PORTERVILLE IRRIGATION DISTRICT

GROUNDWATER BANKING POLICY

DRAFT INITIAL STUDY

SEPTEMBER 2024

SCH NO.

PREPARED FOR:

Porterville Irrigation District
22086 Avenue 160
Porterville, CA 93257

PREPARED BY:

Provost & Pritchard Consulting Group

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ACRONYMS

AF .... Acre-Feet
APE .... Area of Potential Effect
AQP .... Air Quality Plan
ARD .... Aquatic Resources Delineation
BMP .... Best Management Practice
CalEEMod .... California Emissions Estimator Modeling (software)
CalNAGPRA .... California Native American Graves Protection and Repatriation Act
Caltrans .... California Department of Transportation
CAAQS .... California Ambient Air Quality Standards
CARB .... California Air Resources Board
CCAA .... California Clean Air Act
CDFW .... California Fish and Wildlife
CESA .... California Endangered Species Act
CGS .... California Geological Survey
CIHR .... California Inventory of Historic Resources
CH_4 .... Methane
CHL .... California Historical Landmarks
CNDDB .... California Natural Diversity Database
CNPS .... California Native Plant Society
CO_2 .... Carbon dioxide
County .... Tulare County
CPHI .... California Points of Historical Interest
CRHR .... California Register of Historical Resources
CVP .... Central Valley Project
dB .... Decibel
dBA .... A-weighted decibels
District .... Porterville Irrigation District
DTSC .... Department of Toxic Substances Control
EIR .... Environmental Impact Report
EPA .... Environmental Protection Agency
ESA .... Endangered Species Act
ETGSA .... Eastern Tule Groundwater Sustainability Agency

FEMA .... Federal Emergency Management Agency
FKC .... Friant Kern Canal
FMMP .... Farmland Mapping and Monitoring Program
GHG .... Greenhouse Gas
GSP .... Groundwater Sustainability Plan
HCP .... Habitat Conservation Plans
HUC .... Hydrologic Unit Code
IPaC .... Information for Planning, Consultation
IS .... Initial Study
LSA .... Lake or Streambed Alteration
LTRID .... Lower Tule River Irrigation District
MBTA .... Migratory Bird Treaty Act
MOCC .... Monitoring and Operational Constraints Committee
MOCP .... Monitoring and Operational Constraints Plan
NAAQS .... National Ambient Air Quality Standards
NAHC .... Native American Heritage Commission
NCCP .... Natural Community Conservation Plan
ND .... Negative Declaration
NEPA .... National Environmental Policy Act
NOx .... Nitrogen oxides
NPDES .... National Pollution Discharge Elimination System
NRCS .... Natural Resources Conservation Service
NRHP .... National Register of Historic Places
O_3 .... Ozone
PID .... Porterville Irrigation District
PM_{10} .... particulate matter 10 microns in size
$PM_{2.5}$ .... particulate matter 2.5 microns in size
ppb .... parts per billion
ppm .... parts per million
Project .... Porterville Irrigation District Groundwater Bankiing Policy Project
RWQCB .... Regional Water Quality Control Board
SJVAB .... San Joaquin Valley Air Basin
SJVAPCD .... San Joaquin Valley Air Pollution Control District
SMAQMD .... Sacramento Metro Air Quality Management District

SO_2	Sulfur Dioxide
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
µg/m3	micrograms per cubic meter
WDR	Waste Discharge Requirements
WEAP	Workers Environmental Awareness Program

GLOSSARY OF TERMS

AREA OF CONCERN: The Area of Concern is the Land Subsidence Management Area as defined by the Eastern Tule Groundwater Sustainability Agency (ETGSA) (see Figure 2-8). The ETGSA may revise the Land Subsidence Management Area from time to time. This Area of Concern shall be revised accordingly.

BANKED WATER: Banked water or "recharged water" is water imported by and purchased from the Porterville Irrigation District for the stated purpose or controlled by the Banker and delivered to the water banking facility for recharge and storage purposes. All District water supplies available for groundwater banking would be subject to the District policies, rules and regulations regarding priority for allocation and use of water by landowners and water users within the District.

BANKER: A landowner within the District or a third party with a written agreement acceptable to the District with a landowner within the District.

BANKING PROJECT: means a water banking facility and its operations.

BANKING FACILITIES: Water banking facility would typically include a basin, connection to a District conveyance facility, monitoring wells, piezometers, and flow meters. No new wells would be constructed as part of any water banking facility in this Program.

BASIN: The Tule Subbasin (Bulletin 118, Subbasin 5-22.13).

ELIGIBLE APPLICANT: a current landowner (in good standing) within the District boundaries and/or a third party with a written agreement with a landowner (in good standing) within the District.

FORCE MAJEURE EVENT: Any flood, earthquake, failure of any facility not owned by Banker, acts of God (other than drought), governmental or court actions, and other events which are beyond the reasonable control of, and have not been caused or contributed to by the parties hereto.

FRIANT: The Friant Division of the Central Valley Project.

FRIANT CLASS 1 WATER: Friant Division water supply is divided into two classifications: Class 1 and Class 2. The first 800,000 AF of available water supply is considered Class 1 water.

FKC: The Friant Kern Canal.

GROUNDWATER BANKING AGREEMENT: Prior to commencement of construction or operation of banking facilities, the Banker would enter into a groundwater banking agreement with the District to provide for groundwater banking activities consistent with the Policy.

LANDOWNER: A fee title owner of land within the District boundaries that is not a Banker as defined above.

LEAVE BEHIND WATER: The percentage amount of the total volume of water reported on an annual basis, to be assumed to have augmented Basin storage according to the Groundwater Banking Policy.

PLACE OF USE: The place where the banked water will be used. A place of use can be Porterville Irrigation District, Eastern Tule GSA, Remainder of the Tule Sub-Basin, or any other Lawful Place.

MOCP: A monitoring and operational constraint plan ensuring that unacceptable impacts to neighboring crops, well flow rates, well water levels and/or water quality are prevented and/or, if recognized, adequately mitigated.

RECAPTURED RECIRCULATION WATER: Water made available to the District at any location pursuant to the "Stipulation of Settlement in Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.", paragraph 16 (a), and the San Joaquin River Restoration Settlement Act (Public Law 111-11), and any implementing plan, regulations and policies of Reclamation, as any of them may be amended, or any other water transferred or exchanged to replace such water.

RECHARGE WATER: Water imported by, purchased from the District for the stated purpose, or controlled by Banker and delivered to the Banking Project for recharge and storage purposes.

RECLAMATION: The United States Department of the Interior, Bureau of Reclamation.

RECOVERABLE WATER: Any water recharged and stored in the Basin by Banker using the Banking Project, less (a) evapotranspiration losses prior to recharge and (b) Leave Behind Water.

RECOVERABLE WATER ACCOUNT: A storage sub-account under the name of the District accounting for the running total of Recoverable Water credited to the Banker.

YEAR: A water year commencing October 1 and ending September 30.

CHAPTER 1 INTRODUCTION

Provost & Pritchard Consulting Group (Provost & Pritchard) has prepared this Initial Study (IS) on behalf of the Porterville Irrigation District ("PID" or "District") to identify environmental effects of the Porterville Irrigation District Groundwater Banking Policy Project (Project, Policy, or Program) and to determine if there is substantial evidence that any aspect of the Project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the Project is adverse or beneficial. The information within this IS will assist the lead agency to determine whether an Environmental Impact Report (EIR) is the appropriate document for the Project based on analysis of the evidence for each resource topic. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq. The Authority is the CEQA lead agency for this Project.

The site and the Project are described in detail in Chapter 2 Project Description..

CHAPTER 2 PROJECT DESCRIPTION

2.1 PROJECT INFORMATION

2.1.1 Project Title

Porterville Irrigation District Groundwater Banking Policy Project

2.1.2 Lead Agency Name and Address

Porterville Irrigation District
22086 Avenue 160
Porterville, CA 93257

2.1.3 Contact Person and Phone Number

Lead Agency Contact

Sean Geivet
District Manager
(559) 361-5523

CEQA Consultant

Provost & Pritchard Consulting Group
Amy M. Wilson, Environmental Project Manager
(559) 636-1166

2.1.4 Project Location

The Project is a District Banking Policy (Policy or Program) that would be implemented within the District boundary located approximately 55 miles south of Fresno and 43-miles north of Bakersfield (see Figure 2-1). The land that could be developed as part of the program consists of existing fallowed and active agricultural land (see and Figure 2-3).

The District is situated in the southern San Joaquin Valley, part of the Great Valley of California, in Tulare County (County). The Valley is bordered by the Sierra Nevada Mountain Range to the east, the Coast Range to the west, the Klamath Mountains and Cascade Range to the north, and the Transverse Range and Mojave Desert to the south (see Figure 2-3). The City of Porterville lies geographically within the District's management area, but no water banking facilities would be constructed within the urbanized territory that is in the City of Porterville as part of this Project. State Route (SR) 190 runs in an east/west direction along the southern portion of the District's management area. SR 65 runs in a north/south direction approximately 0.3 miles east of the District's management area. In addition, SR 99, which runs north/south is located approximately nine miles to the west of the District's management area.

The District overlies the Tule Subbasin. The Tule Subbasin is bordered by the Kaweah Subbasin to the north, the Kern Subbasin to the south, the Tulare Lake Subbasin to the west, and the Sierra Nevada Mountains to the east. The groundwater gradient of the region flows from east to west and primarily contains alluvial sediments.

2.1.5 General Plan Designation and Zoning

The Project would be allowed within existing basins or land that is designated for Agricultural uses by the County's General Plan and Zoned an agricultural zone district.

2.2 PROJECT BACKGROUND, PURPOSE, AND OBJECTIVES

The District is part of the Eastern Tule Groundwater Sustainability Area (ETGSA). The ETGSA drafted their Groundwater Sustainability Plan (GSP) pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA) on January 17, 2020. The District developed a Banking Policy in 2019. The District is in the process of revising their Banking Policy, the draft policy can be found in Appendix A. The District has been facilitating the banking policy on a per project basis since 2016. The District has approved approximately 490 acres in banking facilities since 2016. The banking policy has evolved over time; however, the goals and objectives of the District have remained the same.

The Project's purpose is to facilitate the District's compliance with SGMA. Implementation of the Project would provide benefits to the District, its landowners and water users, including, but not limited to, the following:

- Increase the total water supply available in the District;
- Improve groundwater conditions within the Tule Subbasin (Bulletin 118, Subbasin 5-22.13, hereafter "Basin") and the District;
- Contribute to the reduction of District and landowner costs to produce groundwater;
- Increase the diversification of water supplies available in the District; and
- Facilitate landowners' needs to obtain water for beneficial use in the District.
- Facilitate the District's compliance with the Sustainable Groundwater Management Act; and
- Establish adequate protection against adverse impacts potentially resulting from water banking activities.

2.3 PROJECT DESCRIPTION

2.3.1 Description of Project

The Project is a District Banking Policy (Policy or Program) that would be implemented within the PID boundary. The Project would allow eligible applicants to apply for the conversion of a portion of their land to a groundwater banking facility. The program allows for a maximum of up to 120,000 acre-feet of recharge within the District. As water is extracted, more water can be banked within the District. Additionally water levels within the District would be monitored throughout the life of the Program as described in the Banking Policy and this CEQA document. Based on this monitoring banking could be further limited in certain areas. The land that could be developed as part of the Program consists of existing fallowed and active agricultural land within the District (Figure 2-3).

In order to meet the goals and objectives of the Project the eligible applicants have to comply with the Water Banking Policy as outlined in its entirety in Appendix A. The following sections detail the application process and summarize the Banking Policy as it applies to compliance with CEQA.

2.3.2 Application Process

As part of the application process eligible applicants would submit a banking project facilities report and if the project includes construction, biological and cultural documentation.

2.3.2.1 Banking Project Facilities Report

Prior to entering into a groundwater banking agreement with the District, the Banker would submit and obtain approval from the District of a Banking Project Facilities Report. District staff may approve the Banking Project Facilities Report as a non-discretionary action after compliance with the Water Banking Policy. The Banking Project Facilities Report shall contain the following information:

- The banking site location (Assessor Parcel Number, legal description, and GIS map);
- Recharge Facility Construction (Property size in acres, basin size in acres, removal of crops, existing pumping or monitoring wells);
- The conveyance and distribution facilities and manner and method of operation (conveyance to basin, potential alternatives, size of conveyance and distribution facilities, need for District facilities);
- The recharge facilities and the manner and method of operation;
- Recovery (manner and method of recovery, utilization of existing wells);
- The schedule for permitting construction and commencement of operation;
- The plan of operation, maintenance, repair, and replacement of banking facilities;
- The intended source of all banking water supplies [e.g., Central Valley Project, local surface waters (Tule River), third party exchange/transfer supplies, other];
- The banking accounting, measurement, monitoring, and reporting procedure; and
- Identification of any potential impacts to groundwater levels, water quality, and subsidence to water service infrastructure, including the FKC.

The required components listed above for the banking project facilities report are detailed in sections 2.3.2.3 through 2.3.2.17 below and also in the Banking Policy (Appendix A).

2.3.2.2 Biological and Cultural Documentation

If banking facilities are being constructed, the following documentation would be provided to the District with the facilities report, prior to approval and entering into ground water banking agreement:

- A biological site survey and evaluation, detailing all applicable biological mitigation measures for that specific banking site.
  - The survey and evaluation must be provided by a District approved biologist and must detail which of the mitigation measures included in this CEQA document are applicable to the specific banking site.
  - In order for the water banking facility to be covered by this CEQA document there must be no new mitigation measures beyond what is listed in this document. Should the biological site survey and evaluation show that new mitigation measures are needed to reduce environmental impacts beyond what is discussed in this document, a new CEQA document would need to be prepared for that specific site before approval to participate in the Program.
- A California Historical Resources Information System (CHRIS) database search for the specific banking site.
  - If any cultural resources are recorded on the site as a result of CHRIS, then a site-specific survey and evaluation must be provided to the District by a qualified archeologist.

- If the cultural survey and evaluation requires any additional mitigation beyond what is discussed in this document, a new CEQA document would need to be prepared for that specific site.

2.3.2.3 Groundwater Banking Agreement

Prior to commencement of construction or operation of banking facilities, the Banker would enter into a groundwater banking agreement with the District to provide for groundwater banking activities consistent with the Policy. Each agreement would have a 25-year term, after which it can be extended upon the mutual agreement of the District and the Banker.

2.3.2.4 Construction

The Banker would be solely responsible for determining the nature, location, and extent of its Banking Project and Banking Project Facilities. All costs of design, permitting, construction, operation, maintenance, repair, and replacement and all other costs and expenses of a Banking Project and related Banking Project Facilities would be the sole responsibility of the Banker.

Water banking facility construction would typically include excavation of a basin, connection to a District conveyance facility, monitoring wells, piezometers, and flow meters. No new wells would be constructed as part of any water banking facility under this Program. Water bank construction equipment would likely include excavators, backhoes, graders, skid steers, loaders, and hauling trucks. Generally, construction would occur between the hours of 7:00 am and 5:00 pm, Monday through Friday, excluding holidays. Post-construction activities would include system testing, commissioning, and site clean-up. Construction would require temporary staging and storage of materials and equipment. Staging areas would be located onsite. Due to cumulative greenhouse gas emissions no more than 780 acres of banking facilities can be constructed within one calendar year. Additionally, no more than two banking facilities can be constructed concurrently if they are located within 2 kilometers (approximately 1.24 miles) of each other.

2.3.2.5 Operation and Maintenance

The water banking facilities would be operated and maintained by the landowner in coordination with PID. The Policy would detail the conditions under which PID facilities might be used and how the District would be reimbursed for the costs they incur in supporting the water bank. Water banks would be maintained using normal farming and irrigation practices.

A water bank's operational goals are:

- Maintain a safe, reliable, and productive facility,
- Prevent the long-term establishment of undesirable invasive plants within the Project boundaries and/or their migration onto adjacent farms, and
- Prevent berm erosion/destabilization and/or rodent infestation through standard farming and water industry practices.

During operation: the basin water surface level would be maintained at or below two (2) feet of freeboard; twice daily, in-person inspections would be performed between the hours of 7:00 am and 5:00 pm. A water operations manager or basin operator would be on-call 24 hours a day, 7 days a week, to respond quickly if an inspection or any of the automatic monitors indicate a spill risk or imminent berm failures.

2.3.2.6 Monitoring and Operational Constraint Committee

a. **Members.** The District's Board of Directors shall appoint the following members to the MOCC. The MOCC shall ensure, using the MOCP, that District interests, adjacent landowners' interests, and

FKC interests are protected from adverse impacts caused directly or indirectly by the proposed Banking Project. The 5-member MOCC will be composed as follows:

i. 1 seat for a Banker representative;
ii. 1 seat for a District director or the District's General Manager;
iii. 1 seat for a District director;
iv. 1 seat for a District Landowner representative, who is not a Banker; and
v. 1 seat for a Friant Water Authority ("FWA") representative.

The MOCC will oversee the Banker's implementation of the MOCP. All MOCC members must be present to conduct a MOCC meeting, which will be subject to the Brown Act. An affirmative vote of at least four out of five votes would be required for any recommendation or action of the MOCC.

b. **MOCC Responsibilities.** The MOCC will be responsible for:
   i. Implementation of the MOCP;
   ii. Resolution of disputes in which the Banker and a third party are unable to reach agreement on appropriate responses to complaints. Any matter upon which the MOCC cannot resolve a dispute, such matter will be referred to the Board of Directors for resolution;
   iii. Review of monitoring reports to:
      1. Determine whether operations have caused significant unacceptable impacts to groundwater levels or quality; and
      2. Determine whether the Banker can proceed with construction and operation of the next phase of the Banking Project.
c. **Banker Responsibilities.** Banker will be responsible for collecting and evaluating data to:
   i. Estimate if unacceptable impacts to third parties have occurred or may occur in the future as a result of Banking Project operations when compared to conditions that would have occurred absent the Banking Project;
   ii. Adjust Project operations to avoid or minimize unacceptable impacts to third parties; and
   iii. Timely respond to reasonable complaints of unacceptable impacts as a result of Banking Project operations.

