can operate without the reservoir.

### *2.1.4 BMWD Domestic Water Distribution System*

The District took over ownership and operations of the BMWD Domestic Water Distribution System in 2013. The system consists of a booster pump station adjacent to the Brown Material Road Reservoir, approximately 18 miles of distribution pipeline, and three storage tanks, each with booster pump stations for local distribution. Approximately 49,000 LF of 6-inch PVC pipeline and 9,000 LF of 4-inch PVC pipeline were installed in 2011/12 to replace existing deteriorated pipe installed in the 1950s. The remainder of the distribution system pipeline consists of approximately 7 miles of 3- and 4-inch PVC pipe installed in the mid-1980s to replace the 1950s pipe. The LHUD has serviced this system with water since the creation of the water system in Lost Hills and BMWD operated the Domestic Water Distribution system.

The BMWD Domestic Water Pump Station consists of two, 50-gpm pumps and a single 100-gpm pump, all of which were installed in 2012. The three storage tanks with booster pump stations are: 1) Blackwell's Corner Tank; 2) Union Oil Tank; and 3) Blackwell LCA Tank. Blackwell's Corner Tank serves residential and commercial customers at the intersection of Hwy 46 and 33 and is approximately 6,500 LF south of the backbone pipeline. The Blackwell LCA Tank is at the end of the system, and the Union Oil Tank is approximately 3 miles from the Blackwell LCA Tank.

The District used to operate two pipelines from the booster pumps: 1) Belridge pipeline to customers south of Hwy 46; and 2) North pipeline to residential and commercial customers north of Hwy 46. Service to these lines was abandoned in 2010.

The District will continue to deliver water to Chevron north from the booster pump station, but the demand is small (less than 1 AFY).

### *2.1.5 Operations*

The District's system operates based on set points monitored by the SCADA System, which was overhauled in 2008. The system operates based on three primary inputs:

- The well pumps operate based on level set points in Raw Water Tanks.
- The distribution system pumps operate based on levels in the Brown Material Road Reservoir. The Distribution System Reservoir has a maximum operating water level of 21 feet and a low operating water level of 17 feet.

- The BMWD domestic water system pumps operate based on BMWD domestic water system pressure of 191 psi. The pressure decreases as the distribution system storage tanks fill to meet local demands.

#### *2.1.6 Surface Water*

The District does not currently use any surface water for potable use. However, two of the largest irrigation areas within the District – Lost Hills Park and Lost Hills Elementary School – use untreated water from the State Water Project. The water supplied is not part of the District's water system.

#### *2.1.7 Water Quality*

As discussed above, the Arsenic Water Treatment Plant commenced operation in 2008 to address the high levels of naturally occurring arsenic in the groundwater supply. The AsWTP has been successful in reducing arsenic to below 8 ppb.

The District plans to conduct zone testing during development of the proposed new Well 3 to try to minimize pumping of zone of arsenic. The existing wells were constructed prior to the arsenic issue arising so they are screened continuously for approximately 150 feet. Selective screening could potentially reduce the arsenic concentration in pumped groundwater and the use of the AsWTP.

### 2.2 Water Demand

#### *2.2.1 Historical Water Demand*

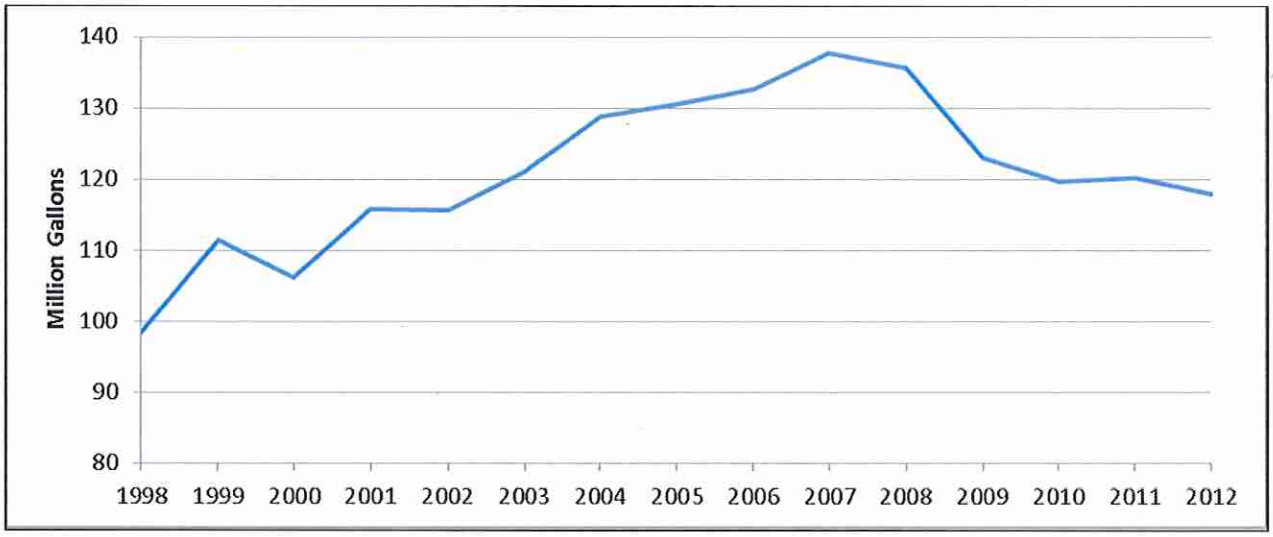
The District's water use comprises three primary demand groups:

- Residential and commercial use in the Town
- Commercial Use at the I-5 Travel Center
- Sales to residential, commercial, agricultural, and industrial customers to the west of the Brown Material Road reservoir, including Berrenda Mesa Water District (BMWD)[1] and Chevron

Historically, the Town accounts for roughly 60% of total District water use, I-5 Travel Center roughly 30%, and BMWD roughly 10%. The District's average annual water use over the past 15 years is 125 MG. Since 2002, the District's total annual water use has fluctuated between a low of 116 million gallons (MG) in 2001 to a peak of 138 MG in 2007, as shown in Figure 3. Total water use in 2010 and 2011 averaged approximately 120 MG per year and, of that, the Town has averaged approximately 72 MG per year.

[1] As discussed in Section 1, the District recently took over operations of the BMWD domestic water system.

**Figure 3: Historical District Annual Water Use (Million Gallons per Year)**




The range in historical average annual growth can be attributed to:

- Housing market correction and economic downturn starting in 2007, which eliminated housing growth, increased unemployment, and reduced transportation-related commercial activity
- No growth within the former BMWD service area due to limited water supply
- Elimination of delivery to several connections located west of the service area (Belridge and North lines)
- Reduced purchases by BMWD in 2009 as they switched to untreated SWP water for some of their non-potable water uses
- Decreased BMWD sales in 2012 after the reduction of water losses following replacement of 11 miles of deteriorated pipe

The latter three items are expected to remain in effect into the future; however, going forward, an economic and housing recovery is expected to contribute to future growth in water demand. Additionally, all three major components of the District's demand – Town, I-5 Travel Center, and BMWD Area – are expected to grow in the future through a combination of expansion within existing planning limits and through annexation.

### 2.2.2 *Projected Water Demand*

Projected water demand was estimated to increase at a rate of 1.8% per year in the Water System Master Plan (Cannon, January 2014) after an analysis of historical water use, historical population growth, historical per-capita water use, and remaining, infill and buildout development. Existing and future (buildout / 2030) demand conditions are summarized below.

**Table 2: District Water Use Scenarios**

| Scenario | Basis | Existing | | Future (2030) | |
|---|---|---|---|---|---|
| | | 120 MG/Yr | | 171 MG/Yr | |
| | | MGD | gpm | MGD | gpm |
| Average Annual Demand | | 0.33 | 229 | 0.47 | 326 |
| Max Month Demand (MMD) | Notes 1 & 2 | 0.54 | 375 | 0.77 | 535 |

| | | | | | |
|---|---|---|---|---|---|
| Max Day Demand (MDD) | 1.5 x MMD | 0.80 | 558 | 1.15 | 797 |
| Peak Hour Demand (PHD) | 1.5 x MDD | 1.20 | 837 | 1.72 | 1,195 |
| MDD plus Fire Flow - Residential | | MDD plus 1,000 gpm for 2 hours in Town | | | |
| MDD plus Fire Flow - Commercial | | MDD plus 1,500 gpm for 2 hours at I-5 Center | | | |

Notes:
1. Existing MMD based on 16.6 MG in August 2007 (Max Month since 2000)
2. 2030 MMD calculated by applying ratio of Existing MMD:AAD to 2030 AAD.

### 2.2.3 *Equivalent Dwelling Units / Unit Water Use*

The existing gallons per capita per day (gpcd) water use for the District is approximately 136 gpcd based on District water use of 120 MG in 2010 and Lost Hills CDP population of 2,412 in 2010.The 2020 targeted daily per-capita water use value established for the Tulare Lake hydrologic region is 188 gallons gpcd (Kennedy Jenks, 2011), so the District's water use is well within targeted use for the region.

Water use in an equivalent dwelling unit (EDU) basis is summarized below.

**Table 3: Equivalent Dwelling Unit Estimates**

| | Average Total Use | | Number of Connections | Average Use per Connection | | Number of EDUs |
|---|---|---|---|---|---|---|
| | Annual | Monthly | | Monthly | Daily | |
| **User Type** | **MG** | **MG** | **#** | **Gallons** | **Gallons** | **#** |
| Residential (Single-Family) | 42.0 | 3.5 | 299 | 11,706 | 385 | 299 |
| Multi-Family Residential | 16.2 | 1.4 | 3 | 450,000 | 14,795 | 115 |
| Commercial/ Institutional | 65.6 | 5.5 | 85 | 64,314 | 2,114 | 467 |
| **Total** | **123.8** | | **387** | | | **881** |

Notes: Based on actual use in 2013 as reported to the California Department of Water Resources on DWR Form 38 – Public Water System Statistics.

## 2.3 System Analysis

The District's two existing wells (with a combined capacity of 1,000 gpm) can meet the existing and future MDD (560 gpm and 800 gpm, respectively). However, water systems using only groundwater should be able to meet MDD with the highest capacity well offline (per California Waterworks Standards Section 64554), and one existing 500-gpm well does not meet this standard under existing conditions. The "existing" MDD occurred in 2007, and total demand has decreased by nearly 15% since 2007. A 15% decrease to the MDD from 2007 results in a revised "existing" MDD of 480 gpm. On this basis, either of the wells can meet this demand on its own under current conditions. However, a third well with a minimum 300-gpm capacity will be needed as new demands are added to the existing system.

**Table 4: Max Day Demand vs. Well Capacity**

| | | |
|---|---|---|
| Existing MDD | 480 gpm to 560 gpm | **Existing:** One well can meet existing MDD under historical operating conditions; however, lower groundwater levels have |

| | | |
|---|---|---|
| Future MDD | 800 gpm | reduced existing well production. New pumps may need to be installed in the existing wells to maintain historic production. **Future:** An additional 300 gpm of pumping capacity is needed in addition to both of the existing wells operating at 500 gpm. An alternative approach is a new 500 gpm well that becomes the primary well and reduces reliance on the aging existing wells by relying on just one of the existing wells to meet future MDD. |
| North Well Production | 530 gpm | |
| East Well Production | 560 gpm | |

## 3.0 Need for Project

The District has little control over management of their groundwater basin since agricultural pumping surrounds the community and agricultural pumping far exceeds the District's groundwater production. The District does not have any alternative water supplies to groundwater so the District must be conservative in anticipating groundwater basin issues affecting their sole water supply, such as significant decreases in groundwater levels. The groundwater levels for Section 33 of T26S, R23E are plotted below.

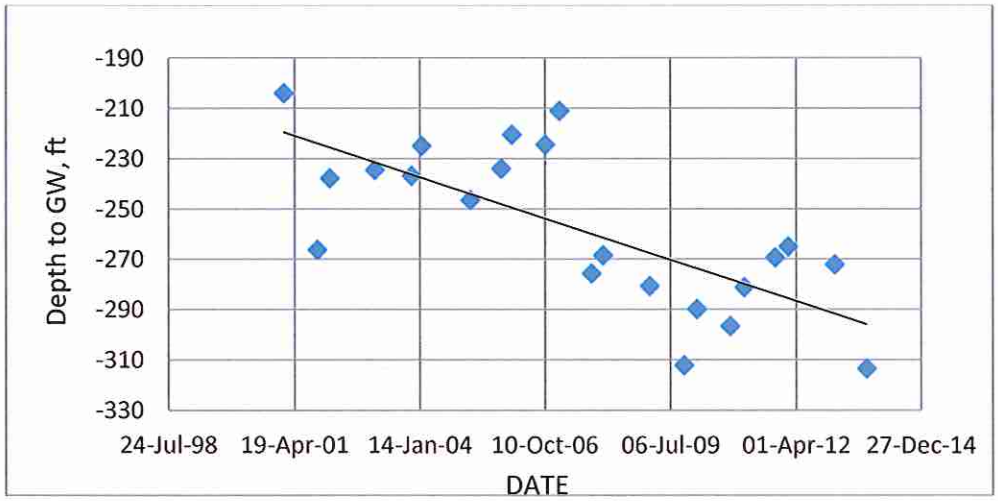



**Figure 4: Depth to Groundwater in T26S, R23E, Section 33**

(data provided by the Kern County Water Agency)

The District recently completed a Water System Master Plan that identified the need for a new well to meet maximum day demand (MDD) with the highest capacity well offline[2] and in case of significant failure of the East Well. The District currently meets the MDD capacity requirement but expects to require additional pumping capacity in the near future when water demand increases as the general economy improves and housing development restarts. A new well is ranked as the second highest priority project in the Master Plan. The highest priority project is replacement of the existing distribution system storage tank, which is in urgent need of repair and is currently in the project design phase.

The master plan did not address near-term impacts from the current drought, which has resulted in static groundwater levels decreasing by over 100 feet in the past 12 years (see graph below). Groundwater levels while pumping at the District's existing wells are within 70 feet of the pump net pressure suction head (NPSH) limit. NPSH is the minimum head above the pump inlet required to keep the pump from cavitating. The District staff measured the water table in December 2013 and April 2014. The depth to water table is 327 ft bgs in the North Well and 317 ft bgs in the east well.

The existing well pumps will be at risk of failure if groundwater levels continue to drop. To avoid this possibility, the District will need to lower the pump column and add pump bowls to increase the pump head output.

In addition, the drop in water levels has reduced flows from each well as the existing pumps have to increase total head. Reduced flows from the existing wells causes the District to be at risk of meeting MDD with the highest capacity well offline – particularly during the upcoming high demand season during

[2] California Waterworks Standards, Section 54554

the summer. In summary, to deal with lowering groundwater levels, the District will likely need to lower the pump column and add bowls to the existing pump to be able to pump but flows will be lower than historically and the District risks being unable to meet MDD with the highest capacity well offline.

