RESOLUTION NO. 2006-5

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT APPROVING ENVIRONMENTAL DOCUMENTS AND ADOPTING MITIGATED NEGATIVE DECLARATION FOR WELL NO. 3 PROJECT SCH NO. 2006071058

The Board of Directors of the Armona Community Services District, a California Community Services District, duly formed and existing under the Community Services District Law, set out at California Government Code §§ 61000-61800, does hereby find as follows:

WHEREAS, at a regular meeting on June 14, 2006, the Board received the Initial Study, Environmental Checklist, Mitigation Monitoring Plan and proposed Mitigated Negative Declaration (collectively, "Environmental Documents"), copies of which are attached hereto as Exhibits A, B, C and D, respectively, and by reference incorporated herein, for the District's Well No. 3 Project SCH 2006071058 (Project); and

WHEREAS, at the July 12, 2006 regular meeting, the Board set September 13, 2006, as the date for a public hearing to receive public comments on the Environmental Documents; and

WHEREAS, on July 12, 2006, the Environmental Documents were submitted to the State Clearinghouse, Department of Health Services, Regional Water Quality Control Board, and Kings County; and

WHEREAS, the SCH review period started on July 13, 2006 and ended on August 11, 2006; and

WHEREAS, the public hearing was duly noticed by publication of notice of hearing on July 22, 2006, August 12, 2006 and August 19, 2006; and

WHEREAS, the notice provides that the public comment period started on July 22, 2006 and ends at the conclusion of the public hearing on September 13, 2006, with written comments due by 3:00 p.m. on August 21, 2006.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby adopts all of the findings set forth in the Initial Study and Environmental Checklist.

2. The Board, after considering all the evidence presented, (a) certifies that the Initial Study and Environmental Checklist, including the proposed Mitigation Monitoring Plan and proposed Mitigated Negative Declaration, is adequate and was prepared in compliance with the California Environmental Quality Act (CEQA), and the State CEQA Guidelines; (b) finds and declares that the Initial Study was presented to this Board and that prior to taking action on or approving the Project, this Board reviewed

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and considered the information contained in the Initial Study; and (c) finds and declares that the certification thereof reflects this Board's independent judgment and analysis.

3. The Board further finds and declares that no substantial evidence has been submitted for the record to show that the Project, with the mitigation measures stated in the Mitigated Negative Declaration, will have a significant effect on the environment.

4. Based on the foregoing, this Boards directs the staff of the District to prepare, execute, file and cause to be posted, the Notice of Determination and Mitigated Negative Declaration as required by law and to do and to undertake such other acts in connection therewith and in furtherance thereof as may be required by law or as are reasonably recommended or advisable.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Armona Community Services District on September 13, 2006, by the following vote:

AYES: Plooy, Maciel, Danielson, Bittner

NOES: None

ABSENT: Franco

ABSTAIN: None

ED BITTNER, Chairman of the Board of Directors

ATTEST:

JAMES MACIEL, SECRETARY

CERTIFICATE OF SECRETARY

I, James Maciel, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly held at Armona, California, on September 13, 2006.

DATED: September 13, 2006.

JAMES MACIEL, SECRETARY

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EXHIBIT A

(Initial Study)

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INITIAL STUDY

Armona Community Services District
Well No. 3

Project Description:

The well site and associated facilities are located within Lots 39, 40 and 41 of Phase 6 of Tract 756 in Kings County.

The Armona Community Services District has prepared an initial study for a project titled Armona Community Service District Well No. 3. The specific elements of this proposed project include a) drilling of a pilot well b) drilling a production well, c) construction of a water transmission line, and d) possible treatment and storage of water for Arsenic removal (only if necessary).

a. Pilot Well

The Armona Community Services District (ACSD) proposes to drill a pilot well at the proposed site. Testing will be performed on the water produced by the pilot well to determine the characteristics of the groundwater and confirm that Arsenic levels are below the new EPA limit.

b. Production Well

The water production potential from the pilot well will be established and used to determine the final well design parameters. This new well would replace an existing water supply well that exceeds the MCL for Arsenic. The final production well would be constructed, with associated appurtenances (controls, hydro pneumatic tank, standby power, chlorination capabilities, etc.). The production well will be approximately 1200 feet in depth and sealed to a depth of 800 feet. The sealing to a depth of 800 feet will help to insure that shallower groundwater does not affect the quality of the water produced by the production well and the production well does not affect the quantity of water produced by the surrounding shallower wells.

c. Water Transmission Line

The project includes the construction of a water transmission main from the well site to the existing Armona Community Services District facilities in Tract 756.

d. Possible Treatment and Storage of Water

If the Arsenic levels are above the new EPA limit a water treatment facility will be designed to remove Arsenic with an adsorption media or conventional water treatment facilities. The adsorption media would be disposed of periodically as required by regulations. A water storage tank and associated booster pump station may be constructed on-site.

