



TULARE IRRIGATION DISTRICT

NOTICE OF PREPARATION

DATE: January 27, 2014

TO: See Attached Mailing List

FROM: Tulare Irrigation District
Attn.: Aaron Fukuda
6826 Avenue 240
Tulare, CA 93274
(559) 686-3425
akf@tulareid.org

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

The Tulare Irrigation District as Lead Agency (per the California Environmental Quality Act [CEQA] Guidelines Section 15052) has required that an Environmental Impact Report (EIR) (per CEQA Guidelines Section 15161) be prepared for the project identified below. The Tulare Irrigation District solicits the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approvals for the Project.

Due to the limits mandated by State law, your comments must be received at the address shown above no later than 5:00 pm on February 27, 2014 (i.e., the end of the 30-day comment period). In addition, comments can be submitted at one of the scoping meetings that will be held on the following dates at the following locations:

- 1) Tuesday, February 18, 2014 at 5:30 PM
Woodlake Council Chambers
350 N Valencia Blvd
Woodlake, CA
- 2) Wednesday, February 19, 2014 at 1:30 PM
Visalia Convention Center
303 E Acequia
Visalia, CA
- 3) Wednesday, February 19, 2014 at 5:30 PM
Tulare Irrigation District Office
6826 Avenue 240
Tulare, CA

PROJECT TITLE: McKay Point Reservoir Project (Project)

PROJECT LOCATION:

The Project site occupies approximately 200 acres and is located on the north side of the divergence of the Kaweah and St. Johns Rivers, near McKay Point in Tulare County, California. The site lies between, and to the south of, Lake Kaweah (2.5 miles northeast of the site) and Bravo Lake (1.5 miles northwest of the site); 1.0 miles northwest of the community of Lemon Cove; and 2.5 miles southeast of the community of Woodlake. The site is approximately one mile west-southwest of the intersection of State Highways 216 and 198, in Sections 3 and 4, Township 18 South, Range 27 East, Mount Diablo Base and Meridian.

PROJECT DESCRIPTION:

The Tulare Irrigation District (TID), the Consolidated Peoples Ditch Company (CPDC) and the Visalia & Kaweah Water Company (VKWC) (collectively referred to as the Owners) propose to construct the McKay Point Reservoir to serve as a surface water storage/re-regulation facility. When completed, the Owners will also use the McKay Point Reservoir to optimize groundwater recharge in basins within TID.

Project objectives include:

- Capturing and re-regulating water made available to the Owners during flood releases from Lake Kaweah.
- Capturing and re-regulating water entitlements belonging to the Owners released from Lake Kaweah.
- Capturing and re-regulating water released for the Owners during peak power enhancement flows from the Terminus Hydropower Plant (Lake Kaweah).
- Capturing and re-regulating any other water sources on the Kaweah River that may be made available to the Owners during the course of the year.
- Allowing other entities with water rights on the Kaweah River to capture and/or re-regulate flows when designated by the Owners.
- Allowing other entities to capture and/or re-regulate flows of the Kaweah and St. Johns rivers for purposes of storm water layoff and flood prevention with permission of the Owners and Kaweah/St. Johns water right interests.

CEMEX USA (CEMEX) will be utilized to excavate the reservoir in accordance with a prescribed set of plans and specifications established by the Owners. CEMEX intends to process the resulting aggregate materials (i.e., rock, sand and gravel) at its existing Lemon Cove Facility (formerly RMC Lone Star) located north and immediately adjacent to the McKay Point Reservoir site. CEMEX would then sell processed materials as Portland Cement Concrete (PCC) grade aggregate, used to manufacture concrete and asphaltic concrete products. Material that is sold will be transported to/from the Lemon Cove Facility without increasing the level of truck traffic because excavation of the McKay Point Reservoir will not commence until excavation at the Stillwell Project, a nearby aggregate mine operated by CEMEX, ceases.

TID will be the Lead Agency for purposes of administering the requirements of the California Environmental Quality Act (CEQA), and for preparing the McKay Point Reservoir Environmental Impact

Report (EIR). As stated in Section 1.3, TID will also function as the McKay Point Reservoir Applicant on behalf of the Owners. The Lead Agency will include baseline, cumulative, and alternative analyses in the DEIR.

The County of Tulare (County) will be a Responsible Agency under CEQA. In accordance with the requirements of the California Surface Mining and Reclamation Act of 1975, as amended (SMARA), the County is responsible for the review and approval of a Reclamation Plan and Financial Assurances. As such, the County is expected to use the EIR to inform its decision regarding the Reclamation Plan and Financial Assurances.

The Project will also require permit approvals by other agencies, as is described fully in the Initial Study prepared for the Project (attached).

A full copy of this NOP package may be found at: www.tulareid.org

Signature: 
Paul Hendrix, General Manager

Notice of Preparation Mailing List

Local Public Agencies	
Planning Department Mike Spata Tulare County Resource Management Agency Assistant Director, Planning Branch 5961 South Mooney Boulevard Visalia, California 93277	Mark Larsen Kaweah Delta Water Conservation District General Manager 2975 Farmersville Boulevard Farmersville, California 93223
Planning Department Josh McDonnell City of Visalia Assistant Director 315 E. Acequia Avenue Visalia, California 93291	Kim Loeb City of Visalia Natural Resource Conservation Manager 315 E. Acequia Avenue Visalia, California 93291
Planning Department Rob Hunt City of Tulare Community Development Director 411 East Kern Avenue Tulare, California 93274	Planning Department Greg Collins City of Woodlake City Planner 350 N. Valencia Boulevard Woodlake, California 93286
Planning Department City of Farmersville 909 W. Visalia Road Farmersville, California 93223	Planning Department City of Exeter 137 N. F Street Exeter, California 93221
Federal Agencies	
Attn: Environmental Review U.S. Army Corp of Engineers Sacramento District 1325 "J" Street, Room 1440 Sacramento, California 95814-2922	Attn: Environmental Review U.S. Fish & Wildlife Office Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, California 95825
State Agencies	
Attn: Environmental Review State Clearinghouse P.O. Box 3044 Sacramento, California 95812-3044	Attn: Environmental Review California Regional Water Quality Control Board Region 5 - Central Valley Regional Water Quality Control Board 1685 "E" Street Fresno, California 93706-2007
Attn: Environmental Review State Water Resources Control Board Water Quality P.O. Box 100 Sacramento, California 95812-0100	Attn: Ms. Christine Cox-Kovacevich Caltrans - District 6 P.O. Box 12616 Fresno, California 93778-2616

Attn: Environmental Review California Department of Fish and Wildlife Central Region (4) 1234 E. Shaw Ave Fresno, California 93710	Attn: Mr. Dave Singleton, Program Analyst Native American Heritage Commission 1550 Harbor Boulevard, Suite 100 West Sacramento, California 95691
Attn: Environmental Review Air Resources Control Board P.O. Box 2815 Sacramento, California 95812	Attn: Environmental Review San Joaquin Valley Air Quality Management District Southern Region 34946 Flyover Court Bakersfield, California 93535
Attn: Environmental Review California Highway Patrol, Central Division 5025 West Noble Ave. Visalia, California 93277-8310	Attn: Environmental Review Department of Conservation 801 "K" Street, MS 24-01 Sacramento, California 95814
Attn: Environmental Review California Geological Survey Headquarters/Office of the State Geologist 801 "K" Street, MS 12-30 Sacramento, California 95814	Attn: Environmental Review California Department of Parks and Recreation Office of Historic Preservation 1725 23rd Street Sacramento, California 95816
Attn: Environmental Review California Department of Water Resources P.O. Box 942836 Sacramento, California 94236	Attn: Environmental Review California Energy Commission 1516 Ninth Street, MS-29 Sacramento, California 95814-5512
Attn: Environmental Review Central Valley Flood Protection Board 3310 El Camino Ave., Room 151 Sacramento, California 95821	Planning Department California Water Service Co. 216 N. Valley Oaks Dr. Visalia, California 93292
Attn: Environmental Review Department of Conservation State Mining and Geology Board 801 "K" Street, Suite 2015 Sacramento, CA 95814	
Public Utilities	
Southern California Edison Brian Thoburn 2425 S. Blackstone Ave. Tulare, California 93274	Pacific Gas & Electric Attn: Environmental Review 3754 East California Avenue Fresno, CA 93725
Southern California Edison Eric Thomas 2425 S. Blackstone Ave. Tulare, California 93274	

Interested Parties	
Margret A. Seaborn 5560 Boulder Hills Drive Longmont, Colorado 80503	John W. Seaborn 5560 Boulder Hills Drive Longmont, Colorado 80503
David A. Cairns P.O. Box 44259 Lemon Cove, California 93244-0259	Rodney Jr. & Jannelle Anne Engel P.O. Box 30130 Mesa, Arizona 85275
Antelope Heights Water & Irrigation District P.O. Box 191 Woodlake, California 93286	John P & Aline M Moran 455 E. Maple Street Exeter, California 93221
Cairns Ranch Co. P.O. Box 217 Exeter, California 93221	Rocky Hill Inc. P.O. Box 175 Exeter, California 93221
Borghild Corp. 125 Carmel St. San Francisco, California 94117	Lemon Cove Sanitary District P.O. Box 74 Lemon Cove, California 93244
Dave Hengst Wutchumna Water Co., Manager 598 S. Valencia Blvd. Woodlake, California 93286	Lonestar Calif. Inc. 1501 Belvedere Road West Palm Beach, Florida 33406
Milton E. Linder P.O. Box 44063 Lemon Cove, California 93244	Jean L. Steuart 365 Tillicum Drive Silverton, Oregon 97381
Frank and Karin Callahan P.O. Box 44003 Lemon Cove, California 93244	Beresford Corporation 582 Market Street #912 San Francisco, California 94104
Kaweah Packing, LLC P.O. Box 25430 Fresno, California 93729	William and Margret Pensar P.O. Box 44151 Lemon Cove, California 93244-0151
Gretchen Hemmerich P.O. Box 44035 Lemon Cove, California 93244	George Clausen 24207 D Lomitas Drive Woodlake, California 93286
AG Kensington LLC 444 N Prospect Porterville, California 93257	Larry and Debbie Johnson 24205 C Lomitas Drive Woodlake, California 93286

Wyane and Pamela Weller 20026 Ave 306 Exeter, California 93221	Waldin and Euneeta Martin P.O. Box 44343 Lemon Cove, California 93244
Elsie Linder P.O. Box 696 Visalia, California 93279	James & Rae Wohlford 24186 Lomitas Drive Woodlake, California 93286
Eric Shannon 11878 Avenue 328 Visalia, California 93291	Charles and Micaela Brown P.O. Box 44342 Lemon Cove, California 93244
Ronald & Ramona Beggs 297 High Sierra Drive Exeter, California 93221	USA FNMA P.O. Box 650043 Dallas, Texas 75265-0043
Gary and Beverly Bohnisch P.O. Box 947 Lindsay, California 93247	Del Strange 464 E. Jackson Tulare, California 93274
Native American Organizations	
Neil Peyron Tule River Indian Tribe Chairperson P.O. Box 589 Porterville, California 93258	Lalo Franco Santa Rosa Tachi Rancheria Cultural Coordinator P.O. Box 8 Lemoore, California 93245
Kenneth Woodrow Wuksache Intian Tribe / Eshorn Valley Band Chairperson 1179 Rock Haven Ct. Salinas, California 93906	Kerri Vera Tule River Indian Trive Environmental Department P.O. Box 589 Porterville, California 93258
John Sartuche Wuksache Tribe 1028 E. K Street Visalia, California 93292	Joey Garfield Tule River Indian Tribe P.O. Box 589 Porterville, California 93258

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Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #**Project Title:** McKay Point Reservoir ProjectLead Agency: Tulare Irrigation DistrictContact Person: Aaron FukudaMailing Address: 6826 Avenue 240Phone: (559) 686-3425City: Tulare, CAZip: 93274County: Tulare**Project Location:** County: Tulare City/Nearest Community: Lemon Cove (to SE) & Woodlake (to NW)Cross Streets: off State Highway 216, midway between Road 228 and State Highway 198 Zip Code: 93286Longitude/Latitude (degrees, minutes and seconds): 36 ° 23 ' 53 " N / 119 ° 02 ' 51 " W Total Acres: 200Assessor's Parcel No.: multiple, including 113-080-005-000 Section: 3 and 4 Twp.: 18 South Range: 27 East Base: MDB&MWithin 2 Miles: State Hwy #: 216 and 198Waterways: St John River, Kaweah River, Kaweah Lake, Bravo LakeAirports: noneRailways: noneSchools: none**Document Type:**
 CEQA: ☒ NOP
☐ Early Cons
☐ Neg Dec
☐ Mit Neg Dec

☐ Draft EIR
☐ Supplement/Subsequent EIR
 (Prior SCH No.) _____
 Other: _____

 NEPA: ☐ NOI
☐ EA
☐ Draft EIS
☐ FONSI

 Other: ☐ Joint Document
☐ Final Document
☐ Other: _____
Local Action Type:
☐ General Plan Update
☐ General Plan Amendment
☐ General Plan Element
☐ Community Plan

☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan

☐ Rezone
☐ Prezone
☒ Use Permit
☐ Land Division (Subdivision, etc.)

☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☒ Other: Reclamation Pln
Development Type:
☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____

☐ Transportation: Type _____
☒ Mining: Mineral Reclamation Plan - Sand & Gravel
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☒ Other: Reservoir Excavation, Construction and Operation
Project Issues Discussed in Document:
☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☒ Drainage/Absorption
☐ Economic/Jobs

☐ Fiscal
☒ Flood Plain/Flooding
☒ Forest Land/Fire Hazard
☒ Geologic/Seismic
☒ Minerals
☒ Noise
☒ Population/Housing Balance
☒ Public Services/Facilities

☒ Recreation/Parks
☒ Schools/Universities
☒ Septic Systems
☒ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☒ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation

☒ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Growth Inducement
☒ Land Use
☒ Cumulative Effects
☐ Other: _____
Present Land Use/Zoning/General Plan Designation:Zone: AE-20 (Exclusive Agriculture, 20 Ac Min); General Plan designation: Valley Agriculture, Mineral Resource Area (MRZ-2a)**Project Description:** (please use a separate page if necessary)

The Tulare Irrigation District (TID), the Consolidated Peoples Ditch Company (CPDC) and the Visalia & Kaweah Water Company (VKWC), as joint owners (Owners), propose to construct and operate the McKay Point Reservoir on the north side of the divergence of the Lower Kaweah and St. Johns rivers near McKay Point in Tulare County, California. The reservoir would serve as a surface water storage and re-regulation reservoir and would: 1) receive water immediately upstream of the divergence of the St. Johns and Kaweah rivers, 2) provide a water storage capacity of approximately 4,000 acre-feet, 3) deliver water to either the St. Johns River or the Lower Kaweah River, as needed, and 4) provide additional storage capacity for storm water layoff and flood prevention.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<u>S</u> Air Resources Board	<u>S</u> Office of Historic Preservation
<u> </u> Boating & Waterways, Department of	<u> </u> Office of Public School Construction
<u> </u> California Emergency Management Agency	<u> </u> Parks & Recreation, Department of
<u>S</u> California Highway Patrol	<u> </u> Pesticide Regulation, Department of
<u>S</u> Caltrans District #6	<u> </u> Public Utilities Commission
<u> </u> Caltrans Division of Aeronautics	<u>S</u> Regional WQCB # 5
<u> </u> Caltrans Planning	<u> </u> Resources Agency
<u>S</u> Central Valley Flood Protection Board	<u> </u> Resources Recycling and Recovery, Department of
<u> </u> Coachella Valley Mtns. Conservancy	<u> </u> S.F. Bay Conservation & Development Comm.
<u> </u> Coastal Commission	<u> </u> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<u> </u> Colorado River Board	<u> </u> San Joaquin River Conservancy
<u>S</u> Conservation, Department of	<u> </u> Santa Monica Mtns. Conservancy
<u> </u> Corrections, Department of	<u> </u> State Lands Commission
<u> </u> Delta Protection Commission	<u> </u> SWRCB: Clean Water Grants
<u> </u> Education, Department of	<u>S</u> SWRCB: Water Quality
<u>S</u> Energy Commission	<u> </u> SWRCB: Water Rights
<u>S</u> Fish & Game Region # 4	<u> </u> Tahoe Regional Planning Agency
<u> </u> Food & Agriculture, Department of	<u> </u> Toxic Substances Control, Department of
<u> </u> Forestry and Fire Protection, Department of	<u>S</u> Water Resources, Department of
<u> </u> General Services, Department of	
<u> </u> Health Services, Department of	<u>S</u> Other: San Joaquin Valley APCD
<u> </u> Housing & Community Development	<u>S x 2</u> Other: Army Corps of Engineers & US Fish & Wildlife
<u>S</u> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date January 29, 2014 Ending Date February 27, 2014

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Tulare Irrigation District</u>
Address: _____	Address: <u>6826 Avenue 240</u>
City/State/Zip: _____	City/State/Zip: <u>Tulare, CA 93274</u>
Contact: _____	Phone: <u>(559) 686-3425</u>
Phone: _____	

Signature of Lead Agency Representative: _____

Date: 01-27-2014

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

PROJECT DESCRIPTION

1.0 INTRODUCTION

The Tulare Irrigation District (TID), the Consolidated Peoples Ditch Company (CPDC) and the Visalia & Kaweah Water Company (VKWC) are joint owners (Owners) of approximately 500 acres of land adjacent to the Kaweah and St. Johns Rivers in Tulare County, California, commonly referred to as the McKay Point property. Together, the Owners are the holders of pre-1914 and appropriative water rights on the Kaweah and/or the St. Johns Rivers, and they own storage capacity rights in Lake Kaweah formed by the impoundment of water behind the Terminus Dam. TID, in conjunction with the Kaweah Delta Water Conservation District, owns and operates the hydroelectric generation facilities at Terminus Dam (Terminus Hydroelectric Power Plant). TID is a public agency formed in 1889, under Section 11 of the California Water Code in 1889. CPDC is a mutual water company established in 1874, under Section 200 of the California Corporations Code, with a history spanning back to the early 1850s. Of similar age, the VKWC is a mutual water company formed under Section 200 of the California Corporations Code. The Owners are also all members of the Kaweah and St. Johns Waters Association (Association), which oversees the surface water rights and diversion operations on the Kaweah River.

