



# RESOURCE MANAGEMENT AGENCY

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## TECHNICAL MEMORANDUM

**DATE:** December 5, 2023

**TO:** Ross Miller, Chief Engineer

**FROM:** Hector Guerra, Chief Environmental Planner

**SUBJECT:** **Errata and Clarifications to the Mitigated Negative Declaration for the East Orosi Community Services District Water Supply and Infrastructure Project (SCH # 2023100252)**

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Pursuant to CEQA Guidelines Section 15072, the Initial Study/Mitigated Negative Declaration (IS/MND) for the “East Orosi Water Supply Project” was circulated for review and comment beginning October 4, 2023 and ending November 8, 2023. Administrative changes occurred and the proposed project was renamed during the review period. As a courtesy, Tulare County is re-releasing the IS/MND prepared for the “East Orosi Community Services District Water Supply and Infrastructure Project” for a subsequent review and comment period beginning December 6, 2023 and ending January 5, 2024.

The IS/MND is being recirculated in its original format. This memorandum serves to identify changes to the IS/MND made for consistency of nomenclature, provide additional clarification of Project elements, and strengthen proposed mitigation measures. Pursuant to CEQA Guidelines Section 15162, these changes are not considered “substantial” as they do not include identification of new significant impacts or increase the severity of any impacts; rather, the changes provide clarification of the project and strengthen the effectiveness of mitigation measures. Furthermore, no changes to the determinations of potential environmental impacts have been made.

### 1.0 ERRATA AND CLARIFICATIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Revisions and clarifications to the IS/MND for the East Orosi Water Supply Project are indicated by ~~strikeout~~ text (e.g., ~~strikeout~~) indicating deletions, and underline text (e.g., underline) indicating additions.

Corrections of typographical errors (such as punctuation, capitalization, spelling, general formatting, etc.) have been made throughout the document and are not included in the summary below.

#### 1.1 Clarifications to the IS/MND

**Subject 1: Project Name:** As previously noted, the project name changed during the initial review and comment period. The proposed Project is currently named “East Orosi Community Services

District Water Supply and Infrastructure Project.” As the Project itself has not changed, previous references to the “East Oroshi Water Supply Project” will be used as a shortened project name.

**Subject 2: Supplemental Water Distribution:** To clarify, the proposed new well in OPUD will replace two (2) wells in EOCS D. Although the new well will have the *capacity* (emphasis added) to provide supplemental water to the communities of Oroshi and Cutler, it is not envisioned to occur. The new production well provides an as-needed backup in the unlikely event that a component of the existing systems (e.g., an existing well) fails.

**Subject 3: Mitigation Measure CUL-2 (Page 6, MND; Page 3-42, IS; Page 4-9, MMRP):** The measure requires compliance with Section 7050.5 of the California Health and Safety Code, which mandates that the County Coroner be contacted in the event that human remains are discovered during project construction activities. For clarification, it is the Tulare County Sheriff-Coroner that shall be contacted. The Sheriff-Coroner’s office can be reached by phone at (559) 802-9400 or by email at [info@tularesheriff.info](mailto:info@tularesheriff.info).

## 1.2 Changes to the IS/MND

**Subject 4: Tulare County Environmental Health (Page 2-1, Project Description):** The third paragraph on the page will be revised as follows to clearly indicate that is Tulare County, not City of Tulare, that sent the notice of violation for nitrate levels.

A notice sent by Tulare County Environmental Health Division indicates that the East Oroshi Community Service District (EOCS D) has been in violation of nitrate MCLs allowed by law.

**Subject 5: Project Components – Water Well (Page 2-6, Project Description):** For consistency in the naming convention of the wells, the last paragraph on the page will be revised as follows.

As previously stated, the EOCS D currently has two wells. ~~The wWell 1~~, located east of Ione Road and south of Avenue 418 ~~(well 1)~~, is the primary source of water and produces drinkable water for the community of East Oroshi. When ~~the primary wWell 1~~ is unable to meet peak community water demand, ~~a second wWell 2~~, located north of Avenue 416 and east of Road 136 ~~(well 2)~~, is pressed into service. ~~This second wWell 2~~ produces water high in nitrates resulting in the community residents having to use bottled water for drinking and cooking purposes. To resolve the issue of high nitrates generated by ~~the second wWell 2~~, a new well is proposed to be constructed north of Avenue 408, east of Road 128, and west of Bowhay Ditch.