The District could take the opportunity of lowering the pump column to install a new pump that is capable of providing higher flows to address meeting MDD. This approach costs more than just adding pump bowls but would provide more certainty for flow to meet existing demand conditions.

Finally, the District could construct a new well that is at adequate depth and with adequate flow capacity to address existing and future needs. This approach will cost more than the short-term fixes discussed above but will also address existing as well as future flow capacity shortfalls.

In addition, the well would be developed using zone testing to minimize the arsenic concentration being pumped. The existing wells were developed prior to the knowledge of the arsenic issue so the District has little control over arsenic concentrations being produced from existing wells. A new well has the potential to reduce the need for arsenic treatment and reduce the associated AsWTP O&M costs.

## 3.1 Water Conservation

The District has passed Ordinance May 1, 2014 which restricts the use of water in the following areas.

- Unattended outdoor watering is prohibited.
- Unattended hose must have a nozzle with automatic shutoff.
- Unattended hose nozzle must be in the off-position

The ordinance establishes the right to terminate and/or restrict water to water service connections outside the district boundaries. There are currently several water users outside the water service area (primarily west of lost hills).

The two largest irrigation areas within the District – Lost Hills Park and Lost Hills Middle School (K-8) – use untreated surface water from the State Water Project. The water supplied is not part of the District's water system. The Lost Hills Park implemented the use of the surface water over the last several years while the school has utilized surface water for many years. Additionally, the BMWD domestic water system was upgraded as described in Section 2.1.4. As a result, the system reduced water consumption by approximately 50 percent (or 5 MG). This is mainly attributed to the replacement of the 60 year old steel water transmission main that had reoccurring leaks.

As shown in Section 2.2, the peak water use for the LHUD occurred in 2007 and has experienced a steady decline. Although this cannot be attributed to a single effort, the 2013 annual water use is approximately 10% less than the 2007 water use of 137.9 MG.

## 4.0 Alternatives Considered

The drought conditions have caused groundwater levels to decrease severely in the vicinity of the District's wells. The decreased water levels have raised two primary urgent issues for the District:

- The existing well pumps will be at risk of failure if groundwater levels drop below minimum NPSH.
- Reduced flows from each existing well because the existing pumps have to increase total head, which causes the District to be at risk of meeting MDD with the highest capacity well offline,

In addition, the Master Plan identified the need for new well production capacity in the near-term to relieve use of the aging existing wells and to meet future MDD.

To address immediate issues caused by the falling groundwater levels, the District could:

- Lower the pump column and add pump bowls to increase the pump head output and restore historical well production capacity
- Lower the pump column and install a new pump to increase upon historical well production capacity

Another approach is to address longer-term issues at the same time that immediate issues are addressed. For example, the District could:

- Construct a new well that is at adequate depth and with adequate flow capacity to address existing and future needs.
- Acquire SWP rights and construct a WTP
- Import groundwater pumped by the City of Wasco, which is the closest municipal water supplier and located approximately 9 miles to the east

TABLE 5 below summarizes the alternatives considered to address the water supply issues caused by the drought conditions. The table is organized into the five categories identified in the PER guidance document.

**Table 5: Alternatives Considered**

| Categories | Alternatives |
|---|---|
| (1) optimize the current facilities operation (no construction) | None identified |
| (2) upgrade the current facilities operation | Alternative 2a – Repair / Rehabilitate Well<br>Alternative 2b – Deepen Well / Add Bowl(s)<br>Alternative 2c – Deepen Well / Replace Pumps |
| (3) develop new source(s) of supply | Alternative 3b – New Well 3<br>Alternative 3b – State Water Project |
| (4) interconnect with other existing systems | Alternative 4 – Wasco Connections |
| (5) build new facilities for regional/joint management use | None Identified |

### 4.1 Alternative 2a – Repair / Rehabilitate Existing Wells

Recently, the District spent approximately $60,000 for minor improvements to the two existing wells. Work at the North Well and East well included:

- Removed pump from well
- Cleaned and tore down pump, tube, and shaft

- Replaced worn pump parts
- Repaired and replaced worn tube and shaft
- Replacement of 140 ft of 6" pump column pipe for the East Well
- Reassembled pump, tube, and shaft

These actions increase the reliability of the two existing wells but do not address the water supply threats caused by falling groundwater levels.

### 4.2 Alternative 2b – Deepen Existing Wells / Add Bowl(s)

In order to test the existing well capacities, a field test can be conducted on the existing wells by replacing the existing motors with a mobile engine and gearbox. This will allow running the wells at a higher speed. Pactically speaking the existing system may only produce an additional 100 gpm maximum without over stressing the Column, Tube, & Shaft. This pump test will determine the potential for capacity increasing.

Lowering the pump column avoids the risk of well pump failure resulting from water levels dropping below the NPSH level. Adding pump bowls increases the pump head output to restore historical pumping capacity (500 gpm) and avoid the risk of being unable to meet MDD with the highest capacity well offline. The technical feasibility of the alternative considers that:

- Water quantity should not be an issue as long as the pump remains sufficiently below groundwater levels.
- Water quality will likely continue to be an issue due to the presence of arsenic in the groundwater. The existing wells were constructed prior to the arsenic issue arising so they are screened continuously for approximately 150 feet.
- No agreements are needed to implement this alternative.
- Design parameters include
    - Deepening the pump column for each well by 100 feet
    - Adding one or more pump bowls to each well pump to increase total dynamic head from the pump to restore production to 500 gpm
    - Motor upgrades to handle the increased horsepower requirements
- No direct or indirect environmental impacts are anticipated other than temporary construction impacts. The project is likely Categorically Exempt from CEQA since it is considered maintenance of existing facilities.
- No additional land is required.
- No potential construction problems have been identified since the project consists of improvements to existing facilities.

Based on the information listed above, the alternative is technically feasible.

### 4.3 Alternative 2c – Deepen Existing Wells / Replace Pumps

In order to test the existing well capacities, a field test can be conducted on the existing wells by replacing the existing motors with a mobile engine and gearbox. This will allow running the wells at a higher speed. Pactically speaking the existing system may only produce an additional 100 gpm maximum without over stressing the Column, Tube, & Shaft. This pump test will determine the potential for capacity increasing.

The District could take the opportunity of lowering the pump column described in Alternative 2b to install a new pump that is capable of providing higher flows than 500 gpm to address meeting future increases to MDD.

The technical feasibility of the alternative considers that:

- Water quantity should not be an issue as long as the pump remains sufficiently below groundwater levels.
- Water quality will likely continue to be an issue due to the presence of arsenic in the groundwater. The existing wells were constructed prior to the arsenic issue arising so they are screened continuously for approximately 150 feet.
- Design parameters include
    - Deepening the pump column for each well by 100 feet
    - Adding one or more pump bowls to each well pump to increase total dynamic head from the pump to increase production to 600 gpm
    - Motor upgrades to handle the increased horsepower requirements
- No direct or indirect environmental impacts are anticipated other than temporary construction impacts. The project is likely Categorically Exempt from CEQA since it is considered maintenance of existing facilities.
- No additional land is required.
- No potential construction problems have been identified since the project consists of improvements to existing facilities.

Based on the information listed above, the alternative is technically feasible.

### 4.4 Alternative 3a – New Well 3

This alternative proposes installation of new well approximately 500 feet east of the existing East Well. The new well would be sized to provide 300 to 800 gpm of flow with a 40hp to 100 hp motor, which accounts for the recent decrease in groundwater levels. The new well would serve multiple purposes:

- Provide adequate flows to meet existing MDD at current groundwater levels.
- Reduce reliance on 60+ year old East Well and, as a result, increase reliability of meeting increases to future MDD
- Reduce use of wells producing high arsenic concentrations

The technical feasibility of the alternative considers that:

- Water quantity should not be an issue since the pump will be located well below existing groundwater levels. Pumping from the new well will directly reduce pumping from the existing wells. The only increase to pumping will result from increased water demands over time as residential, commercial, and industrial activities grow within the District.
- Water quality may continue to be an issue due to the presence of arsenic in the groundwater. However, the District plans to conduct zone testing during development of the new well to try to minimize pumping of zone(s) of arsenic. Selective screening could potentially reduce the arsenic concentration in pumped groundwater and the associated cost of operating the AsWTP.
- Design parameters include
    - Develop well to a depth of 800 feet and 16 feet diameter
    - Place pump at approximately 540 feet
    - Screened intervals to be determined based on zone testing.
    - New motor (40 to 100 hp depending on capacity)
    - New 8-in diameter pipeline from the well to the existing AsWTP raw water tanks
    - Receipt of well development approval from CDPH

- No direct or indirect environmental impacts are anticipated other than temporary construction impacts. A Initial Study/Negative Declaration is anticipated with similar findings and measures required as for the recent AsWTP dewatering expansion project, which includes:
    - No evidence of any listed or special-status species during the field survey and that "it is very unlikely that the project would result in direct impacts to special status species within the identified project footprint."
    - Contractor orientation on local special-status species and habitat requirements
    - Pre-construction biological survey
- The District already owns the land surrounding the proposed project site.
- No potential construction problems have been identified since the District (and local contractors) has experience developing similar wells in the area. Also, the well and installation of the pipeline (approximately 1,000 ft) have a small footprint.

Based on the information listed above, the alternative is technically feasible.

### 4.5 Alternative 3b – State Water Project

This alternative consists of:

- Acquisition of SWP water rights
- Construction of a Water Treatment Plant
- Construction pipelines to convey the treated water from the WTP to the existing distribution system.

The District has not investigated this alternative in much detail due to extremely high cost and lack of drought benefit. However, for the purposes of this report, a 500 gpm (0.72 mgd) system is assumed with the ability to expand to 800 gpm (1.15 mgd) in the future.

The technical feasibility of the alternative considers that:

- Surface water supply from the SWP will likely be expensive to purchase, is highly unreliable, and would not provide a solution to the existing drought conditions due to the extremely low availability of SWP water in 2014.
- The raw surface water requires a surface water treatment plant to protect public health and meet drinking water regulations
- Several agreements would be necessary to implement the project, including for water rights and for a new diversion point from the canal or with an entity that operates an existing diversion. These agreements are expected to take at least 12 months to negotiate (and probably longer).
- Design parameters include
    - Diversion facility with near-term capacity of 500 gpm (0.72 mgd) and ability to expand to 800 gpm (1.15 mgd), or an agreement to expand an existing diversion facility
    - Pipeline or canal from the diversion facility to the WTP to convey 800 gpm (1.15 mgd),
    - WTP with near-term capacity of 500 gpm (0.72 mgd) and ability to expand to 800 gpm (1.15 mgd)
    - Pressure pipeline from the WTP to the District's distribution system to convey 800 gpm (1.15 mgd) at system pressure (minimum of 50 psi)
- An Environmental Impact Report is expected to be required to address impacts to the seller of the water rights and impacts to the SWP system. Development of such a document is expected to take at least 12 months (and probably longer).

- Land must be purchased for the new WTP site and easements must be acquired for the transmission pipeline(s). Land must also be purchased for a new diversion structure (if an existing structure is not shared with the District).
- Potential construction problems cannot be identified very accurately until a site for the diversion structure, WTP, and pipeline(s) are identified.

Based on the information listed above, the alternative is technically feasible; however, the project would not address water supply issues caused by the drought since SWP is severely impacted by the drought and the project could not be implemented promptly – it would be at least one year and likely two to three years before the system would be operational.

### 4.6 Alternative 4 – Wasco Connection

This alternative proposes to connect with the closest municipal water system, which is the City of Wasco. The City's sole source of potable water is groundwater. They have nine wells, operate six wells, and pumped 4,681 af in 2010 (4.2 mgd). The City projects to nearly quadruple water use to 17,397 afy (15.6 mgd) in 2035. The City plans to upgrade several existing and improve distribution system resiliency to meet the future demands.

An interconnection would require approximately 9 miles of new pipe from the City to the District's distribution system and likely would require a contribution toward upgrade of the City's existing wells. The District has not investigated this alternative in much detail due to high cost. However, for the purposes of this report, a 500 gpm (0.72 mgd) system is assumed with the ability to expand to 800 gpm (1.15 mgd) in the future. The District has not contacted the City about the potential for an interconnection.

The technical feasibility of the alternative considers that:

- Water quantity should not be an issue as long as the City's well pumps remain sufficiently below groundwater levels.
- The City does not operate one well due to high nitrate concentrations and does not operate another well due to high nitrate and dibromochloropropane (DBCP) concentrations. The City is conducting ongoing monitoring of nitrates, coliform, and organics (DBCP and ethylenedibromide (EDB)) as directed by CDPH based on previous detections. The District may need to contribute to wellhead treatment for these constituents if they exceed MCLs in the future.
- An agreement with Wasco is necessary and may face public resistance to 'exporting' local groundwater.
- Design parameters include
    - Pump station with near-term capacity of 500 gpm (0.72 mgd) and ability to expand to 800 gpm (1.15 mgd). The facility could be located at the beginning of the pipeline in Wasco or at the end of the pipeline at the existing AsWTP site. Either way, sufficient pressure must be provided to the distribution system.
    - 12-inch diameter pipeline to convey up to 800 gpm (1.15 mgd) over 9 miles
    - Upgrades to the City distribution system may be necessary to avoid negative impacts of conveying up to 800 gpm to the District's connection point.
- The need for an EIR or an MND is not clear at this time. Primary impacts would likely be decrease in groundwater levels below Wasco and temporary construction impacts from pipeline and pump station construction. A MND is probably if groundwater impacts are minimal but an EIR is anticipated, especially if public opposition exists.
- Easements for the pipeline are necessary and land purchase would be needed for the pump station if it is located near Wasco but not likely needed if located by the existing AsWTP.

- Potential construction problems are mainly associated with pipeline construction, which should be straight-forward since the probably alignment generally consists of public roads agricultural land.

### 4.7 Technically Infeasible Alternatives

No technically infeasible alternatives were identified.

### 4.8 Cost Estimates

**Table 6: Cost Estimates**

| Alternative # | 2a | 2b | 2c | 3a | 3b | 4 |
|---|---|---|---|---|---|---|
| | Repair / Rehabilitate Well | Deepen Wells / Add Bowls | Deepen Wells / Replace Pumps | New Well 3 | State Water Project | Wasco Connection |
| Construction Costs | $ 56,000 | $ 112,000 | $ 280,000 | $ 610,500 | $ 5,672,500 | $ 7,938,000 |
| Non-Construction Costs | $ | $ 12,000 | $ 28,000 | $ 275,100 | $ 1,419,000 | $ 1,985,000 |
| Total Capital Costs | $ 56,000 | $ 124,000 | $308,000 | $ 885,600 | $ 7,091,500 | $9,932,000 |
| O&M Costs | $0 | $1,000/yr | $ 1,000/yr | $2,000/yr | $40,000 | $ 30,000 |

Notes:

1. Detailed cost estimates are included in Appendix A.
2. O&M costs included here are the increased above O&M costs for the two existing wells. To simplify the comparison, the electricity usage (and associated cost) of the two existing wells is assumed to be the same as for each of the alternatives.