The Owners propose to develop approximately 200 acres of the total 500-acre McKay Point property on the north side of the divergence of the Kaweah and St. Johns Rivers into a surface water storage and re-regulation reservoir. The Project is referred to as the McKay Point Reservoir.

1.1 LOCATION

Located in Tulare County, California, the McKay Point Reservoir site lies between and to the south of Lake Kaweah (2.5 miles northeast of the site) and Bravo Lake (1.5 miles northwest of the site); 1.0 miles northwest of the community of Lemon Cove; and 2.5 miles southeast of the community Woodlake (refer to Figure 1 - Location Map).

The McKay Point Reservoir site is approximately one mile west-southwest of the intersection of State Highways 216 and 198, in Sections 3 and 4, Township 18 South, Range 27 East, Mount Diablo Base and Meridian (refer to Figure 2 - Aerial View of Project Site).

1.2 PROPOSED PROJECT - MCKAY POINT RESERVOIR

The Owners propose to construct and operate the McKay Point Reservoir on the north side of the divergence of the Lower Kaweah and St. Johns Rivers near McKay Point in Tulare County, California (refer to Figure 2 - Aerial View of Project Site). When completed, the McKay Point Reservoir will serve as a surface water storage/re-regulation facility. The Owners will also use the McKay Point Reservoir to optimize groundwater recharge in basins within TID.

CEMEX USA (CEMEX) will be utilized to excavate the reservoir in accordance with a prescribed set of plans and specifications. CEMEX intends to process the resulting aggregate materials (i.e., rock, sand and gravel) at its existing Lemon Cove Facility (formerly RMC Lone Star) located north and immediately adjacent to the McKay Point Reservoir site. CEMEX would then sell processed materials as Portland Cement Concrete (PCC) grade aggregate, used to manufacture concrete and asphaltic concrete products. Material that is sold will be transported to/from the Lemon Cove Facility without increasing

the level of truck traffic because excavation of the McKay Point Reservoir will not commence until excavation at the Stillwell Project, a nearby aggregate mine operated by CEMEX, ceases (explained in Section 4.1.3).

The Owners would receive a royalty from CEMEX for the excavated materials. Royalties would be used to offset McKay Point Reservoir development costs, including the construction of associated water control facilities, and to facilitate the construction of water delivery system improvements within the Owners' water distribution systems.

1.3 APPLICANT

TID is the McKay Point Reservoir Project applicant on behalf of the Owners.

1.4 ASSESSOR'S PARCELS INFORMATION

Table 1 lists the Assessor's Parcels occupied by the McKay Point Reservoir. For each parcel, Table 1 notes its size, Tulare County General Plan Designation, Zoning, and Mineral Resources designation. For an illustration, please refer to Figures 4 - Project Parcels.

Table 1 Assessor's Parcel Numbers, General Plan, Zoning and Mineral Resources

APN	APN Acres	Tulare County General Plan Designation	Zoning	Mineral Resources
113-070-016-000 (portion)	16.00	Rural Valley Lands Plan, Valley Agricultural	AE-20	Aggregate Resource Area
113-080-005-000	65.00	Rural Valley Lands Plan, Valley Agricultural	AE-20	Aggregate Resource Area
113-080-008-000	30.00	Rural Valley Lands Plan, Valley Agricultural	AE-20	Aggregate Resource Area
113-090-001-000	64.00	Rural Valley Lands Plan, Valley Agricultural	AE-20	Aggregate Resource Area
113-100-002-000	19.00	Rural Valley Lands Plan, Valley Agricultural	AE-20	Aggregate Resource Area

As noted above in Table 1, Tulare County designates the McKay Point Reservoir area as "Rural Valley Lands Plan" in the Land Use Element of the County General Plan. The underlying parcels are zoned "AE-20" (Exclusive Agricultural, 20-acre minimum).

2.0 SETTING

2.1 REGIONAL SETTING

The McKay Point Reservoir site is located near the western boundary in the low foothills of the Sierra Nevada Geomorphic Province of California. The southern San Joaquin Valley bounds this part of the Sierra Nevada to the west and the Great Basin to the east. The site is drained by the Kaweah River, which drains to the ephemeral Tulare Lake in the southern end of the San Joaquin Valley, and by the St. Johns River, which becomes Cross Creek, before draining into the Tulare Lake bottom near Corcoran.

The *Foothill Growth Management Plan Element* of the *Tulare County General Plan* describes the area climate as typical of the foothill region, with cool rainy winters having a mean daily temperature ranging from 40° to 50° F and hot dry summers where daytime temperatures can exceed 100° F.

During the summer months, a high-pressure system off the west coast of California prevents precipitation from occurring in the foothills. During the winter, this high-pressure system is intermittent, allowing Pacific storms to bring rainfall to the foothills. Rainfall increases with elevation in the foothills and ranges from approximately 10 inches at the base to 25 inches at 3,000 feet. Most of this precipitation occurs from November through April.

There is a dominant southeasterly wind flow pattern towards the Tehachapi Mountains. At night, this flow is reversed by winds that flow from the Sierra mountain and foothill canyons.

Biological resources in the region have been modified by past and present land uses. Prior to human settlement, this region was dominated by riparian vegetation within the floodplains, with stands of valley oak and interior live oak on higher ground. Herbaceous wetland bottoms and upland native grassland communities were common in this vegetation mosaic. The extensive oak forests and riparian/wetland habitats hosted a diverse and abundant wildlife community. Cattle grazing and deforestation of the oaks in the early- to mid-1800s for agriculture substantially altered both the floodplain and channel vegetation.

Currently, in the foothills, the vegetation ranges from annual grasses in open areas to dense shrubs and trees. Much of the native vegetation in the area has been replaced by introduced species or has been eliminated by cultivation and overgrazing. Agriculture is currently the main land use in the region, although narrow strips of riparian vegetation grow along remnant tributaries.

2.2 LOCAL SETTING

Historically, the McKay Point Reservoir site has been used for cattle grazing under lease arrangements. Most of the McKay Point Reservoir site is vegetated with native grasses except for a small portion of ground along the adjacent Kaweah River above McKay Point, which is vegetated by native trees and shrubs. The McKay Point Reservoir site gains in elevation, when approaching the north boundary of the property.

In addition to CEMEX's Lemon Cove Facility immediately to the north, the Kaweah River Rock aggregate mining and processing facility is located immediately to the west (260 acres), and the North Hannah Ranch Project lies approximately 1.0 miles to the southwest (refer to Figure 3 - Aerial View of Adjacent Projects and Land Uses). Figure 3 also serves to illustrate how adjacent lands to the south and east are used intensively for agricultural and, to a limited extent, for rural residential purposes.

The surface soil at the site primarily consists of loose, medium-grained sand with occasional gravel and cobbles. Native grasses and trees are present and they increase in density with proximity to the nearby rivers. The site topography is relatively level with a depression in the southeast corner. Site surface drainage is generally to the south and southeast toward the Kaweah River and generally to the south and southwest toward the St. Johns River. The site elevation falls from approximately 472 feet above

mean sea level (msl) on the northeastern end of the property, to approximately 454 feet above msl on the southwestern end.

The long-term water-level measurements for wells in the area indicate a stability of water levels, except for temporary declines during drought periods. Approximate water level elevations range from 463 feet above msl near the east edge of the Lemon Cove Facility, to less than 430 feet above msl in the western part of the CEMEX excavations. These excavations are the result of permitted surface mining activities on that site. Groundwater-level elevations ranged from about 418 to 438 feet above msl in the area immediately north of the McKay Point Reservoir site. Test borings within the site indicate depth to water ranges from 20 to 7 feet, with corresponding water-level elevations ranging from 438 to 459 feet above msl.

2.3 REGULATORY SETTING

TID will be the Lead Agency for purposes of administering the requirements of the California Environmental Quality Act (CEQA), and for preparing the McKay Point Reservoir Environmental Impact Report (EIR). As stated in Section 1.3, TID will also function as the McKay Point Reservoir Applicant. The County of Tulare (County) will be a Responsible Agency under CEQA.

Under SMARA Section 2774 (c), lead agencies are required to submit reclamation plans to the Director of the Department of Conservation (i.e., OMR) for review prior to approving such documents. In this regard, the County will be the Lead Agency for purposes of administering the requirements of the California Surface Mining and Reclamation Act of 1975, as amended (SMARA). As such, the County is responsible for the review and approval of the Reclamation Plan and Financial Assurances prepared for the Project. It is anticipated the County will use the EIR to inform its decision regarding the Reclamation Plan and Financial Assurances.

In listing the many uses that may be permitted within the AE-20 zone, under a Special Use Permit, the Tulare County Zoning Ordinance provides "*that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone.*" (Source: Tulare County Zoning Ordinance Section 16.II.B.)

Tulare County Zoning Ordinance Section 7-25-1020 provides that appurtenant uses typical of a surface mining operation "*may be permitted through the surface mining permit approved for surface mining operations in lieu of requiring a special use permit, when such uses are found by the Planning Commission to be a reasonably necessary adjunct to the mining operations.*"

Tulare County Zoning Ordinance Section 7-25-1085 requires approval of a Reclamation Plan and Financial Assurance Cost Estimate.

In this instance, because the TID, serving as Lead Agency, will decide its own action, a Special Use Permit will not be required from the County. However, the County will require its approval of a Surface Mining Permit for a SMARA-compliant Reclamation Plan and Financial Assurance Cost Estimate. The County's past and recent approvals of surface mining in the immediate vicinity of the Project, on lands similarly zoned, serve to illustrate the County has determined the excavation of a reservoir and processing of the materials does not conflict with existing zoning for agricultural use.

Once TID and Tulare County approvals have been granted, the operator is required to file annual operator reports and annual updates of the Financial Assurance Cost Estimate with OMR. In addition, an annual mine inspection report is filed with OMR.

3.0 PROJECT OBJECTIVES

The Owners' objectives in proposing the McKay Point Reservoir Project include:

- Capturing and re-regulating water made available to the Owners during flood releases from Lake Kaweah.
- Capturing and re-regulating water entitlements belonging to the Owners released from Lake Kaweah.
- Capturing and re-regulating water released for the Owners during peak power enhancement flows from the Terminus Hydropower Plant (Lake Kaweah).
- Capturing and re-regulating any other water sources on the Kaweah River that may be made available to the Owners during the course of the year.
- Allowing other entities with water rights on the Kaweah River to capture and/or re-regulate flows when designated by the Owners.
- Allowing other entities to capture and/or re-regulate flows of the Kaweah and St. Johns rivers for purposes of storm water layoff and flood prevention with permission of the Owners and Kaweah/St. Johns water right interests.

Note: The nature of the Project is such that it provides the potential for the Kaweah River water rights held by others to be managed under an agreement between the Owners and the other water rights holders, should such an agreement be acceptable to all parties.

To these ends, the Owners propose to construct and operate the McKay Point Reservoir (refer to Figure 5 – Site Plan) to:

- Divert and receive water immediately upstream of the divergence of the St. Johns and Kaweah rivers.
- Provide a water storage capacity of approximately 4,000 acre-feet.
- Deliver water back to either the St. Johns River or the Kaweah River, as needed.
- Provide additional storage capacity for storm water layoff and flood prevention.
- All such diversions and deliveries to and from the Reservoir are to be coordinated with the Association and its Watermaster.

4.0 RESERVOIR EXCAVATION AND CONSTRUCTION

4.1 RESERVOIR EXCAVATION

Excavation would likely begin in the eastern portion of the property and would progress westward (refer to Figure 6 – Final Reservoir Contours); however, additional surveys and final reservoir design will dictate actual excavation phasing. The resulting reservoir would occupy a surface area of approximately 110 acres and would have storage capacity of approximately 4,000 acre-feet. Depths of approximately

60 feet below ground surface (bgs) are proposed. Final slopes are anticipated to be approximately 3:1, horizontal:vertical (h:v), in order to minimize any bank erosion from the wind and water.

4.1.1 Disposition of Excavated Materials

Approximately 70 percent of the excavated material would be Portland Cement Concrete (PCC) grade aggregate and can be used as aggregate and aggregate-using products, such as concrete and asphalt. As a reservoir excavation by-product, excavated materials would be transported to the adjacent Lemon Cove Facility, where it would be processed into PCC-grade construction materials by CEMEX. Processed material will be sold and exported from the existing Lemon Cove Facility and, therefore, does not generate new transportation related impacts.

Excavation also results in excess fines, some of which may be used as a soil amendment onsite in association with revegetation activities and in the construction of levees and bank slopes. The remainder of the fines could be sold as slurry used in nonstructural concrete or as miscellaneous fill material.

Initial testing indicates that excavated material would have an overburden between 6 to 12 feet deep, comprised primarily of a very sandy material (60 to 80 percent) in the top 20 feet. Below 20 feet, the material is comprised largely of gravel (40 percent) and sand (40 to 48 percent), and lesser amounts of silts and clays (12 to 20 percent).

Over the estimated 15-year construction period, excavation is expected to proceed at an average rate of 920,000 gross tons per year, although this rate will likely vary up or down in any given year. Once processed, approximately 70 percent of the excavated materials will be of marketable quality, which is referred to as net tons. The rate of material processing will be related to Lemon Cove Facility's annual average rate of 677,670 net tons of construction-grade aggregate resources. (Refer to Section 4.1.2.) This means an average year's excavation of 920,000 gross tons would produce 644,000 net tons of marketable construction-grade aggregate.

The gross volume calculations are based on the excavation of approximately 110 acres to a depth of 60 feet bgs at its deepest point. The gross volume of excavated material is estimated to be 9.3 million cubic yards, of which approximately 73,200 cubic yards of material would be used as fill in association with the construction of the perimeter road. Net of fill, the Project would excavate a gross volume of approximately 9.2 million cubic yards. At an assumed density of 1.5 tons per cubic yard, this equates to 13.8 million gross tons. This volume is derived by comparing final basin design with pre-mining topography. Additional cut/fill volumes will be associated with reservoir construction in the form of backfill against the slurry wall to achieve 3:1 final slopes. Table 2 provides a summary of the excavation.

Table 2 Excavation Phase Summary

Gross Tons	Net ¹ Tons	Area (acres)	Duration (years)
13.8 million	9.66 million	110	15 years est.

¹ Net tons are the marketable construction-grade aggregate derived through processing. Net tons equate to approximately 70 percent of the gross tons processed.

4.1.2 Relationship to the CEMEX Lemon Cove Processing Facility

The material excavated from the McKay Point Reservoir Project will be transported to the adjacent Lemon Cove Facility where it would be processed. As a result, no on-road haul trucks will be used to transport excavated material.

Surface mining and the processing of aggregates has occurred at CEMEX's existing Lemon Cove Facility since the early 1970s. On March 9, 1971, the Tulare Board of Supervisors approved the application of V.C. Burton, Pacific Cement and Aggregates (predecessor to CEMEX) for a Manufacturing Class 2 Special Use Permit to allow for the:

"establishment of a rock, sand and gravel plant and extraction of sand, gravel and allied materials from an approximate 338 acre site to be located in an A-1 Agricultural, Zone between Highway 216 and the Kaweah River, approximately one mile northwest of Lemon Cove, California." (Board Resolution No. 71-2695 [Special Use Permit No. PM 71-1]; Planning Commission Resolution No. 3502.)