**Subject 6: Mitigation Measure BIO-2, Steps to Compliance (Page 4-2, MMRP):** The mitigation measure will be revised to strengthen its enforceability, as follows.

### Steps to Compliance:

- A. The Project proponent shall ensure all construction workers complete the Worker Environmental Awareness Training Program, which shall be viewed prior to construction.

- B. A Copy of the training as well as names of the personnel who attended shall be submitted to the Tulare County Resource Management Agency prior to start of construction activities and shall also be maintained onsite.
- C. The Lead Agency shall verify compliance.

**Subject 7: List of Preparers – Lead Agency (Page 5-1, List of Preparers):** The IS/MND will be revised to provide the correct position title for one of the preparers as follows.

Jessica Willis – ~~Environmental~~ Planner IV

**Subject 8: List of Agencies (Page 3-4, IS):** The State Water Resources Control Board (Water Boards) is a Responsible Agency for this Project. As such, the Water Boards have been added to the list of public agencies whose approval may be required as follows.

**10. Other Public Agencies Whose Approval May be Required:**

- Alta Irrigation District
- California Department of Fish and Wildlife
- Central Valley Regional Water Quality Control Board
- San Joaquin Valley Unified Air Pollution Control District
- California Department of Transportation
- Tulare County Local Agency Formation Commission
- State Water Resources Control Board

**Subject 9: Mitigation Measure HYD-1 (Page 9, MND; Pages 3-66 & 3-67, IS; and Page 4-15, MMRP):** Mitigation Measure HYD-1 and references to the measure throughout the IS/MND will be revised to replace the Regional Water Quality Control Board with the Water Boards as the agency responsible for issuing SWPPP and General Construction permits.

**HYD-1 Stormwater Pollution Prevention Plan:** Prior to construction, the applicant shall submit an approved copy of (1) the approved LUPs SWPPP and (2) the Notice of Intent (NOI) to comply with the ~~General~~-National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the ~~Central Valley Regional~~State Water Quality Resources Control Board, Division of Water Quality. The requirements of the Type 1 LUPs SWPPP and NPDES shall be incorporated into design specifications and construction contracts. Recommended Type 1 BMPs for the construction phase may include the following:

- Soil stabilization BMPs
- Sediment control BMPs
- Temporary gravel construction entrance/exit
- Run-on control

## 2.0 TRIBAL CONSULTATION

Pursuant to AB 52, a Sacred Land File (SLF) search request was submitted to the Native American Heritage Commission and was returned on January 13, 2021 indicating “negative” results. On

September 26, 2023, tribal consultation notices were sent via certified mail to twelve (12) tribal contacts representing eight (8) Native American tribes; these notices were subsequently email on September 27, 2023 (See Attachment 1). To date, one (1) tribe has responded that they would not be providing comments. No other responses were received during the 30-day consultation period ending on November 3, 2023. However, if in the event that any tribal cultural resources are unearthed during construction-related activities, mitigation measures have been included in the Project to reduce potential impacts on tribal cultural resources.

### **3.0 COMMENTS RECEIVED**

The County of Tulare received the following four (4) comment letters regarding the initial circulation of the IS/MND: Pacific Gas and Electric Company (PGE); San Joaquin Valley Air Pollution Control District (SJVAPCD); State Water Resources Control Board (Water Board); and California Department of Transportation (Caltrans). The proposed Project will be heard before the Tulare County Board of Supervisors for approval/denial at a date yet to be determined. Pursuant to CEQA Guidelines Section 15073(e), the County will provide the commenters with a Notice of Public Hearing no later than 10-days prior to the date of the Project's scheduled hearing.

# ATTACHMENT 1

## TRIBAL CONSULTATION TRACKING TABLE