## 5.0 Selection of Alternative

The District identified six technically feasible alternatives in the previous section. In addition to the costs estimates summarized in TABLE 6, the District considered several non-monetary factor to select a preferred alternative. The factors are:

- *Addresses Immediate Drought Risk:* Does the project reduce the potential impacts of continued decrease in groundwater levels and enable the District to meet minimum water demands for public health and safety (excludes irrigation).
- *Addresses Extended Drought Risk:* Does the project enable the District to meet existing maximum day demand (MDD).
- *Addresses MDD Growth:* Does the project enable the District to meet projected increases in maximum day demand (MDD).
- *Addresses East Well Age Risk:* Does the project enable the District to continue serving water if a significant failure of the East Well occurs? The well is over 60 years old.

Each of the non-monetary factors is discussed further.

*Addresses Immediate Drought Risk*

The District has little control over management of their groundwater basin since agricultural pumping surrounds the community and agricultural pumping far exceeds the District's groundwater production. The District does not have any alternative water supplies to groundwater so the District must be conservative in anticipating groundwater basin issues affecting their sole water supply, such as significant decreases in groundwater levels.

Lowering of groundwater levels close to the NPSH of the existing pumps would soon cause pump and well failure. Current groundwater levels are within approximately 70 feet of the North Well pump NPSH. The District is concerned that this level could be approached prior to the next wet season (2014/2015) due to the extreme drought conditions. The District would not have an alternate water supply if this occurs.

*Addresses Extended Drought Risk*

Decreased groundwater levels causing existing equipment to provide more head to meet necessary pressure requirements. Increased head produced from the same pump will decrease flow output. As a result, the District's maximum production capacity has reduced in recent years as groundwater levels dropped. The current production capacity risks dropping below being able to meet MDD with the largest well offline. New bowls can be added to existing pumps to increase the head produced but would not increase flow. A new pump would be necessary to meet increased head needs and restore flows to existing MDD. Also, a new motor would likely be needed due to higher horsepower needs.

If the drought continues and groundwater levels continue to fall, the District will need a new pump to restore the ability to meet existing MDD flows.

*Addresses MDD Growth*

The Water System Master Plan identified the need for a new well to meet MDD with the highest capacity well offline and in case of significant failure of the East Well. The District currently meets the MDD capacity requirement but expects to require additional pumping capacity in the near future when water demand increases as the general economy improves and housing development restarts. A new well is ranked as the second highest priority project in the Master Plan. The highest priority project is

replacement of the existing distribution system storage tank, which is in urgent need of repair and is currently in the project design phase.

This factor identifies the need to address near-term water supply issues for the District. A new source of water would address this concern.

*Addresses East Well Age Risk*

As discussed for the previous factor, the Water System Master Plan identified the need for a new well to meet MDD with the highest capacity well offline and in case of significant failure of the East Well. A new source of water would address this concern.

## 5.1 Alternatives Comparison

TABLE summarizes the cost and non-monetary factors for the alternative evaluation and FIGURE present capital costs compared with non-monetary scoring.

**Table 7: Alternative Comparison Matrix**

| Alternative # | | 2a | 2b | 2c | 3a | 3b | 4 |
|---|---|---|---|---|---|---|---|
| | | Repair / Rehabilitate Well | Deepen Well / Add Bowl(s) | Deepen Well / Replace Pumps | New Well 3 | State Water Project | Wasco Connection |
| **Cost Comparison** | | | | | | | |
| Capital Cost | | $56,000 | $124,000 | $308,000 | $885,600 | $7,091,500 | $9,923,000 |
| O&M Cost per yr | | $0 | $1,000 | $1,000 | $2,000 | $40,000 | $30,000 |
| **Non-Monetary Factors** | | | | | | | |
| Addresses Immediate Drought Risk | | Partially | Yes | Yes | Yes | Yes | Yes |
| Addresses Extended Drought Risk | | No | No | Yes | Yes | Yes | Yes |
| Addresses MDD Growth | | No | No | No | Yes | Yes | Yes |
| Addresses East Well Age Risk | | No | No | No | Yes | Yes | Yes |
| **Non-Monetary Scoring** | | | | | | | |
| Addresses Immediate Drought Risk | 20 | 5 | 10 | 10 | 10 | 10 | 10 |
| Addresses Extended Drought Risk | 15 | -- | -- | 10 | 10 | 10 | 10 |
| Addresses MDD Growth | 10 | -- | -- | -- | 5 | 5 | 5 |
| Addresses East | 5 | -- | -- | -- | 5 | 5 | 5 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Well Age Risk | | | | | | | |
| **Total** | | **20** | **20** | **35** | **50** | **50** | **50** |

Notes:

1. Detailed cost estimates are included in Appendix X.
2. O&M costs included here are the increased above O&M costs for the two existing wells. To simplify the comparison, the electricity usage (and associated cost) of the two existing wells is assumed to be the same as for each of the alternatives.

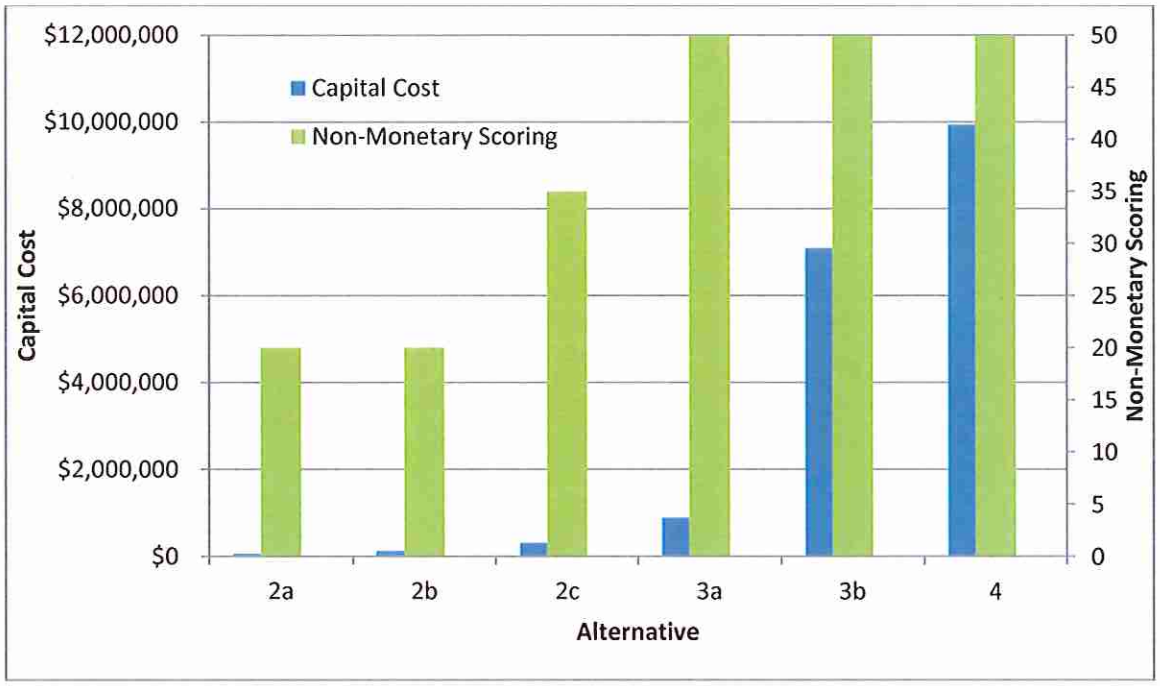



**Figure 6: Comparison of Capital Cost and Non-Monetary Scoring**

Two trends are evident in FIGURE 2:

- Higher costs are associated with higher non-monetary factor scoring for Alternatives 2a, 2b, 2c, and 3a
- Alternatives 3b and 4 provide the same non-monetary factor scoring at a significantly higher cost

The District's Preferred Alternative is 3a – New Well 3 since the project addresses drought impacts and near-term water supply issues at the same time at an acceptably higher cost.

With the understanding that available capital funds are limited, the District plans to continue to investigate and get contractor estimates for Alternative 2b – Deepen Wells / Add Bowls and Alternative 2c – Deepen Wells / New Pumps. Alternative 2c is preferred after Alternative 3a and Alternative 2b is preferred after Alternative 2c.

# 6.0 Proposed Project (Recommended Alternative)

## 6.1 Description

This alternative proposes installation of new well approximately 500 feet east of the existing east well. The new well would be sized to provide 300-800 gpm of flow with 40 to 100 hp motors, which accounts for the recent decrease in groundwater levels.

- Develop well to a depth of at 800 feet
- Place pump at 520 feet minimum
- Screened intervals to be determined based on zone testing.
- New 40-100 hp motor depending on final sizing
- New 8-in diameter pipeline from the well to the existing AsWTP raw water storage tanks
- Receipt of well development approval from CDPH

A layout map of the proposed project showing the location of the planned system components is located in Figure 2.

The new well would serve multiple purposes:

- Provide adequate flows to meet existing MDD at current groundwater levels.
- Reduce reliance on 60+ year old East Well and, as a result, increase reliability of meeting increases to future MDD
- Reduce use of wells producing high arsenic concentrations

Providing a well of 300 and 500 gpm will rely on the alternating use of the North and east well to supply MDDs. However, due to the age of the east well, it may not be a reliable supply source for much longer. Installing an 800 gpm well will allow for less dependence on the north and east well. Additionally, providing a new 800 gpm well may eliminate the need for Arsenic treatment altogether.

*Water Quantity*

Water quantity should not be an issue since the pump will be located well below existing groundwater levels. Pumping from the new well will directly reduce pumping from the existing wells. The only increase to pumping will result from increased water demands over time as residential, commercial, and industrial activities grow within the District.

*Water Quality*

Water quality may continue to be an issue due to the presence of arsenic in the groundwater. However, the District plans to conduct zone testing during development of the new well to try to minimize pumping of zone(s) of arsenic. Selective screening could potentially reduce the arsenic concentration in pumped groundwater and the associated cost of operating the AsWTP.

*Environmental Impacts*

No direct or indirect environmental impacts are anticipated other than temporary construction impacts. A Initial Study/Negative Declaration is anticipated with similar findings and measures required as for the recent AsWTP dewatering expansion project, which includes:

- No evidence of any listed or special-status species during the field survey and that "it is very unlikely that the project would result in direct impacts to special status species within the identified project footprint."
- Contractor training on local special-status species and habitat requirements

- Pre-construction biological survey

The proposed project is subject to compliance with CEQA. Because the proposed project would receive federal funding, the project is also subject to NEPA and other federal requirements. Federal requirements for reporting environmental information and analysis must be met as well as those for the State of California. The USDS Rural Development Program (RDP) will be responsible for meeting Federal information requirements using the information provided within the IS/ND prepared for the proposed project. This will facilitate a concurrent compliance effort with NEPA by the RDP.

*Purchase of Land / Easements*

The District already owns the land surrounding the proposed project site.

*Agreements*

No agreements are needed to implement this alternative.

*Potential Construction Problems*

No potential construction problems have been identified since the District (and local contractors) have experience developing similar wells in the area. Also, the well and installation of the pipeline (approximately 1,100 ft) have a small footprint.

### 6.2 Project Schedule

The following schedule has been developed for the construction of a new well.

**Table 8: Proposed Project Schedule**

| Task | Start Date | End Date | Notes |
|---|---|---|---|
| Planning | April 1, 2014 | Jun 2014 | Preliminary Engineering Report |
| Design | Jul 2014 | Dec 2014 | C |
| CEQA/NEPA | September 2014 | Dec 2014 | To be conducted in parallel with Design |
| Permits | July 2014 | Dec 2014 | To be conducted in parallel with Design |
| Land/Easement Acquisition | -- | -- | Not applicable |
| Bid Advertise and Award | Jan 2015 | March 2015 | |
| Construction Start | April 2015 | Sept. 2015 | |
| Substantial Completion | | July 2015 | |
| Final Completion | | Sept 2015 | |
| Operational Startup | Sept 2015 | | |

### 6.3 Permit Requirements

The only permit required for the construction and commissioning of a new well are from the Department of Public Health Services. No county permits are anticipated as the LHUD is a special utility district.

## 6.4 Total Project Cost Estimate

TABLE 9 below provides a construction cost estimate for the proposed project provides a total cost estimate for the proposed project.

**Table 9: Construction Cost Estimate**

**Table 10: Total Project Cost Estimate (PER Guidance Document, Attachment 1)**

| Total Project Cost Estimate | | |
|---|---|---|
| **Item** | | |
| **Property Purchase / Lease Agreement** | | |
| **Easement Acquisition / Right of Way / Water Rights** | | |
| **Bond Counsel** | | $ 20,000 |
| **Legal Counsel** | | $ 5,000 |
| **Interest / Refinancing Expense** | | |
| **Other (Identify)** | | |
| **Environmental Services** | | |
| - CEQA Environmental Report | $ 37,000 | |
| - NEPA Environmental Report | $ 2,000 | |
| - Environmental Mitigation Contract Services | | |
| **Total Environmental Services** | | **$39,000** |
| **Engineering Services** | | |
| - Preliminary Engineering Report | | $18,000 |
| - Preliminary and Final Design Phase | | $ 90,000 |
| - Bidding / Contract Award Phase Services | | $ 15,000 |
| - Construction & Post-Construction Phase Services (w/o inspection) | | $ 45,000 |
| - Resident Project Representative Services (resident inspector) | | $ 50,000 |
| | | |
| *Additional Services* | | |
| - Permitting | | $ 4,500 |
| - Regulatory Compliance Reports | | $ 3,500 |
| - Environmental Mitigation Services (Construction Phase) | | $ 4,000 |
| - Easement Acquisition/ROW's Services (Construction Phase) | | |
| - Surveying Services (Construction Services) | | |
| - Operation & Maintenance Manual(s) | | $ 4,200 |
| - Geotechnical Services | | $ 3,800 |
| - Hydrogeologic Services | | $ 31,100 |
| - Material Testing Services | | |
| - Other Services - Advertisement | | $ 6,000 |
| **Total Engineering Services** | | **$ 275,100** |
| **Equipment / Materials (Direct Purchase using approved methods)** | | $ 160,000 |
| **Construction Cost Estimate** | | $ 370,000 |
| **Contingency** | | $ 79,500 |
| **Total Project Cost Estimate** | | **$ 948,600** |

## 6.5 Operations and Maintenance Costs

Table below summarizes estimated increases in O&M costs for the proposed project.