Neither resolution approving PM 71-1, nor the project application, specifies a limitation or maximum annual tonnage for production at the Lemon Cove Facility processing plant.

On December 23, 1985, the Tulare Board of Supervisors adopted Resolution No. 6193, approving the application of Lone Star Industries, Inc. (successor to Pacific Cement and Aggregates and predecessor to CEMEX). This approval was for a Surface Mining Permit and Reclamation Plan (SMP 85-04), involving the excavation of sand and gravel on a 40.7-acre parcel of land adjacent to the existing PM 71-01 rock, sand, and gravel operation.

The application for SMP 85-04 served to amend the existing PM 71-01 rock, sand and gravel operation by adding the proposed 40.7 acres to the existing 338-acre operation at the Lemon Cove Facility. The County certified a Negative Declaration in conjunction with its approval of SMP 85-04, finding that SMP 85-04 would not have a significant effect on the environment. As provided in Resolution No. 6193 approving SMP 85-04:

"[a]n estimated 700,000 tons of material will be removed yearly with an estimated life of the operation to be 3 years. The total anticipated material to be removed from the project site is approximately 2,000,000 tons with 750,000 tons of waste or overburden to be retained on the site."

Annual mine production data is protected as proprietary and is therefore not included in this Project Description. The Lemon Cove Facility processed internal aggregate onsite until 2009. The Lemon Cove Facility also processed material from the Stillwell mine from 2006 until its temporary shutdown in May 2013. During the 11 years from 2002 to 2012, the Plant processed a total of 5,653,200 tons (an average of 677,670 tons annually) of construction-grade aggregate resources. The Facility's peak annual production occurred in 2006. In processing the material excavated from the McKay Point Reservoir Project, CEMEX would operate within this average annual rate of processing. As a result, the McKay Point Reservoir Project proposes no increase in the truck traffic associated with product sales, transport and delivery from the Lemon Cove Facility.

4.1.3 Relationship to the CEMEX Stillwell Project

The 137-acre Stillwell Project is located approximately one mile to the northwest of the proposed McKay Point Reservoir, just north of the intersection of State Highways 216 and 198. The County prepared and certified an EIR for the Stillwell Project in conjunction with its 2002 approval of the Surface Mining Permit and Reclamation Plan (PMR 98-003/PSR). The maximum annual production (mined) for the Stillwell Project is 1,000,000 cubic yards or 1,500,000 tons and the maximum annual production (marketed) is 566,000 cubic yards or 849,000 tons. (Source: Stillwell Final EIR, sub-chapter 3.4.2, p. 3-8.)

Stillwell Project EIR Section 2.1 discusses the relationship of the Stillwell Project to the Lemon Cove Facility, noting the Lemon Cove Facility *“produces 400,000 to 800,000 cubic yards annually of construction-grade aggregate resources (depending on market conditions)”* and that the *“proposed Stillwell Project [would utilize] existing Lemon Cove Plant [Facility] traffic routes.”* (Source: Stillwell Final EIR, p. 2-1.)

Stillwell Project EIR Section 3.1 explains that the Stillwell Project *“generally only involves excavation and off-site transport of material”* and that all *“material processing”* except for initial screening of the material *“would be performed off-site at the existing Lemon Cove Plant [Facility] (not part of this project).”* (Source: Stillwell Final EIR, p. 3-1.) Material from the Stillwell Project is transferred from *“on-site stockpiles at the proposed Stillwell site by front-end loaders to 25-ton road trucks (making up to 300 round trips per day) to the Lemon Cove Plant [Facility] for processing and sale.”* (Source: Stillwell Final EIR, p. 3-12.)

Once mined, materials from the Stillwell Project are transported by on-road heavy trucks to the Lemon Cove Facility for processing. That travel distance is approximately 1.0 mile and involves approximately 75 truck round-trips within the A.M. peak hour. Hauling does not generally occur during the P.M. peak hour. This level of activity continued until the temporary idling of the Lemon Cove Facility in May 2013.

The Owners propose to initiate construction of the McKay Point Reservoir as the mining activities at the Stillwell Project are ending. As the Stillwell Project ends, CEMEX excavation and other related equipment would move to the McKay Point Reservoir site, thereby reducing the need for duplicate sets of equipment and eliminating the cumulative impacts of combined air emissions.

4.2 RESERVOIR CONSTRUCTION

Construction of the McKay Point Reservoir would include the following components illustrated in Figure 5 – Site Plan:

- Inflow Channel - 500 cubic feet per second (cfs) capacity
- Electrically Operated Weir for the Inflow Channel
- Inflow Chute
- Energy Dissipation Pool - Based upon the drilling logs, it is expected bedrock will be encountered at the proposed final elevation. However, if the excavation does not get down to bedrock, installation of an energy dissipation pool at the base of the Inflow Chute would prevent the potential scouring effects of the water entering the reservoir.

- Floating Barge Pump - 160 cfs capacity to deliver into the Kaweah River upstream of the existing McKay Point structure
- Above-Ground Diesel Tank, Generators and Generator Building
- Floating Barge Pump Discharge
- Outflow Channel - 900 cfs capacity into the St. Johns River
- Electrically Operated Weir for the Outflow Channel
- Placement of slurry walls around the Reservoir's perimeter to minimize groundwater intrusion
- Access Gate
- Perimeter Road and Truck Turnaround
- Perimeter Fence

Note: The Department of Water Resources, Division of Safety of Dams holds jurisdiction over projects that create a dam height more than six feet and impound 50 acre-feet or more of water; or a dam height 25 feet, or higher, and impounds more than 15 acre-feet of water. The Project does not meet these criteria.

4.2.1 Excavation

Reservoir excavation would make use of the mobile equipment noted below in Section 4.2.2. Excavated material would either be transported to the Lemon Cove Facility by off-road trucks, or by a conveyor located on level ground above the excavation (i.e., not within the excavation). The proposed final contours of the McKay Point Reservoir's are illustrated in Figure 6 - Final Reservoir Contours.

4.2.2 Onsite Mobile Equipment

The equipment used during the excavation of the site would include:

- Excavator
- Haul Trucks
- D9 Dozer
- Grader
- Water Truck
- Scraper

The equipment used for the construction of the reservoir facilities, such as inlet and outlet features, includes:

- Excavator
- Backhoe
- Water Truck
- Grader
- Loader

- Compactor
- Cement Trucks
- Cement Pumps
- Cranes
- Trenchers
- Portable Generators
- Pneumatic Pumps

4.2.3 Water Use and Management

As the groundwater table on the McKay Point Reservoir site is at a depth of only seven (7) to twenty (20) feet below the surface, water within the excavated areas would be pumped to allow access to the excavation area by wheeled equipment. Pumped water will either be stored in an adjacent CEMEX pond(s) and/or recirculated in onsite ditches. This, in conjunction with slurry walls (reference Sections 4.2.4 and 5.9), would serve to keep the excavation in a near dry condition while reservoir construction is underway.

Water used at the McKay Point Reservoir site would primarily be to control fugitive dust and would be drawn from within the onsite excavation by pumps and applied by a water truck. Total water consumption would average 3.5 million gallons (i.e., approximately 11 acre-feet) per year. The amount used daily would vary, depending on season, wind and soil conditions.

4.2.4 Slurry Walls

Slurry walls are below-grade walls that restrict groundwater flow or support excavations and structures, using soil-bentonite or cement-bentonite. Slurry walls are being widely used as a ground remediation tool for groundwater containment. As needed, a slurry wall would be installed to slow or eliminate groundwater from flowing into the reservoir during construction, and to maintain an evacuated state as part of the long-term operations (i.e., a full reservoir has limited water re-regulation value). In using slurry walls around the reservoir, TID, per construction services agreements with CEMEX, intends to minimize the dewatering flows to no more than 500 gallons per minute (gpm) during reservoir construction. As further explained in Section 5.9, the slurry wall would be a permanent fixture of the reservoir facility and would serve as an essential feature to maintain dewatered storage space to receive water diversions by the Owners.

4.2.5 Days and Hours of Operation and Employment

CEMEX expects to use between 10 and 18 employees during the construction of the reservoir. Excavation would occur between 4:00 AM and 6:00 PM, Monday through Saturday, and continue until the desired depth and extent of excavation achieves reservoir design.

During McKay Point Reservoir construction, the Owners will perform periodic site visits to monitor the construction schedule, design and general requirements. This is anticipated to be as frequently as weekly visits by the TID Engineer and TID Engineering Technician, but no less than once a quarter.

4.2.6 Traffic

Excavated materials will be transported to the adjacent Lemon Cove Facility, either by being placed directly into onsite haul trucks, which would not travel on public roads, or directly via a conveyor system. The use of on-road haul trucks to transport the excavated material to the Lemon Cove Facility will not be required.

Access for employees and service vehicles will be through the Lemon Cove Facility entrance to the McKay Point Reservoir. As a result, the McKay Point Reservoir would generate only nominal traffic on public roadways.

4.2.7 Onsite Hazardous Materials

During reservoir construction, onsite hazardous materials will not be stored on the McKay Point Reservoir site. All vehicles would be serviced and fueled at the Lemon Cove Facility where the receipt, storage, handling, use and disposition of these materials in compliance with the requirements of the approved Business Plan, Hazardous Materials Inventory, and Above-Ground Storage Tank (diesel) permit approved by Tulare County.

Construction will include the installation of an above-ground diesel storage tank, diesel generators, and a generator building near the Inflow Chute (refer to Figure 5 – Site Plan). During reservoir operations, the diesel generators would provide power to the floating pump station. The Owners are currently evaluating the cost-effectiveness of a direct power supply from a power company and other options for power.

4.2.8 Utilities

Electrical power would be provided by Southern California Edison from nearby power lines.

4.2.9 Lighting

Except for the security lighting described below in Section 4.2.10, no nighttime lighting is proposed and/or required.

4.2.10 Administration, Security, and Public Safety

An onsite office would house administrative staff present on a daily basis to oversee operations at the construction site. Security personnel would monitor the site on nights and during the weekends. The perimeter of the construction site would be fenced and all facilities secured.

5.0 RESERVOIR OPERATIONS

5.1 OVERVIEW

Once the McKay Point Reservoir is completed, the Owners will utilize the reservoir and its facilities to manage their surface water supplies to increase the long-term availability of irrigation supplies, groundwater recharge supplies, and power enhancement via water re-regulation. Its purpose is to provide multiple benefits including:

- Flow re-regulation for better surface water utilization.
- New water yield for irrigation purposes by capturing damaging and unutilized floodwater and returning it to the river to be used by water users served by the Owners or other Association Units. This includes the ability to increase groundwater recharge efforts.
- Flood control by capturing and temporarily holding damaging floodwater at times when downstream interests, including the City of Visalia, which may otherwise see damaging flood flows.
- Seasonal flow re-regulation for increased hydroelectric power generation and revenue production by extending the power generation season.
- Optimize the capture of water released during peak power enhancement flows from the Terminus Hydropower Plant (at Lake Kaweah) for later release when needed downstream.

5.2 INFLOW CHANNEL MANAGEMENT

The Inflow and Outflow Channels will be constructed perpendicular to the Kaweah and St. Johns Rivers (refer to Figure 5 – Site Plan). This will provide flow into the reservoir via a reinforced concrete control structure. The control structure would include an approach apron, reinforced concrete floor, a flow/level control gate, walls and a deck on top of the structure.

To receive river water into the reservoir and, when the river water level is higher than that of the reservoir, the Electrically Operated Weir on the Inflow Channel would be lowered. Water would flow by gravity into the reservoir up to a maximum flow capacity of 500 cfs. Upon achieving water level equilibrium between reservoir and river, the Electrically Operated Weir would be raised. As the level of the river recedes, the Electrically Operated Weir would serve to hold water in the reservoir.

5.3 OUTFLOW CHANNEL MANAGEMENT

5.3.1 Gravity-Flow Water Delivery into the St. Johns River and Kaweah River

When the St. Johns River water level is lower than that of the reservoir, lowering the Electrically Operated Weir on the Outflow Channel would deliver water by gravity flow into the St. Johns River up to a maximum flow capacity of 900 cfs. The average flow rate of return will approximate 125 to 150 cfs because the flow rate would reduce gradually to zero as the level of the reservoir approached the level of the Outflow Channel. The Outflow Channel will include a rip-rap or concrete apron, constructed across the riverbed of the St. Johns River when dry. This apron will prevent the potential scouring effects of the water entering the river.

When the Kaweah River water level is lower than that of the reservoir, lowering the Electrically Operated Weir on the Outflow Channel would deliver water by gravity flow into the Kaweah River at a flow capacity of 500 cfs. The average flow rate of return will approximate 125 to 150 cfs because the flow rate would reduce gradually to zero as the level of the reservoir approached the level of the Inflow Channel. The Outflow Channel would include a rip-rap or concrete apron, constructed across the riverbed of the Kaweah River when dry. This apron will prevent the potential scouring effects of the water entering the river.

Water delivery in this manner is limited by the amount of water being stored at a level higher than that of the Outflow Channel (i.e., approximately 15 feet of additional storage). Once the level of the reservoir falls below that of the Outflow Channel, the Floating Barge Pump will be used as described immediately in Section 5.3.2.

5.3.2 Pumped Water Delivery into the St. Johns River or Lower Kaweah River

To release water to the St. Johns River or the Lower Kaweah River when the river water levels are higher than that of the reservoir, the Floating Barge Pump (electrically powered) will pump water from the reservoir, via the Floating Barge Pump Discharge, into the Kaweah River, upstream of the McKay Point Structure. The Floating Barge Pump, or series of pumps, would have an approximate maximum flow rate of 160 cfs.

The McKay Point Structure includes the water control facilities owned and operated by the Kaweah Delta Water Conservation District and the Kaweah & St. Johns Rivers Association. The structure consists of two check structures, one on the St. Johns River and one on the Lower Kaweah River, each with nine automated gates. The structure can be operated such that the gates on the St. Johns River side can be raised, therefore shunting more flows down the Lower Kaweah River. Because CPDC, VKWC and TID hold many of the rights to the waters of the Kaweah River system, water released from the reservoir and shunted into the Lower Kaweah River in this manner would serve CPDC and VKWC customer needs, as well as TID customer needs if desired.

In a similar manner, the McKay Point Structure can be operated such that the gates on the Kaweah River side are raised, therefore shunting more flows down the St. Johns River. Because TID holds rights to waters of the St. Johns River, water released via the Outflow Channel would serve TID customer needs.

Supervisory Control and Data Acquisition (SCADA) equipment would be used to:

- Monitor Reservoir and river levels;
- Monitor and operate the Inflow Channel, Outflow Channel, and Floating Barge Pump; and
- Monitor and coordinate with the automated gates of the McKay Point Structure with the Association and its Watermaster.

SCADA equipment would permit remote monitoring, control and operations by TID operators from TID's office. In addition, TID operators would have the ability to place the control gates in either a condition of flow control or level control. In flow or level control, the gates would autonomously operate to maintain a desired flow, or a desired elevation in the river channels.

5.4 FLOOD CONTROL/STORMWATER MANAGEMENT

The McKay Point Reservoir's water turnout facilities will allow the diversion of up to 500 cfs. With 4,000 acre-feet of total capacity, the reservoir could go from empty to full in just 4 days. This relatively short time span coincides with most of the local peak rain/flood events, which are also of relatively short duration, with much of the flood water coming from the uncontrolled Dry Creek. The ability to capture 500 cfs of floodwater is significant, considering that such a flow might otherwise put the levees protecting the City of Visalia in jeopardy. As has already been demonstrated with other temporary flood

water detention facilities, short-term reductions in flow coming into the City of Visalia by upstream diversions from the Lower Kaweah River allows the City's storm water system to operate, given the added ability to place stormwater somewhere other than a creek system already at full capacity.

5.5 DISTRIBUTION OF STORED WATER/REDUCED ENERGY USE AND GREENHOUSE GASES

The McKay Point Reservoir would have the ability to re-regulate releases made from Lake Kaweah, which would allow the Terminus Hydropower Plant outlets to produce more peak period power and some ability to generate more energy overall. The Kaweah River Power Authority is engaged in the planning and design for another hydropower unit at Terminus Dam. Such an additional generator adds to the potential for the McKay Reservoir to be used to optimize energy generation. There will be no power plants at the McKay Point Reservoir site.

With the McKay Point Reservoir, the instantaneous flow rate through the Kaweah Reservoir generators can be increased to release more water than is needed by downstream interests. For example, during on-peak power generation periods from noon to 6:00 PM, releases from Lake Kaweah can be increased, thereby enhancing power generation revenues. Releases from Lake Kaweah would then be reduced during off-peak hours and make-up deliveries would be made out of McKay Point Reservoir. The ability to re-regulate flows in an "after-bay" facility downstream of the Terminus Hydropower Plant is necessary to providing a constant and consistent flow to downstream interests. The McKay Point Reservoir would provide such an after-bay by allowing Terminus Hydropower Plant power generation releases to vary and by re-regulating water flows to provide consistent deliveries to downstream users.