Project Location:

The proposed project is located in Kings County within Tract 756 in Armona. The facilities are located northwest of the intersection of Daisy Lane and Larkspur in Section 33, Township 18 South, Range 21 East, Mount Diablo Base and Meridian.

Findings:

The proposed project requires the preparation of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act.

Basis of Finding:

The attached copy of the Environmental Checklist Form supports the finding.

Mitigation Measures:

As described in the Environmental Checklist:

Regulation VIII is a series of rules designed to reduce emissions of PM_{10} resulting from human activity and is required. Mitigation measures to insure that the air emissions will not create an adverse environmental impact will include requiring that the contractor comply with San Joaquin Valley Unified Air Pollution Control District Regulation VIII concerning fugitive dust rules.

If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the ACSD of the site's significance. If the findings are deemed significant by the archaeologist, appropriate mitigation measures shall be required prior

to any resumption of work in the affected area of the project. The ASCD shall implement the mitigation measures, monitor, and report to the Kings County Planning Agency.

The pilot well will be drilled and tested for quality and quantity of water. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media or conventional water treatment facilities. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically in adherence to all local, state, and federal regulations.

The requirements of the National Pollutant Discharge Elimination System General Permit No. CAS000002 for Discharges of Storm Water Associates with Construction Activity (Waste Discharge Requirements, Order No. 99-08-DWQ) will be followed.

Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

Submit an application to the Kings County Planning Commission for a Conditional Use Permit for the property to maintain continuity with intended uses.

EXHIBIT B

(Environmental Checklist)

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ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:**	Armona Community Service District Well No. 3
2. **Lead Agency Name and Address:**	Armona Community Services District 10956 14th Ave. Armona, CA 93202
3. **Contact Person and Phone Number:**	Michael Taylor, District Engineer (559) 449-2700
4. **Project Location:**	Armona Community Services District Well No. 3 located in Section 33, Township 18 South, Range 21 East, Mount Diablo Base and Meridian (MDB&M). The new well and appurtenances will be located northwest of the intersection of Daisy Lane and Larkspur Way within Lots 39, 40 and 41 of Phase 6 of Tract 756 in Kings County.
5. **Project Sponsors Name & Address: (Responsible Agency)**	Armona Community Services District 10956 14th Avenue Armona, CA 93202
6. **General Plan Designation:**	Medium Density Residential (MD)
7. **Zoning**	One-Family Residential (R-1-6)

8. **Description of Project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Refer to attached Initial Study

9. **Surrounding Land Uses and Setting:** (Briefly describe the project's surroundings.)

Surrounding land uses are agricultural north and west of the property. Land use east and south of the property is a school and rural residential.

10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement)

Kings County Planning Commission
Kings County Department of Public Works
San Joaquin Valley Air Pollution Control District
Local Agency Formation Commission of Kings County
Department of Health Services
Regional Water Quality Control Board
Kings County Water District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☒ Hazards & Hazardous Materials	☒ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☒ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/ Service Systems	☒ Mandatory Findings of Significance	

Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a □potentially significant impact" or □potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐

Signature — July 12, 2006 (Date)

Kelly Granger (Printed Name) — General Manager (Title)

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact; is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses", may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state whether they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each questions; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. **AESTHETICS.** Would the proposal:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion: The proposed improvements are located at within Tract 756. There is no scenic element to the existing site impacted by the proposed project. No new sources of substantial light are proposed that would adversely impact views in the area.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, no non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. There is no existing agricultural land impacted by the proposed projects.

The proposed pipeline is located within County of Kings Right or Armona Community Services District easement.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion: The proposed improvements will not generate additional air emission sources. Temporary construction activities associated with the proposed well and pipeline have the potential of short-term Air Quality Impacts.

The project is located within Tract 756. The construction project itself does not involve activities or equipment that would generate objectionable odors. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

Mitigation Measure: Regulation VIII is a series of rules designed to reduce emissions of PM_{10} resulting from human activity and is required. Mitigation measures to insure that air emissions will not create an adverse environmental impact will include requiring that the contractor comply with San Joaquin Valley Unified Air Pollution Control District Regulation VIII concerning fugitive dust rules.