**Table 11: Increased Annual Operations and Maintenance Cost Estimate**

| Item | Annual O&M Cost | Notes |
|---|---|---|
| Salaries | $ 0 | |
| Benefits | $ 0 | |
| Water Purchase | $ 0 | |
| Taxes | $ 0 | |
| Professional Service Fees | $1,000 | For annual well assessment |
| Interest | $ 0 | |
| Utilities | $2,000 | Minor net increase in electricity use since existing well use will be offset. Use may decrease due to more optimal pump operation |
| Insurance | $ 0 | |
| Annual Repairs & Maintenance | $10,000 | Based on cost for existing |
| Supplies | ($10,000) | Reduced operation of the AsWTP |
| **Total Increased O&M** | **$3,000** | |

Note: Table does not include short-lived assets, which are discussed in the following section.

## 6.6 Short-Lived Asset Reserve

Table below presents a schedule of short-lived assets (useful life of less than 15 years) for components of the proposed project and a recommended annual reserve deposit to fund the replacement of the short-lived assets.

**Table 12: Increased Annual Operations and Maintenance Cost Estimate**

| Equipment | Useful Life[1] | Replacement Cost | Annual Reserve[2] |
|---|---|---|---|
| Motor | 10 | $5,000 | $500 |
| Pump | 10 | $12,000 | $1,200 |
| | | **Total** | $1,700 |

Note: Table does not address annual O&M costs, which are discussed in the previous section.

1. Useful Life is listed as 10 years.
2. Annual Reserve = Replacement Cost ÷ Useful Life

## 7.0 Conclusions and Recommendations

It is my professional opinion that it is imminent that the community will experience a significant decline in the quantity of water if the current drought conditions persist and result in continued decrease in groundwater levels and that such a significant decline is likely to occur within one year.

It is also my opinion that the proposed project is necessary to alleviate this upcoming problem as well as the long term supply requirements. The proposed project addresses both near-term drought impacts and near-term water system upgrades identified in the Water Master Plan. Cheaper projects are available that can respond only to near-term drought impacts – and could be implemented if insufficient capital funds are available – but these actions are temporary solutions. The recommended project provides a long-term solution in a cost effective manner.

## 8.0 References


- Jones and Stokes, 2004. Initial Study and Negative Declaration, Lost Hills Utility District Water System Modification. November. SCH: 2004121033.
- Lost Hills Utility District Water System Master Plan (Cannon, January 2014)
- McCormick Biological, Inc., 2013. Biological Reconnaissance Survey; Lost Hills Utility District Arsenic Treatment Facility. April 15, 2013.
- Title 22, Division 4, Chapter 16 – California Waterworks Standards (R-14-03; February 7, 2008)[3]


[3] www.cdph.ca.gov/services/DPOPP/regs/Pages/R-14-03-RevisionofWaterworksStandards.aspx

## Technical Appendices

Appendix A: Alternative Cost Estimates

# Appendix A

# Alternative Cost Estimates

| Alternative 2a - Repair / Rehabilitate Well | | | | | | |
|---|---|---|---|---|---|---|
| Line Item | No. | Unit | Unit Cost | Capital Cost | Unit Cost | O&M Cost |
| East Well | 1 | LS | $29,000 | $29,000 | | $0 |
| West Well | 1 | LS | $27,000 | $27,000 | | $0 |
| **Construction Subtotal** | | | | **$56,000** | | **$0** |
| Construction Contigency | | | N/A | | | |
| **Construction Total** | | | | **$56,000** | | |
| Non-Construction Costs | | | N/A | | | |
| **Project Total** | | | | **$56,000** | | **$0** |

*Note: Project is complete. Construction values are from contractors invoices.*

| Alternative 2b - Deepen Wells / Add Bowl(s) | | | | | | |
|---|---|---|---|---|---|---|
| Line Item | No. | Unit | Unit Cost | Capital Cost | Unit Cost | O&M Cost |
| East Well | | | | | | |
| Well Pump Capacity Test | 1 | EA | $5,000 | $5,000 | | |
| Extend Pump Column | 50 | LF | $400 | $20,000 | | |
| Add Bowl(s) | 2 | EA | $2,000 | $4,000 | | |
| New Motor | 1 | EA | $5,000 | $5,000 | | |
| Cover Screened Interval | 30 | LF | $300 | $9,000 | | |
| North Well | | | | | | |
| Well Pump Capacity Test | 1 | EA | $5,000 | $5,000 | | |
| Extend Pump Column | 50 | LF | $400 | $20,000 | | |
| Add Bowl(s) | 2 | EA | $4,000 | $8,000 | | |
| New Motor | 1 | EA | $5,000 | $5,000 | | |
| Cover Screened Interval | 20 | LF | $1,000 | $20,000 | | |
| **Construction Subtotal** | | | | **$101,000** | | **$0** |
| Construction Contigency | | | 10% | $11,000 | | |
| **Construction Total** | | | | **$112,000** | | |
| Non-Construction Costs | | | 10% | $12,000 | | |
| **Project Total** | | | | **$124,000** | | **$0** |

| Alternative 2c - Deepen Wells / Replace Pumps | | | | | | |
|---|---|---|---|---|---|---|
| Line Item | No. | Unit | Unit Cost | Capital Cost | Unit Cost | O&M Cost |
| East Well | | | | | | |
| New Col., Tube & Shaft | 470 | LF | $200 | $94,000 | | |
| New Pump | 1 | EA | $8,000 | $8,000 | | |
| New Motor | 1 | EA | $5,000 | $5,000 | | |
| Cover Screened Interval | 20 | LF | $1,000 | $20,000 | | |
| West Well | | | | | | |
| New Col., Tube & Shaft | 470 | LF | $200 | $94,000 | | |
| New Pump | 1 | EA | $8,000 | $8,000 | | |
| New Motor | 1 | EA | $5,000 | $5,000 | | |
| Cover Screened Interval | 20 | LF | $1,000 | $20,000 | | |
| **Construction Subtotal** | | | | **$254,000** | | **$0** |
| Construction Contigency | | | 10% | $26,000 | | |
| **Construction Total** | | | | **$280,000** | | |
| Non-Construction Costs | | | 10% | $28,000 | | |
| **Project Total** | | | | **$308,000** | | **$0** |

| Alternative 3a - New Well 3 | | | | | | |
|---|---|---|---|---|---|---|
| **Line Item** | **No.** | **Unit** | **Unit Cost** | **Capital Cost** | **Unit Cost** | **O&M Cost** |
| Develop Well | 800 | LF | $200 | $160,000 | LS | $10,000 |
| Zone Testing | 10 | EA | $1,000 | $10,000 | | |
| Pump Casing (C, T & S) | 520 | LF | $120 | $62,400 | | |
| Pump | 1 | EA | $8,000 | $8,000 | | |
| Motor | 1 | EA | $5,000 | $5,000 | | |
| Aboveground Piping & Valves | 1 | LS | $5,000 | $5,000 | 1% | $50 |
| I&E | 1 | LS | $10,000 | $10,000 | 5% | $500 |
| 8" Pipeline | 1100 | LF | $100 | $110,000 | 1% | $1,100 |
| **Construction Subtotal** | | | | **$370,400** | | **$11,650** |
| Construction Contigency | | | 15% | $56,000 | | |
| **Construction Total** | | | | **$426,400** | | |
| Non-Construction Costs | | | 15% | $64,000 | | |
| **Project Total** | | | | **$490,400** | | **$11,650** |

| Alternative 3b - State Water Project | | | | | | |
|---|---|---|---|---|---|---|
| **Line Item** | **No.** | **Unit** | **Unit Cost** | **Capital Cost** | **Unit Cost** | **O&M Cost** |
| SWP Water Rights | 500 | AFY | $200 | $100,000 | | $0 |
| Diversion Structure | 1 | LS | $100,000 | $100,000 | 5% | $5,000 |
| Pipe to WTP | 1000 | LF | $120 | $120,000 | 1% | $1,200 |
| WTP | 1.15 | mgd | $3,000,000 | $3,450,000 | $100,000 | $115,000 |
| Aboveground Piping & Valves | 10% | | of WTP | $345,000 | 1% | $3,450 |
| Pump Station | 1 | EA | $100,000 | $100,000 | 10% | $10,000 |
| I&E | 5% | | of WTP | $172,500 | 10% | $17,250 |
| 12" Pipeline | 1000 | LF | $150 | $150,000 | 1% | $1,500 |
| **Construction Subtotal** | | | | **$4,537,500** | | **$153,400** |
| Construction Contigency | | | 25% | $1,135,000 | | |
| **Construction Total** | | | | **$5,672,500** | | |
| Non-Construction Costs | | | 25% | $1,419,000 | | |
| **Project Total** | | | | **$7,091,500** | | **$153,400** |

| Alternative 4 - Wasco Interconnection | | | | | | |
|---|---|---|---|---|---|---|
| **Line Item** | **No.** | **Unit** | **Unit Cost** | **Capital Cost** | **Unit Cost** | **O&M Cost** |
| Wasco Distribution System Upgrac | 1 | LS | $50,000 | $50,000 | 5% | $2,500 |
| Wasco Well Upgrades | 1 | LS | $200,000 | $200,000 | 5% | $10,000 |
| Pump Station | 1 | LS | $100,000 | $100,000 | 10% | $10,000 |
| I&E | 1 | LS | $60,000 | $60,000 | 10% | $6,000 |
| 12" Pipeline | 47520 | LF | $125 | $5,940,000 | 1% | $59,400 |
| **Construction Subtotal** | | | | **$6,350,000** | | **$87,900** |
| Construction Contigency | | | 25% | $1,588,000 | | |
| **Construction Total** | | | | **$7,938,000** | | |
| Non-Construction Costs | | | 25% | $1,985,000 | | |
| **Project Total** | | | | **$9,923,000** | | **$87,900** |

Appendix B

# Air Quality Modeling Results

# LHUD Well 3

**Kern-San Joaquin County, Annual**

## 1.0 Project Characteristics

### 1.1 Land Usage

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| User Defined Industrial | 1.00 | User Defined Unit | 0.30 | 0.00 | 0 |

### 1.2 Other Project Characteristics

| | | | | | |
|---|---|---|---|---|---|
| **Urbanization** | Urban | **Wind Speed (m/s)** | 2.7 | **Precipitation Freq (Days)** | 32 |
| **Climate Zone** | 3 | | | **Operational Year** | 2014 |
| **Utility Company** | Pacific Gas & Electric Company | | | | |
| **CO2 Intensity (lb/MWhr)** | 641.35 | **CH4 Intensity (lb/MWhr)** | 0.029 | **N2O Intensity (lb/MWhr)** | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics - Construction of new LHUD Well 3 and 1,300 linear feet of new water line

Land Use - LHUD Well 3 project emissions for new well and water line of 1,300 = 0.3 max acres disturbed during site prep at any one time

Construction Phase - This is a well drilling and pump installation and water line project. A conservative one month (27 work days) schedule was assumed: seven days for site prep; twelve days for drilling; eight days for pump and pipe installation.

Off-road Equipment - This phase is the equipment installation of pump and pipe. Conservative assumption of 8 hours a day per equipment was applied.

Off-road Equipment - This is the site preparation phase covering the well site area and the water pipeline. A conservative estimate of 7 days was applied. Likely this phase could be completed in 2-3 days.

Trips and VMT - Five workers per shift was applied. During well drilling, two shifts per day was assumed. All workers were assumed to travel an average distance of 42 miles (the distance between Lost Hills and central Bakersfield) as a conservative estimate.

On-road Fugitive Dust - Assuming 95 % of road is paved

Grading - 0.3 acres is the total area anticipated to be disturbed at any one time during the site preparation phase.

Vehicle Trips - Assuming two maintenance trips per week during operations of the new LHUD Well 3. The average worker trip length was estimated as the distance between Lost Hills and the center of Bakersfield (42 miles).

Vechicle Emission Factors - The only vehicles assumed to be operating by the workers were LDH2 - diesel work trucks

Vechicle Emission Factors - The only vehicles assumed to be operating by the workers were LDH2 - diesel work trucks

Vechicle Emission Factors - The only vehicles assumed to be operating by the workers were LDH2 - diesel work trucks

Road Dust - 95% of the roads would be paved.

Area Coating - No paints or coatings would be applied as part of the Well 3 project.

Energy Use -

Construction Off-road Equipment Mitigation - Watering 3 times per day and reducing construction area vehicle speed is required in Kern County and by SJVAPCD.

Operational Off-Road Equipment - Project will be a submersible electric pump; no emissions were calculated.

Off-road Equipment - Drilling assumed to occur 24 hours per day over two shifts; other equipment assumed to be operating 8 hours per day. Equipment specification and drilling during is conservative. Likely this phase could be completed in 5-7 days.