This after-bay effect also serves to extend the generation season by allowing the releases from Lake Kaweah through the hydroelectric generators to be made during a shorter period of time, but at higher flow rates. This would allow the hydroelectric generators to function when they would otherwise be shut off because they do not have enough flow through them to operate.

The Kaweah River Power Authority (an entity comprised of the Kaweah Delta Water Conservation District and the Tulare irrigation District) owns the hydroelectric generation facilities at Terminus Dam on Lake Kaweah. It is envisioned that agreements would be developed to compensate the Owners for the power generation and revenue enhancement created by the McKay Point Reservoir and its "after bay" effect. Any additional kilowatt-hours of energy generated, including that during on-peak hours, will aid in reducing Greenhouse Gas emissions from alternative power sources.

5.6 RE-REGULATION FOR BETTER WATER UTILIZATION

When flood control releases are required from Kaweah Reservoir, or when Dry Creek or Yokohl Creek are running, water must be diverted to groundwater recharge basins or otherwise disposed. This is because there is reduced irrigation demand from the Owner's water users during periods of heavy rainfall. The McKay Point Reservoir would allow flood releases to be diverted and stored temporarily until the demand for irrigation water resumes. When diverted and stored, such water would be sold/delivered directly to irrigation users, thereby saving the significant amount of energy otherwise consumed through groundwater recharge and subsequent recovery.

5.7 NEW YIELD

Lake Kaweah provides benefits in terms of its ability to capture and control floodwater, and make water available for future beneficial use. However, at times there still is floodwater from the Kaweah River (or Dry and Yokohl creeks) that cannot be controlled and used directly by water users or recharged to groundwater for future use. This water typically floods farmland in the Tulare Lake Bed, or is diverted via pumps into the Friant-Kern Canal for disposal at the Canal's terminus in the Kern River, assuming the Kern River is not also in a flooding state.

The McKay Point Reservoir would have the ability to capture some of this floodwater, where it would be held until it can be safely returned to the Kaweah and St. Johns rivers for direct use or recharge. In proposing the McKay Point Reservoir, the Owners believe it could fill and empty multiple times during wet years when there is sufficient dry time to safely, effectively and beneficially return the water to the Kaweah and St. Johns rivers. It is estimated the McKay Point Reservoir could provide approximately 4,000 acre-feet per year of new yield.

5.8 LONG-TERM SITE STABILITY

The Owners have possessed the property since 1892. They have a vested interest in this site as it houses the key facilities to control flows on the Kaweah and St. Johns rivers other than Terminus Dam and Lake Kaweah. The area surrounding the site has been heavily mined for aggregate, and an additional mine has been approved just west and south of McKay Point. After excavation and construction, the Owners intend to own and operate the resulting McKay Point Reservoir into the near future. What makes this project unique is that the plan for site reclamation is the primary objective, namely a water reservoir with multiple long-term benefits. The Reclamation Plan (described in Section 6.0) will provide for a site that is aesthetically pleasing and consistent with the riparian vegetation and channel conditions found along the Kaweah and St. Johns rivers, and maintained by Owners who have a long-term reason to continue to own and maintain the property in adequate fashion.

5.9 PIT WATER MANAGEMENT

As the groundwater table on the McKay Point Reservoir site is at a depth of only seven (7) to twenty (20) feet below the surface, water within the excavated areas would be pumped to allow access to the excavation area by wheeled equipment. Pumped water would either be placed into:

- A dewatering gallery (onsite ditches) that moves water around the site;
- One or more of the adjacent ponds on the Lemon Cove Facility site; and/or
- The existing dewatering gallery on the Lemon Cove Facility site.

As noted in Section 4.2.4, a slurry wall, placed during construction of the Reservoir, will likely be relied upon to minimize the groundwater inflows to a maximum of 500 gpm. This would serve to keep the reservoir in a near dry condition when not being used for storage. After construction of the Reservoir, and during long-term operations as a water management facility, it is intended that the Reservoir remain relatively empty and void of local groundwater in order to provide maximum space to receive Kaweah River water as directed by the Owners.

5.10 OTHER ASPECTS OF PROJECT OPERATIONS

5.10.1 Storm Water Pollution Prevention Plan

In California, the State Water Resources Control Board (SWRCB) has jurisdiction throughout California. Created by the State Legislature in 1967, the Board protects water quality by setting statewide policy, coordinating and supporting the Regional Water Board efforts, and reviewing petitions that contest Regional Board actions. The SWRCB elected to issue a statewide General Permit that applies to all industrial storm water discharges requiring a permit except those from construction activities. The SWRCB adopted the General Permit and Fact Sheet on November 19, 1991, which was reissued on April 17, 1997.

Nine regional water quality control boards exercise rule making and regulatory activities by basins. Tulare County falls within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). As such, the Project is subject to the requirements of the *Water Quality Control Plan for the Tulare Lake Basin*, revised January 2004.

A Storm Water Pollution Prevention Plan (SWPPP) would be developed to comply with the requirements set forth in Industrial Storm Water General Permit Order 97-03-DWQ, which pertain to the General Permit No. CAS000001, the purpose of which is to fulfill the following objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges; and
- File Notice of Intent (NOI).

5.10.2 Days and Hours of Operation and Employment

During McKay Point Reservoir operations and management, TID would have daily control over the reservoir and related facilities, which include the use of the SCADA equipment to monitor and control the facility remotely. TID staff would also perform routine onsite inspections to ensure the reservoir is operating properly.

5.10.3 Onsite Mobile Equipment

During the operations and maintenance of the reservoir, there would be limited equipment usage. Most notable would be the need to grade the facility and to remove any debris that collects in the bottom of the reservoir. The following equipment would be used annually for a singular maintenance operation:

- Grader
- Loader
- Dump Truck
- Herbicide Spray Truck

5.10.4 Traffic

Operation and maintenance of the McKay Point Reservoir would generate only nominal traffic associated with daily site visits and embankment maintenance operations.

6.0 RECLAMATION PLAN

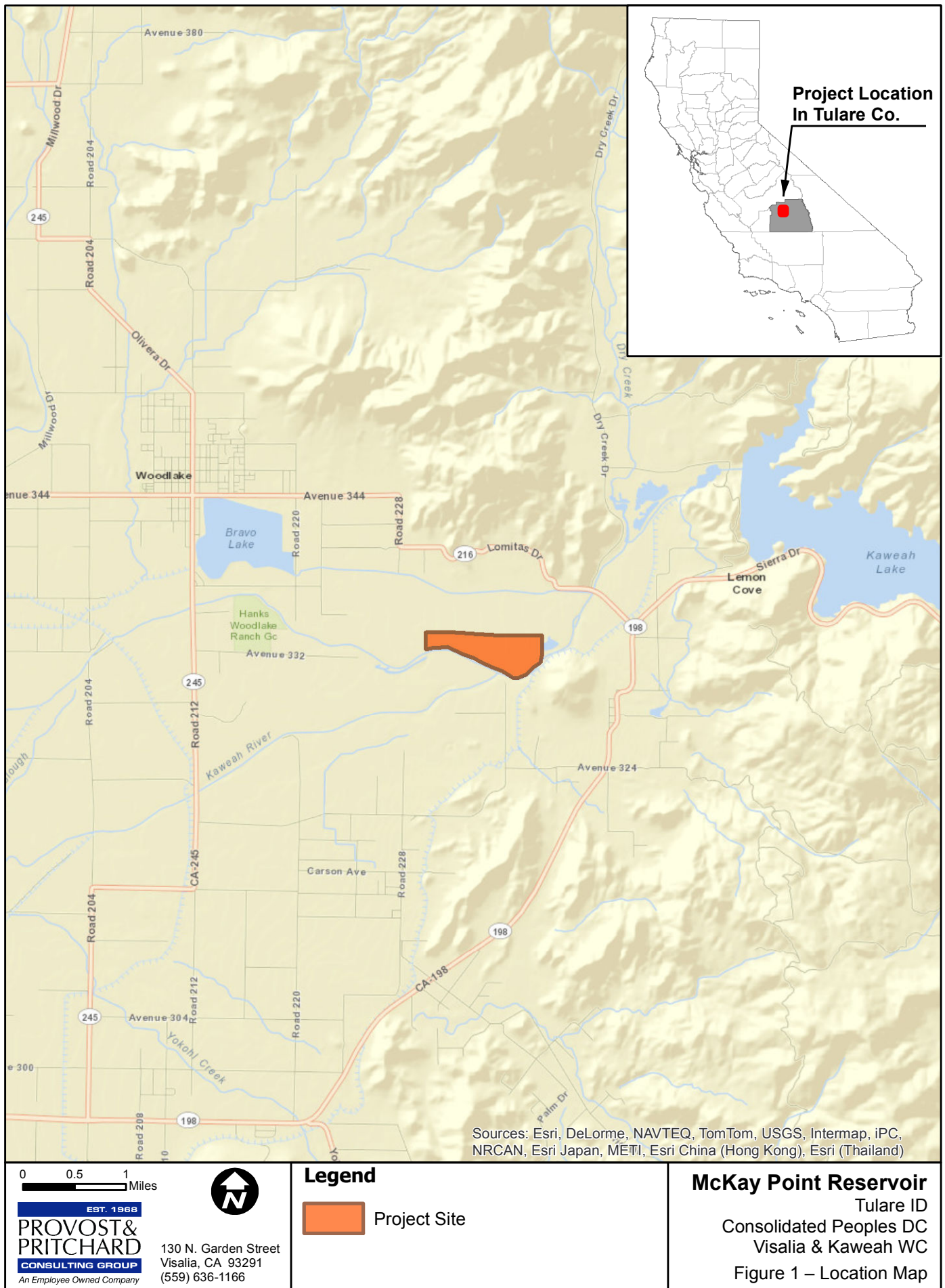
Although the McKay Point Reservoir is not proposed as a surface mining operation, through early consultation with County of Tulare staff, it was determined that the County would require the preparation and County approval of a Reclamation Plan in accordance with the requirements of Tulare County Zoning Ordinance, Chapter 25 (Surface and Mining Reclamation). Section 7-25-1085 (Permit) notes the following:

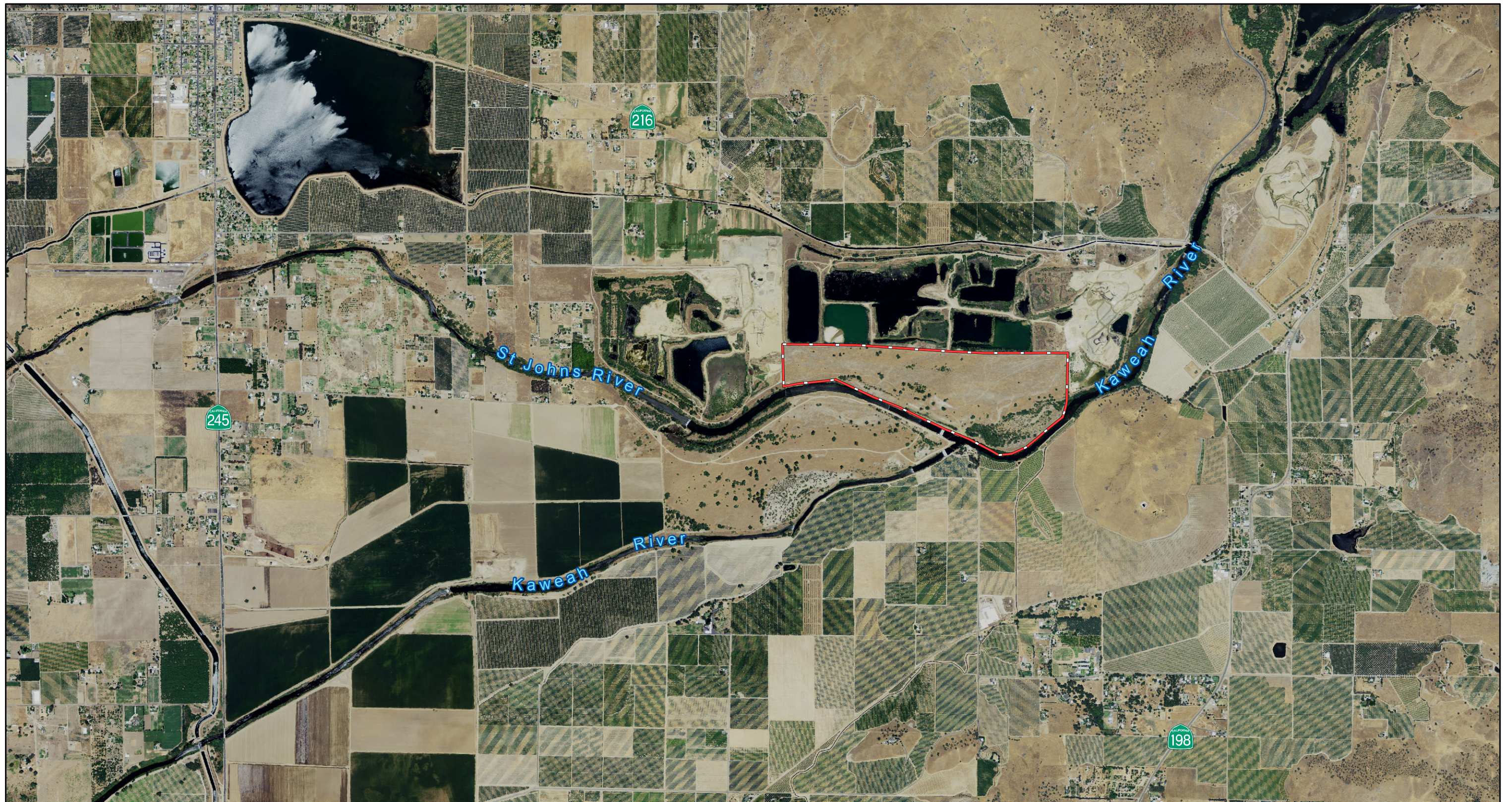
Except as provided in sections 7-25-1090 and 7-25-1095 of this Article, any person who proposes to engage in surface mining operations within the unincorporated area of Tulare County shall, prior to the commencement of such operations, obtain a permit to mine, approval of a reclamation plan and approval of financial assurances in accordance with the provisions of this Chapter, the Act and the regulations. [underscoring added for emphasis]

In response, a Reclamation Plan will be prepared in accordance with the Tulare County Zoning Ordinance for review and comment by the Department of Conservation, Office of Mine Reclamation, and for review and approval by Tulare County. The Reclamation Plan will include details regarding the performance standard set forth in the Surface Mining and Reclamation Act of 1975 (SMARA) (14 CCR §3700-3713 Reclamation Standards). The Reclamation Plan is intended to ensure that excavated lands are left in a stable condition and, where appropriate (i.e., above reservoir water levels), re-vegetated to a natural condition.