2.3.2.7 Monitoring and Operational Constraint Plan

Banker is required to have a MOCP to mitigate or reduce any unacceptable impacts from banking operations. Banking Projects must be designed, operated, and monitored in a manner to ensure that the beneficial effects of the Banking Project are maximized while preventing significant unacceptable impacts to the aquifer, groundwater levels, groundwater quality, subsidence to the FKC, or adjacent landowners relative to conditions that would have occurred absent the Project. The Banking Policy (Appendix A) defines all requirements of the MOCP.

The following restrictions and limitations are intended to be consistent with the Eastern Tule Groundwater Sustainability Agency's Land Subsidence Management Plan and would be included in the Banker's MOCP if a Banking Project or extraction of Recovered Water is to occur within the Area of Concern. Compliance with the Land Subsidence Management Plan as stated herein may result in further limitations on physical locations for extraction of recovered banked water, either permanently or temporarily.

a. **Boundaries.** The Land Subsidence Management Area would include lands identified on Figure 2-8.
b. **Management Zones.** The Land Subsidence Management Area would be divided into both east-west and north-south Management Zones centered on the Friant Kern Canal between the Tule River and ETGSA boundary with Delano-Earlimart Irrigation District. There are four, ½ - mile east-west zones and each side of the Friant Kern Canal. There are six north-south zones. A total of 48 Management Zones exist within the Land Subsidence Management Area.

c. **Management Actions.**
   a. The following actions would apply to any recharge that takes place within a half mile of the Friant Kern Canal, or the Tule River:
      i. Groundwater Levels within 15 feet below land surface:

         Recharge operations would be reduced. And monitoring frequency would be increased to monthly during any recharge activities.

      ii. Groundwater Levels within 10 feet below land surface:

         Recharge operations would be discontinued.

   b. The following actions would apply should Land Subsidence Measurements meet the following thresholds within any individual Management Zone based on the ETGSA GSP, Monitoring Plan, and Land Subsidence Monitoring Committee's recommendations:

      i. Land Subsidence Between 1.50 feet and 1.99 feet:

         Available Recoverable Water extractions would be reduced to 60% for the Water Year in which the determination is made that land subsidence has occurred between 1.50 feet and 1.99 feet within an individual Management Zone.

         The remaining 40% of available Recoverable Water extractions is available to be extracted by Banker outside of the Management Area, provided such use is otherwise consistent with the Recovery Operations set forth in Section 4 of the Banking Policy.

      ii. Land Subsidence Between 2.00 feet and 2.49 feet:

         Available Recoverable Water extractions would be reduced to 30% for the Water Year in which the determination was made that land subsidence has occurred between 2.00 feet and 2.49 feet within an individual Management Zone.

         The remaining 70% of available Recoverable Water extractions is available to be extracted by Banker outside of the Management Area, provided such use is otherwise consistent with the Recovery Operations set forth in Section 4 of the Banking Policy.

      iii. Land Subsidence Between 2.50 feet and 2.99 feet:

         No extraction of any Recoverable Water would be allowed within the Land Subsidence Management Zone for the Water Year in which the determination is made that land subsidence between 2.50 feet and 2.99 feet has occurred.

2.3.2.8 Recovery Operations

The Banker would adhere to the following requirements in recovering banked water.

- **Tule Subbasin.** Recoverable Water is only allowed to be recovered and beneficially used within the ETGSA, Pixley ID, Lower Tule River Irrigation District GSA, jurisdictional boundaries east of Highway 99 (see Figure 2-9). Recoverable Water may be recovered from wells only in compliance with any applicable GSA or District rules.
- **Operational Exchanges.** Bankers may engage in operational exchanges of Recoverable Water, but only in compliance with District requirements.

2.3.2.9 Permissible Sources of Supply

Surface water supplied to a Banking Project may only consist of water from the Central Valley Project or surface supplies local to the Tule Subbasin or any other water legally diverted to the District. If the source of supply is Central Valley Project water, then the subject Banking Project must be registered with Reclamation, and any applicable Reclamation groundwater banking guidelines and requirements must be followed.

2.3.2.10 Exchanges of Recoverable Water

Friant Water. A Banker may, in its sole and absolute discretion, each Year make Recoverable Water available to the District in exchange for an equal amount of the District's Central Valley Project water supplies as follows:

- If the Banker elects to do so, then the Banker would notify the District of the volume of Recoverable Water the Banker requests to exchange in the current Year. The notice must identify the schedule, volumes and locations at which the Banker requests to deliver the extracted Recoverable Water into District conveyance facilities in lieu of normal District deliveries of Friant water.
- Within 45 days of Banker's notice, the District will notify Banker that the District has determined, in its sole and absolute discretion, that the requested exchange is either approved, modified, or denied.
- Upon agreement between the Banker and the District regarding the schedule and volume of the exchange, the District will allocate that amount of its Central Valley Project water supplies to the Banker in Millerton Reservoir. The District would use its best efforts and cooperate in good faith with the Banker to convey or cause the conveyance of that water from Millerton Reservoir to its designated place of use at the times and volumes requested by the Banker.

Recaptured Recirculation Water. A Banker may, in its sole and absolute discretion, request an exchange of Recoverable Water for Recaptured Recirculation Water as follows:

- The District would timely notify all Bankers whenever the District is advised by Reclamation that Recaptured Recirculation Water is or will be available and the District has, in its sole and absolute discretion, determined that such water is available for exchange.
- The Banker would make its election to take delivery of Recaptured Recirculation Water in lieu of Recoverable Water and provide the District with written notice of that election. The Banker and the District acknowledge that, other than Recaptured Recirculation Water that is carried over from one Year to the next, the timing of availability of Recaptured Recirculation Water is uncertain but that such supplies may be available later in the Year.

Allocation of Exchange Capacity. In the event the demand for recovery of stored water through an exchange of District surface water supplies (e.g., Friant water and Recaptured Recirculation Water) is determined by the District to exceed the available capacity, then the District water available for exchange will be allocated by the District according to uniform District policies, rules, and regulations applicable to all District landowners.

2.3.2.11 Banking Leave Behind

In order to ensure that a banking project will protect the Basin and benefit the District and its landowners and water users, Banker would leave in storage in the Basin aquifer to the credit of the District's storage master account the percentage amount of the total water reported on an annual basis, to have augmented the storage in the Basin a total of 15%.

2.3.2.12 Priority of Use of District Water

All District water supplies available for banking would be subject to the District's policies, rules and regulations regarding priority for allocation and use of water by landowners and water users within the District.

2.3.2.13 In-District Conveyance of Recoverable Water

Bankers are entitled to the use of available capacities to convey water to and from their banking facility in District facilities and other facilities the District is entitled to use according to the District policies, rules and regulations In the event the demand for conveyance capacity within District conveyance facilities is determined by the District to exceed the available capacity, then the available capacity would be allocated by the District consistent with applicable District policies, rules and regulations.

2.3.2.14 Conveyance of Recoverable Water through Third Party Conveyances

A Banker, at its sole expense, would be responsible for obtaining all approvals and complying with all requirements for conveying water through third party conveyance facilities.

2.3.2.15 Other Limitations and Commitments

- Water would be banked, returned, exchanged, or transferred in compliance with all federal, state, local, and tribal laws, and requirements imposed for protection of the environment and Indian Trust Assets, including the Central Valley Project Improvement Act;
- The Project would not be used to place untilled or new lands into agricultural production, or to convert undeveloped land to other uses. Specifically, no native or untilled land (fallow for three consecutive years or more) would be cultivated with the water managed through this Project;
- Transfers and/or exchanges would be limited to existing supply and would not increase overall consumptive use;
- Operations to bank, return, transfer and/or exchange the water would not result in new Delta exports above those already scheduled for normal CVP or State Water Project (SWP) operations;
- The Project would not interfere with the normal CVP or SWP operations;
- Transfers and/or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to not have a detrimental impact on fish or wildlife, or their habitats; and
- The Project would be operated in compliance with the PID Recharge Policy; the ETGSA GSP and any other SGMA-related requirements; and all applicable District policies, rules and regulations.

2.3.2.16 Legal Authority

California law permits a party who has a separate legal right to surface water developed from a source that is separate and distinct from the natural or native groundwater supplies existing in a common Basin aquifer to use the developed water for beneficial use. A party that owns a developed water supply "may use the supply by commingling the water with the native supplies and may subsequently recapture the developed water."[1] The recapture right includes the amount equivalent to the augmentation contributed by the water stored (either by direct recharge or return flows from water deliveries).[2] Banking projects, subject to the Policy, are permitted to recharge, store and recover water placed in the Basin aquifer so long as the quantity recovered does not exceed the amount contributed and none of the banking activities cause injury to any Basin resource or surface facility, or the rights of other users of water in the process.

[1] (CITY OF LOS ANGELES v. CITY OF GLENDALE 1943)
[2] (CITY OF LOS ANGELES v. CITY OF SAN FERNANDO et al., Defendants and Respondants 1975)

2.3.2.17 District Banking Activities Reserved

The District does not currently intend to directly develop, operate, and maintain a banking project but does expressly reserve its authority to revise these principles to include District banking in the future should it be deemed necessary and proper.

2.3.3 Site and Surrounding Land Uses and Setting

Specific site and surrounding land use and settings would vary depending on the landowner applications that would be approved by PID for water banking. The District's management area encompasses the City of Porterville and both incorporated and unincorporated lands. Land uses within the incorporated city limits include residential, commercial, industrial, public facilities, open space, and vacant land. Land uses within the unincorporated areas are predominantly agricultural and rural residential.

2.3.4 Other Public Agencies Whose Approval May Be Required

City of Porterville

2.3.5 Consultation with California Native American Tribes

Public Resource Code Section 21080.3.1, *et seq. (codification of AB 52, 2013-14)*) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The District has not received any written correspondence from a Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of proposed projects.