Off-road Equipment - This phase encompasses the equipment installation of pump and new water pipe and system hook up.

| Table Name | Column Name | Default Value | New Value |
|---|---|---|---|
| tblConstEquipMitigation | NumberOfEquipmentMitigated | 0.00 | 1.00 |
| tblConstEquipMitigation | NumberOfEquipmentMitigated | 0.00 | 1.00 |
| tblConstEquipMitigation | NumberOfEquipmentMitigated | 0.00 | 1.00 |

| | | | |
|---|---|---|---|
| tblConstEquipMitigation | NumberOfEquipmentMitigated | 0.00 | 1.00 |
| tblConstEquipMitigation | NumberOfEquipmentMitigated | 0.00 | 4.00 |
| tblConstructionPhase | NumDays | 100.00 | 8.00 |
| tblConstructionPhase | NumDays | 2.00 | 12.00 |
| tblConstructionPhase | NumDays | 1.00 | 7.00 |
| tblConstructionPhase | NumDaysWeek | 5.00 | 7.00 |
| tblGrading | AcresOfGrading | 3.50 | 0.30 |
| tblGrading | PhaseName | Grading | Drilling |
| tblLandUse | LotAcreage | 0.00 | 0.30 |
| tblOffRoadEquipment | HorsePower | 205.00 | 81.00 |
| tblOffRoadEquipment | LoadFactor | 0.50 | 0.73 |
| tblOffRoadEquipment | OffRoadEquipmentUnitAmount | 1.00 | 0.00 |
| tblOffRoadEquipment | OffRoadEquipmentUnitAmount | 2.00 | 1.00 |
| tblOffRoadEquipment | OffRoadEquipmentUnitAmount | 2.00 | 1.00 |
| tblOffRoadEquipment | OffRoadEquipmentUnitAmount | 0.00 | 1.00 |
| tblOffRoadEquipment | PhaseName | Building Construction | Equipment Installation |
| tblOffRoadEquipment | PhaseName | Building Construction | Equipment Installation |
| tblOffRoadEquipment | PhaseName | Grading | Drilling |
| tblOffRoadEquipment | PhaseName | Building Construction | Equipment Installation |
| tblOffRoadEquipment | PhaseName | Grading | Drilling |
| tblOffRoadEquipment | PhaseName | | Drilling |
| tblOffRoadEquipment | UsageHours | 6.00 | 8.00 |
| tblOffRoadEquipment | UsageHours | 1.00 | 8.00 |
| tblOffRoadEquipment | UsageHours | 6.00 | 8.00 |
| tblOnRoadDust | PhaseName | Grading | Drilling |
| tblOnRoadDust | PhaseName | Building Construction | Equipment Installation |
| tblOnRoadDust | WorkerPercentPave | 100.00 | 95.00 |
| tblOnRoadDust | WorkerPercentPave | 100.00 | 95.00 |

| | | | |
|---|---|---|---|
| tblOnRoadDust | WorkerPercentPave | 100.00 | 95.00 |
| tblOperationalOffRoadEquipment | OperDaysPerYear | 260.00 | 0.00 |
| tblOperationalOffRoadEquipment | OperFuelType | Diesel | CNG |
| tblOperationalOffRoadEquipment | OperHorsePower | 84.00 | 0.00 |
| tblOperationalOffRoadEquipment | OperHoursPerDay | 8.00 | 0.00 |
| tblRoadDust | RoadPercentPave | 100 | 95 |
| tblTripsAndVMT | PhaseName | Grading | Drilling |
| tblTripsAndVMT | PhaseName | Building Construction | Equipment Installation |
| tblTripsAndVMT | VendorTripLength | 7.30 | 0.00 |
| tblTripsAndVMT | VendorTripLength | 7.30 | 0.00 |
| tblTripsAndVMT | VendorTripLength | 7.30 | 0.00 |
| tblTripsAndVMT | WorkerTripLength | 10.80 | 42.00 |
| tblTripsAndVMT | WorkerTripLength | 10.80 | 42.00 |
| tblTripsAndVMT | WorkerTripLength | 10.80 | 42.00 |
| tblTripsAndVMT | WorkerTripNumber | 0.00 | 5.00 |
| tblVehicleEF | HHD | 0.16 | 0.00 |
| tblVehicleEF | HHD | 0.16 | 0.00 |
| tblVehicleEF | HHD | 0.16 | 0.00 |
| tblVehicleEF | LDA | 0.36 | 0.00 |
| tblVehicleEF | LDA | 0.36 | 0.00 |
| tblVehicleEF | LDA | 0.36 | 0.00 |
| tblVehicleEF | LDT1 | 0.06 | 0.00 |
| tblVehicleEF | LDT1 | 0.06 | 0.00 |
| tblVehicleEF | LDT1 | 0.06 | 0.00 |
| tblVehicleEF | LDT2 | 0.14 | 0.00 |
| tblVehicleEF | LDT2 | 0.14 | 0.00 |
| tblVehicleEF | LDT2 | 0.14 | 0.00 |
| tblVehicleEF | LHD1 | 0.06 | 0.00 |

| | | | |
|---|---|---|---|
| tblVehicleEF | LHD1 | 0.06 | 0.00 |
| tblVehicleEF | LHD1 | 0.06 | 0.00 |
| tblVehicleEF | LHD2 | 0.01 | 100.00 |
| tblVehicleEF | LHD2 | 0.01 | 100.00 |
| tblVehicleEF | LHD2 | 0.01 | 100.00 |
| tblVehicleEF | MCY | 5.9850e-003 | 0.00 |
| tblVehicleEF | MCY | 5.9850e-003 | 0.00 |
| tblVehicleEF | MCY | 5.9850e-003 | 0.00 |
| tblVehicleEF | MDV | 0.19 | 0.00 |
| tblVehicleEF | MDV | 0.19 | 0.00 |
| tblVehicleEF | MDV | 0.19 | 0.00 |
| tblVehicleEF | MH | 2.5510e-003 | 0.00 |
| tblVehicleEF | MH | 2.5510e-003 | 0.00 |
| tblVehicleEF | MH | 2.5510e-003 | 0.00 |
| tblVehicleEF | MHD | 0.02 | 0.00 |
| tblVehicleEF | MHD | 0.02 | 0.00 |
| tblVehicleEF | MHD | 0.02 | 0.00 |
| tblVehicleEF | OBUS | 1.5540e-003 | 0.00 |
| tblVehicleEF | OBUS | 1.5540e-003 | 0.00 |
| tblVehicleEF | OBUS | 1.5540e-003 | 0.00 |
| tblVehicleEF | SBUS | 1.1530e-003 | 0.00 |
| tblVehicleEF | SBUS | 1.1530e-003 | 0.00 |
| tblVehicleEF | SBUS | 1.1530e-003 | 0.00 |
| tblVehicleEF | UBUS | 1.8750e-003 | 0.00 |
| tblVehicleEF | UBUS | 1.8750e-003 | 0.00 |
| tblVehicleEF | UBUS | 1.8750e-003 | 0.00 |
| tblVehicleTrips | CC_TL | 7.30 | 42.00 |
| tblVehicleTrips | CNW_TL | 7.30 | 42.00 |

| | | | |
|---|---|---|---|
| tblVehicleTrips | CW_TL | 9.50 | 42.00 |
| tblVehicleTrips | WD_TR | 0.00 | 2.00 |

## 2.0 Emissions Summary

### 2.1 Overall Construction

**Unmitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2014 | 0.0264 | 0.2836 | 0.2183 | 2.7000e-004 | 0.3141 | 0.0170 | 0.3312 | 0.0481 | 0.0157 | 0.0638 | 0.0000 | 25.3197 | 25.3197 | 6.7400e-003 | 0.0000 | 25.4612 |
| **Total** | **0.0264** | **0.2836** | **0.2183** | **2.7000e-004** | **0.3141** | **0.0170** | **0.3312** | **0.0481** | **0.0157** | **0.0638** | **0.0000** | **25.3197** | **25.3197** | **6.7400e-003** | **0.0000** | **25.4612** |

**Mitigated Construction**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | tons/yr | | | | | | | | | | MT/yr | | | | | |
| 2014 | 0.0264 | 0.2836 | 0.2183 | 2.7000e-004 | 0.1854 | 0.0170 | 0.2025 | 0.0253 | 0.0157 | 0.0410 | 0.0000 | 25.3197 | 25.3197 | 6.7400e-003 | 0.0000 | 25.4612 |
| **Total** | **0.0264** | **0.2836** | **0.2183** | **2.7000e-004** | **0.1854** | **0.0170** | **0.2025** | **0.0253** | **0.0157** | **0.0410** | **0.0000** | **25.3197** | **25.3197** | **6.7400e-003** | **0.0000** | **25.4612** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **40.98** | **0.00** | **38.87** | **47.39** | **0.00** | **35.73** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

## 2.2 Overall Operational

**Unmitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |
| Energy | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Mobile | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0000** | **0.0000** | **1.0000e-005** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **2.0000e-005** | **2.0000e-005** | **0.0000** | **0.0000** | **2.0000e-005** |

## 2.2 Overall Operational

**Mitigated Operational**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Area | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |
| Energy | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Mobile | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Waste | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Water | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | **0.0000** | **0.0000** | **1.0000e-005** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **2.0000e-005** | **2.0000e-005** | **0.0000** | **0.0000** | **2.0000e-005** |

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio-CO2 | Total CO2 | CH4 | N20 | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Percent Reduction** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** |

## 3.0 Construction Detail

**Construction Phase**

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|---|---|---|---|---|---|---|---|
| 1 | Site Preparation | Site Preparation | 10/1/2014 | 10/9/2014 | 5 | 7 | |
| 2 | Drilling | Grading | 10/10/2014 | 10/21/2014 | 7 | 12 | |
| 3 | Equipment Installation | Building Construction | 10/22/2014 | 10/31/2014 | 5 | 8 | |

**Acres of Grading (Site Preparation Phase): 0.3**

**Acres of Grading (Grading Phase): 0**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

| Phase Name | Offroad Equipment Type | Amount | Usage Hours | Horse Power | Load Factor |
|---|---|---|---|---|---|
| Site Preparation | Graders | 1 | 8.00 | 174 | 0.41 |
| Site Preparation | Tractors/Loaders/Backhoes | 1 | 8.00 | 97 | 0.37 |
| Drilling | Bore/Drill Rigs | 1 | 24.00 | 81 | 0.73 |
| Drilling | Rubber Tired Dozers | 1 | 8.00 | 255 | 0.40 |
| Drilling | Tractors/Loaders/Backhoes | 2 | 8.00 | 97 | 0.37 |
| Equipment Installation | Cranes | 0 | 4.00 | 226 | 0.29 |
| Equipment Installation | Forklifts | 1 | 8.00 | 89 | 0.20 |
| Equipment Installation | Tractors/Loaders/Backhoes | 1 | 8.00 | 97 | 0.37 |

**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Site Preparation | 2 | 5.00 | 0.00 | 0.00 | 42.00 | 0.00 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Drilling | 4 | 10.00 | 0.00 | 0.00 | 42.00 | 0.00 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Equipment Installation | 2 | 5.00 | 0.00 | 0.00 | 42.00 | 0.00 | 20.00 | LD_Mix | HDT_Mix | HHDT |

## 3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

Clean Paved Roads

## 3.2 Site Preparation - 2014

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 1.6000e-004 | 0.0000 | 1.6000e-004 | 2.0000e-005 | 0.0000 | 2.0000e-005 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 5.0200e-003 | 0.0507 | 0.0259 | 3.0000e-005 | | 3.1200e-003 | 3.1200e-003 | | 2.8700e-003 | 2.8700e-003 | 0.0000 | 3.1599 | 3.1599 | 9.3000e-004 | 0.0000 | 3.1795 |
| **Total** | **5.0200e-003** | **0.0507** | **0.0259** | **3.0000e-005** | **1.6000e-004** | **3.1200e-003** | **3.2800e-003** | **2.0000e-005** | **2.8700e-003** | **2.8900e-003** | **0.0000** | **3.1599** | **3.1599** | **9.3000e-004** | **0.0000** | **3.1795** |

## 3.2 Site Preparation - 2014

### Unmitigated Construction Off-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.6000e-004 | 3.6000e-004 | 3.5100e-003 | 1.0000e-005 | 0.0499 | 0.0000 | 0.0499 | 5.0600e-003 | 0.0000 | 5.0700e-003 | 0.0000 | 0.5548 | 0.5548 | 3.0000e-005 | 0.0000 | 0.5554 |
| **Total** | **1.6000e-004** | **3.6000e-004** | **3.5100e-003** | **1.0000e-005** | **0.0499** | **0.0000** | **0.0499** | **5.0600e-003** | **0.0000** | **5.0700e-003** | **0.0000** | **0.5548** | **0.5548** | **3.0000e-005** | **0.0000** | **0.5554** |

### Mitigated Construction On-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 6.0000e-005 | 0.0000 | 6.0000e-005 | 1.0000e-005 | 0.0000 | 1.0000e-005 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 5.0200e-003 | 0.0507 | 0.0259 | 3.0000e-005 | | 3.1200e-003 | 3.1200e-003 | | 2.8700e-003 | 2.8700e-003 | 0.0000 | 3.1599 | 3.1599 | 9.3000e-004 | 0.0000 | 3.1795 |
| **Total** | **5.0200e-003** | **0.0507** | **0.0259** | **3.0000e-005** | **6.0000e-005** | **3.1200e-003** | **3.1800e-003** | **1.0000e-005** | **2.8700e-003** | **2.8800e-003** | **0.0000** | **3.1599** | **3.1599** | **9.3000e-004** | **0.0000** | **3.1795** |

## 3.2 Site Preparation - 2014

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.6000e-004 | 3.6000e-004 | 3.5100e-003 | 1.0000e-005 | 0.0307 | 0.0000 | 0.0307 | 3.1500e-003 | 0.0000 | 3.1500e-003 | 0.0000 | 0.5548 | 0.5548 | 3.0000e-005 | 0.0000 | 0.5554 |
| **Total** | **1.6000e-004** | **3.6000e-004** | **3.5100e-003** | **1.0000e-005** | **0.0307** | **0.0000** | **0.0307** | **3.1500e-003** | **0.0000** | **3.1500e-003** | **0.0000** | **0.5548** | **0.5548** | **3.0000e-005** | **0.0000** | **0.5554** |

## 3.3 Drilling - 2014

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0361 | 0.0000 | 0.0361 | 0.0199 | 0.0000 | 0.0199 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0180 | 0.2081 | 0.1581 | 1.8000e-004 | | 0.0121 | 0.0121 | | 0.0111 | 0.0111 | 0.0000 | 17.2796 | 17.2796 | 5.1100e-003 | 0.0000 | 17.3869 |
| **Total** | **0.0180** | **0.2081** | **0.1581** | **1.8000e-004** | **0.0361** | **0.0121** | **0.0482** | **0.0199** | **0.0111** | **0.0310** | **0.0000** | **17.2796** | **17.2796** | **5.1100e-003** | **0.0000** | **17.3869** |

## 3.3 Drilling - 2014

### Unmitigated Construction Off-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.5000e-004 | 1.2400e-003 | 0.0120 | 2.0000e-005 | 0.1710 | 2.0000e-005 | 0.1710 | 0.0174 | 1.0000e-005 | 0.0174 | 0.0000 | 1.9021 | 1.9021 | 1.1000e-004 | 0.0000 | 1.9043 |
| **Total** | **5.5000e-004** | **1.2400e-003** | **0.0120** | **2.0000e-005** | **0.1710** | **2.0000e-005** | **0.1710** | **0.0174** | **1.0000e-005** | **0.0174** | **0.0000** | **1.9021** | **1.9021** | **1.1000e-004** | **0.0000** | **1.9043** |

### Mitigated Construction On-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Fugitive Dust | | | | | 0.0141 | 0.0000 | 0.0141 | 7.7500e-003 | 0.0000 | 7.7500e-003 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Off-Road | 0.0180 | 0.2081 | 0.1581 | 1.8000e-004 | | 0.0121 | 0.0121 | | 0.0111 | 0.0111 | 0.0000 | 17.2796 | 17.2796 | 5.1100e-003 | 0.0000 | 17.3869 |
| **Total** | **0.0180** | **0.2081** | **0.1581** | **1.8000e-004** | **0.0141** | **0.0121** | **0.0262** | **7.7500e-003** | **0.0111** | **0.0189** | **0.0000** | **17.2796** | **17.2796** | **5.1100e-003** | **0.0000** | **17.3869** |

## 3.3 Drilling - 2014

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 5.5000e-004 | 1.2400e-003 | 0.0120 | 2.0000e-005 | 0.1054 | 2.0000e-005 | 0.1054 | 0.0108 | 1.0000e-005 | 0.0108 | 0.0000 | 1.9021 | 1.9021 | 1.1000e-004 | 0.0000 | 1.9043 |
| **Total** | **5.5000e-004** | **1.2400e-003** | **0.0120** | **2.0000e-005** | **0.1054** | **2.0000e-005** | **0.1054** | **0.0108** | **1.0000e-005** | **0.0108** | **0.0000** | **1.9021** | **1.9021** | **1.1000e-004** | **0.0000** | **1.9043** |