McKay's Point Reservoir Project

Figures






0 0.25 0.5 Miles



EST. 1968
PROVOST & PRITCHARD
 CONSULTING GROUP
 An Employee Owned Company
 130 N. Garden Street
 Visalia, CA 93291
 (559) 636-1166

Legend

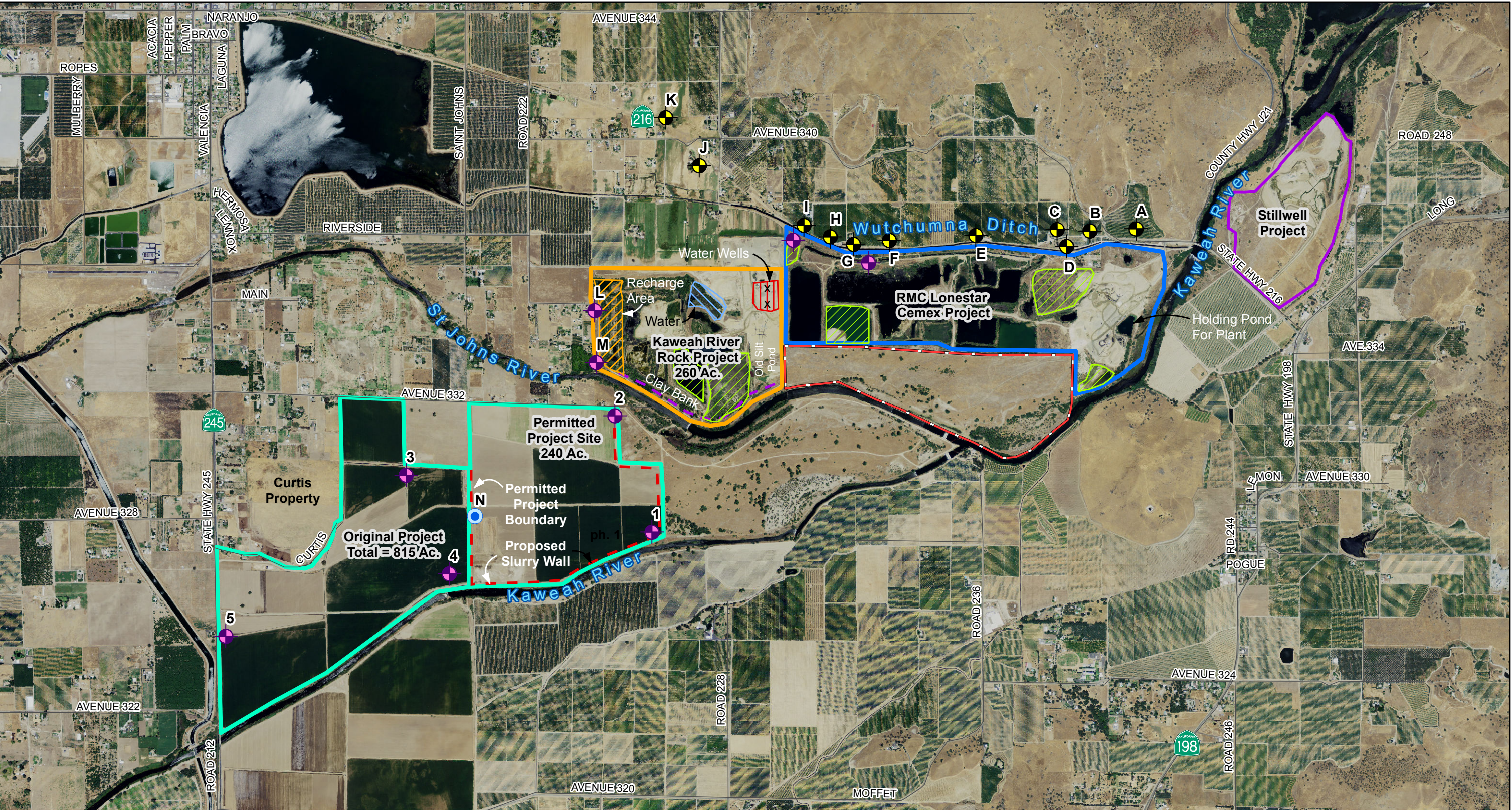
 Project Site Boundary

*Aerial imagery 2012 NAIP

McKay Point Reservoir

Tulare ID
 Consolidated Peoples DC
 Visalia & Kaweah WC

Figure 2 – Aerial View of Project Site



00.250.5Miles

EST. 1968

PROVOST & PRITCHARD

CONSULTING GROUP

An Employee Owned Company

130 N. Garden Street

Visalia, CA 93291

(559) 636-1166

Project Site Boundary

Clay Bank

Slurry Wall

RMC Lonestar Cemex Project Boundary

Kaweah River Rock Co Project Boundary

N. Hannah Ranch Project Boundary

Stillwell Project

Test/Monitor Well

Pump Test Well

Production Well

Silt Pond

McKay Point Reservoir

Tulare ID

Consolidated Peoples DC

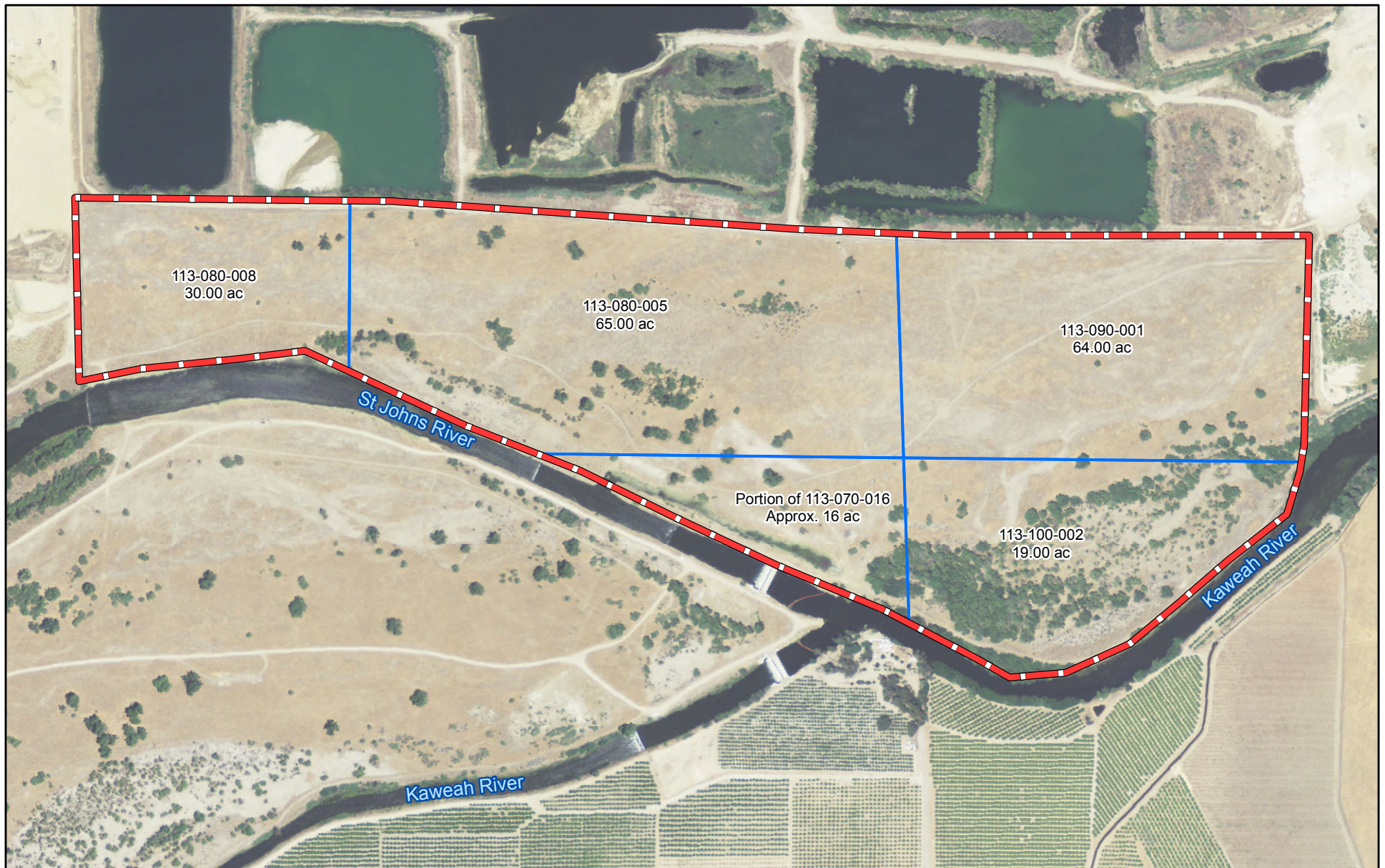
Visalia & Kaweah WC

Figure 3 – Aerial View and Adjacent Project and Land Uses

*Aerial imagery 2012 NAIP

10/31/2013: V:\Clients\Tulare ID-1248\124808C1-McKays Point Reservoir\GIS\Map\Revised\Adjacent_properties.mxd

31



0 200 400 600
Feet

EST. 1968
PROVOST & PRITCHARD
CONSULTING GROUP
An Employee Owned Company

130 N. Garden Street
Visalia, CA 93291
(559) 636-1166



Legend

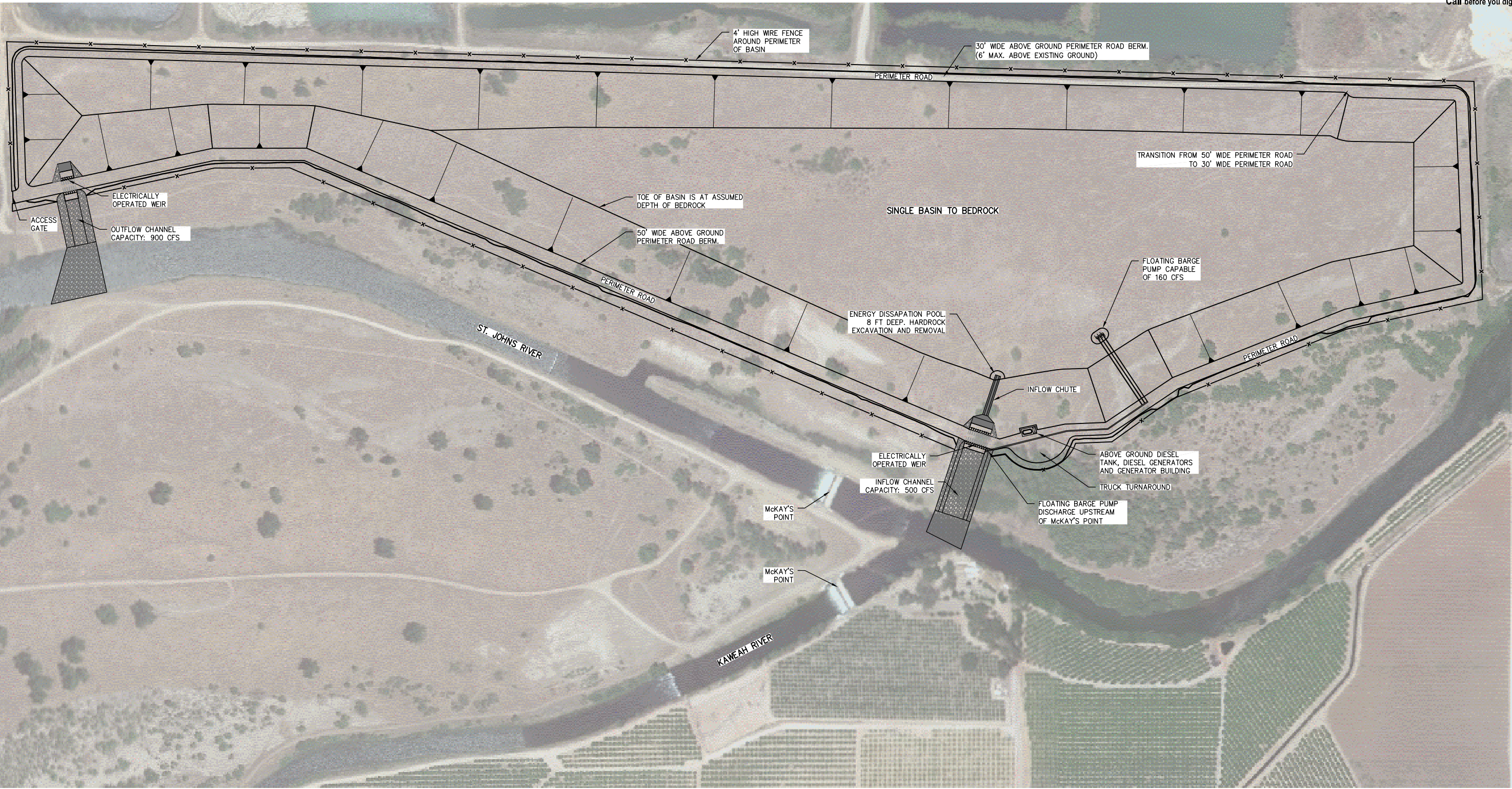
-  Project Site Boundary
-  *Parcel

**Parcel shapes shown are a representation of the parcel and are shown for general reference purposes only, and no assumptions should be made about the accuracy of the data.*

McKay Point Reservoir

Tulare ID
Consolidated Peoples DC
Visalia & Kaweah WC

Figure 4 – Project Parcels



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NO.	REVISION	BY	DATE

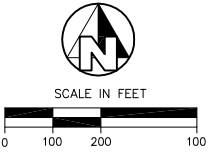
PRELIMINARY
NOT FOR CONSTRUCTION
10/31/13

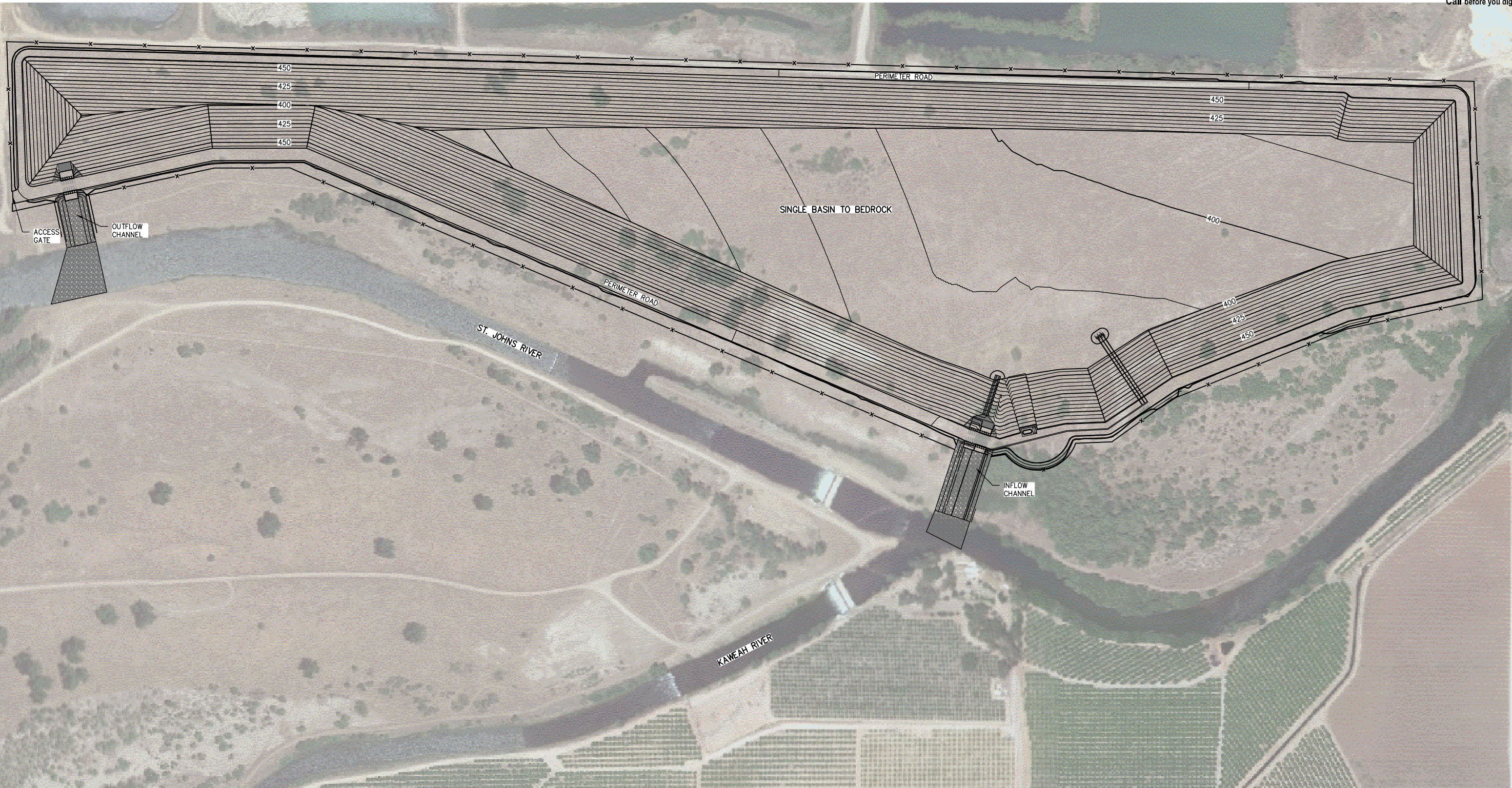
McKAY POINT RESERVOIR
TULARE IRRIGATION DISTRICT
TULARE COUNTY

PROVOST & PRITCHARD
ENGINEERING GROUP, INC.
130 NORTH GARDEN STREET
VISALIA, CALIFORNIA 93291-6962
559/636-1166 FAX 559/636-1177
www.pengr.com

DESIGN ENGINEER:	----
LICENSE NO:	----
DRAFTED BY:	CHECKED BY:
MAP	----
DATE:	8-13-2013
JOB NO:	124808C1
ORIGINAL SCALE SHOWN IS IN INCHES. ADJUST SCALE FOR REDUCED OR ENLARGED PLANS.	
SHEET	----

PROPOSED SITE PLAN





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No.	REVISION	BY	DATE
	PRELIMINARY NOT FOR CONSTRUCTION 10/31/13		

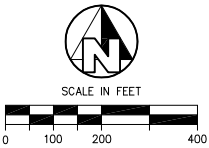
McKAY POINT RESERVOIR
TULARE IRRIGATION DISTRICT
TULARE COUNTY

FIGURE 6 – FINAL RESERVOIR CONTOURS

EST-154533
PROVOST & PRITCHARD
CONSULTING ENGINEERS
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VISALIA, CALIFORNIA 93291-6362
559/636-1166 FAX 559/636-1177
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DESIGN ENGINEER:	----
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DATE:	8-13-2013
JOB NO:	124808C1
ORIGINAL SCALE SHOWN IS IN INCHES. ADJUST SCALE FOR REDUCED OR ENLARGED PLANS. SHEET	
----	OF ----

PROPOSED CONTOURS



Environmental Checklist Form (Initial Study)

Tulare County Irrigation District

Project Title: McKay Point Reservoir

Lead Agency Name and Address: Tulare Irrigation District
6826 Avenue 240
Tulare, CA 93274

Contact Person/Information: Aaron Fukuda
(559) 686-3425
akf@tulareid.org

Project Sponsor's Name and Address: Tulare Irrigation District
6826 Avenue 240
Tulare, CA 93274

The Tulare Irrigation District, the Consolidated Peoples Ditch Company and the Visalia & Kaweah Water Company are joint owners (Owners) of the subject land and are the holders of a significant portion of the water rights on the Kaweah and/or the St. Johns Rivers, and they own storage capacity rights in Lake Kaweah. Collectively, the Owners are the Project Sponsor, with the Tulare Irrigation District (TID) serving as the CEQA Lead Agency. The TID is a political subdivision of the State of California, an independent agency operating under the California Water Code, which is governed by a five-member Board of Directors.