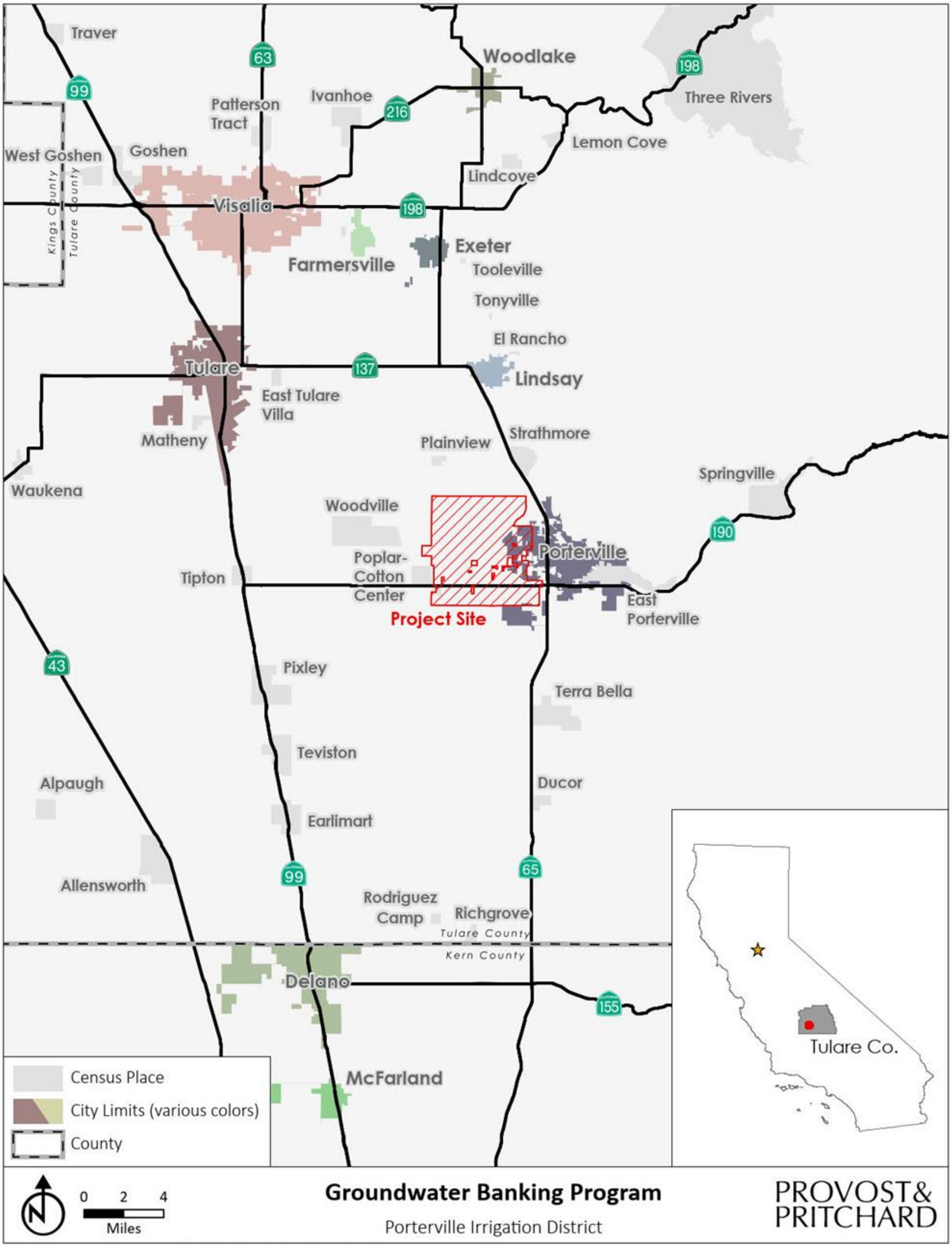

Figure 2-1: Regional Location

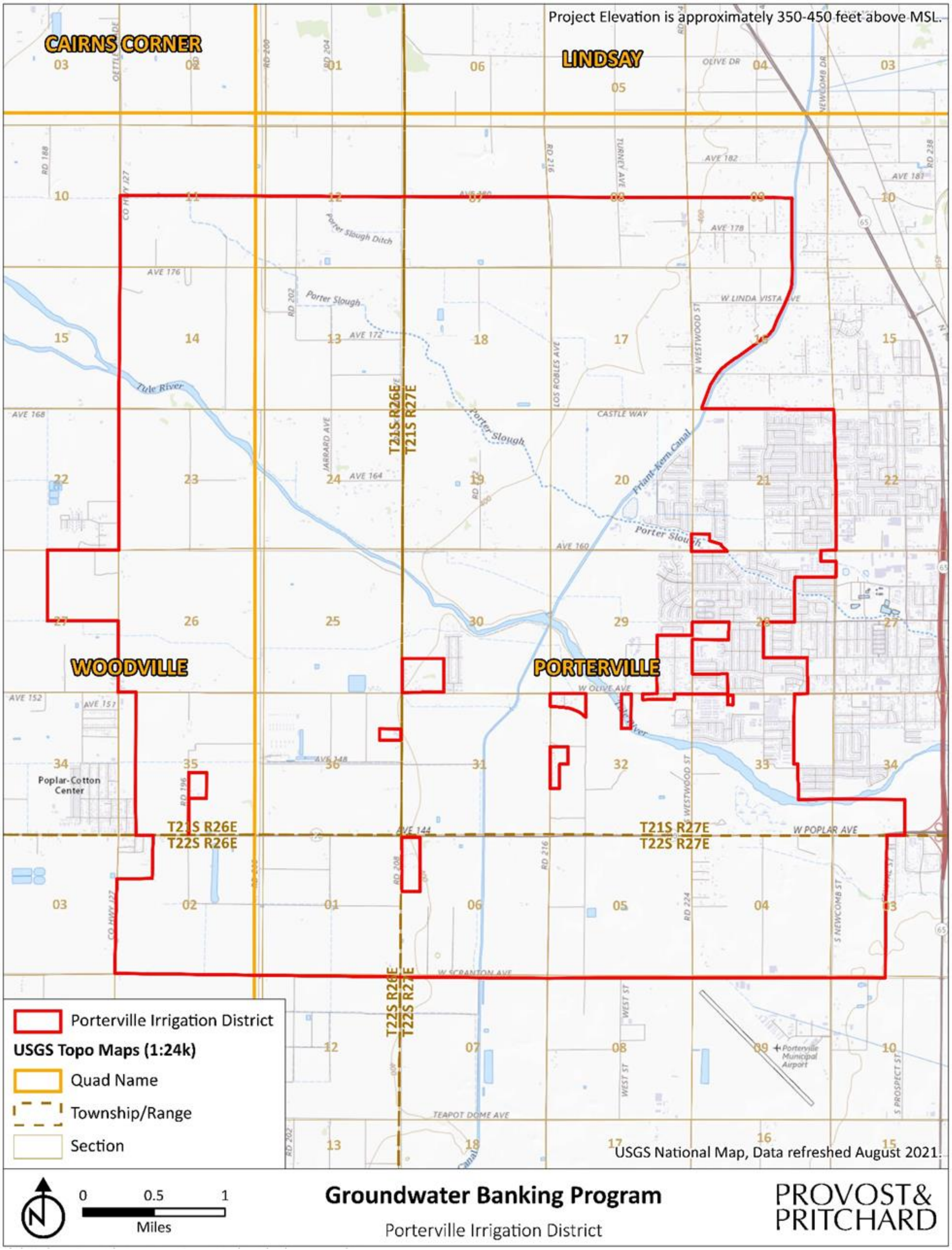

Figure 2-2: Topographic Quadrangle Map

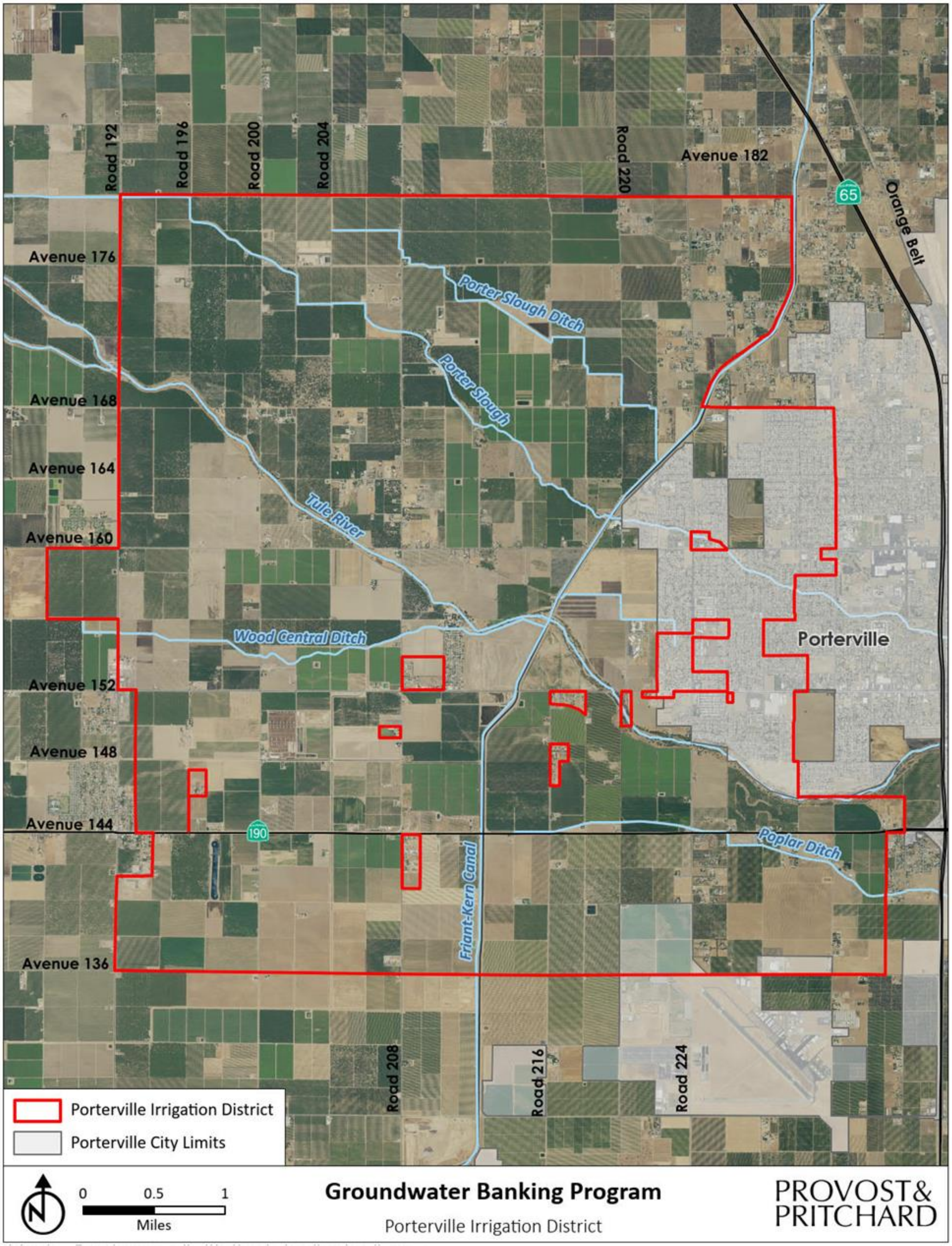

Figure 2-3: Project Area (Porterville Irrigation District Service Area Boundary)

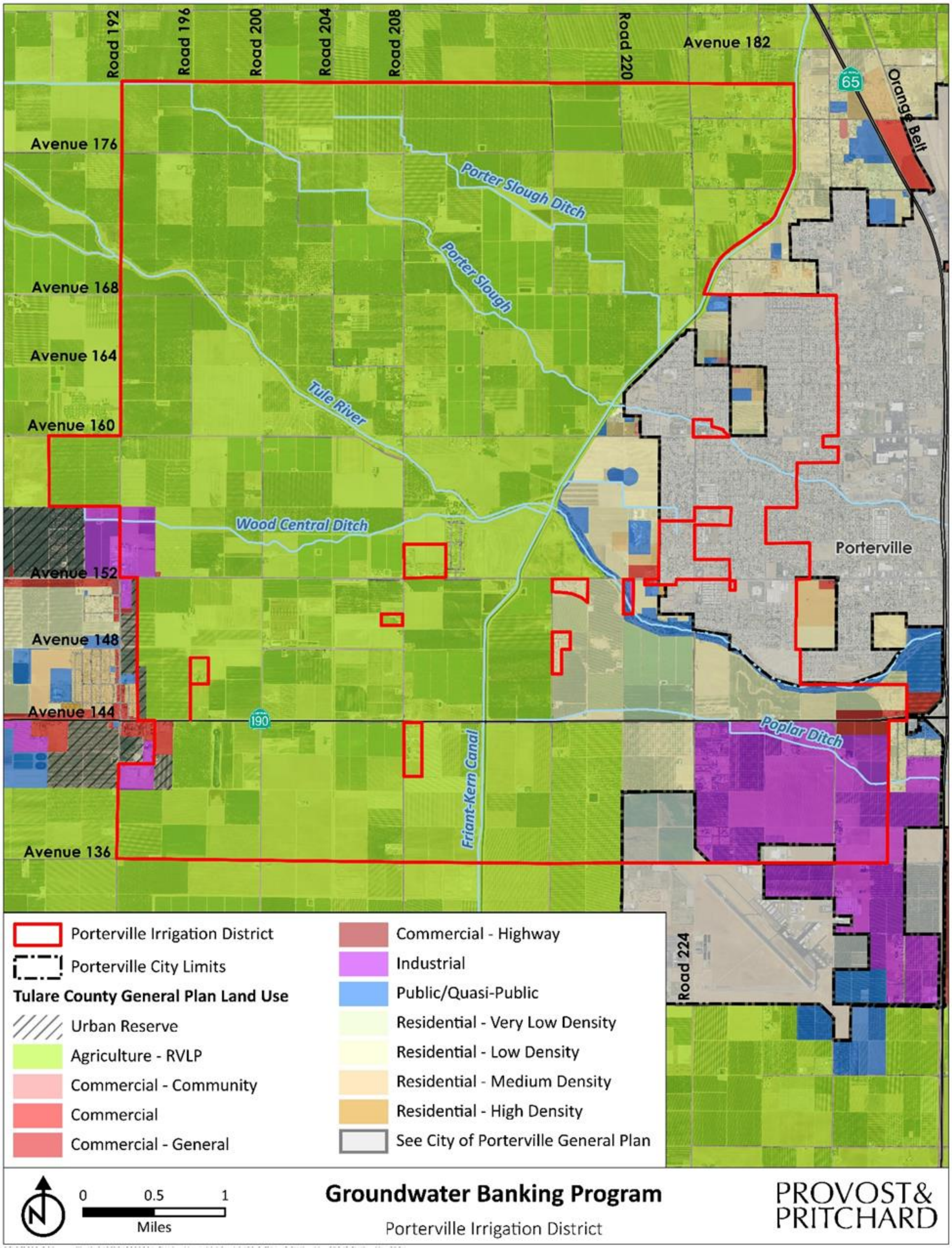

Figure 2-4: General Plan Land Use Designation Map (Tulare County)

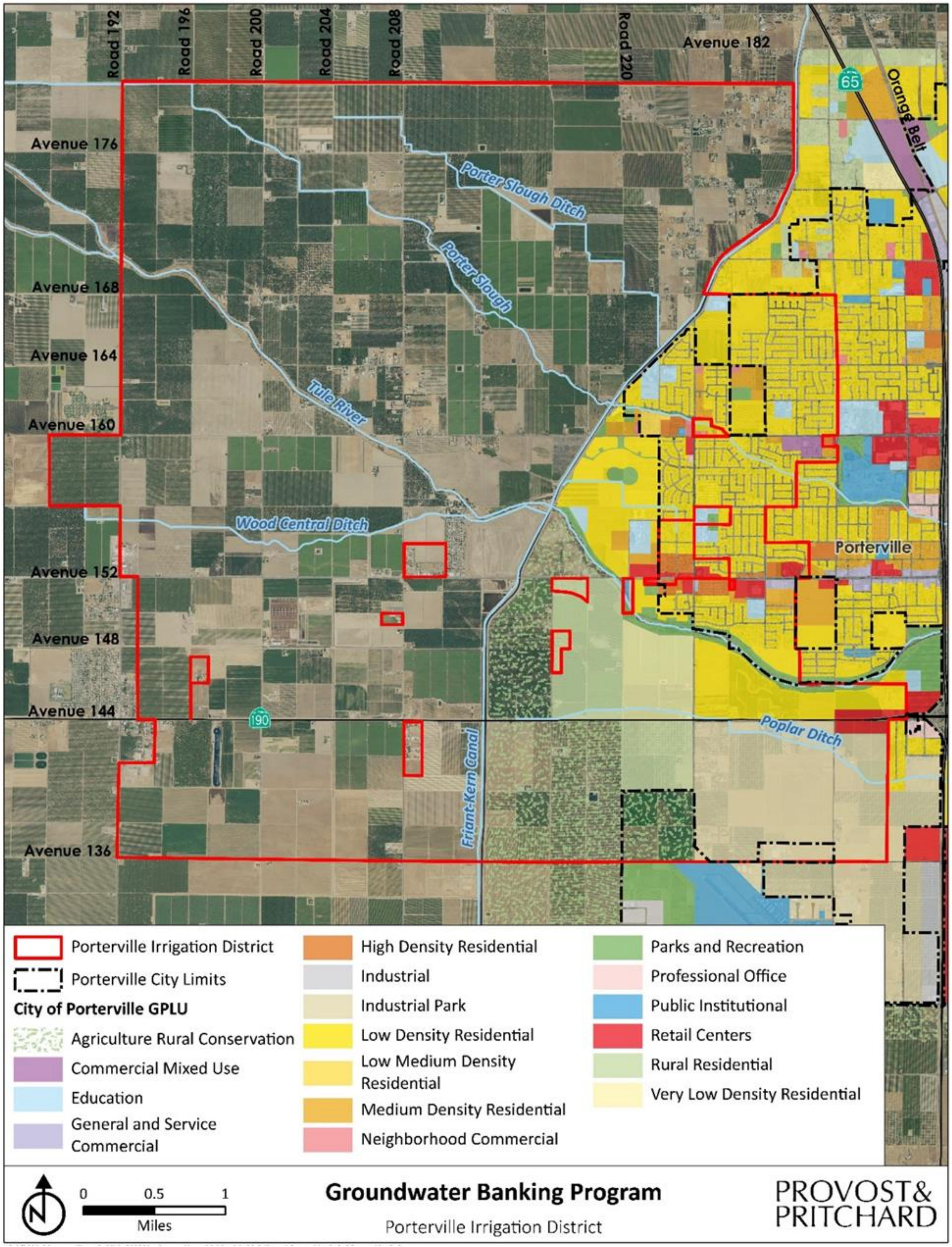

Figure 2-5: General Plan Land Use Designation Map (City of Porterville).

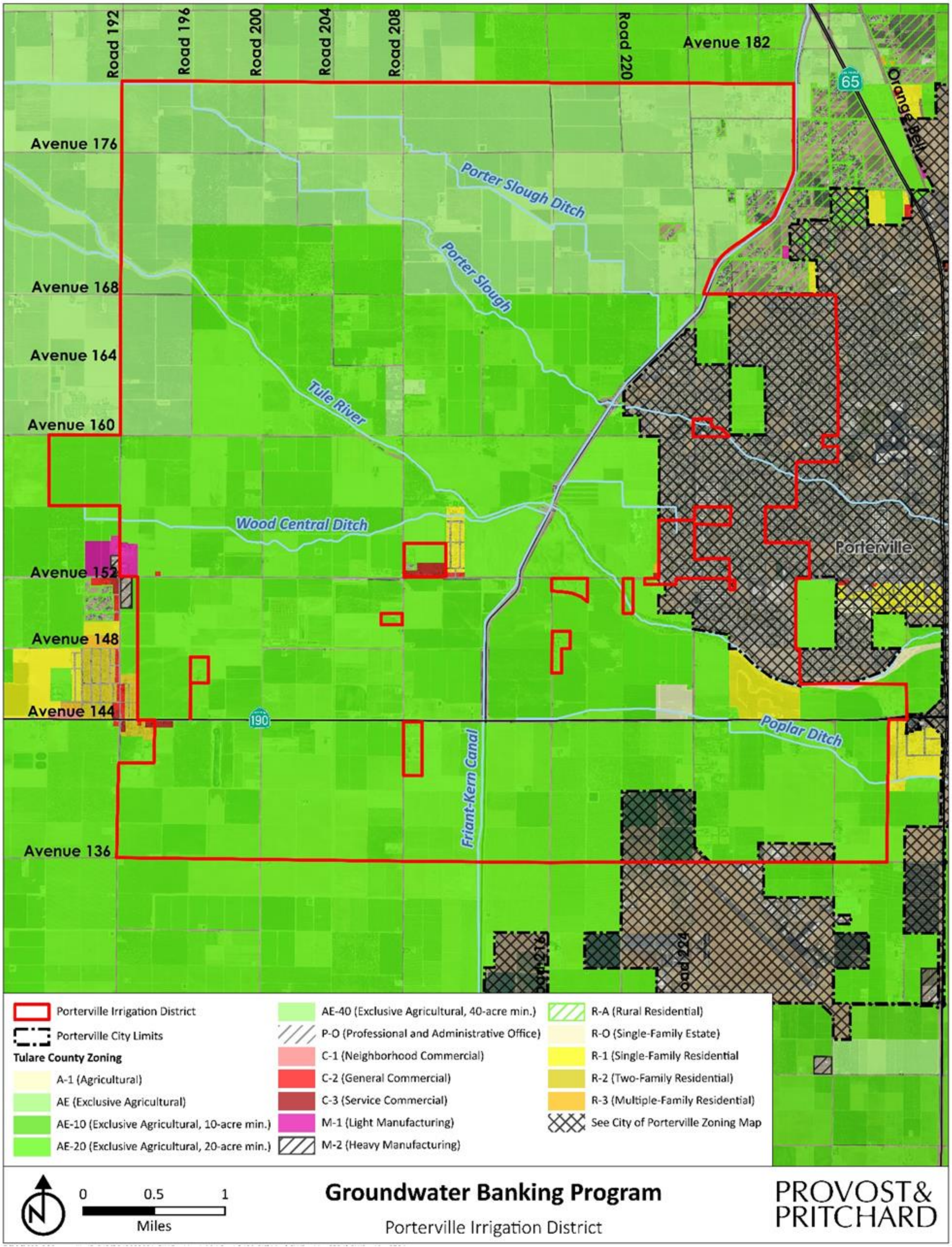

Figure 2-6: Zone District Map (Tulare County)

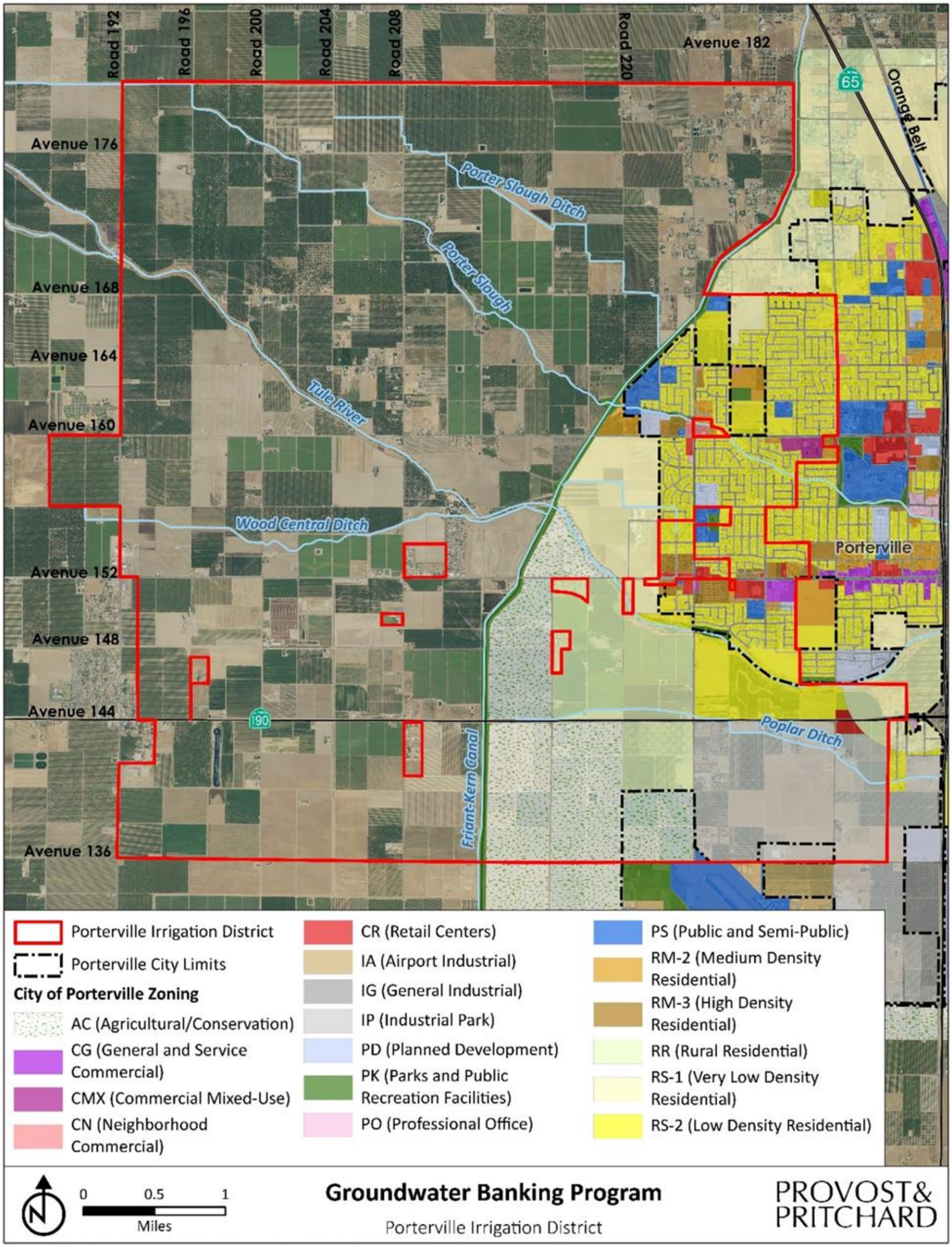

Figure 2-7: Zone District Map (City of Porterville)