Effectiveness of Measure: This measure will assure that dust produced from this project will be reduced to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. Monitoring shall be performed by the Armona Community Services District during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency and the San Joaquin Valley Air Pollution Control District.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, or any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US 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?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement. No biological resources have been identified during the use of the property. A Biological Resources Survey for the Conservation Element of the *Kings County General Plan* had been prepared by Robert B. Hansen, Hansen's Biological Consulting. This document identified and described plant communities existing in Kings County and provided an overview of special status species, which included federal and state endangered, threatened and candidate plant and animal species. Furthermore, this Survey also surveyed the literature and completed a preliminary field assessment

to determine if special status species exist in Kings County. The location of natural plant communities and primary habitat areas for special status species are delineated in Exhibits 2, 3 and 4 of the Environmental Impact Analysis for the *1993 Kings County General Plan*. The project site is not identified as being the location of natural plant communities in Exhibits 2 and 3 and is not identified as primary habitat areas for the San Joaquin kit fox in Exhibit 4. In addition, the California Environmental Protection Agency Federally Listed Species Habitats Map for Kings County, dated February of 1996, shows the nearest sightings of the San Joaquin kit fox at 7th and Dover Avenues (SJKF (207)) and at 26th and Fargo Avenues (SJKF (9)). The 7th and Dover sighting is more than ten (10) miles from the project site. The 26th and Fargo sighting is more than fourteen (14) miles from the project site. The project site does not contain any habitat and has been actively cultivated with agricultural crops in past years.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the proposal:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District. No cultural resources have been identified during the use of the property. There are no known historical structures or monuments on the site. The project will involve limited grading or excavation. There are no unique geological features within the vicinity of the project area. There are no known fossil-bearing surficial sediments in the Armona area. There are no known burials within the project area.
There could be a disturbance or destruction of cultural or historic resources resulting from the construction activities associated with the project. Although there is no evidence of archaeological sites on the project site, there is the potential during project-related excavation and construction for the discovery of cultural resources. This impact is potentially significant, but can be mitigated to a less than significant level.

Mitigation Measure: If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the Armona Community Services District of the site's significance. If the findings are deemed significant by the archaeologist, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.

Effectiveness of Measure: This measure will assure that any cultural resources are properly evaluated, and reduce this impact to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District, and the construction contractors. The Armona Community Services District shall perform monitoring during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOIL. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issues 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 risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion: The proposed improvements are not located near a known earthquake fault. The proposed improvements are located within Tract 756.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

Substantiation for Sections VI. a., b., c., d., and e.:

a. The site is located in a V_1 Seismic Zone (Page S-5 of the Safety Element, *Kings County General Plan*). Amplification of shaking that would affect low to medium-rise structures is relatively high but the distance to either of the fault systems that are expected sources of the shaking is sufficiently great that the effect should be minimal. The proposed project proposes: 1) drilling of a pilot well 2) drilling a production well, 3) construction of a water transmission line, and 4) possible treatment and storage of water for Arsenic removal.

i. The unincorporated community of Armona is not located on a known fault.

ii. Ground shaking has occurred, and will occur periodically, in Armona from distant earthquakes. This impact is less than significant and no mitigation is necessary.

iii. The on site soils and area hydrology are not liquefaction precursors.

iv. The project area is flat and not subject to landslides.

b. The flat topography of the site will not encourage erosion or the loss of topsoil. There will be compaction and disruption of soils for grading, drainage, and construction purposes. However, this occurs on nearly flat terrain, and will be limited to the proposed site, and will be conducted in order to meet Building Code and Improvement Standard requirements. Therefore, it is reasonably anticipated that grading, drainage, and construction related impacts will be less than significant.

c. See Substantiation for Items VI (a) and (b) above.

d. As identified by the USDA Soil Survey of Kings County, prepared in 1980, the site soil is Nord complex. According to the USDA Soil Survey of Kings County this type of soil is suited to urban development.

e. The project site is located within the Armona Community Services District, which provides water and sewer service to the site.

