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KERN COUNTY

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MAY 13 2011

ANN K. BARNETT
AUDITOR CONTROLLER-COUNTY CLERK
BY _____ DEPUTY

RECEIVED WITH FEE
RECEIPT # 15710116

Exempt per Gov't Code 6103

RETURN TO: Irvine Ranch Water District
P.O. Box 57000
15600 Sand Canyon Ave
Irvine, CA 92619-7000
Attn: Kellie Welch

NOTICE OF EXEMPTION

County Clerk's Filing

Stamp
(State Guidelines §15062)

TO: County Clerk
County of Kern
1115 Truxtun Ave
Bakersfield, CA 93301-4639

FROM: Irvine Ranch Water District
(Applicant/Lead Agency)
P.O. Box 57000
15600 Sand Canyon Ave
Irvine, CA 92619-7000

Project Name: Stockdale West Ranch Pilot Project

Project Location: North half of Section 3, Township 30 South, Range 25 East, MDBM
APN 160-020-12 and 160-020-23

County: Kern

Description of Nature, Purpose and Beneficiaries of Project:

Irvine Ranch Water District (IRWD) is proposing a one-year Pilot Project at its Stockdale West Ranch property in Kern County, California. IRWD purchased Stockdale West Ranch in December 2010. The Project site is adjacent to IRWD's existing Strand Ranch Integrated Banking Project (see Exhibit A) and is characterized by farmland that has been fallow since January 2011. This farmland is not covered by a Williamson Act contract. The Pilot Project is proposed to determine the recharge capabilities of the Stockdale West Ranch. The recharge rates observed from the Pilot Project will assist in the determination

Notice of Environmental Document
Posted by County Clerk on 5/16/11
and for 30 days thereafter, Pursuant to
Section 21152(C) Public Resources Code

COPY

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of the feasibility and physical limits of a long-term water banking and exchange program at Stockdale West Ranch.

The Pilot Project would construct recharge basins on Stockdale West Ranch that would be used to capture high-flow Kern River water that would be made available through the existing Buena Vista Water Storage District (BVWSD) and IRWD Exchange Program. The long-term agreement for this BVWSD/IRWD Exchange Program provides for storage of high-flow Kern River water on a 2-for-1 basis. The Pilot Project would operate under the terms and conditions of the existing long-term Water Banking and Exchange Agreement between Rosedale-Rio Bravo Water Storage District (Rosedale) and IRWD that established the Strand Ranch Integrated Banking Project. The following constraints for recharge, storage and recovery of water would be implemented. The Pilot Project would not include recovery wells on Stockdale West Ranch.

Recharge: The Pilot Project would be limited to the recharge of 10,000 acre-feet (AF) of water over a one year period of time, which augments the 17,500 AF of recharge allowed on Strand Ranch by IRWD.

Storage: Water recharged during the Pilot Project would be stored in IRWD's 50,000 AF storage account at the Strand Ranch.

Recovery: Water recharged during the Pilot Project would be recovered from Strand Ranch within the 17,500 AF per year recovery limits of the Strand Ranch Integrated Banking Project.

The Pilot Project would involve construction of earthen berms on Stockdale West Ranch to form recharge basins and the installation of siphons from the Strand Ranch recharge basins to convey water to the Stockdale West Ranch basins. In addition, siphons or pumps may be installed to convey water from the Rosedale Intake Canal or Pioneer Canal to the Stockdale West Ranch recharge basins. In addition to complying with all laws and regulations and securing any required permits, the Pilot Project would include the environmental commitments listed in Exhibit B and Exhibit C to ensure there would be no potentially significant impacts to the environment.

Reasons why project is exempt:

IRWD has made the determination that the Pilot Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the "categorical exemption rule." The Pilot Project is categorically exempt under Class 6 Information Collection (CEQA Guidelines, Section 15306). Under Class 6, activities are exempt that involve *basic data collection, research, experimental management, and resource evaluation activities, which do not result in serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.*

As mentioned above, the recharge rates observed from the Pilot Project will assist in the determination of the feasibility and physical limits of a long-term water banking program at Stockdale West Ranch. Once the terms and conditions for such a program have been established, IRWD would prepare a subsequent CEQA document, such as an environmental impact report, for the long-term water banking program. The Pilot Project includes environmental commitments listed in Exhibit B and Exhibit C to ensure the

proposed activities would not have any potentially significant impacts and, therefore, would meet the requirements of the Class 6 categorical exemption under CEQA.

Exempt Status: (check one)

- Ministerial (Section 21080)(b)(1); 15268)
- Declared Emergency (Section 21080)(b)(3); 15269(a))
- Emergency Project (Section 21080)(b)(4); 15269(b)(c))
- Categorical Exemption (State CEQA Guidelines §15306)
- Statutory Exemption (State code number: _____)

Name of Public Agency Approving
and Carrying out this Project:

Irvine Ranch Water District (IRWD)

Contact Person: Kellie Welch

Area Code 949

Phone 453-5300

Submission of this form is optional. Local agencies may file this form with the county clerk pursuant to Public Resources Code Section 21152(b). The filing of the notice starts a 35-day statute of limitations on court challenges to the approval of the project under Public Resources Code Section 21167(d). Failure to file the notice results in the statute of limitations being extended to 180 days.