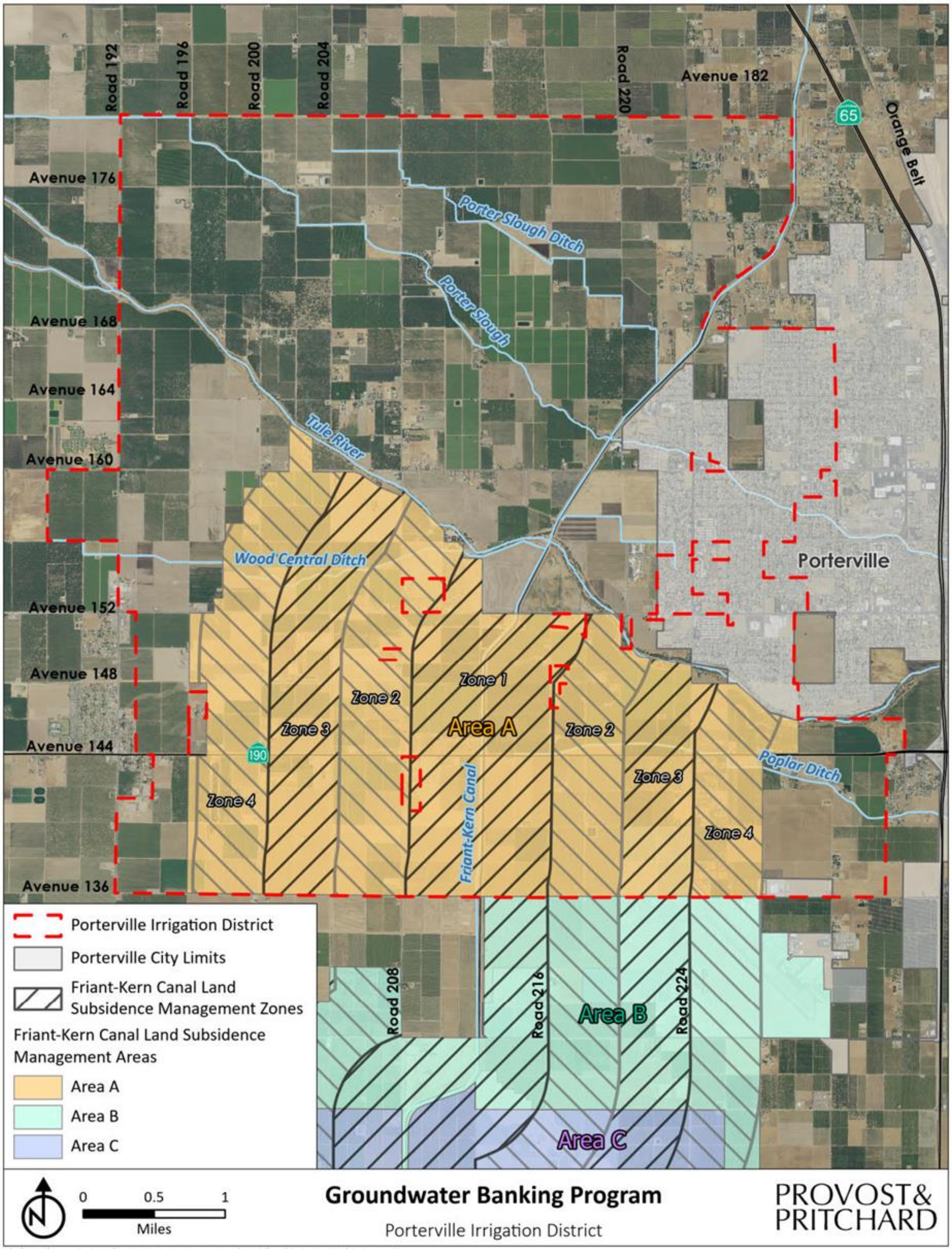

Figure 2-8: Area of Concern - Subsidence Management Land Zones

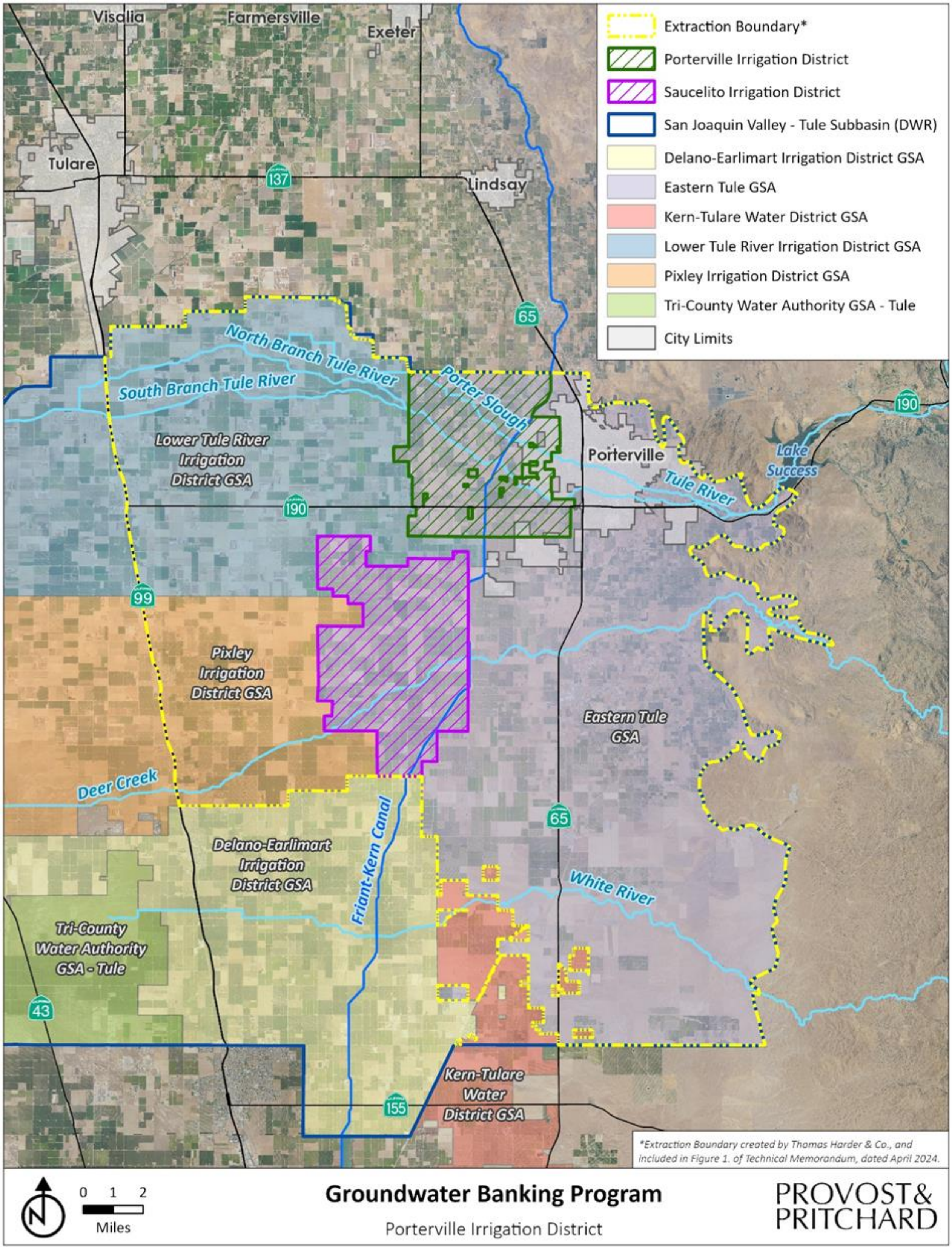

Figure 2-9: Extraction Boundary

CHAPTER 3 ENVIRONMENTAL IMPACT ANALYSIS

3.1 AESTHETICS

Table 3-1: Aesthetics Impacts

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

3.1.1 Baseline Conditions

The District is located in the southeastern part of Tulare County in the Central San Joaquin Valley. Land within the District consists of relatively flat irrigated farmland and retired farmland. No water banking facilities would be constructed within the urbanized territory within the District that is the City of Porterville. Agricultural practices in the vicinity consist of orchard cultivation, vacant farmland, and scattered rural residences. The Teapot Dome Landfill is located approximately one mile south of the District. Scenic vistas are areas of natural beauty with features such as topography, watercourses, rock outcrops, and natural vegetation that contribute to the landscape's visual quality. The District is not in an area designated as a scenic vista and does not contain scenic resources. State Route (SR) 190 has been officially identified by California Department of Transportation (Caltrans) as a "designated State Scenic Highway;" however, its beginning point is approximately 0.3 miles west of the District boundary and no portions of the District area are visible from SR 190. Rural roadways, the FKC, local water distribution canals, water retention basins, and other infrastructure typical of rural agricultural areas in the San Joaquin Valley are located throughout the District.

3.1.2 Impact Analysis

a) Have substantial adverse effect on a scenic vista?

No Impact. Scenic features in the area include the FKC and the vast expanse of agricultural uses. The Project includes construction of water banking facilities on private lands. There are no scenic vistas in the area and the Project would align with the existing agricultural aesthetics of the surrounding area and there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. The Scenic Highway Program protects and enhances California's natural scenic beauty by allowing county and city governments to apply to Caltrans to establish a scenic corridor protection program. SR 190 traverses southern Tulare County and is an Officially Designated State Scenic Highway from Route 65 near Porterville to Route 127 near Death Valley.[3] The portion of SR 190 that traverses the Project area is not designated as a State Scenic Highway. The closest location of the PID boundaries is located approximately 0.3 miles west of the closest Officially Designated segment of SR 190. Potential water banking facilities would not obstruct any views to the state scenic highway. There are no scenic resources located within the District. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The Project area is located within and surrounded by agricultural uses, rural residences, and a landfill. The addition of water banking facilities would be consistent with the agriculture uses in the area and would not degrade the existing visual character or quality of public views of the site and its surroundings. In addition, recharge basins are subsurface detentions surrounded by built up berms that can be raised up to six feet. The berms are not expected to be much taller than a typical row crop or orchard. In addition, the proposed basins would be in rural areas with a small number of viewers in the area. Therefore, Program basins are not anticipated to block any potential views. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. The land within and surrounding the District boundary is primarily agriculture and associated farming uses, although the eastern portion of the Project area boundary contains a portion of the City of Porterville. No artificial lighting is proposed areas part of a water banking facility. No water banking facilities would be constructed within the urbanized territory that is the City of Porterville. Therefore, the Project would not create a new source of substantial light or glare that would adversely affect day or

[3] (California Department of Transportation 2022)

nighttime views in the area or be inconsistent with existing conditions. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.2 AGRICULTURE AND FORESTRY RESOURCES

Table 3-2: Agriculture and Forest Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

3.2.1 Baseline Conditions

Land uses throughout the District include, but are not limited to, various types of agricultural orchards, active and fallowed farmland, local water distribution canals, water retention basins, and scattered rural residences. A majority of the District is designated as Prime Farmland and Farmland of State Importance under the Farmland Mapping and Monitoring Program (FMMP). See Figure 3-1 for the Project area's FMMP designations.

The District is composed of approximately 16,900 acres in Tulare County on the eastern side of the San Joaquin Valley and lies on the alluvial fan of the Tule River. Approximately 14,687 of those acres are zoned for agricultural uses. The distribution system through which the District delivers surface water consists of facilities under various ownerships and is of both underground and above-ground in type. Water imported into the District is either sold as irrigation water or percolated to recharge the groundwater. The major crops grown in the district include alfalfa hay, almonds, corn, oranges, prunes, and walnuts. Irrigation methods include border, furrow, micro, and sprinkler.

3.2.2 Impact Analysis

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project would not convert any farmland in the District to non-agricultural uses. The purpose of the Project is to support agricultural activity by improving water supply. Because the Project site would continue to serve an agricultural purpose, implementation of the Project would not result in the conversion of farmland to nonagricultural use. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less than Significant Impact. The District consists primarily of Exclusive Agricultural - 20-acre minimum (AE-20) and Exclusive Agricultural - 40-acre minimum (AE-40) zoned parcels, with the majority of the parcels in the District under Williamson Act Contract. On September 26, 1989, per Resolution No. 89-1275, Tulare County adopted Uniform Rules for Agricultural Preserves pursuant to the statewide Williamson Act legislation.[4] The purpose of the Uniform Rules is to set forth those uses that are determined by the County to be allowed under the Williamson Act or compatible with agricultural uses as defined in Section 51201 of the Government Code, and thus, may be carried on within the Preserve. The following provision of the Uniform Rules applies to the proposed Project in determining that the proposed water banking facilities are compatible agricultural uses and allowed under the Williamson Act:

> *5. …the erection, construction, alteration or maintenance of gas, electric, water, and community utility facilities…*

The Project would support ongoing agricultural uses as per Williamson Act Contract. The Project would facilitate greater security of groundwater storage for District growers, inherently promoting the agricultural zoning and Williamson Act intentions.

Chapter 3, Section 9.5 of the Tulare County Zoning Ordinance addresses the Exclusive Agriculture (AE) zone districts. Section 9.5 does not list water banking facilities as a permitted use.[5] However, pursuant to California Government Code Section 53091(e), location or construction of facilities for the production, generation, storage, treatment, or transmission of water by a special district are not subject to the zoning ordinance of the county in which the project would be located. Although the Project is not required to comply with the Tulare County Zoning Ordinance, it is the Project's intent to enhance groundwater levels, thereby sustaining agriculture. The water banking facilities would facilitate greater security of groundwater storage for District growers, inherently promoting the agricultural zoning and Williamson Act intentions. The principal objectives of the Williamson Act program include protection of agricultural resources, preservation of open space land, and promotion of efficient urban growth patterns. The implementation of water banking facilities would promote groundwater security inherently protecting agricultural resources. Therefore, impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

[4] (Tulare County 2012)
[5] (Tulare County n.d.)

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? And;

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. There are no forests or timberland in the region, and the sites are not zoned to support forest land or timberland. The Project does not propose any rezoning. The Project would not convert forest land to non-forest use. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less than Significant Impact. The Project would not convert the land from its existing agricultural use to any other land use pursuant to the FMMP. The intent of the Project is to support ongoing agricultural endeavors by enhancing groundwater availability. As a result, the Project would result in continued farming on surrounding agricultural lands that might potentially be fallowed due to lack of water. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

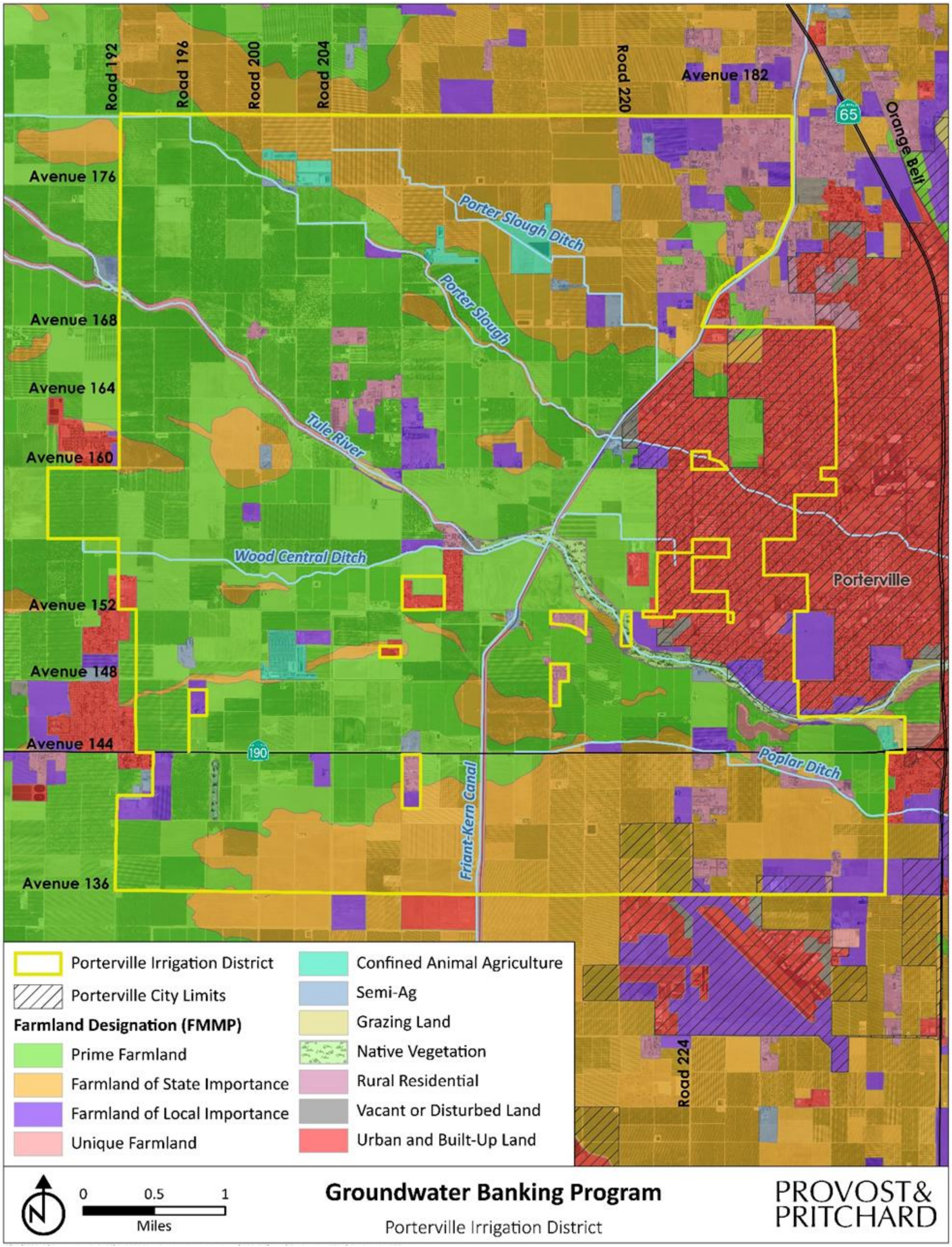

Figure 3-1: Farmland Designation Map

3.3 AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Table 3-3: Air Quality and Greenhouse Gas Emissions Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐
c) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
d) 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?	☒	☐	☐	☐
e) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
f) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☒	☐	☐	☐

3.3.1 Baseline Conditions

Air Quality

Under the California Clean Air Act (CCAA), the California Air Resources Board (CARB) is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable California Ambient Air Quality Standards (CAAQS). An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The United States Environmental Protection Agency (USEPA) designates areas for ozone, carbon monoxide (CO), and nitrous oxide (NO_2) as "does not meet the primary standards," "cannot be classified," or "better than national standards." For sulfur dioxide (SO_2) areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently used. The USEPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, USEPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for particulate matter of 10 microns (PM_{10}) based on the likelihood that they would violate national PM_{10} standards. All other areas are designated "unclassified."