Project Location: The McKay Point Reservoir is proposed on the north side of the divergence of the Kaweah and St. Johns Rivers, near McKay Point in Tulare County, California. The site lies between and to the south of Lake Kaweah (2.5 miles northeast of the site) and Bravo Lake (1.5 miles northwest of the site); 1.0 miles northwest of the community of Lemon Cove; and 2.5 miles southeast of the community Woodlake (refer to the attached Project Description, Figure 1 - Location Map).

The McKay Point Reservoir site is approximately one mile west-southwest of the intersection of State Highways 216 and 198, in Sections 3 and 4, Township 18 South, Range 27 East, Mount Diablo Base and Meridian (refer to the attached Project Description, Figure 2 - Aerial Photo and Project Site).

APN: 113-070-016 (an approximately 19.0-acre portion adjacent to and north of the rivers), 113-080-005, 113-080-008, 113-090-000, and 113-100-002 (USGS Quad: Woodlake)

Gross Acreage: Approximately 200.00 acres

General Plan Designation: Valley Agriculture, Mineral Resource Area (MRZ-2a)

Rural Valley Lands Plan Designation: Valley Agricultural

Zoning: AE-20 (Exclusive Agriculture Zone, 20 Acre Minimum)

Description of Project: The Owners propose to construct and operate the McKay Point Reservoir on the north side of the divergence of the Lower Kaweah and St. Johns Rivers near McKay Point in Tulare County, California (refer to the attached Project Description, Figure 2 - Aerial View of Project Site). When completed, the McKay Point Reservoir will serve as a surface water storage/re-regulation facility. The Owners will also use the McKay Point Reservoir to optimize groundwater recharge in basins within TID.

CEMEX USA (CEMEX) would excavate the reservoir and process the resulting aggregate materials (i.e., rock, sand and gravel) at its existing Lemon Cove Facility (formerly RMC Lodestar) located north and immediately adjacent to the McKay Point Reservoir site. CEMEX would then sell processed materials as Portland Cement Concrete (PCC) grade aggregate, used to manufacture concrete and asphaltic concrete products. Sold materials would be transported without increasing the level of truck traffic to/from the Lemon Cove Facility.

The Owners would receive a royalty from CEMEX for the excavated materials. Royalties would be used to offset McKay Point Reservoir development costs, including the construction of water control facilities, and to facilitate the construction of water delivery system improvements within the Owners' water distribution systems.

Surrounding Land Uses and Setting: Historically, the McKay Point Reservoir site has been used for cattle grazing under lease arrangements. Most of the McKay Point Reservoir site is vegetated with native grasses except for a small portion of ground along the adjacent Kaweah River above McKay Point, which is vegetated by native trees and shrubs. The McKay Point Reservoir site gains in elevation approaching the north boundary of the property.

In addition to CEMEX's Lemon Cove Facility immediately to the north, the Kaweah River Rock aggregate mining and processing facility is located immediately to the west (260 acres), and the North Hannah Ranch Project lies approximately 1.0 miles to the southwest (refer to the attached Project Description, Figure 3 - Aerial View of Adjacent Projects and Land Uses). Figure 3 also serves to illustrate how adjacent lands to the south and east are used for agricultural and rural residential purposes.

The surface soil at the site primarily consists of loose, medium-grained sand with occasional gravel and cobbles. Native grasses and trees are present and they increase in density with proximity to the nearby rivers.

The site topography is relatively level with a depression in the southeast corner. Site surface drainage is generally to the south and southeast toward the Kaweah River and generally to the south and southwest toward the St. Johns River. The site elevation falls from approximately 472 feet above mean sea level (msl) on the northeastern end of the property, to approximately 454 feet above msl on the southwestern end.

The long-term water-level measurements for wells in the area indicate a stability of water levels, except for temporary declines during drought periods. Approximate water level elevations range from 463 feet above msl near the east edge of the Lemon Cove Facility, to less than 430 feet above msl in the western part of the CEMEX excavations. Groundwater-level elevations ranged from about 418 to 438 feet above msl in the area immediately north of the McKay Point Reservoir site. Test borings within the site indicate depth to water ranges from 20 to 7 feet, with corresponding water-level elevations ranging from 438 to 459 feet above msl.

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

<i>Public Agency</i>	<i>Approval Required</i>
Tulare Irrigation District	Certification of Environmental Impact Report Approval of McKay Point Reservoir Project, including authorization to excavate the Project site, transport materials offsite for processing, and construct/operate the McKay Point Reservoir Project
Tulare County, Countywide Planning, SMARA	Surface Mining Permit for a SMARA-compliant: Surface Mining and Reclamation Plan Financial Assurance Cost Estimate
Tulare County, Health and Human Services Agency, Environmental Health: Certified Unified Program Agency (CUPA)	Spill Prevention, Control, and Countermeasure Plan Business Plan Hazardous Materials Inventory Above-Ground Storage Tank (diesel) Hazardous Materials Handler Permit
San Joaquin Valley Air Pollution Control District	Permit to Construct Permit to Operate
Central Valley Regional Water Quality Control Board	NPDES Permit (General) Storm Water Pollution Prevention Plan Clean Water Act Section 401 Certification Encroachment Permit
California Dept. of Conservation, Division of Mines and Geology, Office of Mine Reclamation	Review of Surface Mining and Reclamation Plan Review of Financial Assurance Cost Estimate
California Dept. of Fish and Wildlife	Section 1605 (long-term) Streambed Alteration Agreement
US Army Corps of Engineers	Section 404 Permit (the Clean Water Act): NWP 7 – Outfall Structures and Associated Intake Structures NWP 33 – Temporary Construction, Access, and Dewatering

Major Projects in the Area: There are no known proposed projects located in the immediate vicinity of the Project site. Tulare County Planning will be consulted to identify such projects, if any.

Reviewing Agencies:

Responsible Agencies

- ☐ None
- ☒ Central Valley Regional Water Quality Control Board
- ☐ Coastal Commission
- ☒ Army Corps of Engineers
- ☒ US Fish and Wildlife Service

Special Reviewing Agencies

- ☒ None
- ☐ Santa Monica Mountains Conservancy
- ☐ National Parks
- ☐ National Forest
- ☐ Edwards Air Force Base
- ☐ Resource Conservation District of Santa Monica Mountains Area
- ☐

Regional Significance

- ☐ None
- ☐ SCAG Criteria
- ☒ Air Quality
- ☒ Water Resources
- ☐

Trustee Agencies

- ☐ None
- ☒ State Dept. of Fish and Wildlife
- ☐ State Dept. of Parks and Recreation
- ☐ State Lands Commission
- ☐ University of California (Natural Land and Water Reserves System)
- ☒ State Dept. of Conservation, Office of Mine Reclamation
- ☒ State Dept. of Conservation, State Mining & Geology Board
- ☒ Native American Heritage Commission
- ☐

County Reviewing Agencies

- ☒ Resource Management Agency:
 - Public Works
 - Countywide Planning, SMARA
 - Countywide Planning, Environmental Planning
- ☒ Health and Human Services Agency, Environmental Health:
 - Certified Unified Program Agency (CUPA)
- ☒ Flood Control District
- ☐

- ☒ Fire Department
- ☒ Sheriff Department
- ☐ Parks and Recreation
- ☐ Subdivision Committee
- ☒ San Joaquin Valley Air Pollution Control District
- ☐

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

Based on this initial evaluation, the Lead Agency made the following finding:

- ☐ The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ 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.
- ☒ The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ 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.
- ☐ 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

January 27, 2014
Date

Paul Hendrix, TID Manager
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 the 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 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).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, 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, then 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 EIR is required.
- 4) "Negative Declaration: "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "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 "Earlier Analyses," as described in (5) below, may be cross-referenced.)
- 5) Earlier analyses may be used where, pursuant to the 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 they 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 Measures 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, where 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.

1. AESTHETICS

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

Discussion:

- a) There are no roads within the vicinity of the Project, nor any development, with a visual vantage point of the Project. As such, the Project would have no impact on scenic vistas.
- b) The California Scenic Highway Mapping System notes that State Highway 198 is an Eligible State Scenic Highway - Not Officially Designated. State Highway 198 passes to the southeast of the Project where intervening terrain will preclude any view of the Project. As such, the Project would have no impact to scenic vistas from State Highway 198. State Highway 216, which has no Scenic Highway status, passes north of the Project and is 0.7 miles from the Project at its closest point. That location is north of and adjacent to the CEMEX Lemon Cove facility. As such, any view of the Project would either be obscured by the facilities, or be of similar appearance, if it can be seen at all. As such, the Project would have no impact to scenic vistas from State Highway 216.

Source: http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

- c) The Project site is located adjacent to the south side of the Lemon Cove facility and is currently accessible via a private, gated road. Surrounding land uses are limited to agricultural or surface mining uses, with the remainder in an undeveloped status. Because there are no opportunities for public viewing into the Project area, the Project would have no impact on the area's existing visual character or quality.
- d) No structures, windows or other sources of glare are proposed as part of the Project. Except for the security lighting (i.e., Administration, Security, and Public Safety), no nighttime lighting is proposed. Such lighting will be minimal to the need, hooded and directional in nature. Given the lack of nighttime views of the area, the Project is not expected to create light pollution that results in unacceptable levels of light trespass. As such, the Project would have no impact in terms of light or glare, nor would it would adversely affect day or nighttime views in the area.

2. AGRICULTURE / FOREST

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols Adopted by the Air Resources Board.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 or if the area is not designated on the Important Farmland Series Maps, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources code 12220(g)) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The California Resources Agency, Division of Land Resource Protection maintains information pertaining to, and the mapping of, farmland. The entire Project site is designated as Vacant or Disturbed Land, which, among other definitions, includes "open field areas that do not qualify for an agricultural category." Historically, the site has experienced only marginal agricultural use in the form of seasonal livestock grazing. As such, the Project would have no impact on any category of important farmland.

Source: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/tul10_no.pdf

- b) The land underlying the Project is zoned AE-20 (Exclusive Agriculture Zone, 20 Acre Minimum), with a General Plan designation of Valley Agriculture, Mineral Resource Area (MRZ-2a).

Source: Tulare County General Plan, August 2012, Figure 8-2.

In listing the many uses that may be permitted within the AE-20 zone, under a Special Use Permit, the Tulare County Zoning Ordinance provides "that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone." (Source: Tulare County Zoning Ordinance Section 16.II.B.)

Tulare County Zoning Ordinance Section 7-25-1020 provides that appurtenant uses typical of a surface mining operation "may be permitted through the surface mining permit approved for surface mining operations in lieu of requiring a special use permit, when such uses are found by the Planning Commission to be a reasonably necessary adjunct to the mining operations."

Tulare County Zoning Ordinance Section 7-25-1085 requires approval of a Reclamation Plan and Financial Assurance Cost Estimate.

In this instance, because the TID, serving as Lead Agency, will decide its own action, a Special Use Permit will not be required from the County. However, the County will require its approval of a Surface Mining Permit for a SMARA-compliant Reclamation Plan and Financial Assurance Cost Estimate. The County's past and recent approvals of surface mining in the immediate vicinity of the Project, on lands similarly zoned, serve to illustrate the County has determined the excavation of a reservoir and processing of the materials does not conflict with existing zoning for agricultural use.

As such, the Project would have no impact in terms of the existing zoning for agricultural use.

As noted in 2.a) above, the Project site is not designated by the State as Important Farmland. In addition, the underlying land is not under a Williamson Act contract. As such, the Project would have no impact in terms of the Williamson Act.

- c) No forestlands exist on the Project site. Accordingly, the Project would not conflict with existing zoning for or cause the rezoning of forestland, timberland, or timberland zoned Timber Preserve Zone. As such, the Project would have no impact.
- d) The Project site and surrounding properties do not contain any forestland. No impacts resulting in the loss of forestland or conversion of forestland to non-forest use would occur. As such, the Project would have no such impact.
- e) Refer to 2. a) through 4) above.
- f) The Project is not under an open space contract. As such, the Project would have no such impact.

3. AIR QUALITY

Where available, the significance criteria established by the San Joaquin Valley Air Pollution Control District may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard as adopted in (c), or as established by EPA or air district or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? Specifically, would implementation of the project exceed any of the following adopted thresholds: San Joaquin Valley Air Pollution Control District: <u>Operational and Area Sources</u> Reactive organic gases (ROG) 10 tons per year. Oxides of nitrogen (NO _x) 10 tons per year. Particulate matter (PM ₁₀) 15 tons per year. <u>Stationary Sources - as Determined by District Rules</u> Severe nonattainment 25 tons per year. Severe nonattainment 10 tons per year.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) The Project would be located within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The San Joaquin Valley has been attainment for Carbon Monoxide (CO) since 1994 and recently reached attainment for the federal PM₁₀ standard in 2008. The SJVAPCD is classified by the State as severe nonattainment for the State 1-hour ozone standard, as well as nonattainment for the State particulate matter less than 2.5 microns (PM_{2.5}) standards. The basin is also classified as extreme nonattainment for the Federal 8-hour ozone standard and as nonattainment for the Federal PM_{2.5} standard, and attainment/maintenance for the Federal carbon monoxide (CO) and PM₁₀ standards. Project construction activities would generate emissions of the ozone precursors nitrous oxides (NOX) and reactive organic compounds (ROC), as well as CO, PM_{2.5}, and PM₁₀ emissions that could result in significant impacts on regional air quality. Emissions sources would include heavy equipment used to excavate the reservoir site; off-road motor vehicles for dust suppression and transport of excavated materials to the Lemon Cove Facility for processing; and construction workers commuting to and from the site. Long-term maintenance and operation activities are expected to have minimal impact.

The preparation of an Air Quality and Climate Change Impact Assessment (AQCCIA) is needed to determine whether the project would conflict with, or obstruct implementation of, the applicable plans for attainment, identify significant impacts, determine reasonable and feasible mitigation measures.

The AQCCIA prepared for the Project will evaluate the Project's potentially significant impacts related to air quality. Until such time, Project impacts must be presumed to be potentially significant.

- b) Refer to 3.a) above.
- c) The Project will involve the use of a generator, which is considered a stationary source of emissions. For Operational and Area Sources, refer to 3.a) above.
- d) The vicinity of the Project is sparsely developed, with very few sensitive receptors. The nearest sensitive receptor is located immediately south of the Project site, south of the junction of the Kaweah and St. John Rivers, where a residence (described as being a "temporary use") is located. Approximately 0.5 miles south of the Project site, three residences are located within areas of active agricultural use. The nearest neighborhood parks, Willow Court Park and Woodlake City Park, are located in the community of Woodlake at a distance of approximately 2.5 miles northwest of the Project site. The First Presbyterian Church in Lemon Cove is the nearest church and is located approximately 1.2 miles to the west-southwest of the Project site, across the Kaweah River.

Construction-related activity would result in diesel exhaust and fugitive dust emissions that could adversely affect air quality for sensitive receptors. Mitigation measures for diesel equipment and dust control that are recommended by the SJVAPCD will be evaluated as part of the EIR to avoid or reduce the impacts on construction workers and sensitive receptors. Given such measures, the Project would likely result in less than significant impacts. However, this needs to be verified in the AQCCIA prepared for the EIR.

- e) Refer to 3.d) above.

Aside from odors associated with vehicle/equipment exhaust, no odors would result from the operation of the Project. The adjacent residences are anticipated to experience minimal (if any) objectionable odors during construction. Therefore, the Project would likely result in less than significant impacts. However, this needs to be verified in the AQCCIA prepared for the EIR.

4. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant Impact 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 CDFW or USFWS?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

a) through f):

A reconnaissance level survey of the Project site is needed to determine if any of the special-status species identified by the California Natural Diversity Data Base (CNDDB) query could occur within the onsite

habitats. In addition to the survey, it is necessary to determine if other important biological resources (e.g., wetlands, rare vegetation communities, important wildlife habitats, movement corridors, others) are associated with the Project site. Based upon this information, a Biological Evaluation needs to be prepared to provide the following:

- 1) methods used to conduct the biological evaluation (including identification of other supporting documents);
- 2) description of onsite cover classes and vegetation communities (including mapping);
- 3) likelihood of occurrence assessment for special-status species that have been reported within the project vicinity (as well as other special-status species known to occur in the area, but not reported in the CNDDDB);
- 4) identification of wetlands, rare vegetation communities, important wildlife habitats, movement corridors, etc. that occur on-site (including mapping);
- 5) identification of any local policies or ordinances protecting biological resources that apply to the proposed project site; and
- 6) identification of any adopted Habitat Conservation Plans (HCPs), Natural Community Conservation Plans (NCCPs), or other approved local, regional, or state habitat conservation plans that apply to the proposed project site.

Until such time, Project impacts must be presumed to be potentially significant. If it is determined a species protected under the Endangered Species Act occurs onsite, or has the potential to occur onsite, a "Section 7 Consultation" may be initiated ensure the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species.

5. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant Impact 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 CEQA Guidelines § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or contain rock formations indicating potential paleontological resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) A Cultural Resources Study is needed to determine impact significance and is to provide the following:
- 1) An archaeological records search and background research;
 - 2) Consultation and coordination with the Native American Heritage Commission and local tribal representatives;
 - 3) Phase 1 archaeological surface surveys of the entire project area, including documentation of any cultural resources discovered;
 - 4) Preliminary evaluation of the significance and integrity of discovered resources; and
 - 5) Preparation of a confidential technical report and other documentation of the tasks listed above.
- Until such time, Project impacts must be presumed to be potentially significant.
- b) Refer to 5.a) above.
- c) A Paleontological Assessment is needed to determine impact significance. Until such time, Project impacts must be presumed to be potentially significant.
- d) Refer to 5.a) above.

There is no evidence that the Project site is located within an area likely to contain human remains, and discovery of human remains during reservoir excavation is not anticipated. As such, Project impacts are considered less than significant. However, this needs to be confirmed in the Cultural Resources Study prepared for the Project.

6. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant Impact 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:				
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 active fault trace?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) i) The majority of Tulare County is free of the faults noted on the Alquist-Priolo Earthquake Fault Zoning Map. Such faulting is noted only along the eastern-most boundary with Inyo County. As such, this is no known earthquake fault within or in close proximity to the Project site. However, geotechnical studies are needed to assess Project site characteristics and to determine Project impacts. Until such time, Project impacts must be presumed to be significant.

Sources:

Department of Conservation, California Geologic Society, Special Publication 42, Interim Revision 2007.

Department of Conservation, California Geologic Society, Map Sheet 58: Susceptibility to Deep-Seated Landslides in California (2011).

<http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html>

- ii) The Project site is located within an area identified as having a low potential for shaking hazard for tall and low structures. However, geotechnical studies are needed to assess Project site characteristics and to determine Project impacts. Until such time, Project impacts must be presumed to be significant.

Source: Tulare County General Plan (2012), Figure 10-4 – Ground Shaking and Landslide Potential.

- iii) The Project site is not located in a liquefaction zone. The potential for seismic-related ground failure is unknown. Geotechnical studies are needed to assess Project site characteristics and to determine Project impacts. Until such time, Project impacts must be presumed to be significant.

Source: <http://myplan.calema.ca.gov/>

- iv) The Project site is located within an area identified as having low rock strength and near level slope conditions. This combines to provide a low susceptibility to landslides. However, geotechnical studies are needed to assess Project site characteristics and to determine Project impacts. Until such time, Project impacts must be presumed to be significant.

Sources:

Tulare County General Plan (2012), Figure 10-4 – Ground Shaking and Landslide Potential.

Department of Conservation, California Geologic Society, Map Sheet 58: Susceptibility to Deep-Seated Landslides in California (2011).

<http://myplan.calema.ca.gov/>

- b) Vegetation removal and the excavation of soil are associated with the initial phase of the Project. During these initial activities, topsoil will be removed and stored, either onsite or on the adjacent CEMEX Lemon Cove Facility site. The Project will be required to request an NPDES general construction permit because the Project would disturb more than one acre of soil. In order to conform to the requirements of the NPDES general construction permit, a Storm Water Pollution Prevention Plan (SWPPP) would need to be prepared that specifies best management practices (BMPs) needed to prevent construction pollutants, including eroded soils (such as topsoil), from moving offsite. Implementation of the permit and BMP requirements would mitigate erosion of soils during construction activities. Stored topsoil would be used to revegetate disturbed areas in accordance with the County-approved Reclamation Plan. Until a Reclamation Plan has been prepared and evaluated, Project impacts must be presumed to be significant.
- c) A preliminary geotechnical description of the subsurface conditions at the Project site has been completed. Six (6) borings were cored at the site to depths ranging from 87 to 93 feet below ground surface (bgs). Laboratory tests were then performed on selected soil samples to evaluate particle size analysis. The surface soil at the site primarily consists of loose, medium-grained sand with occasional gravel and cobbles. Based on the soil boring data, the upper 15 feet of the on-site soil consist of loose clean poorly graded sand with increasing gravel. Below 15 feet, the soil consists of sandy and silty gravel of increasing size and rounded cobbles to approximately 30 to 35 feet bgs. Below 35 feet, particularly on the west side of the site, the soil consists of clayey sand with cobbles. The cobbles tend to dominate the soil strata at depths ranging from 15 to 65 feet on the west side of the site and 15 to 40 feet on the east side of the site.

A Phase 2 investigation will include a full-scale sampling and testing program to determine recommendations for site preparation and geotechnical design parameters for the proposed reservoir. Until such time, Project impacts must be presumed to be potentially significant.

Source: Geotechnical Engineering Investigation Report, Proposed McKay Point Reservoir Project; Phase 1: Summary of Field Exploration and Boring Logs (December 19, 2011), prepared by BSK Associates Engineers and Laboratories.

The Project site is not located in a liquefaction zone [refer to 6. a) iii) above]. The Project site is not located in a landslide zone [refer to 6. a) iv) above]. However, there is the potential for onsite landslides because of excavation. Further geotechnical data and analyses will be needed to address slope stability to determine a slope configuration that is stable and safe during the construction and operation of the Project. This is of particular import in terms of the potential for pit capture. Refer to the detailed discussion of Hydrology and Water Quality in 9.c) and d). Until such time, Project impacts must be presumed to be potentially significant.

- d) The surface soil at the site primarily consist of loose, medium-grained sand with occasional gravel and cobbles. Below 15 feet, the soil consists of sandy and silty gravel of increasing size and rounded cobbles to approximately 30 to 35 feet bgs. Below 35 feet, particularly on the west side of the site, the soil consists of clayey sand with cobbles. Such soil conditions are likely not expansive. However, a soils analysis is needed to assess Project site characteristics in this regard and to determine whether the Project would create substantial risks to life or property. Until such time, Project impacts must be presumed to be potentially significant.
- e) Does not apply as septic tanks or alternative wastewater treatment system is not proposed. As such, the Project would have no impact.

7. GREENHOUSE GAS EMISSIONS

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

Discussion:

- a) Greenhouse gases (GHGs) emitted by human activity are implicated in global climate change or global warming. The principal GHGs are (CO₂), methane, NO_x, ozone, water vapor, and fluorinated gases. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for one-half of GHG emissions globally. The Project would contribute to such emissions, during reservoir construction, through the operation of heavy equipment, off-road transport of excavated materials to the Lemon Cove Facility, and construction worker commute trips. Project operations are not expected to generate new GHG emissions.

The AQCCIA prepared for the Project will evaluate the Project's potentially significant impacts related to GHG emissions. Until such time, Project impacts must be presumed to be potentially significant.

- b) California has passed several bills and at least three executive orders have been signed regarding GHGs. Assembly Bill (AB) 32 (the Global Warming Solutions Act) was passed by the California legislature on August 31, 2006. It requires the State's global warming emissions to be reduced to 1990 levels by 2020. The reduction will be accomplished through an enforceable Statewide cap on GHG emissions that will be phased in starting in 2012.

In 2002, California established its RPS Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20% renewable energy by 2017. In 2006, under SB 107, the RPS program codified the 20% goal. The RPS program requires electric utilities and providers to increase procurement from eligible renewable energy resources by at least 1% of their retail sales annually until they reach 20% by 2017. On November 17, 2008, then-governor Schwarzenegger signed Executive Order S 14-08, requiring California utilities to reach the 33% renewable goal by 2020.

The AQCCIA prepared for the EIR will evaluate the Project's potentially significant impacts related to GHG emissions. Until such time, Project impacts must be presumed to be potentially significant.

8. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant Impact 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, storage, production, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- i) Generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste? Specifically, would the project exceed the following qualitative threshold.

The presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with the project is significant when the applicable enforcement agency determines that any of the vectors:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1) Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are associated with design, layout, and management of project operations; and | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Disseminate widely from the property; and | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Cause detrimental effects on the public health or well being of the majority of the surrounding population. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a) The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The Project would not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. However, construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment. Vehicle fueling and routine maintenance would occur at the CEMEX Lemon Cove Facility in the areas currently permitted for such activities and in accordance with that facility's approved Business Plan and Spill Prevention, Control, and Countermeasure Plan. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose workers. All use, storage, transport, and disposal of hazardous materials used in construction would be in strict accordance with Federal, State, and County laws, ordinances, and regulations.

The types of hazardous materials commonly used for excavation will not be transport to, nor stored at the site. However, during construction, vehicles will hold fuel and lubricating oils in their respective tanks. Fuel and/or lubricant spills could result in the accidental release of hazardous materials into the environment. The Project will be required to prepare and operate under a Spill Prevention, Control, and Countermeasure Plan approved by the County Health and Human Services Agency, Environmental Health - Certified Unified Program Agency (CUPA). As such, Project construction impacts are considered less than significant.

During the operation of the McKay Point Reservoir Project, an above-ground diesel storage tank will hold the fuel for the generators needed to power the Electrically Operated Weirs, and Floating Barge Pump. Diesel fuel would be periodically delivered to the site and stored in above-ground diesel storage tank. Improper storage and handling of diesel fuel could result in the accidental release of hazardous materials into the environment. The receipt, storage, handling use and disposition of diesel fuel would be in compliance with the requirements of the Business Plan, Hazardous Materials Inventory, Above-Ground Storage Tank (diesel) Permit, and Hazardous Materials Handler Permit approved by the County Health and

Human Services Agency, Environmental Health - Certified Unified Program Agency (CUPA). As such, Project impacts are considered less than significant.

b) Refer to 8.a) above.

c) The vicinity of the Project is sparsely developed, with very few sensitive receptors. The nearest sensitive receptors are approximately 0.5 miles south of the Project site, where three residences are located within areas of active agricultural use. The nearest neighborhood parks, Willow Court Park and Woodlake City Park, are located in the community of Woodlake at a distance of approximately 2.5 miles northwest of the Project site. The First Presbyterian Church in Lemon Cove is the nearest church and is located approximately 1.2 miles to the west-southwest of the Project site, across the Kaweah River.

Construction-related activity would result in diesel exhaust and fugitive dust emissions that could adversely affect air quality for sensitive receptors. Neither Project construction, nor operation, would emit hazardous materials or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses. As such, the Project will have no impact.

d) Data from the Department of Toxic Substances Control EnviroStor and Cortese lists of projects relating to hazardous wastes pursuant to Section 65962.5 of the California Government Code was reviewed, and it was concluded the project site is not on the list. No evidence of recognized environmental conditions or historical environmental conditions, which are likely to impact the subject property was found. As such, the Project will have no impact.

Source:

http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&zl=18&ms=640,480&mt=m&findaddress=True&city=lemon%20cove,%20ca&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true

e) Tulare County utilizes the Comprehensive Airport Land Use Plan (CALUP) to minimize danger to the public while still providing aviation services for public use airports in the County. The Woodlake Airport is located approximately 2.5 miles west of the Project site, and is a publicly owned and operated facility. Since the Project is further than 2 miles from the Woodlake Airport, and because the Project does not propose structures or equipment that would present vertical obstructions, the Project will have no impact.

Source: Tulare County General Plan, August 2012, Figure 4-1.

f) Due to the fact no private airstrip is proposed or exists on the Project site, the Project will have no impact.

g) Project construction and operation would not physically impede the existing emergency response, emergency vehicle access, or personnel access to the site. As such, the Project will have no impact.

h) The County's Fire Threat Map indicates the southernmost portion of the Project site falls within an area considered to be a "High Fire Threat." This area is approximately 16 acres in size and includes a portion of Assessor's Parcel 113-070-016. A few pockets within the Project site are also mapped as "High Fire Threat" and coincide with the existing pockets of vegetation. The majority of the Project site is not so designated, nor is the majority of the surrounding land.

Source: Tulare County General Plan, August 2012, Figure 10-2.

There is no urbanized development in close proximity to the Project. The nearest fire station is Fire Station #13, located at 32490 Highway 198, Lemon Cove CA, where Patrol 13, Engine 13 and Water Tender 13 are

assigned. Fire Station #13 is approximately 3.0 road miles from the Project site. The Project area is bordered to the south and east by the St. John and Kaweah Rivers; to the north by the CEMEX Lemon Cove Facility; and to the west by the Kaweah River Rock Project.

During construction and operation, the Project would comply with all applicable wildland fire management plans and policies established by CAL FIRE and the Tulare County Fire Department. Given these conditions, the Project is not expected to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. As such, Project impacts are considered less than significant.

- i) The Project will result in the excavation and operation of a reservoir. Project-related infrastructure is not expected to result in features or conditions (such as agricultural products, agricultural waste, or human waste) that would provide habitat for vectors such as mosquitoes, flies, cockroaches, or rodents. Workers would generate small quantities of solid waste (i.e., trash) that would be appropriately stored for removal and permanent disposal. The Project will result in a large body of standing water in close proximity to other large body of standing and running water. As such, Project impacts are considered less than significant.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place structures, which would impede or redirect flood flows, within a 100-year flood hazard area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Place structures in areas subject to inundation by seiche, tsunami, or mudflow? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a) Tulare County falls within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). As such, the Project is subject to the requirements of the *Water Quality Control Plan for the Tulare Lake Basin*, revised January 2004. A Storm Water Pollution Prevention Plan (SWPPP) would be developed to comply with the requirements set forth in Industrial Storm Water General Permit Order 97-03-DWQ, which pertain to the General Permit No. CAS000001, the purpose of which is to fulfill the following objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges; and
- File Notice of Intent (NOI).

Accordingly, the Project is not expected to violate water quality standards or waste discharge requirements. As such, Project impacts are considered less than significant.

- b) In general, the groundwater contours indicate that the predominant direction of groundwater flow is from east to west. The current groundwater elevation is approximately 430 ft msl in State Well ID 18S27E05J. Because the Project would excavate well below this depth, excavation is expected to encounter groundwater at a shallow depth (refer to Figure 6 - Final Reservoir Contours).

To evaluate local and regional geologic and hydrogeologic conditions, a conceptual model of existing site conditions needs to be developed to evaluate how reservoir construction and operation might affect water quality and local aquifer characteristics. Specifically, the model needs to summarize the existing site conditions, such as groundwater movement and seasonal groundwater elevation changes, baseline water quality and localized flood characteristics. Taking Project design into consideration, the model needs to support an assessment of the Project's geologic/hydrogeologic and water quality impacts on local conditions and establish recommendations to reduce the possibility of inundation or "pit capture" [refer to 9.c) and d) immediately below]. Until such time, Project impacts are unknown and must be presumed to be potentially significant.

- c) and d)

In 1962, Lake Kaweah, located upstream from the Site, was created by the construction of Terminus Dam. The raising of the dam in 2004 significantly reduced flooding in the vicinity of the Project site, but did not eliminate it totally. FEMA maps indicate that the Project site is located within 100-Year Floodway (Zone AE = where Base Flood Areas Determined), and the Special Flood Hazard Area Subject to Inundation. The County General Plan Flood Hazards map indicates the Project site is located within the FEMA 100-year Flood Zone, and the Dam Failure Inundation Zone.

Sources:

Flood Insurance Rate Map Number 06107C0693E (FIRM), Effective Date June 16, 2009

Tulare County General Plan, August 2012, Figure 10-1

The influence of Lake Kaweah on design flood flows at the Project site needs to be taken into account when evaluating Project-related impacts, and flooding impacts upon the Project. Recent construction of the river diversion structure to the south of the Project site on the Kaweah River also appears to include some riverbank stabilization and check dams on the St. John River.