## 3.4 Equipment Installation - 2014

**Unmitigated Construction On-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 2.4700e-003 | 0.0227 | 0.0148 | 2.0000e-005 | | 1.8300e-003 | 1.8300e-003 | | 1.6800e-003 | 1.6800e-003 | 0.0000 | 1.7893 | 1.7893 | 5.3000e-004 | 0.0000 | 1.8004 |
| **Total** | **2.4700e-003** | **0.0227** | **0.0148** | **2.0000e-005** | | **1.8300e-003** | **1.8300e-003** | | **1.6800e-003** | **1.6800e-003** | **0.0000** | **1.7893** | **1.7893** | **5.3000e-004** | **0.0000** | **1.8004** |

## 3.4 Equipment Installation - 2014

### Unmitigated Construction Off-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.8000e-004 | 4.1000e-004 | 4.0100e-003 | 1.0000e-005 | 0.0570 | 1.0000e-005 | 0.0570 | 5.7900e-003 | 0.0000 | 5.7900e-003 | 0.0000 | 0.6340 | 0.6340 | 4.0000e-005 | 0.0000 | 0.6348 |
| **Total** | **1.8000e-004** | **4.1000e-004** | **4.0100e-003** | **1.0000e-005** | **0.0570** | **1.0000e-005** | **0.0570** | **5.7900e-003** | **0.0000** | **5.7900e-003** | **0.0000** | **0.6340** | **0.6340** | **4.0000e-005** | **0.0000** | **0.6348** |

### Mitigated Construction On-Site

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Off-Road | 2.4700e-003 | 0.0227 | 0.0148 | 2.0000e-005 | | 1.8300e-003 | 1.8300e-003 | | 1.6800e-003 | 1.6800e-003 | 0.0000 | 1.7892 | 1.7892 | 5.3000e-004 | 0.0000 | 1.8004 |
| **Total** | **2.4700e-003** | **0.0227** | **0.0148** | **2.0000e-005** | | **1.8300e-003** | **1.8300e-003** | | **1.6800e-003** | **1.6800e-003** | **0.0000** | **1.7892** | **1.7892** | **5.3000e-004** | **0.0000** | **1.8004** |

### 3.4 Equipment Installation - 2014

**Mitigated Construction Off-Site**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Hauling | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Vendor | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Worker | 1.8000e-004 | 4.1000e-004 | 4.0100e-003 | 1.0000e-005 | 0.0351 | 1.0000e-005 | 0.0351 | 3.6000e-003 | 0.0000 | 3.6000e-003 | 0.0000 | 0.6340 | 0.6340 | 4.0000e-005 | 0.0000 | 0.6348 |
| **Total** | **1.8000e-004** | **4.1000e-004** | **4.0100e-003** | **1.0000e-005** | **0.0351** | **1.0000e-005** | **0.0351** | **3.6000e-003** | **0.0000** | **3.6000e-003** | **0.0000** | **0.6340** | **0.6340** | **4.0000e-005** | **0.0000** | **0.6348** |

## 4.0 Operational Detail - Mobile

### 4.1 Mitigation Measures Mobile

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |

## 4.2 Trip Summary Information

| | Average Daily Trip Rate | | | Unmitigated | Mitigated |
|---|---|---|---|---|---|
| Land Use | Weekday | Saturday | Sunday | Annual VMT | Annual VMT |
| User Defined Industrial | 0.00 | 0.00 | 0.00 | | |
| Total | 0.00 | 0.00 | 0.00 | | |

## 4.3 Trip Type Information

| | Miles | | | Trip % | | | Trip Purpose % | | |
|---|---|---|---|---|---|---|---|---|---|
| Land Use | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary | Diverted | Pass-by |
| User Defined Industrial | 42.00 | 42.00 | 42.00 | 0.00 | 0.00 | 0.00 | 0 | 0 | 0 |

| LDA | LDT1 | LDT2 | MDV | LHD1 | LHD2 | MHD | HHD | OBUS | UBUS | MCY | SBUS | MH |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 0.000000 | 0.000000 | 0.000000 | 0.000000 | 0.000000 | 100.000000 | 0.000000 | 0.000000 | 0.000000 | 0.000000 | 0.000000 | 0.000000 | 0.000000 |

## 4.4 Fleet Mix

## 5.0 Energy Detail

Historical Energy Use: N

## 5.1 Mitigation Measures Energy

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Electricity Mitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Electricity Unmitigated | | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| NaturalGas Mitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| NaturalGas Unmitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |

## 5.2 Energy by Land Use - NaturalGas

**Unmitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

## 5.2 Energy by Land Use - NaturalGas

**Mitigated**

| | NaturalGas Use | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | kBTU/yr | tons/yr | | | | | | | | | | MT/yr | | | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

## 5.3 Energy by Land Use - Electricity

**Unmitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

## 5.3 Energy by Land Use - Electricity

**Mitigated**

| | Electricity Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | kWh/yr | MT/yr | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

# 6.0 Area Detail

## 6.1 Mitigation Measures Area

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Category | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Mitigated | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |
| Unmitigated | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |

## 6.2 Area by SubCategory

**Unmitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Landscaping | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |
| **Total** | **0.0000** | **0.0000** | **1.0000e-005** | **0.0000** | | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | **0.0000** | **2.0000e-005** | **2.0000e-005** | **0.0000** | **0.0000** | **2.0000e-005** |

**Mitigated**

| | ROG | NOx | CO | SO2 | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SubCategory | tons/yr | | | | | | | | | | MT/yr | | | | | |
| Architectural Coating | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Consumer Products | 0.0000 | | | | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Landscaping | 0.0000 | 0.0000 | 1.0000e-005 | 0.0000 | | 0.0000 | 0.0000 | | 0.0000 | 0.0000 | 0.0000 | 2.0000e-005 | 2.0000e-005 | 0.0000 | 0.0000 | 2.0000e-005 |
| **Total** | **0.0000** | **0.0000** | **1.0000e-005** | **0.0000** | | **0.0000** | **0.0000** | | **0.0000** | **0.0000** | **0.0000** | **2.0000e-005** | **2.0000e-005** | **0.0000** | **0.0000** | **2.0000e-005** |

## 7.0 Water Detail

## 7.1 Mitigation Measures Water

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| Category | MT/yr | | | |
| Mitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 |

## 7.2 Water by Land Use

**Unmitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| User Defined Industrial | 0 / 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

### 7.2 Water by Land Use

**Mitigated**

| | Indoor/Outdoor Use | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | Mgal | MT/yr | | | |
| User Defined Industrial | 0 / 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

## 8.0 Waste Detail

### 8.1 Mitigation Measures Waste

**Category/Year**

| | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|
| | MT/yr | | | |
| Mitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000 | 0.0000 | 0.0000 | 0.0000 |

## 8.2 Waste by Land Use

**Unmitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

**Mitigated**

| | Waste Disposed | Total CO2 | CH4 | N2O | CO2e |
|---|---|---|---|---|---|
| Land Use | tons | MT/yr | | | |
| User Defined Industrial | 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| **Total** | | **0.0000** | **0.0000** | **0.0000** | **0.0000** |

## 9.0 Operational Offroad

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|---|---|---|---|---|---|---|
| Pumps | 0 | 0.00 | 0 | 0 | 0.74 | CNG |

## 10.0 Vegetation

Appendix C

# San Joaquin Valley Air Pollution Control District Non-Residential On-Site Mitigation Checklist

# APPENDIX C

## On-Site Emission Reduction Checklist for Proposed Rule 9510 (Indirect Source Review) and Rule 3180 (Administrative Fees for Air Impact Assessment Applications) and On-Site Enhancing Measures List

November 17, 2005

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## MIXED USE OR NON-RESIDENTIAL ON-SITE EMISSION REDUCTION LIST

| No. | Measure – Objective |
|---|---|
| | **LOCATION** |
| **Bicycle Infrastructure** | |
| M-1 | Project is located within 1/2 mile of existing or planned Class I or II bike lanes on arterial/collector streets, or where a suitable parallel route exists.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| **Mass Transit Infrastructure** | |
| M-2 | Project is located within 1/4-1/2 mile of a transit stop.<br>*(URBEMIS Location: Operation Emissions: Mitigation Measures: Transit Service Node)* |
| | * Office floor area ratio is 0.75 greater within 1/4 mile of existing transit stop. |
| **Mixed Use/Density** | |
| M-3 | Include high density residential, mixed, or retail/commercial uses on site or locate near (within a 1/2 mile of project center).<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Mix of Uses Node and/or Operational Emissions: Mitigation Measures: Local Serving Retail)* |
| | * Day care facilities |
| | * Restaurant or cafeteria |
| | * Bank or ATM |
| | * Dry cleaners |
| | * Post office / services |
| | * Entertainment (movie / video) |
| | * Recreation facility / fitness center |
| | * Public Park |
| | * Residential development / On-site employee living spaces |
| M-4 | Average Residential density is 7 Dwelling Units (DU) per acre or greater.<br>*(URBEMIS Location: Land Use Selection - Acreage)* |
| | ▪ Project contains ancillary residential units - "Granny Flats" |
| M-5 | Designate a portion of residential units as deed-restricted below-market-rate (BMR) housing.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Affordable Housing Node)* |
| | ▪ Include Affordable Housing/Senior Housing/ Assisted Living |
| | **BICYCLE/PEDESTRIAN** |
| **Bicycle Storage** | |
| M-6 | Provide Class I and Class II bicycle parking facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * One bicycle parking space for every 10 car parking spaces is considered appropriate. |
| | * Provide secure bicycle storage at public parking facilities. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-7 | Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-8 | Provide Class I bicycle parking at apartment complexes or condos without garages.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |

**Pedestrian- Bicycle Oriented Infrastructure**

| | |
|---|---|
| M-9 | Install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| M-10 | Install complete, separate, safe, and convenient pedestrian sidewalks/paths that connect multiple uses. This can be implemented through the following project designs:<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| | * Provide direct pedestrian connections |
| | * Provide paths and building access which are physically separated from street parking lot traffic and that eliminates physical \barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles |
| | * Place store entrances close to adjacent sidewalks. |
| | * Provide pedestrian signalization and signage to improve pedestrian safety |
| | * Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. |
| | * Provide clearly delineated crosswalks at intersections. |
| | * Provide on and off-site pedestrian facility improvements such as overpasses and wider sidewalks |
| | * Provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks. |
| | * Provide street lighting |
| | * Provide shaded pathways (e.g. provide street trees or building overhangs) |
| | * Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel |
| | * Provide traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds, to encourage pedestrian and bicycle travel. |
| | * Provide a parking lot design that-includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances |
| | * Provide pedestrian access between bus service and major transportation points and destination points within the project. |
| | * Minimize building setback to adjacent existing or planned pedestrian infrastructure |
| | * Setback distance is minimized between development and transit, bicycle, or pedestrian corridor |
| | * Setback distance is minimized between development and neighboring properties |

## TRANSPORTATION DESIGN

**Signage**

| | |
|---|---|
| M-11 | Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * Display Bike Route Maps |
| | * Display Bus Schedules |
| | * Display other transportation information such as carpooling, carsharing, etc. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| **Streets** | |
| M-12 | Project design uses models by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as: street block patterns that form an interconnected grid, short block faces, numerous alleys and narrow streets.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |

## PARKING

| | |
|---|---|
| **Strategies: Pricing and Preferential Parking** | |
| M-13 | Develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-14 | Provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| **Parking Amount** | |
| M-15 | Provide parking reduction. The following are guidelines:<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Parking Supply)* |
| | * Office 25% |
| | * Medical office 8% |
| | * Commercial 5% |
| | * Industrial 10% |
| | * Additional 10-20% if located along transit station |

## BUILDING/SITE DESIGN

| | |
|---|---|
| **Energy Efficiency** | |
| M-16 | Increase the building energy efficiency rating above what is required by Title 24 requirements. This can be accomplished by any combination of measures. The following is an idea list of measures that may be implemented to achieve this measure (this list should not be considered comprehensive):<br>*(URBEMIS Location: Area Emissions: Mitigation Measures Node)* |
| | *General* |
| | * Participate in and implement available PUC energy-efficient rebate programs including air conditioning, gas heating, refrigeration, and lighting programs. |
| | * Install efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units beyond Title 24 requirements (see Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Buildings: http://www.energy.ca.gov/title24/standard) |
| | * Capture waste heat and re-employ it in nonresidential buildings. |
| | * Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions and to shade paved areas |
| | * Improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors. |
| | *Roof* |
| | * Install "Green Roof" System |
| | * Install EPA/DOE Energy Star labeled roof materials |
| | * Install roof photovoltaic energy systems as a standard feature (on new homes) |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-16 *Cont* | *Solar Design* |
| | * Design buildings with proper orientation, fenestration, and other design components that maximize the potential of passive cooling and heating, include shading master plan |
| | *Components* |
| | * Use devices that minimize the combustion of fossil fuels. |
| | * Install low nitrogen oxide (NOx) hot water heaters. |
| | * Install high efficiency Energy Star heating or ground source heat pumps |
| | * Install energy efficient interior lighting. |
| | * Install built-in energy efficient appliances. |
| | * Install door sweeps and weather stripping if more efficient doors and windows are not available. |
| | * Install energy-efficient and automated controls for air conditioning |
| | * Install of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces and boiler units. |
| | * Install electrical outlets on the exterior walls of both the front and back of residences or all commercial buildings to promote the use of electric landscape maintenance equipment. |
| | * Install electric vehicle recharging station with both conductive and inductive charging capabilities in residential garages / parking lots. |
| | * Install a gas outlet for use with outdoor cooking appliances, and in any proposed fireplaces, including outdoor recreational fireplaces or pits. |
| | * Use low energy street lights (i.e. sodium). |
| | * Use low energy traffic signals (i.e. light emitting diode). |
| | * Install Medium Efficiency Filters |
| | * Install High Efficiency Filters |
| | * Install HEPA (High Efficiency Particle Arrestance) Filters |
| | * Install "whole-house" or "fresh-air" ventilation system |

**Building Maintenance/Indoor Air Quality**

| | |
|---|---|
| M-17 | Reduce VOC emissions from Architectural Coatings⊗ *(URBEMIS Location: Area Emissions: Architectural Coatings - Nonresidential)* |
| | * Use Low-VOC Coatings |
| | * Use surfaces that do not require coatings, such as stone or brick |
| | * Use No-VOC Coatings |