The SJVAB is currently designated as a nonattainment area with respect to the State PM_{10} standard, ozone, and particulate matter 2.5 microns ($PM_{2.5}$) standards. The SJVAB is designated nonattainment for the National Ambient Air Quality Standards (NAAQS) 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the USEPA re-designated the San Joaquin Valley to attainment status for the PM_{10} NAAQS and approved the PM_{10} Maintenance Plan.

Greenhouse Gases

Commonly identified Greenhouse Gas (GHG) emissions and sources include the following:

Carbon dioxide (CO_2) is an odorless, colorless natural greenhouse gas. CO_2 is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources include the burning of coal, oil, natural gas, and wood.

Methane (CH_4) is a flammable greenhouse gas. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.

Nitrous oxide (N_2O), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.

Carbon dioxide equivalent (CO_2e), CO_2e is the summation of CO_2, CH_4, and N_2O, multiplied by each greenhouse gases' global warming potential (GWP). For purposes of this analysis, CH_4 and N_2O are assigned a multiplier of 25 and 298, respectively, based on longevity in the atmosphere and the intensity of infrared absorbed. This is consistent with CARB's calculation and the 2007 Intergovernmental Panel on Climate Change fourth assessment report.

Water vapor is the most abundant, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.

Ozone (O_3) is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.

Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy.

Globally, CO2 increased by 40 percent from 278 ppm circa 1750 to 390.5 ppm in 2011. During the same time interval, CH4 increased by 150 percent, from 722 ppb23 to 1,803 ppb, and N2O by 20 percent, from 271 ppb to 324.2 ppb in 2011[6]. GHG emissions are typically expressed in carbon dioxide-equivalents (CO_2e), based on the GHG's Global Warming Potential. The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 21 tons of CO_2. Therefore, CH_4 is a much more potent GHG than CO_2.

3.3.2 Impact Analysis

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact. The Project would result in the generation of construction related emissions that could exceed the applicable thresholds set by the SJVAPCD. In order to quantify the amount of GHG emission that would result from the construction and operations of the Project, an air quality technical memo will be prepared. Should emissions exceed the applicable thresholds, mitigation measures would be required to diminish any significant impacts to less than significant. **Therefore, the Project's forthcoming EIR will provide further analysis of the Project's greenhouse gas emissions.**

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact. The Project would result in the generation of construction and operational related emissions that would have the potential to emit GHGs and exceed the applicable thresholds set by the SJVAPCD. In order to quantify the amount of GHG emission that would result from the construction of the Project, an air quality technical memo will be prepared. Should emissions exceed the applicable

[6] (California Air Resources Board 2014)

thresholds, mitigation measures would be required to diminish any significant impacts. **The Project's forthcoming EIR will include further evaluation of Project related emissions and associated emission reduction strategies to determine whether the Project conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.**

c) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Potentially Significant Impact. The Project would result in the generation of emissions that could exceed the set of thresholds of the SJVAPCD. Water would be used for dust control, helping diminish any potential impacts resulting from dust emissions. An air quality technical memo will be prepared to quantify the emissions that would be generated by the Project. In the event that an emission threshold is exceeded by the Project, mitigation would be necessary to lessen any significant impacts. **The Project's forthcoming EIR will provide further analysis of the Project's consistency with the SJVAPCD.**

d) Would the project 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?

Potentially Significant Impact. The Project would result in the generation of emissions that could exceed the set thresholds of the SJVAPCD. An air quality technical memo will be prepared to quantify the emissions that would be generated by the Project. In the event that an emission threshold is exceeded by the Project, mitigation would be necessary to lessen any significant impacts. **The Project's forthcoming EIR will provide further analysis of the Project's construction and operational air pollutant emissions.**

e) Would the project expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. The Project has the potential to expose sensitive receptors to substantial pollutant concentrations. Residential homes, schools, and other uses are located within the vicinity of the Project area. An air quality technical memo will be prepared to analyze the impact of the Project on sensitive receptors. **Any potential impacts and required mitigations will be analyzed within the Project's forthcoming EIR.**

f) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Potentially Significant Impact. The Project has the potential to result in other pollutants which could adversely or substantially affect a significant number of people. An air quality technical memo will be prepared to analyze the effect of other emissions, such as odor, on people within the vicinity of the Project. **Therefore, the Project will be analyzed further within the Project's forthcoming EIR.**

3.4 BIOLOGICAL RESOURCES

Table 3-4: Biological Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.4.1 Baseline Conditions

The Project area that would be developed as part of the program consists of existing fallowed and active agricultural land. The Project's Area of Potential Effect (APE) is located east of the census-designated place Woodville, south of the census-designated place Plainview, and north of the Porterville Municipal Airport. The APE contains mainly agricultural land and the western portion of the City of Porterville. The APE consists of approximately 17,042 acres which makes up the Districts service boundary. There are several special status species which are known to occur in the region. They include American badger (Taxidea taxus), Bakersfield legless lizard (Anniella grinnelli), Blunt-nosed leopard lizard (Gambelia sila), Burrowing Owl (Athene cunicularia), California Condor (Gymnogyps californianus), Coast horned lizard (Phrynosoma blainvillii), Crotch bumble bee (Bombus crotchii), Delta smelt (Hypomesus transpacificus), Giant gartersnake (Thamnophis gigas), Loggerhead Shrike (Lanius ludovicianus), Monarch Butterfly (Danaus plexippus), Northern California legless lizard (Anniella pulchra), Pallid bat (Antrozous pallidus), San Joaquin coachwhip (Masticophis flagellum ruddocki), San Joaquin kit fox (Vulpes macrotis mutica), Swainson's Hawk (Buteo swainsoni), Tipton kangaroo rat (Dipodomys nitratoides nitratoides), Townsend's big-eared bat (Corynorhinus townsendii), Tricolored Blackbird (Agelaius tricolor), Valley elderberry longhorn beetle (Desmocerus californicus dimorphus), Vernal pool fairy shrimp (Branchinecta lynchi), Western mastiff bat (Eumops perotis californicus), Western spadefoot (Spea hammondii), Alkali-sink goldfields (Lasthenia chrysantha), Brittlescale (Atriplex depressa), Calico monkeyflower (Diplacus pictus / Mimulus pictus / Eunanus pictus), California alkali grass (Puccinellia simplex), California jewelflower (Caulanthus californicus), Chaparral ragwort (Senecio aphanactis), Earlimart orache (Atriplex cordulata var. erecticaulis), Keck's checkerbloom (Sidalcea keckii), Kern Mallow (Eremalche parryi ssp. kernensis), Lesser saltscale (Atriplex minuscula), Lost Hills crownscale (Atriplex coronata var. vallicola), Madera leptosiphon (Leptosiphon serrulatus), Recurved larkspur (Delphinium recurvatum), San Joaquin adobe sunburst (Pseudobahia peirsonii), San Joaquin woollythreads (Monolopia congdonii), Shining navarretia (Navarretia nigelliformis ssp. radians), Spiny-sepaled button-celery (Eryngium spinosepalum), Springville clarkia (Clarkia springvillensis), Striped adobe-lily (Fritillaria striata), Subtle orache (Atriplex subtilis), Vernal pool smallscale (Atriplex persistens).

3.4.2 Impact Analysis

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Potentially Significant Impact. There are 23 regionally occurring special status animal species and 21 regionally occurring special status plant species within the APE (see above). Construction activities could disturb special status plant and animal species occurring within or adjacent to work areas, resulting in Take. Construction activities that result in Take constitute a violation of State and federal laws and are considered a significant impact under CEQA. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Potentially Significant Impact At this time, it is unknown if riparian habitat or other sensitive natural communities are present within the Project APE. Riparian habitats fall under the jurisdiction of CDFW and therefore any work occurring within these areas will require regulatory permitting through this agency. The District would not be able to approve a participant without meeting all regulatory requirements. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Potentially Significant Impact. It is unknown at this time if there are federally protected wetlands as defined by Section 404 of the Clean Water Act within the Project APE. Construction activities could disturb federally protected wetlands which would constitute a violation of State and federal laws and would be considered a significant impact under CEQA. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

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?

Potentially Significant Impact. Proximity to the Sierra Nevada foothills and other high quality grassland habitats and waterways makes it possible for a variety of wildlife to migrate through the region. Dry streambeds and canal banks can function as passages through highly disturbed areas within the San Joaquin Valley and PID's service area. The Tule River, Friant-Kern Canal, Porter Slough, Porter Slough Ditch, Wood Central Ditch, and Poplar Ditch could potentially be used as wildlife corridors. Agricultural activities would deter wildlife from using these heavily disturbed areas as corridors during the day, though these deterrents are lessened at night. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The Project would not interfere with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The Project would not interfere with the Tulare County General Plan.[7] There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There are no known habitat conservation plans (HCPs) or a Natural Community Conservation Plan (NCCP) in the Project vicinity.[8] There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

[7] (Tulare County 2030 General Plan Update 2010)
[8] (California Department of Fish and Wildlife 2022)

3.5 CULTURAL RESOURCES

Table 3-5: Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	☒	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☒	☐	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☒	☐	☐	☐

3.5.1 Baseline Conditions

The Project is located within PID service area boundary, which is located in the southwestern part of Tulare County. Tulare County is within the Central San Joaquin Valley and is part of a culturally and historically rich part of the San Joaquin Valley.

3.5.2 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5? and;

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

a-c) Potentially Significant Impact. The Project would require grading and excavations to develop the proposed basins. Although unlikely, construction of the Project has the potential to impact a historical resource, an archaeological resource, or human remains that are interred outside of a dedicated cemetery. **Therefore, impacts would potentially be significant, and further evaluation of this topic will be analyzed in the EIR**.

3.6 ENERGY

Table 3-6: Energy Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

3.6.1 Baseline Conditions

The Project area consists of 14,687 acres of agricultural land in various states of cultivation. These lands are generally cultivated with diesel-powered equipment, such as tractors.

3.6.2 Impact Analysis

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. Construction of water banking facilities would not require the consistent use of energy resources; however, construction activities would require the use of fossil fuels. Construction vehicles and equipment consume petroleum products such as gasoline and diesel. Construction activities would be temporary in nature and the Policies would limit the number of acres of basins constructed per year, and would not involve wasteful, inefficient, or unnecessary consumption. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. Current regulations for cleaner and more energy efficient construction equipment, heavy-duty equipment, and earthmoving equipment used in construction contributes to reductions in energy as well as reduction in pollutant emissions. California implemented its *In-Use Off-Road Diesel Fueled Fleets* regulations (off-road regulation) which applies to all self-propelled off-road diesel vehicles 25 horsepower or greater and most two-engine vehicles. The *Small Off-Road Engines* program was implemented by California to apply to categories of outdoor powered equipment and specialty vehicles often used in construction. This type of approved construction equipment is permitted because of the reduction in emission and energy use. Meeting current regulations would ensure impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.7 GEOLOGY AND SOILS

Table 3-7: Geology and Soils Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☒	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☒	☐	☐	☐

3.7.1 Baseline Conditions

3.7.1.1 Geology and Soils

The Project is located in southwestern Tulare County, in the southern section of California's Great Valley Geomorphic Province, or Central Valley. The Sacramento Valley makes up the northern third and the San Joaquin Valley makes up the southern two-thirds of the geomorphic province. Both valleys are watered by large rivers flowing west from the Sierra Nevada Range, with smaller tributaries flowing east from the Coast Ranges. Most of the surface of the Great Valley is covered by Quaternary (present day to 1.6 million years ago) alluvium. From the time the Valley first began to form, sediments derived from erosion of igneous and metamorphic rocks and consolidated marine sediments in the surrounding mountains have been transported into the Valley by streams.

3.7.1.2 Faults and Seismicity

The District is not known to be located on an active fault and is not located within a Alquist-Priolo Earthquake Fault Zone. The San Andreas Fault is the longest and most significant fault zone in California and is approximately 68 miles west of the Project Area. The San Andreas Fault is the dominant active tectonic feature of the Coast Ranges and represents the boundary of the North American and Pacific plates. A smaller fault zone, the Pond Fault, is approximately 24 miles southwest of the Project site.

3.7.1.3 Liquefaction

Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. In general, liquefiable areas are generally confined to the Valley floor covered by Quaternary-age alluvial deposits, Holocene soil deposits, current river channels, and active wash deposits and their historic floodplains, marshes, and dry lakes. According to the California Geological Survey (CGS), the Project site has not been identified as an area that is at risk of seismic-related ground failure including liquefaction.

3.7.1.4 Subsidence

There are two types of Subsidence: Land subsidence and hydrocompaction subsidence. Hydrocompaction subsidence occurs when a large land area settles due to over-saturation. These areas are typically composed of open-textured soils that become saturated, high in silt or clay content. Land subsidence occurs when an extensive amount of ground water, oil, or natural gas is withdrawn from below the ground surface. The San Joaquin Valley has become an area that has increasingly experienced subsidence due to excessive groundwater pumping activities lowering the water table. It is understood that the District is in the vicinity of known land subsidence and is located near the FKC, which is critical infrastructure. Therefore, this potential impact needs to be monitored to be in compliance with the ETSGA and SGMA rules and regulations and the MOCP, as discussed in Chapter 2 Project Description.

3.7.1.5 Dam and Levee Failure

The closest dam inundation area is Lake Success and is approximately 6.8-miles east of the Project area. The Dam Breach Inundation Map by DWR indicated that there are no dams or levees near the Project with a high risk of breaching.[9]

3.7.2 Impact Analysis

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than Significant Impact. The nearest major fault is the Whitewolf Fault, located approximately 57-miles southeast of the District boundary. A smaller fault zone, the Pond Fault, is approximately 24 miles southwest of the Project area. The Project does not include the construction of habitable residential, agricultural, commercial, or industrial structures. Operation of the Project would require infrequent,

[9] (California Department of Convservation 2022)

routine maintenance by the Bankers at the water banking facility sites. Any impact would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

ii. Strong seismic ground shaking?

No Impact. According to the Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan, the District is located in an area of relatively low seismic activity. The Project does not include any activities or components which could feasibly cause strong seismic ground shaking, either directly or indirectly. Activities within the Program are more in line with typical agricultural practices. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

iii. Seismic-related ground failure, including liquefaction?

No Impact. Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. In general, liquefiable areas are generally confined to the Valley floor covered by Quaternary-age alluvial deposits, Holocene soil deposits, current river channels, and active wash deposits and their historic floodplains, marshes, and dry lakes. According to the CGS, the Project site has not been identified as an area that is at risk of seismic-related ground failure including liquefaction. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

iii. Landslides?

No Impact. The Project would not be located in an area that experiences landslides. A lack of topographic reliefs near the Project site would eliminate the potential for a landslide. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The Project would allow for the construction of water banking facilities within the District. While the Project would result in large amount of topsoil being moved during construction activities for each individual basin, Bankers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activities subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, and construction of linear underground or overhead facilities associated with trail construction but does not include regular maintenance activities performed to restore the original lines, grade, or capacity of the overhead or underground facilities. The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Through the completion of a SWPPP, any possible impacts from construction related activities involving soil erosion and loss of topsoil would be reduced. Therefore, impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

c) Would the project 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?

Potentially Significant Impact. Land subsidence is an increasing problem within the San Joaquin Valley. The excessive pumping of groundwater for agricultural development has lowered the water table and resulted in a large area of land subsidence in the Central Valley according to the United States Geological Survey.[10] According to the ETGSA, measured subsidence points along the FKC for the period of 1959-2017 indicated range of land subsidence values from 1.69 to 9.00 feet. The highest land subsidence values along this canal are located within ETGSA and generally in the vicinity of the canal's intersection with Deer Creek.[11] The potential for subsidence would have to be monitored closely and the Project would be required to follow the applicable GSA and SGMA guidelines governing soil subsidence. The Project would not directly cause a reduction of groundwater supplies but would enable nearby landowners to have access to more water than in the past and as a result could indirectly increase their groundwater consumption. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The Project would not contain any facilities that would be affected by expansive soils, nor would substantial grading change the topography such that the Project would generate substantial risks to life or property. Therefore, impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

e) Would the project 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?

No Impact. The Project would not result in the installation or need for septic tanks or alternative wastewater disposal systems. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Potentially Significant Impact. Paleontological resources are fossilized remains of flora and fauna and associated deposits. Most fossils are found in sedimentary rock. Sedimentary rock is formed by dirt (sand, silt, or clay) and debris that settles to the bottom of an ocean or lake and compresses for such a long time that it becomes hard as a rock. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4(a)(1)). PRC Section 5097.5 (see above) also applies to paleontological resources.