These conditions call for additional analysis to address matters of flooding, particularly in terms of the potential for "head cutting" and "pit capture" in the event of flooding. The analyses needed, pertain to the technical issues of construction and long-term operation of the reservoir, which are described below.

1) During Reservoir Construction:

Surface flows in the rivers, particularly low flows. Seepage from the adjacent rivers into the area of excavation could increase when the excavation extends into perched water under the river or into the more permeable zone connected to the river. This potential needs to be assessed and quantified to determine its impacts on the downstream water users and whether it has any environmental impact (the latter is a low likelihood).

Overtopping of the "southern embankment" forming the reservoir during extreme flood conditions. There is a low probability that an extreme flood could occur that would flood out the reservoir during excavation. However, flood flow statistics for the river flow and possibly "backwater calculations" in the rivers to determine the flood levels are needed to evaluate this further. As this probability is low, this is not likely to be an important issue. As discussed below, it is more important for the long-term operation phase of the reservoir.

River bank scour. This is also not likely to be a major issue during construction, but is an important long-term operational consideration. See further discussion below.

2) Reservoir Operations:

Overtopping the "southern embankment" during extreme flood conditions. TID will need to provide a level of flood protection to the southern embankment. It currently appears it is close to the 100-year event, however, to assure no damage occurs due to wave action at least five feet of freeboard may have to be added by constructing a low "berm" on top of the current embankment. Higher design flood requirements by TID would require a higher berm.

River bank scour and river bed meandering. In the long term, these could be significant issues and will therefore require further evaluation using riverbank scour and river regime analyses. The existing stabilized sections, while preventing damage in these areas, may cause changes to occur in the other areas. Potentially vulnerable areas are opposite the reservoir on the outside of the river bend, and the east end where up stream flow is directed towards the reservoir.

River capture by the reservoir. In an extreme case, either of the above two types of events could be severe enough to cause the embankment between the river(s) and the reservoir to wash out, permitting

the river(s) to flow into the reservoir. The embankment therefore, needs to be both sturdy enough and needs to incorporate sufficient erosion protection to prevent the occurrence of river capture.

Slope stability. Slope stability evaluations under various conditions such as rapid draw down, groundwater and river seepage through the side slopes, and seismic loading (including liquefaction) will need to be conducted to ensure the reservoir meets the TID's and the States (County's) required standards. Refer to 6.c) above for a discussion of Slope Stability.

Slope erodability. The resultant embankment slopes of the reservoir may be prone to erosion caused by wave action and extreme storm events. This issue would need to be evaluated to assure sufficient erosion protection occurs in the natural materials, or that erosion protection is provided. (Refer to 6.c) above for a discussion of Slope Stability.)

3) Regulatory Considerations

Reservoir Construction Standards. It will be critical to this project to both understand and determine how regulatory standards will apply to the construction and operational period of the reservoir. Potential requirements include the US Army Corps of Engineers (Flood Control Levee Standards), the County (Public Works Department), TID, and common sense requirements. In addition, Lake Kaweah provides for flow regulation, which makes the river banks less susceptible to damage. The types of requirements that need to be determined include embankment, seepage controls, buffer areas to protect the embankment from river scour, and sufficient areas to allow heavy equipment access for repairing and maintenance, amongst others.

Until the above analyses are completed, Project impacts must be presumed to be potentially significant.

- e) By its very nature, the Project is designed to divert water from the Kaweah River, and holds this water for later release downstream for use by irrigation water customers. The Project will not create large areas of impermeable surfaces and, as such, will not result in increased rates of surface runoff. In fact, the Project will serve to capture rainfall, thereby reducing surface runoff. Until the analyses described in 9.c) and 9.d) are completed, Project impacts must be presumed to be significant.
- f) In addition to the dissolved chemical concentrations in ground and surface water, the water in the reservoir will contain sediments that are captured during high flow conditions in the river. Evaluations are needed to ensure that sufficient time is allowed for settlement to occur in order for the discharged water to not only meet the dissolved chemical requirements, but also any suspended sediment and turbidity requirements. Also pertinent to this inquiry will be the groundwater model results described in 9.b). Until such time, Project impacts must be presumed to be potentially significant.
- g) Housing is not proposed. As such, the Project would have no impacts.
- h) By its very nature, the Project is designed to divert water from the Kaweah River, and holds this water for later release downstream for use by irrigation water customers. Such diversion would include the placement of structures to capture river water flows, and later release water back into the rivers. It is unknown whether such structures would result in an unintended impediment or redirection of flood flows, other than anticipated through Project design. Because these structures would be placed within a 100-year flood hazard area, any determination of Project impacts will need to be based upon the results of the

studies described above. Until the analyses described in 9.c) and 9.d) are completed, Project impacts must be presumed to be significant.

- i) As described more fully above, additional analyses are needed to ensure the Project will not result in reservoir failure. In the event the reservoir were to fail, it is not unknown if the resulting "pit capture" would expose people or structures to a significant risk of loss, or injury or death involving flooding. Until the analyses described in 9.c) and 9.d) are completed, Project impacts must be presumed to be significant.
- j) The Project is not located near an ocean or enclosed body of water and would not be subject to inundation by seiche or tsunami. A mudflow is a type of mass wasting or landslide where earth and surface materials are rapidly transported downhill under the force of gravity. The Project site is generally flat and not located on or near any hills or mountains that are subject to mudflows. However, windborne wave action could contribute to erosive forces that may adversely affect the interior reservoir walls. Until the investigations and analyses described in 6.c), 9.c) and 9.d) are completed, Project impacts must be presumed to be significant.

10. LAND USE AND PLANNING

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

Discussion:

- a) No land division will result from the Project. As such, the Project will have no impact.
- b) Within the AE-20 zone, Tulare County permits mining and the extraction of minerals, upon approval of a Reclamation Plan and Financial Assurance Cost Estimate. In listing the many uses that may be permitted under a Special Use Permit, the Tulare County Zoning Ordinance provides "*that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone.*" In this instance, because the TID, serving as Lead Agency, will decide its own action, a Special Use Permit will not be required from the County. However, the County will require its approval of a Surface Mining Permit for a SMARA-compliant Reclamation Plan and Financial Assurance Cost Estimate. The County's past and recent approvals of surface mining in the immediate vicinity of the Project, on lands similarly zoned, serve to illustrate the County has determined the excavation of a reservoir and processing of the materials does not conflict with existing zoning for agricultural use. As such, the Project would not conflict with applicable plans, policies or regulations. As such, the Project will have no impact.

Source: Tulare County Zoning Ordinance, Section 16.II.B.

The EIR will discuss the incremental effects of an the Project in light of the effects of past projects, the effects of other current projects, and the effects of probable future projects. Tulare County has requested the the Orosi Rock and Hunsacker Mine surface mining projects be included within the cumulative impact analysis.

- c) This topic to be addressed under Biological Resources [refer to 4.a) through f)].

11. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant Impact 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) Approximately 13.8 million gross tons of aggregate will be excavated by the Project, which is consistent with the underlying zoning and Mineral Resource Area classification. As such, Project impacts are considered less than significant.

Refer to 11) b) below.

- b) The land underlying the Project is zoned AE-20 (Exclusive Agriculture Zone, 20 Acre Minimum), with a General Plan designation of Valley Agriculture, Mineral Resource Area (MRZ-2a). As previously noted, the State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, has classified the underlying land as MRZ-2a, which includes:

Areas underlain by mineral deposits where geologic data indicate that significant measured or indicated resources are present. Areas classified MRZ-2a contain discovered mineral deposits that are either measured or indicated reserves. Land included in MRZ-2a is of prime importance because it contains known economic mineral deposits.

Source: Tulare County General Plan, August 2012, Figure 8-2.

An example of loss of availability in this instance would be the development of residential housing atop an area classified by the State Geologist as MRZ-2a. The excavation of lands so classified, and the subsequent processing of the resulting materials, is the utilization of such resources, which is consistent with an MRZ-2a classification. As such, the Project will have no impact.

12. NOISE

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The vicinity of the Project is sparsely developed, with very few sensitive receptors. The nearest sensitive receptor is a single-family residence, owned by TID, that is located immediately south of the Project site, on the south side of the Kaweah River. The next nearest sensitive receptors are approximately 0.5 miles south of the Project site, where three residences are located within areas of active agricultural use. The nearest neighborhood parks, Willow Court Park and Woodlake City Park, are located in the community of Woodlake at a distance of approximately 2.5 miles northwest of the Project site. The First Presbyterian Church in Lemon Cove is the nearest church and is located approximately 1.2 miles to the west-southwest of the Project site, across the Kaweah River.

Project related noise will be generated by the onsite excavation equipment and the off-road haul trucks transporting material to the CEMEX Lemon Cove Facility. As such, noise will be localized to the Project site and the CEMEX Lemon Cove Facility. A Noise Study is needed to determine whether Project excavation

equipment and truck engines may increase the ambient noise level of the area beyond prescribe significance thresholds. Until such time, Project impacts must be presumed to be potentially significant.

- b) No blasting is proposed and, given the distance to sensitive receptors, it is highly unlikely they will experience groundborne vibration or groundborne noise during construction. As such, the Project will have no impact.
- c) Refer to 12.a) above.
- d) Refer to 12.a) above.
- e) Tulare County utilizes the Comprehensive Airport Land Use Plan (CALUP) to minimize danger to the public while still providing aviation services for public use airports in the County. The Woodlake Airport is located approximately 2.5 miles west of the Project site, and is a publicly owned and operated facility. Since the Project is further than 2 miles from the Woodlake Airport, and because the Project does not propose structures or equipment that would present vertical obstructions, the Project will have no impact.

Source: Tulare County General Plan, August 2012, Figure 4-1.

- f) A private airstrip neither exists nor is proposed on the Project site. As such, the Project will have no impact.

13. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The Project will not induce such growth. As such, the Project will have no impact.
- b) The Project will not cause such displacement, nor will it require replacement housing. As such, the Project will have no impact.
- c) The Project will not cause such displacement, nor will it require replacement housing. As such, the Project will have no impact.
- d) The Project will not affect population projections. As such, the Project will have no impact.

14. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government and public services facilities, need for new or physically altered government 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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Sheriff protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Electrical power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Communication?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The nearest fire station is Fire Station #13, located at 32490 Highway 198, Lemon Cove CA, where Patrol 13, Engine 13 and Water Tender 13 are assigned. Fire Station #13 is approximately 3.0 road miles from the Project site. The Project area is bordered to the south and east by the St. John and Kaweah Rivers; to the north by the CEMEX Lemon Cove Facility; and to the west by the Kaweah River Rock Project. There is no urbanized development in close proximity to the Project. Given these conditions, and the close proximity of Fire Station #13, Project impacts are considered less than significant.
- b) The Project site is served by the Tulare County Sheriff's Office, headquartered in Visalia, CA. The Project site is served by the Central Division of the California Highway Patrol, which is located in Visalia, CA. This is a remote area of the County and is inaccessible to the general public. An onsite office would house administrative staff present on a routine basis to oversee operations at the construction site. Security personnel would monitor the site on nights and during the weekends. The perimeter of the construction site would be fenced and all facilities secured. As such, Project impacts are considered less than significant.
- c) The Project will have no impact on schools.
- d) The Project will have no impact on parks.
- e) The Project will have no impact on electrical power or natural gas.

- f) The Project will have no impact on communication.
- g) The Project will have no impact on other public facilities.

15. RECREATION

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The nearest neighborhood parks, Willow Court Park and Woodlake City Park, are located in Woodlake at a distance of approximately 2.5 miles northwest of the Project site. The Project is not expected to generate additional use of these facilities. As such, the Project will have no impact.
- b) The Project neither proposes, nor would require, recreation facilities. As such, the Project will have no impact.

16. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in a substantial increase in roadway vehicle volume or vehicle miles traveled?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Substantially accelerate physical deterioration of public and/or private roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) There will be no substantial increase in roadway vehicle volume or vehicle miles traveled. Currently, CEMEX is conducting surface mining operations at its Stillwell Project, which is approximately one mile to the northwest of the proposed McKay Point Reservoir, just north of the intersection of State Highways 216 and 198. Materials mined from the Stillwell Project are transported by on-road heavy trucks to the Lemon Cove Facility for processing. That travel distance is approximately 1.0 mile and involves approximately 75 truck round-trips within the A.M. peak hour. Hauling does not generally occur during the P.M. peak hour.

The construction of the McKay Point Reservoir would not begin until the surface mining activities at the Stillwell Project cease. At that point in time, CEMEX excavation and other related equipment would move to the McKay Point Reservoir site, thereby reducing the need for duplicate sets of equipment and eliminating the cumulative impacts of combined air emissions.

Excavated materials would be transported to the adjacent Lemon Cove Facility, either by being placed directly into onsite haul trucks, which would not travel on public roads, or directly via a conveyor system. The use of on-road haul trucks to transport the excavated material to the Lemon Cove Facility would not be required. In processing the material excavated from the McKay Point Reservoir Project, CEMEX would operate within its average annual rate of processing (i.e., producing 677,670 net tons of construction-grade aggregate resources annually). As such, the receipt and processing of excavated materials from the McKay Point Reservoir Project will not result in an increase in the level of truck traffic associated with product sales and delivery from the Lemon Cove Facility.

Access for employees and service vehicles would be through the Lemon Cove Facility entrance to the McKay Point Reservoir. As a result, the McKay Point Reservoir would generate only nominal employee and service equipment related traffic. Such traffic would be similar to that experienced at the Stillwell Project and, as such, would serve to replace that traffic as those operations cease. Since no on-road trucks will be used to transport excavated materials to the Lemon Cove Facility, there would be a net reduction in local on-road truck traffic, once the Stillwell Project ceases and the construction of the McKay Point Reservoir Project begins.

As such, Project impacts are considered less than significant.

b) through d):

Refer to 16.a) above.

- e) Emergency access will be via the access road into the CEMEX Lemon Cove Facility, taken off State Route 216. This road is in good condition and maintained by CEMEX. As such, Project impacts are considered less than significant.
- f) Refer to 16.a) above. The Project will only result in employee related traffic during construction. Such traffic will be equivalent to that of the Stillwell Project and will essentially migrate to the Project upon the cessation of surface mining at the Stillwell Project. As such, Project traffic does not conflict with adopted policies, plans, or programs and would have no impact in that regard.
- g) Refer to 16.a) above.

17. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant Impact 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The Project would generate minimal wastewater during construction and none during operations. Wastewater would be contained within portable toilet facilities and disposed of at an approved facility. The Tulare County Health and Human Services Agency is responsible for monitoring the use of portable toilet facilities, and a condition of approval would require the operator to provide documentation of a portable toilet pumping contract. As such, the Project will have no impact.
- b) Refer to 17.a) above.

- c) Although the Project would create a small amount of additional impervious surface, these surfaces would not substantially increase the amount of stormwater runoff and most stormwater would either be captured by, or flow into, the reservoir. The Project area does not rely on constructed stormwater drainage systems. New stormwater drainage facilities or the expansion of existing facilities would not occur as a result of the Project. As such, the Project will have no impact.
- d) Water use during construction will be approximately 3.5 million gallons per year. Such water will be used for the suppression of fugitive dust. During operations, water may be used on occasion for dust suppression along the perimeter road. New or expanded water supply facilities or entitlements will not be required. As such, the Project impacts are considered less than significant.
- e) Refer to 17.a) above.
- f) The Project is not expected to generate a significant amount of waste that would exceed the capacity of local landfills. Materials brought to the Project site would be used to construct facilities, and few residual materials are expected. Non-hazardous construction refuse and solid waste would be either collected and recycled, or disposed of at a local landfill, while any hazardous waste generated during construction would be disposed of at an approved location. It is not anticipated that the amount of solid waste generated by the Project would exceed the capacity of local landfills needed to accommodate the waste. As such, the Project will have no impact.
- g) The Project would generate solid waste during construction and operation, thus requiring the consideration of waste reduction and recycling measures. The 1989 California Integrated Waste Management Act (AB 939) requires Tulare County to attain specific waste diversion goals. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the Project design. The Project would comply with the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991, as amended. As such, the Project will have no impact.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant Impact 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- The EIR's biological resources section will discuss specific Project impacts on plants and wildlife, including riparian species. The EIR will also evaluate the Project's potential impact on important examples of the major periods of California history and prehistory. Finally, the EIR will evaluate the Project's contribution to cumulative biological and cultural resources impacts and propose mitigation measures that would reduce the impacts to less-than-significant levels.
- The Project has the potential to contribute to cumulative air quality, biological resources, cultural resources, geology and soils, GHG emissions, hydrology and water quality, land use and planning, and noise. The EIR will evaluate the Project's contribution to cumulative impacts in these and other areas as further impacts are identified.
- The Project is not expected to result in environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.