**Fuel Combustion**

| | |
|---|---|
| M-18 | Provide Electrical outlets at front and rear of residences for the use of electrically powered landscape equipment (See Measure 47 below) *(URBEMIS Location: Area Emissions: Mitigation Measures Node)* |
| M-19 | Provide electrical outlets at non-residential units for the use of electrically powered landscape equipment. In combination with Measure M-31 below. *(URBEMIS Location: Area Emissions: Mitigation Measures Node)* |
| M-20 | Reduce Wood Fireplaces and/or Woodstove above that required by District Rule 4901. *(URBEMIS Location: Area Emissions: Hearth Fuel Combustion Node)* |

## OPERATIONAL MEASURES

**Telecommunication**

| | |
|---|---|
| M-23 | Implement an employee telecommuting policy *(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * Install videoconferencing system |
| | * Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-23 | * Offer low cost financing to employees for the purchase of telecommuting equipment, or lend company-owned equipment. |
| *Cont* | * Provide satellite work offices when appropriate. Applicable to office/industrial and educational institutions. |

**Alternative Transit**

| | |
|---|---|
| M-24 | Provide guaranteed ride home⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-25 | Provide carpool matching assistance⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-26 | Provide Car-Sharing Services⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-27 | Employ or appoint an Employee Transportation Coordinator to work with the TMA and the District⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * Implement a rideshare program |
| | * Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc. |
| | * Participate in an employee "flash-pass" program, which provides free travel on transit buses. |
| | * Provide transit pass subsidy (100%) and/or commute alternative allowance |
| | * Participate in alternative transportation programs such as CalTrans rideshare where deemed appropriate by local transportation planning agencies and/or APCD |
| | * Provide transit-use incentives, as approved by applicable transportation planning agencies such as subsidized transit passes and accommodation of unusual work schedules to encourage transit use |
| | * Provide funds for on line computer rideshare matching. |
| | * Provide an employer subsidized shuttle service to connect to existing transit sites. |
| | * Provide an employer subsidized free or reduced transit fares for midday central business district trips. |
| | * Provide financial incentives to carpoolers for vehicle tune-up or maintenance |
| | * Implement a lunchtime shuttle to reduce single occupant vehicle trips. |
| | * Provide Flextime for non-SOV (single occupancy vehicle) commuters |
| | * Maintain a fleet of bicycles for employee and business use |
| M-28 | Provide transit pass subsidy (100%) and/or commute alternative allowance⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| M-29 | Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * Provide ridesharing information in a homeowner's association package. |

**Work Schedules**

| | |
|---|---|
| M-30 | Implement alternative work schedules such as compressed workweek schedules where weekly work hours are compressed into fewer than five days.⊗ Examples of these options are: 9/80, 4/40, 3/36<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |

**Landscaping**

| | |
|---|---|
| M-31 | Project provides and/or requires use of electric maintenance equipment; including, but not limited to electric lawn mowers, electric leaf blowers. In combination with measure M-19.<br>*(URBEMIS Location: Area Emission: Mitigation Measures Node)* |
| | * Prohibit gas powered landscape maintenance equipment within developments. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-31 *Cont* | * Contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use. |
| | * Provide battery powered or electric landscape maintenance equipment for new residences, commercial and industrial land uses. |

**Fleet / Engines**

| | |
|---|---|
| M-32 | Implement clean air business practices such as using low-emission delivery vehicles, contract with alternative-fuel waste hauling companies, contracting with carrier, delivery, security, or other services utilizing electric, low-emission, alternative fuel, convert fleet to cleaner vehicles or utilizing heavy-duty vehicles that are CARB certified to optional low-emission standards for NOx.⊗ *(URBEMIS Location: Operational Emissions: Mitigation Measures: On-Road Trucks)* |
| | *Medium Trucks - 5,751 to 8,500 lbs* |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel fuel |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Cleaire Longview (ultra low diesel) |
| | *Light Heavy - 8,501 to 10,000 lbs* |
| | * DCM DOC Muffler w/series 6000 or 6100 catalyst |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel fuel |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Cleaire Longview (ultra low diesel) |
| | *Light Heavy - 10,001 to 14,000 lbs* |
| | * DCM DOC Muffler w/series 6000 or 6100 catalyst |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel fuel |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Cleaire Longview (ultra low diesel) |
| | *Medium Heavy - 14,001 to 33,000 lbs* |
| | * AZ Purifier & AZ Purimuffler (Cummins & Navistart: 1991-03) |
| | * DCM DOC Muffler w/series 6000 or 6100 catalyst |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel fuel |
| | * DPM DPF muffler with/Series 6300 catalyst formulation |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Lubrizol Engine Control Systems Purifilter |
| | * Cleaire Longview (ultra low diesel) |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-32 *Cont* | *Heavy Heavy - 33,001 to 60,000 lbs* |
| | * DCM DOC Muffler w/series 6000 or 6100 catalyst |
| | * Cleaire Flash and Match oxidation catalyst |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel Fuel |
| | * DPM DPF muffler w/series 6300 catalyst formulation |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Lubrizol Engine Control Systems Purifilter |
| | * Cleaire Flash Match system (Cummins M11 engines only) |
| | * Cleaire Longview (ultra low diesel) |
| | *Line Haul Vehicles >60,000 lbs* |
| | * DCM DOC Muffler w/series 6000 or 6100 catalyst |
| | * Cleaire Flash and Match oxidation catalyst |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel Fuel |
| | * DPM DPF muffler w/series 6300 catalyst formulation |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Lubrizol Engine Control Systems Purifilter |
| | * Cleaire Flash Match system (Cummins M11 engines only) |
| | * Cleaire Longview (ultra low diesel) |
| | Urban Bus |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel Fuel |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Cleaire Longview (ultra low diesel) |
| | School Bus |
| | * ESW Particulate Reactor |
| | * PuriNOx Emulsified Diesel Fuel |
| | * CCRT Particulate Filter |
| | * CRT Particulate Filter |
| | * Cleaire Longview (ultra low diesel) |
| | *General* |
| | * Utilize electric fleet vehicles |
| | * Utilize Ultra Low-Emission fleet vehicles |
| | * Utilize methanol fleet vehicles |
| | * Utilize liquid propane gas fleet vehicles |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| M-32 | * Utilize compressed natural gas fleet vehicles |
| *Cont* | * Replace diesel fleet with alternative fuel engine technology and infrastructure |
| | * Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies. |
| | * Fleet vehicles that use clean-burning fuels as may be practicable |
| | * Adopt a Vehicle Idling Policy requiring all vehicles under company control to adhere to a 5 minute idling policy. |
| | * Conversion to cleaner engines |
| | * Use of cleaner (reduced sulfur) fuel |
| | * Regular maintenance – keep equipment well tuned |
| | * Add-on control devices, e.g., particulate traps, catalytic oxidizers |
| | * Repower/Retrofit heavy-duty diesel fleet with cleaner diesel engine technology and/or diesel particulate filter after-treatment technology |
| | * Replace diesel fleet with alternative fuel engine technology and infrastructure |
| | * Replace auxiliary power units with cleaner engine technology, alternative fuels, or require electric connection while at loading dock |
| | * Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles) |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

## RESIDENTIAL ON-SITE EMISSION REDUCTION LIST

| No. | Measure - Objective |
|---|---|
| | **LOCATION** |
| **Bicycle Infrastructure** | |
| R-1 | Project is located within 1/2 mile of existing or planned Class I or II bike lanes on arterial/collector streets, or where a suitable parallel route exists.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| **Mass Transit Infrastructure** | |
| R-2 | Project is located within 1/4-1/2 mile of a transit stop.<br>*(URBEMIS Location: Operation Emissions: Mitigation Measures: Transit Service Node)* |
| **Mixed Use/Density** | |
| R-3 | Include high density residential, mixed, or retail/commercial uses on site or locate near (within a 1/2 mile of project center) these uses to minimize the need for trips.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Mix of Uses Node and/or Operational Emissions: Mitigation Measures: Local Serving Retail)* |
| | * Day care facilities |
| | * Restaurant or cafeteria |
| | * Bank or ATM |
| | * Dry cleaners |
| | * Post office/services |
| | * Entertainment (movie/video) |
| | * Recreation facility/fitness center |
| | * Public Park |
| | * Residential development/On-site employee living spaces |
| R-4 | Average Residential density is 7 Dwelling Units (DU) per acre or greater.<br>*(URBEMIS Location: Land Use Selection- Acreage)* |
| | * Project contains ancillary residential units - "Granny Flats" |
| R-5 | Designate a portion of residential units as deed-restricted below-market-rate (BMR) housing.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Affordable Housing Node)* |
| | * Include Affordable Housing/Senior Housing/ Assisted Living |

| | |
|---|---|
| | **BICYCLE/PEDESTRIAN** |
| **Bicycle Storage** | |
| R-6 | Provide Class I bicycle parking at apartment complexes or condos without garages<br>*(URBEMIS Location: Operational Emissions: Mitigation Measure: Transportation Demand Management Node)* |
| **Pedestrian- Bicycle Oriented Infrastructure** | |
| R-7 | Install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| R-8 | Install complete, separate, safe, and convenient pedestrian sidewalks/paths that connect multiple uses. This can be implemented through the following project designs:<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |
| | * Provide direct pedestrian connections |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| R-18 | * Provide paths and building access which are physically separated from street parking lot traffic and that eliminates physical \barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles. |
| *Cont* | * Place store entrances close to adjacent sidewalks. |
| | * Provide pedestrian signalization and signage to improve pedestrian safety |
| | * Provide continuous sidewalks separated from the roadway by landscaping and on-street parking. |
| | * Provide clearly delineated crosswalks at intersections. |
| | * Provide on and off-site pedestrian facility improvements such as overpasses and wider sidewalks |
| | * Provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks. |
| | * Provide street lighting |
| | * Provide shaded pathways (e.g. provide street trees or building overhangs) |
| | * Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel |
| | * Provide traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds, to encourage pedestrian and bicycle travel. |
| | * Provide pedestrian access between bus service and major transportation points and destination points within the project. |

## Transportation Design

**Signage**

| | |
|---|---|
| R-9 | Provide a display case or kiosk displaying transportation information in a prominent area accessible to residents, or visitors.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| | * Display Bike Route Maps |
| | * Display Bus Schedules |
| | * Display other transportation information such as carpooling, carsharing, etc. |

**Streets**

| | |
|---|---|
| R-10 | Project design uses models by the Local Government Commission (LGC) in the “Smart Growth Guidebook,” such as: street block patterns that form an interconnected grid, short block faces, numerous alleys and narrow streets.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Bicycle and Pedestrian Node)* |

## Building/Site Design

**Energy Efficiency**

| | |
|---|---|
| R-12 | Increase the building energy efficiency rating above what is required by Title 24 requirements. This can be accomplished by any combination of measures. The following is an idea list of measures that may be implemented to achieve this measure (this list should not be considered comprehensive):<br>*(URBEMIS Location: Area Emissions: Mitigation Measures Node)*<br>*General* |
| | * Participate in and implement available PUC energy-efficient rebate programs including air conditioning, gas heating, refrigeration, and lighting programs. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| R-12 | * Install efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units beyond Title 24 requirements (see Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Building |
| *Cont* | * Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions and to shade paved areas |
| | * Improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors. |
| | *Roof* |
| | * Install "Green Roof" Technology |
| | * Install EPA/DOE Energy Star labeled roof materials |
| | * Install roof photovoltaic energy systems as a standard feature (on new homes) |
| | *Solar Design* |
| | * Design buildings with proper orientation, fenestration, and other design components that maximize the potential of passive cooling and heating, include shading master plan |
| | *Components* |
| | * Use devices that minimize the combustion of fossil fuels. |
| | * Install low nitrogen oxide (NOx) hot water heaters. |
| | * Install high efficiency Energy Star heating or ground source heat pumps |
| | * Install energy efficient interior lighting. |
| | * Install built-in energy efficient appliances. |
| | * Install door sweeps and weather stripping if more efficient doors and windows are not available. |
| | * Install energy-efficient and automated controls for air conditioning |
| | * Install of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces and boiler units. |
| | * Install electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment. |
| | * Install electric vehicle recharging station with both conductive and inductive charging capabilities in residential garages / parking lots. |
| | * Install a gas outlet for use with outdoor cooking appliances, and in any proposed fireplaces, including outdoor recreational fireplaces or pits. |
| | * Use low energy street lights (i.e. sodium). |
| | * Use low energy traffic signals (i.e. light emitting diode). |
| | * Install Medium Efficiency Filters |
| | * Install High Efficiency Filters |
| | * Install HEPA (High Efficiency Particle Arrestance) Filters |
| | * Install "whole-house" or "fresh-air" ventilation system |

**Fuel Combustion**

| | |
|---|---|
| R-13 | Provide Electrical outlets at front and rear of residences for the use of electrically powered landscape equipment (See Measure R-18 below).<br>*(URBEMIS Location: Area Emissions: Mitigation Measures Node)* |
| R-14 | Reduce Wood Fireplaces and/or Woodstove above that required by District Rule 4901.<br>*(URBEMIS Location: Area Emissions: Hearth Fuel Combustion Node)* |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

| No. | Measure - Objective |
|---|---|
| | **OPERATIONAL MEASURES** |

**Alternative Transit**

| | |
|---|---|
| R-15 | Provide Car-Sharing Services⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| R-16 | Transit pass subsidy (100%) and/or commute alternative allowance⊗<br>*(URBEMIS Location: Operational Emissions: Mitigation Measures: Transportation Demand Management Node)* |
| R-17 | Provide a display case or kiosk displaying transportation information in a prominent area accessible to residents.<br>*(URBEMIS Location: Operational Emissions: Mitigation Measure: Transportation Demand Management Node)*<br>* Provide ridesharing information in a homeowner's association package.<br>* Provide an opportunity to receive either a complimentary bicycle or electric bicycle retrofit kit to each residential buyer<br>* Provide electric shuttle or minibus service to transit stops<br>* Provide free transfers between all shuttles and transit.<br>* Operation of a shuttle bus to shopping, health care, public services sites and other nearby trip attractors to reduce automobile use. |

**Landscaping**

| | |
|---|---|
| R-18 | Project provides and/or requires use of electric maintenance equipment; including, but not limited to electric lawn mowers, electric leaf blowers, etc (In combination with measure R-13 above).⊗<br>*(URBEMIS Location: Area Emissions: Mitigation Measures Node)*<br>* Prohibit gas powered landscape maintenance equipment within developments.<br>* Contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use.<br>* Provide battery powered or electric landscape maintenance equipment for new residences. |

⊗ These operational, program-oriented measures must be implemented for at least 10years from build-out to qualify as an emission reduction measure