The Project would require grading and excavation activities which would have the potential to disturb undiscovered paleontological resources that may exist within the Project area. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR**.

[10] (United States Geological Survey Areas of Land Subsidence in California 2020)
[11] (Eastern Tule Groundwater Sustainability Agency Tule Subbasin 2019)

3.8 HAZARDS AND HAZARDOUS MATERIALS

Table 3-8: Hazards and Hazardous Materials Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

3.8.1 Baseline Conditions

3.8.1.1 Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code (GC) Section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data (DTSC, 2010). In addition to the EnviroStor database, the State Water Resources Control Board (SWRCB) Geotracker database provides information on regulated hazardous waste facilities in California, including underground storage tank (UST) cases and non-UST cleanup programs, including Spills-Leaks-Investigations-Cleanups SLIC sites, Department of Defense sites, and Land Disposal program. A search of the DTSC EnviroStor[12] database and the SWRCB Geotracker[13] performed on May 23, 2024, determined that there are no known active hazardous waste generators or hazardous material spill sites within the District. The nearest hazardous material spill site is located adjacent to PID's boundary near the intersection of Avenue 152 and Road 208 [Village Market (TO610100099)]. The potential contaminant of concern for the site is gasoline and its status is currently in the remediation stage.[14]

3.8.1.2 Airports

The Porterville Municipal Airport abuts the southeastern boundary of the District. However, the Project would not result in the construction of any structure that would be at risk of excessive noise levels from the Porterville Municipal Airport.

3.8.1.3 Emergency Response Plan

The Tulare County Office of Emergency Services coordinates the development and maintenance of the Tulare County Operational Area Master Emergency Services Plan.

3.8.1.4 Sensitive Receptors

The sensitive receptors in the in the Project area include rural residences scattered throughout the District boundary and the Burton Elementary School located at 2375 W. Morton Avenue in Porterville.

3.8.2 Impact Analysis

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. Except for the diesel fuel from construction equipment, which is typical for agricultural equipment, no additional hazardous materials are assumed to be necessary to create a water banking facility under the Program. While unlikely, there is a risk that a leak of a hazardous material could occur during construction. Standard construction Best Management Practices (BMPs) would reduce potential releases of fuels and other hazardous materials by controlling runoff leaving the Project site. Therefore, any impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. The Project would not create a significant hazard to the public or the environment as the Project activities would not discharge hazardous materials into the environment. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

[12] (California Department of Toxic Substances Control 2024);
[13] (State of California 2024)
[14] (State Water Resources Control Board 2024)

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Potentially Significant Impact. Burton Elementary School is located within the District's boundaries. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The Project does not involve land that is listed as an active hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by DTSC. Both the SWRCB's GeoTracker[15] and DTSC's EnviroStor[16] websites were queried on May 23, 2024, for contaminated groundwater or hazardous sites in the area. The nearest active contaminated site is located adjacent to the Project boundaries near the intersection of Avenue 152 and Road 208. The site is currently in the remediation stage. Therefore, impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

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 or excessive noise for people residing or working in the project area?

Less than Significant Impact. The District's southeastern boundary line is located directly adjacent to the Porterville Municipal Airport. The Project would allow for the construction of water banking facilities within the District. The Project does not involve habitable structures and therefore would not expose people either working or residing in the area to excessive noise levels from the airport. Therefore, any impact would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project does not provide any physical barriers or disturb any roadways in such a way that would impede emergency or hazards response; all work conducted near public rights-of-way would be required to meet County Fire Department and Sheriff Department standards which would ensure any impacts would be less than significant. Therefore, the Project would not interfere with implementation of an emergency response plan or evacuation plan. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The Project would not expose people or structures either directly or indirectly to a significant loss, injury or death involving wildland fires. The Project is located in an agriculturally developed area of Tulare County that is not considered wildland. In addition, the Project would not conflict with any local,

[15] (State of California 2024)
[16] (California Department of Toxic Substances Control 2024)

State, or federal standard or regulation governing wildfire. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.9 HYDROLOGY AND WATER QUALITY

Table 3-9: Hydrology and Water Quality Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☒	☐	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☒	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	☒	☐	☐	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

3.9.1 Baseline Conditions

The Project is located in a rural area of Tulare County, in the San Joaquin Valley within the Tule Groundwater Basin. The basin is part of the Tulare Lake Hydrologic Region which stretches from north of Fresno to south of Bakersfield near the Grapevine. The San Joaquin Valley Basin is divided into seven subbasins. The Tule Basin, where the Project sites are located, is approximately 467,000 acres large within Tulare County. The Tule Subbasin is bordered by the Kaweah Subbasin to the north, the Kern Subbasin to the south, the Tulare Lake Subbasin to the west, and the Sierra Nevada Mountains to the east. The groundwater gradient of the region flows from east to west and primarily contains alluvial sediments.

The Tule Subbasin is designated by DWR as a critically over drafted basin with an estimated historical annual overdraft of 115,300-feet per year based on the average hydrologic period from 1990/1991 to 2009/2010.[17] The portion of the subbasin overdraft attributed to areas within the ETGSA is approximately 61,000 acre-feet per year. The overdraft conditions have caused issues for those reliant on groundwater pumping, which include municipal, domestic, and agriculture users. Other issues caused by the groundwater overdraft include land subsidence, which has created issues along critical infrastructure within the ETGSA at the FKC.

3.9.2 Impact Analysis

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Potentially Significant Impact. The Project would result in the construction and operation of groundwater basins for the purpose of water banking. Implementation of the Project has the potential to violate water quality standards and/or degrade ground water quality. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Potentially Significant Impact. The water banking facilities would recover groundwater in ways to best minimize the depletion of groundwater resources. Monitoring wells would also be used as a part of the Project. These wells would not only monitor water quality, but also groundwater availability. The Project would cause a net gain in groundwater storage within the subbasin in the amount of 15 percent. This is based on the Policy established by the District specifying a leave-behind percentage of the recharged water (see Section 2.3.2.11). This is in place to promote more water coming into and staying in the District. The Project is within the ETGSA. The ETSGA is responsible for implementing a GSP, and any water brought to the District would be accounted for under the GSP. Subsequently, any recovery of recharged water by District landowners in the District service area would also be accounted for in the GSP, with such accounting being based on the assumption that no more than 85 percent of the recharged water is available to be recovered by District landowners. No additional groundwater would be required compared to baseline conditions; therefore, the impacts would be less than significant. In fact, the proposed water banking facilities would increase the amount of groundwater in storage which would, in turn, decrease the rate of groundwater depletion. As required by the Policy, regular monitoring of the existing wells and facilities operated as part of the water banking facilities would be available to confirm no negative effect of operations. Although it is not anticipated that the Project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge, additional analysis will be performed in the EIR. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

[17] (Eastern Tule Groundwater Sustainability Agency Tule Subbasin 2019)

i. result in substantial erosion or siltation on- or off-site;

Potentially Significant Impact. The FKC, the Tule River, and several streams and ditches traverse throughout the District. In addition, the District maintains various water conveyance facilities throughout the Project area. In order for potential water banking facilities to receive water, the Project may require connection to existing District facilities. Water banking facility construction would consist of excavating to a uniform depth for the purpose of groundwater recharge. Proposed excavation has the potential to result in substantial soil erosion or siltation. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than Significant Impact. Any water that falls into a water banking facility would be captured and contribute to water recharge. The Project would not result in a substantial increase in the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The Project would utilize construction BMPs and complete a SWPPP in order to reduce any potential impacts to the surface runoff changes associated with this Project. Therefore, impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact. The Project would establish water banking facilities that would use existing landowner wells within the District to recover banked water via exchange or in-ground transfer. The Project would not result in the creation or contribution of runoff water that would exceed the capacity of an existing or planned stormwater drainage system. Stormwater would be collected on site in the recharge basins, or percolate through the ground on-site. In addition, construction of the water banks would be required to use construction BMPs and complete a SWPPP. As a result, the Project would not have an impact on flood flow. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

iv. impede or redirect flood flows?

Less than Significant Impact. While portions of the District are within the 100-year flood zone, water banking facilities are designed to capture excess water and allow it to recharge the Basin below. The banking facilities would not impede or redirect flood flows. Therefore, any impact would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

Less than Significant Impact. The Project area is located inland and as a result would not be at risk of tsunamis, nor is it located near a body of water that would put it at risk of a seiche. There are various locations within the District boundary that contain flood hazard zones (see Figure 3-2). Water banking facilities do not store hazardous materials and would not be at risk of release of pollutants due to Project area inundations. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The Project would not conflict with implementation of a water quality control plan or sustainable groundwater management plan. The Project is located within the boundaries of the ETGSA[18] (see Figure 3-3). The ETGSA implements a GSP which the Project would aid in meeting the GSP objectives. The Project would not be in conflict with the ETGSA or its GSP. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

[18] (California Department of Water Resources 2022)

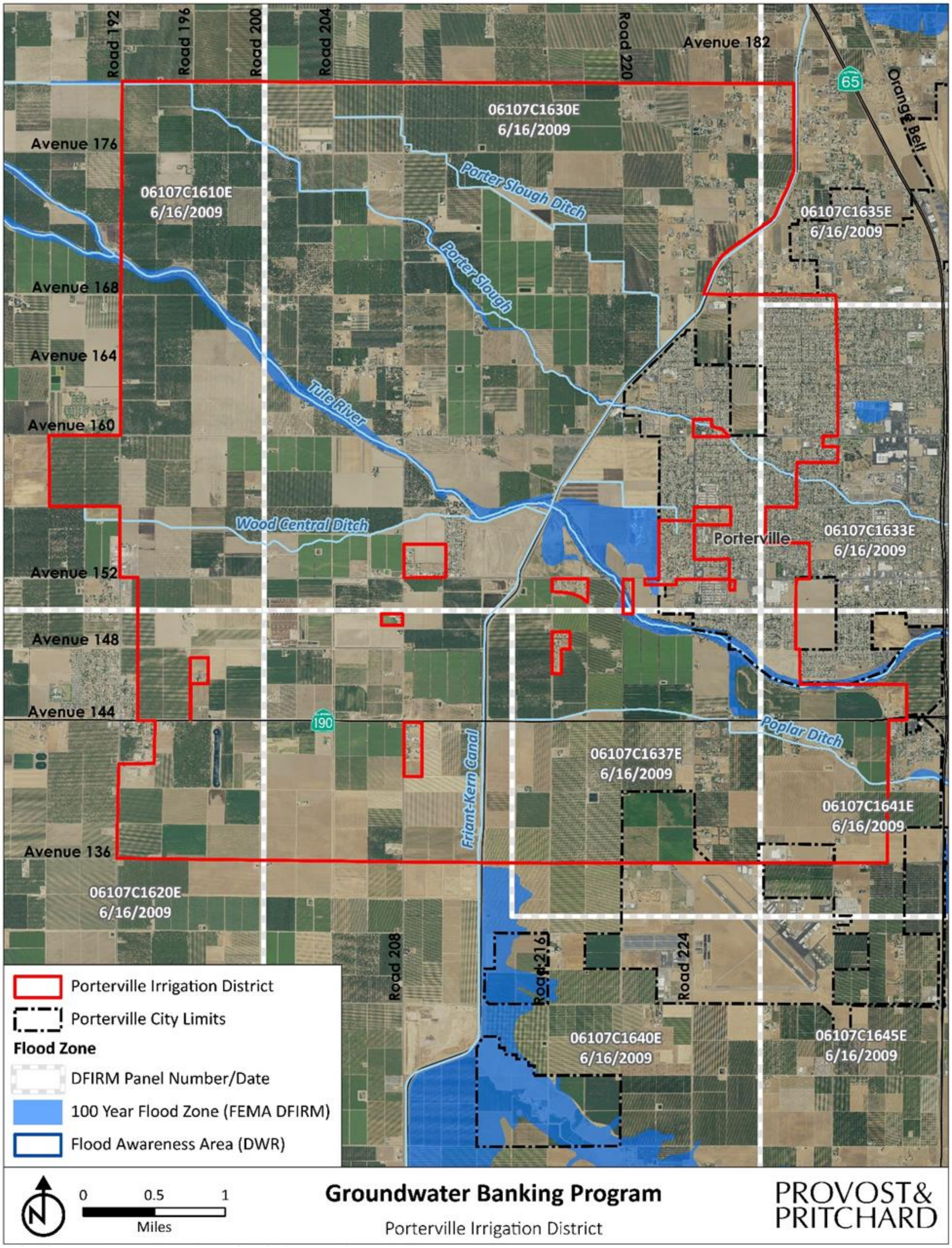

Figure 3-2: FEMA Flood Map

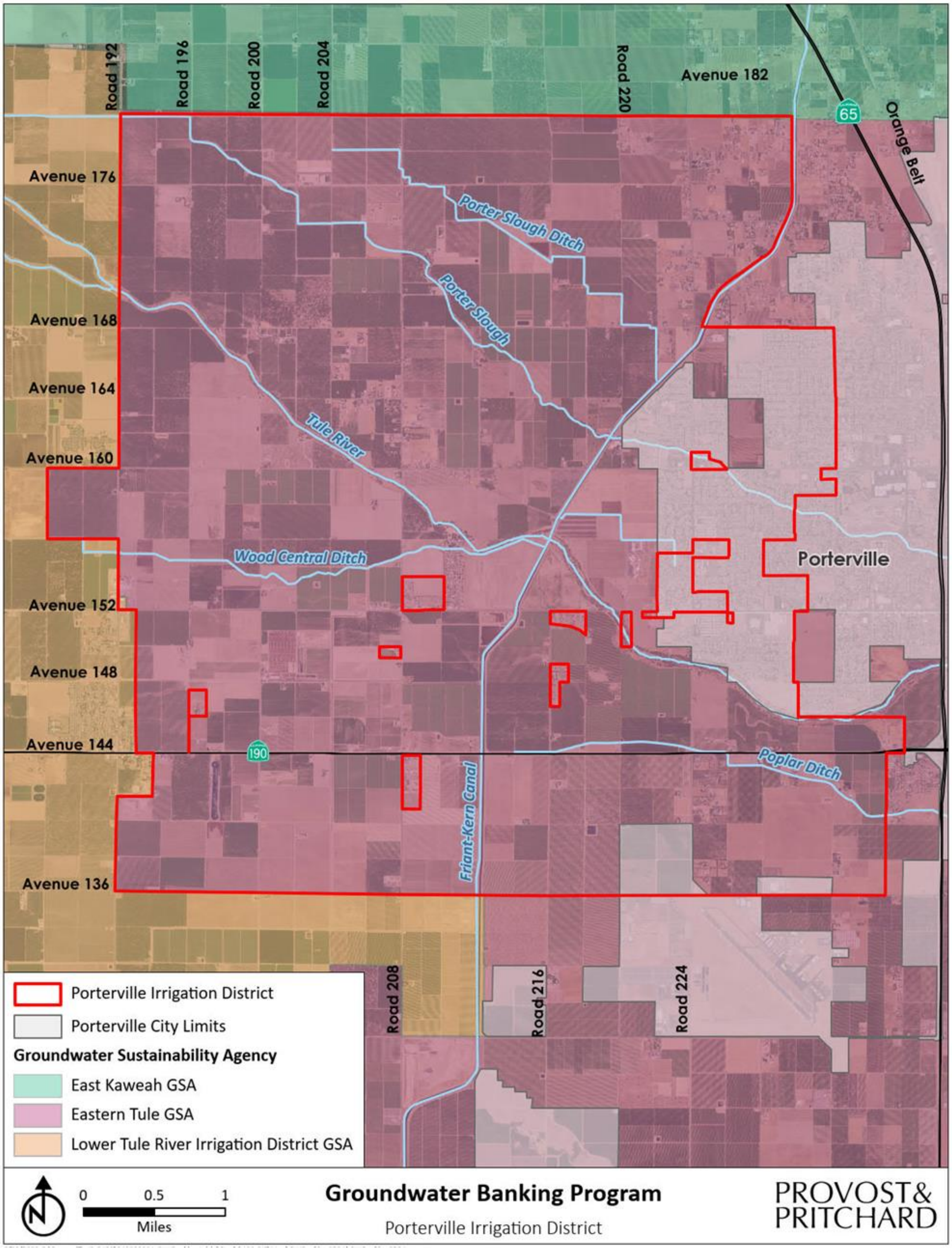

Figure 3-3: Eastern Tule GSA Boundary Map in Relation to Project Area

3.10 LAND USE AND PLANNING

Table 3-10: Land Use and Planning Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.10.1 Baseline Conditions

Per the Tulare County zoning map and the City of Porterville zoning map, the Project area parcels are zoned for various uses with the majority being designated for agricultural uses. A portion of the Project area overlaps the City of Porterville which is where the majority of the non-agricultural designations are derived. Additional non-agricultural zoning designations originate from the Tulare County zoning map. See Figure 2-6 for zoning designations within the Project area that are located in Tulare County and Figure 2-7 for zoning designations within the Project area that are located within the City of Porterville. Figure 2-4 and Figure 2-5 illustrate the land uses designated by the Tulare County General Plan and the City of Porterville General Plan, respectively.

3.10.2 Impact Analysis

a) Would the project physically divide an established community?

No Impact. The District is located within a rural agricultural area in Tulare County and within an urbanized area within the City of Porterville. The Project would allow for Bankers to construct water banking facilities. Although the District contains urbanized areas, these areas are not an optimal location for potential basin sites; therefore, no water banking facilities would be constructed in these areas. The eastern portion of the District contains said urbanized areas. Water banking facilities are generally placed on agricultural land or vacant land and would not physically divide an established community. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The District is located on land where the majority of it is designated for agricultural use. The Project area does overlap urbanized areas, portions of the City of Porterville for example, but these locations would not be suitable and would not be used for construction of water banking facilities. Construction of the Project would not develop new sources of water that would support any new housing or new permanent population growth that would exceed official regional or local population projections in the District service area. The main purpose of the Project is to improve the District's groundwater supply reliability in order to meet irrigation demands during drought years; therefore, no impacts to land use are anticipated. The Project involves the construction of water banking facilities and would provide policies within the groundwater banking program to be consistent with the zoned and planned agricultural use. Therefore, with the District's Policy in place in addition to any applicable plans, policies, or regulations, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.11 MINERAL RESOURCES

Table 3-11: Mineral Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.11.1 Baseline Conditions

The bulk of Tulare County's mineral extraction activities focus on aggregate (sand, gravel, and crushed stone), which is primarily used in building materials. Historically, the Kaweah River, Lewis Creek, and the Tule River have provided the main source of high-quality sand in Tulare County. The highest quality deposits are located at the Kaweah and Tule Rivers. As per the Tulare County General Plan Background Report, all of the known potential mineral resource locations are mapped within the foothills and/or along major water courses.