Kellie Welch

Staff Member Responsible for Preparation

Lisli Bonkowski

District Secretary

May 10, 2011

Date

Exhibit A: Stockdale West Ranch Location

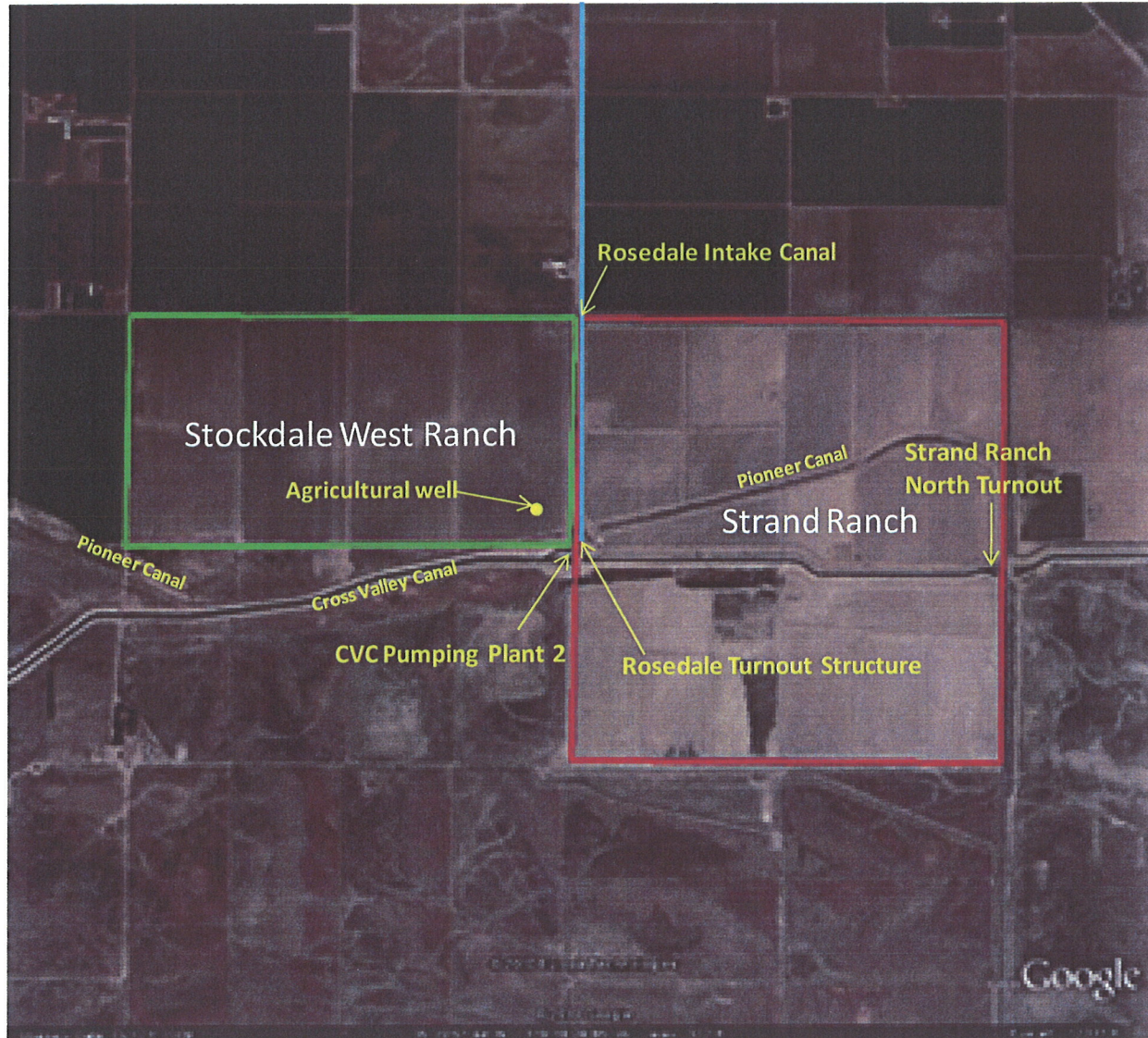


Exhibit B: Environmental Commitments

AIR QUALITY DUST CONTROL

During construction activities, the District shall require the construction contractor(s) to implement a dust abatement program that incorporates San Joaquin Valley Air Pollution Control District's recommended measures including:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, or covered with a tarp or other suitable cover or vegetative ground cover;
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water;
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

BURROWING OWL SURVEY

A qualified biologist shall conduct a pre-construction survey for burrowing owls within 14 of clearing of the site in accordance with the most recent CDFG protocol, currently the *Staff Report on Burrowing Owl Mitigation* (CDFG 1995). The survey shall identify adult and juvenile burrowing owls and signs of burrowing owl occupation. If occupied burrowing owl habitat is detected onsite, measures to avoid, minimize, or mitigate impacts shall be incorporated into the Pilot Project.