## ON-SITE ENHANCING MEASURES

| No. | Measure - Objective |
|---|---|
| | **LOCATION** |
| **Mass Transit Infrastructure** | |
| A | * Project is located within one mile of a park and ride lot operated by a transportation agency. |
| | **TRANSPORTATION DESIGN** |
| **Transit Support** | |
| B | Include transit support features in the project where deemed appropriate by the local agency with jurisdiction over the project as demand and service routes warrant subject to review and approval by local transportation planning agencies, including (but not limited to): |
| | * On-site/off-site turnouts |
| | * Route signs and displays |
| | * Bus turnouts/bulbs |
| | * Street lighting |
| | * Passenger benches |
| | * Shelters at transit access points |
| C | Develop park-and-ride lots |
| **Streets** | |
| D | Make street design/speeds consistent with requirements for neighborhood electric vehicles |
| | **PARKING** |
| **Parking Amount** | |
| E | Use of any excess parking over zone code requirements as on-site parking-n-ride lots. |
| **Parking Construction** | |
| F | Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances |
| G | Loading and unloading facilities for transit and carpool/vanpool users. (Provide Signage) |
| H | Provide-grass paving or reflective surface paving for unshaded parking lot areas, driveways, or fire lanes that reduce standard paving by 10% or more. |
| | * Portland concrete is the preferred paving material |
| | * Other reflective surfaces to be determined in consultation with SJVAPCD. |
| | * "Chip Seal" methodology |
| | * Green Pavement http://www.invisiblestructures.com/GP2/grasspave.htm |
| I | Structural soil should be used under paved areas to improve tree growth. |
| J | Provide electric vehicle charging facilities with preferential parking |

## ON-SITE ENHANCING MEASURES

| No. | Measure - Objective |
|---|---|
| | **BUILDING/SITE DESIGN** |
| **Telecommuting Infrastructure** | |
| K | Provide necessary infrastructure for telecommuting |
| | * Provide fiber optic wiring and connections |
| | * Provide T1 wiring and connections |
| | * Install a teleconferencing facility |
| | * Install a on-site telecommunications center |
| | * Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning |
| **Landscaping** | |
| L | Plant trees sufficient to shade 1/2 the paved area within 15 years after development is constructed. |
| M | Landscape with low-emission native drought-resistant species (plants, trees and bushes) to reduce the demand for gas powered landscape maintenance equipment. Contact the District for a list of low-emission trees and shrubs. |
| | **OPERATIONAL MEASURES** |
| **Telecommunication** | |
| N | Provide free-access telework terminals in multi-family projects |
| O | Provide a community videoconferencing system coordinated with TMA. |
| P | Design and implement "Shop by Telephone" or "Shop-by-Computer" services. Applicable to shopping centers and retail facilities. |
| **Goods Movement** | |
| Q | Establish delivery services. Applicable to retail facilities (frequent use), shopping centers, and restaurants. |
| R | If the development is a grocery store or large retail facility, provide home delivery service for customers. |
| S | Schedule goods movement for off-peak traffic hours. |

# Appendix I

## LHUD New Well Site IS/MND Approval Letter

# ATTORNEY'S SUMMARY AGENDA

TO: Members of the Board of Directors
Lost Hills Utility District

FROM: Thomas F. Schroeter, District Counsel

RE: Board of Directors Meeting
**Thursday, October 2, 2014**

Following is the list of items to be placed on the Agenda. Attached to this list is a discussion of each item and recommendations for the Board:

1. Consideration of Appointment to Fill Vacancy After General Election
2. Consideration of Contract with Solar City for Solar Energy Project
3. Status of Funding for Replacement of Water Tank and New Well
   (a) New Well CEQA IS/MND Environmental Documentation Approval
4. Adoption of Resolution to Modify Sewer Connection Fees
5. Report on Berrenda Mesa Water District Costs and Revenues
6. Consideration of Danny Garcia Contract Request
7. Report on Almond Tree Village Apartment Complex and Park Expansion
8. Consideration of Contractor Proposal in Dewatering Project
9. Consideration of Grant Application for Electric Vehicles
10. Consideration of Application for Emergency Drinking Water Funding
11. Status of Lost Hills Sanitary District Capital Facilities Corporation
12. Election of LAFCo Special District Alternate
13. Report on Antonio Sanchez Will Serve Letter
14. Report on Water Losses on Berrenda Mesa Waterline
15. Report on Allocation of Repair Costs in Berrenda Mesa Water District
16. Report on Florence Holt Connection to Sanchez Line
17. Closed Session: Public Employment – Employee Evaluations per Government Code Section 54957

RECEIVED 9-22-14

**Notice of Intent to Adopt a**
**Mitigated Negative Declaration**

**Project Title:** Lost Hills Utility District New Well Site Project

**Project Location:** The existing proposed potable water well is located east of and adjacent to Gun Club Road, north of State Route 46, and approximately 12 miles east of the community of Lost Hills, California.

**Lead Agency:** Lost Hills Utility District

**Project Summary:**

The project would install a new potable water well in order to meet future maximum day demand for the community of Lost Hills and to provide a water source in the event that an existing well (East Well) were to fail.

The MND concludes that the project would result in less-than-significant impacts with mitigation measures incorporated for: biological resources, cultural resources, greenhouse gas emissions, and hydrology and water quality.

**Public Review:** The MND and all referenced documents will be available for review at the following address during normal business hours:

Lost Hills Utility District
21331 Highway 46
Lost Hills, CA 93249

Written comments on the MND should be addressed to:

Emma Clifford, President
Lost Hills Utility District
21331 Highway 46
Lost Hills, CA 93249

The review period for the MND is from August 19, 2014 through September 18, 2014. All comments on the MND **must be received by 5:00 p.m. on September 18, 2014.** Pursuant to State law, comments received after September 18, 2014, or addressed to other than the individual specified above, may not be considered.

FILED
KERN COUNTY

AUG 19 2014

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY _____ DEPUTY

Notice of Environmental Document
Posted by County Clerk on 8/19/14
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

EXHIBIT "C"

Lost Hills Utility District
October 2, 2014
Meeting Minutes

I. The Meeting was called Order by Board President Emma Clifford at 5:00PM. Board Members in attendance were Sergio Rivera, Estella Cortez, Rosario Villasana, and Vidal Ballesteros. Also in attendance were Thomas Schroeter, Amando Garza, Dan Garcia, Luis Peña, James Borden, Bob Swanson, Yuliana Velazquez, and Ana Chavez.

II. Approval of Minutes, September 10, 2014
Rosario Villasana made a motion to Approve the minutes as submitted. Pioquinto Garza seconds the motion. Motion carried.

III. District's Financial Report – August 2014
Sewer Month Profit: $6,946.75 Year Profit: $6,509.56
Water Month Profit: $12,078.00 Year Profit: $5,560.23

IV. Public Time for Agenda and Non-Agenda Items
None

V. New Business

1. Consideration of Appointment to Fill Vacancy After General Election
Ana Chavez- we have received a letter of interest to be on the Board, from Lost Hills resident Angelica Soto. Motion: Estella Cortez made a motion to Appoint Angelica Soto to fill vacancy. Rosario Villasana seconds the motion. Motion carried.

2. Consideration of Contract with Solar City for Solar Energy Project
Michael Carpol – presented a 20 year agreement to buy energy at 8c per kw, escalates 2.5% a year. There is no out of pocket expense for the District, Solar City will own the equipment and maintained it, and once the 20 year agreement is over the District may buy the equipment at fair market price. We will still have access to electricity from PG & E, so if anything happens we can use electricity from PG & E. Motion: Estella Cortez made a motion to Approve solar power purchase agreement (commercial). Rosario Villasana seconds the motion. Motion carried.

3. Status of Funding for Replacement of Water Tank and New Well
Amando Garza- USDA asked for additional information and corrections on PER, I'm trying to get everything together to send it to USDA.

a) New Well CEQA IS/MND Environmental Documentation Approval
I'm recommending approval of the Mitigated Negative Declaration for the District's New Well site project. Motion: Estella Cortez made a motion to Adopt Mitigated Negative Declaration. Vidal Ballesteros seconds the motion. Motion carried.

4. Adoption of Resolution to Modify Sewer Connection Fees
Motion: Vidal Ballesteros made a motion to Approve resolution reducing sewer connection fees for apartments. Estella Cortez seconds the motion. Motion carried.

5. Report on Berrenda Mesa Water District Costs and Revenues
Ana – presented a report showing some of the costs to run the Berrenda Mesa line and the revenues coming from this area, but this does not include the actual revenue since it does not show the cost to produce and deliver the water.

6. Consideration of Danny Garcia Contract Request
Dan Garcia – asking the Board for an increase of $5.00 on his hourly rate, bringing this to $50/hour. Motion: Rosario Villasana made a motion to Approve Dan Garcia's request of $5.00 more an hour bringing this to $50.00/hour. Pioquinto Garza seconds the motion. Motion motion carried.

7. Report on Almond Village Apartment Complex and Park Expansion
Almond Village Apartment- James Borden and Bob Swanson present to ask the Board to also lower the water connection fee for this project otherwise project will get shut down because the existing water connection fees are double than the time when they applied. Tom- the District will not get any funding from DWR, and we are not sure if we will get any from USDA, this puts the District in a very though position because we cannot lower the connection fees since we need the money to build a new tank or towards a new well. James- Mrs. Resnick has invested a lot of money in Lost Hills, and they are willing to help the District to obtain grants to complete this projects but right now we really need to know if the District will lower the water connection fees so we can continue with our project. Board: asked Dan Garcia water supervisor if we had the water capacity to serve this

project, and he said no. Board: this is a very hard decision because we really need a new tank and a new well to be able to serve your project and by lowering the connection fees we're taking away possible funds towards both of this projects, and what's going to happen if we don't have any of this projects completed when you're done with construction and ready for water. James- My boss Eric said if we can agree to a number of $650,000 then we can continue with our project, and we promise Paramount will help the District with the Grant process and obtain funds for both of this projects, is to our best interest not to let Lost Hills dry, and it won't be until after were done with construction that we will need water so we're looking about a year. Motion: Estella Cortez made a motion to lower the apartment connection fee slightly lower than a single family home to bring the number down to $650,000.00, and authorize Tom and Amando to work and calculate this figures. Rosario Villasana seconds the motion. Motion carried.

Park Expansion – Motion: Rosario Villasana made a motion to Authorize annexation of the portion of the airport which contains the park expansion /soccer park. Vidal Ballesteros seconds the motion. Motion carried.

8. Consideration of Contractor Proposal in Dewatering Project

Amando – the contractor said the price for the soil testing was so small he will not charge any extra.

9. Consideration of Grant Application for Electric Vehicles

Motion: Estella Cortez made a motion to Adopt Resolution to Apply for Electric Vehicles. Vidal Ballesteros seconds the motion. Motion carried.

10. Consideration of Application for Emergency Drinking Water Funding

Amando- for this application we have changed project description on lowering bolts at the wells.

11. Status of Lost Hills Sanitary District Capital Facilities Corporation

Tom- this is a corporation we formed a long time ago which we haven't used so now the State Attorney General's office is threatening to suspend or revoke the registration. I would recommend we appeal and then dissolve this Capital Facilities Corporation. Motion: Estella Cortez made a motion to Authorize Appeal to the State Attorney General's Office. Vidal Ballesteros seconds the motion. Motion carried.

12. Election of Lafco Special District Alternate

Board: The Board votes for Ronald Orrin

13. Report on Antonio Sanchez Will Serve Letter

Tom- this customer has already been approved and has a paid connection fee for this property. I will get Ana the Will Serve Letter.

14. Report on Water Losses on Berrenda Mesa Water Line

Dan- met with one of the owners of the Blackwell Land Co., and we talked about the water were losing and he said they would be willing to put new line in from their tank to the edge of the line but first he will need to get it approved by their Board, and the District would move the meter.

15. Report on Allocation of Repair Costs in Berrenda Mesa Water District

Ana – We have received full payment from most of the customers were just waiting on two.

16. Report on Florence Holt Connection to Sanchez Line

Dan – they have not connected yet, they are waiting on the contractor doing the job for them.

17. Closed Session: Moved to end of meeting.

18. Delinquency Report: Accounts#1145 and 2071 Need to place a lien. Motion: Vidal Ballesteros made a motion to Authorize Ana Chavez to place a lien on account# 2071. Estella Cortez seconds the motion. Motion carried.

19. Staff Reports – Delta sent a letter asking for a donation Board: Request denied.

Acct#1391- second trailer no longer connected, Alex has done inspection and they are no longer connected to the sewer. Board: Yes, account may be closed. Acct#1141-customer wants to know why we're charging him the penalty if he's not connected. Board: until he completely abandons illegal sewer and Alex inspects the property then we can stop charging him the penalty.

VI. Maintenance & Operations Report

Luis Peña- I met with a contractor who works on getting grant funding for projects related to the sewer, and if they're able to obtain grant funding they built and design the project. I need authorization to buy a dissolved oxygen meter the cost is around $800.00. Motion: Estella Cortez made a motion to authorize Luis Peña to buy a dissolved oxygen meter. Vidal Ballesteros seconds the motion. Motion.

Dan Garcia – we had two pump failures at the treatment plant. We were able to have 1 repaired so we have a total of 3 now, so we run 2 at a time and have 1 for back up. Semitropic School Line- is now complete, and they are connected. Sludge Removal Project- this project is moving along good, they are just waiting on the electrical

and the fence, on the gravel and cover for the sludge press was very expensive if Lyles did it, so will just wait on this and we can do that ourselves.

VII. Board Members Report
Estella Cortez – just want to say Thank You, next meeting will be my last meeting, I've been here since 1982.

VIII. Engineer Report – None

IX. Next Board Meeting, November 6, 2014

X. Approval of Accounts Payable for September 2014
Motion: Vidal Ballesteros made a motion to Approve September Payables. Estella Cortez seconds the motion. Motion carried.

17. Closed Session: Public Employment – Employee Evaluations per Government Code Section 54957
Board went into closed session at 6:43PM Out of Closed Session at 7:24PM.
Motion: Estella Cortez made a motion to increase Yuliana Velazquez hourly rate to 10.50/hour effective October 1, 2014. Vidal Ballesteros seconds the motion. Motion carried.
Board: on regards to Alejandro Ruiz when on call he will be entitle to 4 hours to go to the treatment plant for a minimum of 2 hours and also check the scada during the day and receive phone calls for District businesses. If an emergency comes up after he has arrived home and needs to come back again then he will get paid overtime rate per hour for the time it takes to respond to the emergency. Motion: Vidal Ballesteros made a motion to approve the the 4hrs when on call and the overtime pay to respond to emergencies as described above. Estella Cortez seconds the motion. Motion carried.
Vacation Time: Alejandro Ruiz may keep accruing vacation time until the end of this year, and whatever he has not used will be paid. Effective January 1, 2015 he will be entitled to 80 hours a year which will be lost if not used by December 31st of each year. Tom – to write resolution.

XI. Meeting adjourned at 7:28PM.

Respectfully Submitted by,

Ana Chavez
Secretary/Office Manager