The District is not delineated on a local land use plan as a locally important mineral resource recovery site.

3.11.2 Impact Analysis

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. There are no known sand and gravel aggregates or oil resources on or near the District, therefore the Project would not result in a loss of the availability of a known mineral resource. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The California Geological Survey Division of Mines and Geology has not classified the District as a Mineral Resource Zone under the Surface Mining and Reclamation Act.[19] California's Division of Oil, Gas and Geothermal Resources has no records of active oil or gas wells on the Project site.[20] No known mineral resources are within the Project area. Therefore, construction of the Project would not result in the loss of availability of a known mineral resource since no known mineral resources have been identified in this area. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

[19] (California Water Services 2022)
[20] (Calfornia Department of Conservation 2022)

3.12 NOISE

Table 3-12: Noise Impacts

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☒	☐

3.12.1 Baseline Conditions

The District is situated within a region dominated by agricultural uses, operations which may require diesel-powered equipment or other relatively loud machinery. Rural traffic is also a source of noise in the Project's vicinity. While much of unincorporated Tulare County is composed of discrete small communities and remote rural residences, major noise generators include SR 99, SR 190, SR 65 and other highways, airports, and industrial operations. Maximum noise levels generated by farm-related tractors typically range from 77 to 85 decibels (dB) at a distance of 50 feet from the tractor, depending on the horsepower of the tractor and the operating conditions. Table 3-13 contains a list of noise levels generated from typical construction equipment. Due to the seasonal nature of the agricultural industry, there are often extended periods of time when little to no noise is generated within the District, followed by short-term periods of intensive mechanical equipment usage and corresponding noise generation during planting and harvesting practices. The Tulare County General Plan identifies the normally acceptable noise range for agricultural land uses between 50 and 75 dB.[21]

[21] (Tulare County 2030 General Plan Update 2010)

Table 3-13: Typical Construction Equipment Noise Levels

Typical Construction Equipment Noise Levels	
Equipment	**Typical Noise Levels (dBa Lmax) 50 feet from Source**
Backhoe	80
Compactor	82
Dozer	85
Grader	85
Truck	88
Air Compressor	81
Concrete Pump	82
Concrete Vibrator	76
Crane, Mobile	83
Generator	81
Impact Wrench	85
Jack Hammer	88
Paver	89
Pneumatic Tool	85
Pump	76
Roller	74
Saw	76
dBa: A-Weighted Decibel Lmax: Maximum Sound Level	

3.12.2 Impact Analysis

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. Water banking facilities are largely passive. Once built, operations and maintenance of the facilities would occur as part of standard farming practices and would not generate any more noise than agriculture operations in the area currently generate. Therefore, Project operation would not generate significant noise; however, Project construction would generate temporary noise, mostly from trucks. Other construction equipment could include scrapers, backhoes, and excavators. See Table 3-13 for a list of typical construction equipment's individual noise level.

The Tulare County General Plan 2030 Update: Chapter 10 – Health and Safety contains the following goals and policies that relate to noise, and which have potential relevance to the Project's California Environmental Quality Act (CEQA) review:

HS-8.11 Peak Noise Generator – Wherein the County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval.

HS-8.16 State Noise Insulation – Wherein the County shall enforce the State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code; HS-8.18 Construction Noise wherein the County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 a.m. to 7 p.m., Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors; HS-8.19 Construction Noise Control wherein the County shall ensure that construction contractors implement best practices guidelines (i.e.; berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.

The distinction between short-term construction noise impacts and long-term operational noise impacts is typical in both CEQA documents and local noise ordinances, and generally recognize the reality of short-term noise as a result of construction and cannot be mitigated beyond a certain dbA. Thus, local agencies frequently exempt short-term noise at levels that they would not except for permanent noise sources. Most residents of rural areas recognize expect to noise as a result of daily farm equipment and/or temporary construction activities. The Project would contribute to short-term, temporary, and intermittent construction-related noise, but would remain as typical noise similar to farm equipment and practices for rural areas. By their very nature, water banking facilities are inherently very quiet during operation as only traffic-related noise would occur during maintenance trips. As such, the Project would result in less than significant noise levels during operations.

Although impacts are considered less than significant, the Project would adhere to the County's construction noise policies HS-8.11 and HS-8.16. Any impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact. The Project would not generate ground borne vibration or noise greater than existing conditions as it is in an area of agricultural operations. Activities would be temporary during construction of the basins and would include installation of monitoring wells and/or connection infrastructure, and excavation and grading of the storage basin. Project operations would not create permanent ground borne vibration or noise. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

c) For a project located within the vicinity of a private airstrip or 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?

Less than Significant Impact. The southeast portion of the District is located within two miles of the Porterville Municipal Airport. The Project does not propose the construction of habitable structures that would result in people residing in the area. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.13 POPULATION AND HOUSING

Table 3-14: Population and Housing Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for Sample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.13.1 Baseline Conditions

The properties within the District are predominantly used for agricultural operations. There are scattered rural residential uses associated with the agricultural operations throughout the District. The majority of the properties within the District are designated and zoned for agricultural uses by Tulare County.

According to 2019 Census data, Tulare County's population was 466,195 with an estimated percent change from 2010 to 2019 of 5.4 percent. Porterville's population was 59,599 with a 2.6 percent change. As of 2014 to 2018, there was an average of 136,106 households in Tulare County with an average of 3.34 persons per house. The City of Porterville was listed at 16,933 households and 3.45 persons per household.[22]

3.13.2 Impact Analysis

a) Would the project induce substantial unplanned population growth in an area, either directly (for Sample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project would not involve the construction of any homes, business, or other uses that would result in direct or indirect population growth. The Project implements a water banking policy and allows for the construction of water banking facilities. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project implements a water banking policy and allows for the construction of water banking facilities and would not displace people or housing. Rural residential homes within the District

[22] (United States Deparment of Fish and Wildlife 2020)

would not be relocated as part of the Project. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.14 PUBLIC SERVICES

Table 3-15: Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

3.14.1 Baseline Conditions

Fire Protection: Fire protection is provided to the Project site by Tulare County. Tulare County West Olive Fire Station 19 located at 22315 Avenue 152 in Porterville, is located within the District's service area boundary.

Police Protection: Police Protection is provided to the Project site by Tulare County. The nearest Tulare County Sheriff's Office is located at 379 North 3rd Street in Porterville, approximately 2.35 miles east of the nearest portion of the District service boundary.

Schools: School Services are provided by the Porterville Unified School District. Burton Elementary School is located within the service boundaries of the District.

Parks: There are no parks located within the District. The closest Park to the Project area is the Porterville Sports Complex and OHV Park and the Porterville Skate Park. Each park is located outside of the District boundary.

Other public facilities: Solid Waste services are provided by the City of Porterville Public Works Department, located at 291 North Main Street which is 1.9 miles northeast of the District boundary. Additionally, Tulare County has two active landfills and six transfer stations. One of their transfer stations, Teapot Dome Landfill located at 21063 Avenue 128, is approximately one mile south of the southern portion of the District boundary.

3.14.2 Impact Analysis

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire Protection:

ii. Police Protection:

iii. Schools:

iv. Parks:

v. Other public facilities:

No Impact. The Project would not require new or altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for public services for either site location. There would be no impacts. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.15 RECREATION

Table 3-16: Recreation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.15.1 Baseline Conditions

Tulare County has several regional parks, as well as State and national parks, national forest, wilderness areas, and ecological reserves. There are 13 park and recreation facilities that are owned and operated by Tulare County. The Tulare County Resource Management Agency, Parks and Recreation Branch maintains and develops regional parks and landscaped areas. Colonel Allensworth State Historic Park is the only State Park in Tulare County. Mountain Home State Forest, a State Forest managed by the California Department of Forestry and Fire Protection, is situated just east of Porterville and contains numerous Giant Sequoias. Lake Kaweah and Lake Success are federal recreation areas within Tulare County, operated by the USACE. The majority of the recreational opportunities within Tulare County are found within Sequoia National Forest, Giant Sequoia National Monument, and in Sequoia and Kings Canyon National Parks.

Federal lands, such as wilderness, national forests, monuments, and parks occupy 52.2 percent of land area within Tulare County. Agricultural uses encompass 43 percent of the County's land. The remainder comprises miscellaneous uses, such as County parks, urban uses in cities, unincorporated communities, and hamlets, and infrastructure rights-of-way. The Tulare County General Plan sets forth guidelines in order to maintain an overall standard of five or more acres of public County parkland per 1,000 population in unincorporated areas, regional parks at one-acre per 1,000 population, neighborhood parks at three to six acres per 1,000 population, and community parks at one to two acres per 1,000 population.[23]

There are no parks located within the District boundary.

[23] (Tulare County 2030 General Plan Update 2010)

3.15.2 Impact Analysis

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The closest park to the District boundary is Veterans Park in the city of Porterville located about 200 feet from the District's eastern boundary line. The Project implements a water banking policy and allows for the construction of water banking facilities within the District and would not increase the use of existing neighborhood or regional parks or other recreational facilities. Therefore, there would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not include new public recreational facilities or require the construction expansion of existing recreational facilities. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.16 TRANSPORTATION

Table 3-17: Transportation Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

3.16.1 Baseline Conditions

The District primarily consists of agricultural operations but a portion of it overlaps the city of Porterville. Rural roadways make up the majority of the circulation system within the District, but the portion that lies in Porterville contains improved streets with stop signs and traffic lights. SR 190 runs east-west within the Project area, with SR 65 running perpendicular to SR 190, approximately 0.3 miles east of the Project area. The Porterville Municipal Airport is located just outside of the District's boundaries to the south. No federal plans, policies, regulations, or laws related to transportation or circulation apply to the Project.

3.16.2 Impact Analysis

a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact. Construction traffic associated with the Project would be temporary, potentially broken down into various phases. Operational traffic would consist of as-needed maintenance trips to the water banking facilities as part of normal operation and maintenance activities. There would not be a permanent adverse effect to existing roadways in the area.

There are no transit, pedestrian, or bicycle facilities in the vicinity of the site. The proposed Project would not conflict with any plan, ordinance, or policy regarding circulation. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project would not change roadway configurations or introduce an incompatible use into the area. Construction equipment would be utilized to make the necessary infrastructure improvements.

There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

d) Would the project result in inadequate emergency access?

Less than Significant Impact. Implementation of the Project is not expected to require any road closures. Any construction work within the right-of-way, such as water conveyance pipelines, would be required to meet County Fire Department and Sheriff Department standards which would ensure any impacts would be less than significant. Any necessary County permits would be obtained as part of the regulatory requirements of the County. Therefore, the Project would not impair or interfere with emergency access to local roads and would not result in traffic delays that could substantially increase emergency response times or impede emergency vehicle access. Impacts would be less than significant. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.17 TRIBAL CULTURAL RESOURCES

Table 3-18: Tribal Cultural Resources Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☒	☐	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☒	☐	☐	☐

3.17.1 Baseline Conditions

Penutian-speaking Yokuts tribal groups occupied the southern San Joaquin Valley region and much of the nearby Sierra Nevada. For a variety of historical reasons, existing research information emphasizes the central Yokuts tribes who occupied both the valley and particularly the foothills of the Sierra. The northernmost tribes suffered from the influx of Euro-Americans during the Gold Rush and their populations were in substantial decline by the time ethnographic studies began in the early twentieth century. In contrast, the southernmost tribes were partially removed by the Spanish to missions and eventually absorbed into multi-tribal communities on the Sebastian Indian Reservation (on Tejon Ranch), and later the Tule River Reservation and Santa Rosa Rancheria to the north. The result is an unfortunate scarcity of ethnographic detail on southern Valley tribes, especially in relation to the rich information collected from the central foothills tribes where native speakers of the Yokuts dialects are still found. Regardless, the general details of indigenous lifeways were similar across the broad expanse of Yokuts territory, particularly in terms of environmentally influenced subsistence and adaptation and with regard to religion and belief, which were similar everywhere.

3.17.2 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

a-i – a-ii) Potentially Significant Impact. Approved by Governor Jerry Brown on September 25, 2014, AB 52 established a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code Section 21074, as part of CEQA. AB 52 applies to projects that file a Notice of Preparation. Lead agencies must provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if the tribe has submitted a written request to be notified. In compliance with AB 52, PID will notify all necessary tribes, and the Project will participate in any requested consultations.

The Project would require grading and excavations to develop the proposed basins. Although unlikely, construction of the Project has the potential to impact a site, feature, cultural landscape, sacred place, or object with cultural value to a California native American Tribe. **Therefore, impacts would potentially be significant, and further evaluation of this topic will be analyzed in the EIR**

3.18 UTILITIES AND SERVICE SYSTEMS

Table 3-19: Utilities and Service Systems Impacts

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.18.1 Baseline Conditions

Water banking facilities by their nature do not require City or County water connections, wastewater treatment or stormwater drainage, natural gas, or telecommunications facilities. They also would not require expansion of electrical services. Electric services in the District are provided by Southern California Edison. Solid waste disposal during construction would be provided by the Tulare County Solid Waste Department, which operates two landfills and six transfer stations within the county. Combined, these landfills receive approximately 300,000 tons of solid waste per day.

3.18.1.1 Water Supply

The Project would primarily allow for the banking of water that is periodically available above current needs from the Friant Division of the Central Valley Project (Friant). The Project might also bank water from other systems, but separate approvals specific to the other systems would be required. As required by the Banking Policy, 10 to 30 percent of the recharged water would be allocated to the District's storage account depending on the location of recovery. Recovered water would be delivered to lawful recipients within the allowed Places of Use of the banked water.

3.18.2 Impact Analysis

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would not require relocation or expansion of existing facilities for wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications. The Project would increase water supply, improve groundwater conditions, reduce costs to produce groundwater, increase diversification and availability of water supplies, and facilitate compliance with the SGMA. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No Impact. The purpose of the Project is to ensure water availability for agricultural water users during normal, dry, and multiple dry years. The Bankers would connect to existing District facilities to divert waters for groundwater banking when water is available above current needs. The Project would not use water but would instead act as a water conveyance and storage system. Existing entitlements are sufficient to divert water for groundwater banking. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. No wastewater would be generated as part of the Project. There would be no change to nearby wastewater facilities or operations. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Impact. The Project construction and operations would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Some water banking facilities may require removal of orchard trees prior to construction. Tree removal is a normal part of farming operations and is not considered to be a part of Project activities, but normal agricultural activities. There would be no impact. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The Project would conform to all applicable statutes and regulations related to solid waste disposal. The Project would comply with the adopted policies related to solid waste, and would comply with all applicable federal, State, and local statutes and regulations pertaining to disposal of solid waste, including recycling. Therefore, the Project would have no impact on solid waste regulations. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.19 WILDFIRE

Table 3-20: Wildfire Impacts

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.19.1 Baseline Conditions

The District area is served by the Tulare County Fire Department for its fire protection needs. The District is not located in an area determined to a Very High Fire Hazard Severity Zone, nor is it located in a State Responsibility Area (SRA).[24] The nearest Very High Fire Hazard Severity Zone is located approximately 20 miles east of the Project area. The nearest SRA is approximately seven miles northeast of the Project area.

3.19.2 Impact Analysis

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads,

[24] (California Department of Forestry and FIre Protection 2022); (California Department of Forestry and Fire Protection 2022)

fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project is not located in an area determined to be a Very High Fire Hazard Severity Zone, nor is it located in an SRA. In addition, the Project would not result in population growth, and it does not involve the construction of any habitable structures. Further analysis of the Project's potential impacts regarding wildfire are not warranted. There would be no impacts from Project implementation. **No further evaluation of this topic will be required in the Project's forthcoming EIR.**

3.20 CEQA MANDATORY FINDINGS OF SIGNIFICANCE

Table 3-21: CEQA Mandatory Findings of Significance

Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

3.20.1 Statement of Findings

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?

Potentially Significant Impact. As discussed above, the Project has the potential to result in significant impacts to the following resource sections: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Hydrology and Water Quality. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

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)?

Potentially Significant Impact. As the Project has the potential to result in significant impacts to the resources sections listed above, the Project would also have the potential to result in cumulative impacts to those same resource sections, in addition to the other resources sections that were determined to be less than significant or no impact. **Therefore, this impact is potentially significant, and this topic will be further analyzed in the Project's forthcoming EIR.**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact. As the analysis has determined that further analysis would be required, this impact could potentially be significant. **Therefore, this topic will be further analyzed in the Project's forthcoming EIR.**

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Appendix A: Draft Groundwater Banking Policy

PORTERVILLE IRRIGATION DISTRICT

BANKING POLICY

***Adopted* [date]**

District Objectives

The District adopts this Banking Policy based on its determination that approval of surface water banking activities will benefit the District, its landowners, water users, and interested parties in the following respects:

a. Increase the total water supply available in the District;
b. Improve groundwater conditions within the Tule Subbasin (Bulletin 118, Subbasin 5-22.13) and the District;
c. Contribute to the reduction of District and landowner costs to produce groundwater;
d. Increase the diversification of water supplies available in the District;
e. Facilitate landowners' needs to obtain water for beneficial use in the District;
f. Facilitate the District's compliance with the Sustainable Groundwater Management Act; and
g. Establish adequate protection against adverse impacts potentially resulting from water banking activities.