MIGRATORY BIRD SURVEY

A qualified biologist shall conduct a preconstruction migratory bird and raptor nesting survey within 15 days of site clearing. This survey shall include species protected under the MBTA including the Swainson's hawk, tricolored blackbird, and mountain plover. The survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site. If an active nest is confirmed by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until the end of the breeding season when the nest has failed or the young have fledged. CDFG will be notified of the identification of active nests and will be consulted regarding resumption of construction activities.

AMERICAN BADGER SURVEY

A qualified biologist shall conduct focused preconstruction surveys no more than two weeks prior to construction for potential American badger dens. If no potential American badger dens are present, no further action is required. If potential dens are observed, the following measures shall be implemented to avoid potential adverse effects to the American badger:

- If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.
- If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.

KIT FOX SURVEY

A qualified biologist shall conduct a preconstruction survey for San Joaquin kit fox within 15 days of site clearing. If potential kit fox dens are found at the project site, further consultation with the qualified biologist shall determine the appropriate avoidance or mitigation measures to avoid potential adverse effects to this species.

During project construction, the measures listed in **Exhibit C** shall be implemented to minimize any potential impacts to San Joaquin kit fox.

PIONEER CANAL BUFFER ZONE

To avoid potential impacts to Tipton kangaroo rat, San Joaquin pocket mouse, and giant garter snake, IRWD shall design the recharge basins to avoid impacting the edges of the Pioneer Canal. During construction, a 200-foot buffer area shall be established to prevent disturbance to the canal. Exclusion fencing shall be required during construction to ensure that the canal edges are not disturbed.

Exhibit B: Environmental Commitments (con't)

ARCHAEOLOGICAL RESOURCES

In the event that prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources will be halted and the project proponent will consult with a qualified archaeologist to assess the significance of the find according to *CEQA Guidelines* Section 15064.5. If any find is determined to be significant, IRWD and the archaeologist will meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, IRWD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

PALEONTOLOGICAL RESOURCES

In the event that paleontological resources are discovered, IRWD will notify a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in *CEQA Guidelines* Section 15064.5. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find will be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology, 1995)). The paleontologist will notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If IRWD determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to IRWD for review and approval prior to implementation.

HUMAN REMAINS

If human skeletal remains are uncovered during project construction, IRWD will immediately halt work, contact the Kern County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the County coroner determines that the remains are Native American, IRWD will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

EROSION CONTROL

All topsoil stripped from the ground surface during construction shall be used for construction of the earthen berms and not hauled offsite. Any temporary stockpiles shall be managed through the use of best management practices (BMPs), which shall include but not be limited to wetting and/or covering stockpiles to prevent wind erosion.

REMOVAL OF CONTAMINATED SOILS

IRWD shall collect representative samples of soils in stained areas identified in the Phase I Site Assessment. The samples shall be analyzed for total petroleum hydrocarbons and pesticides. IRWD shall remove from the site in accordance with applicable waste disposal regulations, soils identified as containing hazardous quantities of contaminants.

INSECT AND VECTOR CONTROL

IRWD shall consult with the Kern County Department of Public Health Services and Kern Mosquito and Vector Control District to develop appropriate insect control measures that utilize non-toxic abatement methods.

Exhibit B: Environmental Commitments (con't)

MONITORING FOR GROUNDWATER MOUNDING

IRWD shall install and monitor piezometers adjacent to the CVC within the Stockdale West Ranch property and/or the adjacent Kern Water Bank land (as allowed). IRWD will consult with geotechnical engineers to determine if conditions observed during the recharge of water during the Pilot Project on Stockdale West Ranch pose a risk to subsurface structures if further recharge operations continue. Under such conditions, piezometer data as well as information from the geotechnical engineers will be shared with Kern County Water Authority (KCWA). If subsurface structures are determined to be at risk from high groundwater, IRWD will temporarily cease recharge activities until water surface elevations no longer pose a risk to subsurface structures.

STORM WATER POLLUTION PREVENTION PLAN

IRWD shall prepare a Storm Water Pollution Prevention Plan that includes, but is not limited to, the following best management practices (BMPs):

- Establish an erosion control perimeter around active construction and contractor layout areas including silt fencing, jute netting, straw wattles, or other appropriate measures to control sediment from leaving the construction area.
- Install containment measures at fueling stations and at fuel and chemical storage sites.
- Employ good house-keeping measures including clearing construction debris and waste materials at the end of each day.

Exhibit C: San Joaquin Kit Fox Minimization Measures

Prior to construction, a qualified biological monitor shall implement the following measures:

1. Prior to construction, project plans shall clearly delineate that: “*Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox.*” Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,
2. Within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the District, as well as any related biological report(s) prepared for the project.

In accordance with the training provided by the qualified biological monitor, the construction contractor shall implement the following measures:

- During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited.
- During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

Exhibit C: San Joaquin Kit Fox Minimization Measures (con't)

- During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and District. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

- Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4014
(559) 243-4020

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766