Definitions

1. "AF" means acre feet.

2. "Area of Concern" means the "Land Subsidence Management Area" as defined by the Eastern Tule Groundwater Sustainability Agency (hereinafter "ETGSA"). Attached hereto as Exhibit A is a map identifying the current Area of Concern. In the event the ETGSA revises its Land Subsidence Management Area from time to time, the Area of Concern shall be revised accordingly.

3. "Banker" means either: (a) a landowner within the District in good standing proposing a Banking Project or operating an approved Banking Project; or (b) a third party proposing a Banking Project or operating an approved Banking Project within the District, who has a written agreement acceptable to the District with a landowner in good standing within the District.

4. "Banking Project" means the facilities and operations within the District described in the Banking Project Facility Report.

5. "Banking Project Facilities" means the facilities identified in the Banking Project Facility Report.

6. “Banking Project Facility Report" means the document, which shall be in a substantially similar form as the document attached as Exhibit B, containing all of the information required by paragraph 7 of this Banking Policy, including the monthly and annual reporting procedures required by this Policy.

7. “Basin" means the Tule Subbasin (Bulletin 118, Subbasin 5-22.13).

8. “CEQA” means the California Environmental Quality Act.

9. “Force Majeure Event” means any flood, earthquake, failure of any facility not owned by a Banker, acts of God (other than drought), governmental or court actions, and other events which are beyond the reasonable control of, and have not been caused or contributed to by, the parties hereto.

10. “Friant” means the Friant Division of the Central Valley Project.

11. “FKC” means the Friant Kern Canal.

12. “Groundwater Recharge Policy” means the Policy Principles for Porterville Irrigation District Landowner Groundwater Recharge Program dated January 17, 2017, as may be amended from time to time by the District.

13. “Landowner” means a fee title owner of land within the District’s boundaries that is not a Banker.

14. “Leave Behind Water” means the percentage amount of the total volume of water reported, on an annual basis, to be assumed to have augmented Basin storage according to paragraph 11 of this Banking Policy.

15. “MOCC” means Monitoring and Operational Constraints Committee.

16. “MOCP” means Monitoring and Operational Constraint Plan.

17. “Recaptured Recirculation Water” means water made available to the District at any location pursuant to the “Stipulation of Settlement in Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.”, paragraph 16 (a), and the San Joaquin River Restoration Settlement Act (Public Law 111-11), and any implementing plan, regulations and policies of Reclamation, as any of them may be amended, or any other water transferred or exchanged to replace such water.

18. “Recharge Water” means surface water imported by or purchased from the District for the stated purpose, or non-District surface water controlled by a Banker and delivered to the Banking Project for recharge and storage purposes.

19. “Reclamation” means the United States Department of the Interior, Bureau of Reclamation.

20. “Recoverable Water” means any banked water stored in the underground by a Banker using a Banking Project, less (a) evapotranspiration losses prior to recharge and (b) Leave Behind Water.

21. “Recoverable Water Account" means a storage sub-account maintained by the District under the name of the Banker accounting for the running total of Recoverable Water credited to the Banker.

22. “Year” means a water year commencing October 1 and ending September 30.

POLICY

1. Application of Policy

This Policy shall apply to all existing and future surface water banking activities within the District. The District, through this Policy, authorizes up to a maximum recharge capacity of 120,000 acre-feet in the Project Area.

2. Eligibility

Only Bankers are eligible to develop, operate and maintain Banking Projects within the District's boundaries.

3. Banking Project and Facilities

The Banker shall be solely responsible for determining the nature, location, and extent of its Banking Project and Banking Project Facilities. All costs of design, permitting, construction, operation, maintenance, repair, and replacement and all other costs and expenses of a Banking Project and related Banking Project Facilities shall be the sole responsibility of the Banker. Any review and approval by the District or the MOCC of a Banking Project or any Banking Project Facilities (a) will be limited to confirming that the scope and proposed manner of construction and operation of the subject Banking Project and its Banking Project Facilities conform to this Banking Policy, and (b) may not be relied upon by any person as a representation by the District or the MOCC as to the adequacy of the Banking Project or any of its Banking Project Facilities.

4. Recovery Operations

a. Tule Subbasin. Recoverable Water is only allowed to be recovered and beneficially used within the ETGSA, Pixley ID, Lower Tule River Irrigation District GSA, jurisdictional boundaries east of Highway 99. Attached hereto as Exhibit B is a map defining the foregoing area. Recoverable Water may be recovered from wells only in compliance with any applicable GSA or District rules.

b. Operational Exchanges. Bankers may engage in operational exchanges of Recoverable Water, but only in compliance with District requirements.

5. Permissible Sources of Supply

Surface water supplied to a Banking Project may only consist of water from the Central Valley Project or surface supplies local to the Tule Subbasin, or any other water legally diverted to the District. If the source of supply is Central Valley Project water, then the subject Banking Project must be registered with Reclamation, and any applicable Reclamation groundwater banking guidelines and requirements must be followed.

6. Exchanges of Recoverable Water

a. <u>Friant Water</u>. A Banker may, in its sole and absolute discretion, each Year make Recoverable Water available to the District in exchange for an equal amount of the District's Central Valley Project water supplies as follows:

i. If the Banker elects to do so, then the Banker shall notify the District of the volume of Recoverable Water the Banker requests to exchange in the current Year. The notice must identify the schedule, volumes and locations at which the Banker requests to deliver the extracted Recoverable Water into District conveyance facilities in lieu of normal District deliveries of Friant water.

ii. Within **45 days** of Banker's notice, the District will notify Banker that the District has determined, in its sole and absolute discretion, that the requested exchange is either approved, modified, or denied.

iii. Upon agreement between the Banker and the District regarding the schedule and volume of the exchange, the District will allocate that amount of its Central Valley Project water supplies to the Banker in Millerton Reservoir. The District shall use its best efforts and cooperate in good faith with the Banker to convey or cause the conveyance of that water from Millerton Reservoir to its designated place of use at the times and volumes requested by the Banker.

b. <u>Recaptured Recirculation Water</u>. A Banker may, in its sole and absolute discretion, request an exchange of Recoverable Water for Recaptured Recirculation Water as follows:

i. The District will timely notify all Bankers whenever the District is advised by Reclamation that Recaptured Recirculation Water is or will be available and the District has, in its sole and absolute discretion, determined that such water is available for exchange.

ii. The Banker shall make its election to take delivery of Recaptured Recirculation Water in lieu of Recoverable Water and provide the District with written notice of that election. The Banker and the District acknowledge that, other than Recaptured Recirculation Water that is carried over from one Year to the next, the timing of availability of Recaptured Recirculation Water is uncertain but that such supplies may be available later in the Year.

c. <u>Allocation of Exchange Capacity</u>. In the event the demand for recovery of stored water through an exchange of District surface water supplies (e.g., Friant water and Recaptured Recirculation Water) is determined by the District to exceed the available capacity, then the District water available for exchange will be allocated by the District according to uniform District policies, rules, and regulations applicable to all District landowners.

7. Banking Project Facilities Report

Before the District may consider approval of a Banking Project, the Banker shall submit its Banking Project Facilities Report to District staff. District staff shall review the Banking Project Facilities Report. Staff may approve the Banking Project Facilities report as a non-discretionary action after compliance with this Policy.

The Banking Project Facilities Report shall contain the following information:

a. The banking site location (Assessor Parcel Number, legal description, and GIS map);

b. Recharge Facility Construction (Property size in acres, basin size in acres, removal of crops, existing pumping or monitoring wells);

c. The conveyance and distribution facilities and manner and method of operation (conveyance to basin, potential alternatives, size of conveyance and distribution facilities, need for District facilities);

d. The recharge facilities and the manner and method of operation;

e. Recovery (manner and method of recovery, utilization of existing wells, construction of new wells);

f. The schedule for permitting, construction and commencement of operation;

g. The plan of operation, maintenance, repair, and replacement of banking facilities;

h. The intended source of all banking water supplies (e.g., Central Valley Project, local surface waters [Tule River], third party exchange/transfer supplies, other);

i. The banking accounting, measurement, monitoring, and reporting procedure; and

j. Identification of any potential impacts to groundwater levels, water quality, and subsidence to water service infrastructure, including the FKC.

8. Monitoring and Operational Constraint Committee

a. Members. The District's Board of Directors shall appoint the following members to the MOCC. The MOCC shall ensure, using the MOCP, that District interests, adjacent landowners' interests, and FKC interests are protected from adverse impacts caused directly or indirectly by the proposed Banking Project. The 5-member MOCC will be composed as follows:

1. 1 seat for a Banker representative;
2. 1 seat for a District director or the District's General Manager;
3. 1 seat for a District director;

4. 1 seat for a District Landowner representative, who is not a Banker; and
5. 1 seat for a Friant Water Authority ("FWA") representative.

The MOCC will oversee the Banker's implementation of the MOCP. All MOCC members must be present to conduct a MOCC meeting, which will be subject to the Brown Act. An affirmative vote of at least four out of five votes shall be required for any recommendation or action of the MOCC.

b. MOCC Responsibilities. The MOCC will be responsible for:

i. Implementation of the MOCP;

ii. Resolution of disputes in which the Banker and a third party are unable to reach agreement on appropriate responses to complaints. Any matter upon which the MOCC cannot resolve a dispute, such matter will be referred to the Board of Directors for resolution;

iii. Review of monitoring reports to:

1. Determine whether operations have caused significant unacceptable impacts to groundwater levels or quality; and
2. Determine whether the Banker can proceed with construction and operation of the next phase of the Banking Project.

c. Banker Responsibilities. Banker will be responsible for collecting and evaluating data to:

i. Estimate if unacceptable impacts to third parties have occurred or may occur in the future as a result of Banking Project operations when compared to conditions that would have occurred absent the Banking Project;

ii. Adjust Project operations to avoid or minimize unacceptable impacts to third parties; and

iii. Timely respond to reasonable complaints of unacceptable impacts as a result of Banking Project operations.

9. Monitoring and Operational Constraint Plan

Banker is required to have a MOCP to mitigate or reduce any unacceptable impacts from banking operations. Banking Projects must be designed, operated, and monitored in a manner to ensure that the beneficial effects of the Banking Project are maximized while preventing significant unacceptable impacts to the aquifer, groundwater levels, groundwater quality, subsidence to the FKC, or adjacent landowners relative to conditions that would have occurred absent the Project. Exhibit C defines all requirements of the MOCP.

The following restrictions and limitations are intended to be consistent with the Eastern Tule Groundwater Sustainability Agency's Land Subsidence Management Plan and shall be included in the Banker's MOCP if a Banking Project or extraction of Recovered Water is to occur within the Area of Concern. Compliance with the Land Subsidence Management Plan as stated herein may result in further limitations on physical locations for extraction of recovered banked water, either permanently or temporarily.

a. **Boundaries**. The Land Subsidence Management Area shall include lands identified on the attached Exhibit A.

b. **Management Zones**. The Land Subsidence Management Area shall be divided into both east-west and north-south Management Zones centered on the Friant Kern Canal between the Tule River and ETGSA boundary with Delano-Earlimart Irrigation District. There are four, ½ - mile east-west zones and each side of the Friant Kern Canal. There are six north-south zones. A total of 48 Management Zones exist within the Land Subsidence Management Area.

c. **Management Actions**. The following actions shall apply should Land Subsidence Measurements meet the following thresholds within any individual Management Zone based on the ETGSA GSP, Monitoring Plan, and Land Subsidence Monitoring Committee's recommendations:

i. Land Subsidence Between 1.50 feet and 1.99 feet:

Available Recoverable Water extractions shall be reduced to 60% for the Water Year in which the determination is made that land subsidence has occurred between 1.50 feet and 1.99 feet within an individual Management Zone.

The remaining 40% of available Recoverable Water extractions is available to be extracted by Banker outside of the Management Area, provided such use is otherwise consistent with the Recovery Operations set forth in Section 4 of this Policy.

ii. Land Subsidence Between 2.00 feet and 2.49 feet:

Available Recoverable Water extractions shall be reduced to 30% for the Water Year in which the determination was made that land subsidence has occurred between 2.00 feet and 2.49 feet within an individual Management Zone.

The remaining 70% of available Recoverable Water extractions is available to be extracted by Banker outside of the Management Area, provided such use is otherwise consistent with the Recovery Operations set forth in Section 4 of this Policy.

iii. Land Subsidence Between 2.50 feet and 2.99 feet:

No extraction of any Recoverable Water shall be allowed within the Land Subsidence Management Zone for the Water Year in which the determination is made that land subsidence between 2.50 feet and 2.99 feet has occurred.

10. Banking Agreement

Prior to commencement of construction or operation of a Banking Project, the Banker shall enter into a banking agreement with the District to provide for banking activities consistent with this Banking Policy.

11. Banking Leave Behind

In order to ensure that a banking project will protect the Basin and benefit the District and its landowners and water users, Banker shall leave in storage in the Basin aquifer to the credit of the District's storage master account the percentage amount of the total water reported, on an annual basis, to have augmented the storage in the Basin a total of 15%.

12. Priority of Use of District Water

All District water supplies available for banking shall be subject to the District's policies, rules and regulations regarding priority for allocation and use of water by landowners and water users within the District.

13. In-District Conveyance of Recoverable Water

Bankers are entitled to the use of available capacities to convey water to and from the Banking Projects in District facilities and other facilities the District is entitled to use according to the District policies, rules and regulations. In the event the demand for conveyance capacity within District conveyance facilities is determined by the District to exceed the available capacity, then the available capacity will be allocated by the District consistent with applicable District policies, rules and regulations.

14. Conveyance of Recoverable Water Through Third Party Conveyances

Banker, at its sole expense, shall be responsible for obtaining all approvals and complying with all requirements for conveying water through third party conveyance facilities.

15. Banking Accounting, Measurement, Monitoring, and Reporting Procedure

Banker shall be responsible for developing and implementing a procedure to accurately account for all banking activities on a monthly and annual basis, including the following: the source of all water delivered to each turnout, recharge discharges, percolation rates, recharge losses to evaporation and soil profile, net augmentation to storage in the Basin, pumping extractions, amounts of water in storage and recovery, the place of use of all banked water deliveries, and changes in local groundwater conditions (including depth to groundwater, water quantity, quality, groundwater gradient and migration). All water recharged, stored and credited to Banker according the banking agreement shall be identified by source of water as a separate storage sub-account exclusively for use by Banker but under the name of the District. Prior to commencement of construction and operation of banking facilities, Banker shall submit a written report and obtain approval from the District of its proposed banking accounting, measurement, monitoring, and reporting procedure. Banker shall provide the District a monthly and annual written report of all banking activities in a form approved by the District.

16. District Banking Fees

Banker shall pay fees to the District to compensate the District for its services under this Banking Policy, and its costs and expenses incurred in connection with its obligations under this Policy in accordance with uniform District policies, rules and regulations applicable to all District landowner banking projects. The District shall invoice Banker for these fees on a monthly or annual basis, as the case may be, which Banker shall pay within thirty (30) days of receipt.

17. Legal Compliance

Banker shall be solely responsible for complying with all applicable federal, state and local laws, rules and regulations relating to its banking activities. At the District's discretion, Banker shall provide the District with a copy of any permit, order, agreement, environmental document, judgment, or other record requested by the District indicating Banker's compliance with applicable laws.

18. California Environmental Policy Act

The District shall act as the lead agency under CEQA and shall carry out any CEQA requirements prior to adoption of this Banking Policy. Banker shall be responsible for the payment of all costs and expenses incurred by the District and Banker relating to such compliance.

19. Indemnification

Banker shall indemnify, defend and hold harmless the District, its board of directors, officers, employees, agents, assigns on account of damage or claim of damage of any nature whatsoever for which there is legal responsibility, including property damage, personal injury, or death, and including attorneys' fees and other costs of litigation, arising out of or connected with the development, operation and maintenance of a bank.

20. District Administration

Banker shall reimburse the District for its reasonable costs and expenses incurred, as determined by the District, to prepare or review the agreements, reports, plans and other documents and materials relating to the administration of the banking agreement with the Banker.

21. Other Limitations and Commitments

a. Water will be banked, returned, exchanged, or transferred in compliance with all federal, state, local, and tribal laws, and requirements imposed for protection of the environment and Indian Trust Assets, including the Central Valley Project Improvement Act;

b. The Project will not be used to place untilled or new lands into agricultural production, or to convert undeveloped land to other uses. Specifically, no native or untilled land (fallow for three consecutive years or more) will be cultivated with the water managed through this Project;

c. Transfers and/or exchanges will be limited to existing supply and will not increase overall consumptive use;

d. Operations to bank, return, transfer and/or exchange the water will not result in new Delta exports above those already scheduled for normal Central Valley Project or State Water Project operations;

e. The Project will not interfere with the normal Central Valley Project or State Water Project operations;

f. Transfers and/or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to not have a detrimental effect on fish or wildlife, or their habitats; and

g. The Project will be operated in compliance with the District Recharge Policy; the ETGSA GSP and any other SGMA-related requirements, and all applicable District policies, rules and regulations.

22. Legal Authority

California law permits a party who has a separate legal right to surface water developed from a source that is separate and distinct from the natural or native groundwater supplies existing in a common Basin aquifer to use the developed water for beneficial use. A party that owns a developed water supply "may use the supply by commingling the water with the native supplies and may subsequently recapture the developed water." (*City of Los Angeles v. City of Glendale* (1943) 23 Cal.2d 68, 76-78.) The recapture right includes the amount equivalent to the augmentation contributed by the water stored (either by direct recharge or return flows from water deliveries). (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 260.) Banking Projects are, subject to this Banking Policy, permitted to recharge, store and recover water placed in the Basin aquifer so long as the quantity recovered does not exceed the amount contributed and none of the banking activities cause injury to any Basin resource or surface facility, or the rights of other users of water in the process.

23. District Banking Activities Reserved

The District does not currently intend to directly develop, operate, and maintain a banking project but does expressly reserve its authority to revise these principles to include District banking in the future should it be deemed necessary and proper.