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

Discussion: The proposed improvements are located within Tract 756. No hazardous materials have been encountered during the use of the property. Hazardous materials are not included in the operation of the facilities. As a contingency plan, if the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle or a conventional water treatment facility. The absorption media would be replaced as required

and then disposed of periodically in adherence to all local, state and federal regulations. The project is not located within an airport land use plan.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

Mitigation Measure: The pilot well will be drilled and tested for quality and quantity of water and the effects on the existing adjacent wells. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically in adherence to all local, state, and federal regulations.

Effectiveness of Measure: This will insure that the proposed well will not have a significant impact on the surrounding wells. The use of an absorption media will eliminate backwash ponds. The absorption media will be disposed of periodically adhering to all local, state, and federal regulations. This disposal process and procedure will mitigate any handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

Implementation/Monitoring: These requirements shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alternation of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alternation of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on-or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. The proposed construction could alter the hydrology but not the drainage of the project area or the

surrounding area. The pilot well will be pump tested and sampled to insure the quality of the water and that this well will not have an effect on the surrounding shallower wells or the upper unconfined aquifer. The production well is planned to be 1200 feet in depth with annular seals to a depth of approximately 800 feet. As a contingency plan, if the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle or conventional water treatment facility. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state and federal regulations. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The project site is not located within floodplains pursuant to FEMA maps.

If the construction will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (Waste Discharge Requirements, Order No. 99-08-DWQ) will be required. Before construction begins, a Notice of Intent to comply with the Order must be submitted to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan must be prepared. Any questions regarding the storm water permitting process should be directed to Ms. Lisa Gymer at (559) 445-6046 or check the State Water Quality Control Board's website at http://www.sswrcb.ca.gov for more information.

The project does not include dredging or discharge of fill materials to navigable waters or wetlands.

The nearest dams that could have any effect on Armona (on the Kings River or Kaweah River) are too far away to have any significant effect on Armona.

There is no potential seiche or tsunami due to the lack of a significant water body near the project site. The project site is flat, eliminating the possibility of mud flow.

Mitigation Measure: The pilot well will be drilled and tested for quality and quantity of water and the effects on the existing adjacent wells. The production well is anticipated to be drilled to 1200 feet in depth with annular seals to a depth of approximately 800 feet to ensure that migration of groundwater does not occur between aquifers. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state, and federal regulations. The ACSD and Kings County Water District are discussing the potential to mitigate impacts to the local groundwater. A potential mitigation could be that ACSD could financially contribute toward the purchase of additional surface water supplies for potential recharge in the project vicinity. Delivery of additional surface water may improve local groundwater levels and groundwater quality in the upper unconfined aquifer.

The requirements of the National Pollutant Discharge Elimination System General Permit No. CAS000002 for Discharges of Storm Water Associates with Construction Activity (Waste Discharge Requirements, Order No. 99-08-DWQ) will be followed.

Effectiveness of Measure: This will insure that the proposed well will not have a significant impact on the surrounding wells. The use of an absorption media will eliminate backwash ponds. The absorption media will be disposed of periodically adhering to all local, state, and federal regulations. This disposal process and procedure will mitigate any handling

hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

This measure will assure that any storm water discharge associated with the construction activity is adequately mitigated pursuant to the NPDES General Permit as stated above.

Implementation/Monitoring: These requirements shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Regional Water Quality Control Board shall perform monitoring during project construction.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plans?	☐	☐	☐	☒

Discussion: The proposed improvements will be located northwest of the intersection of Daisy Lane and Larkspur Way within Lot s 39, 40 and 41 of Phase 6 of Tract 756 in Kings County. The construction of this improvement is to eliminate the required treatment of drinking water for Arsenic. A Conditional Use Permit will be required by the Kings County Planning Department.

Substantiation for Section IX. a., b., and c.:

a. The proposed project will not physically divide an established community.

b. The proposed project is consistent with the *Kings County General Plan* and the *Kings County Zoning Ordinance*. The applicable general plan policies are found in the *Kings County General Plan*. Figure 7, the "Land Use Map of Armona", designates this site as Medium Density Residential (MD). Page LU-6, Section II.A. of the "Land Use Element" states that development in rural communities must be in accordance with County zoning, building and subdivision ordinances and County Improvement Standards. Article 9, Section 904.C. of the One-Family Residential (R-1-6) District lists public uses of a public service type, including police and fire stations and other public buildings, structures and facilities as a conditional use subject to Kings County Planning Commission approval.

c. There are no applicable habitat conservation plans or natural community conversation plans.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The Kings County Planning Agency is the lead agency regarding Land Use and Planning for the Armona area.

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

Discussion: The proposed improvements are located within Tract 756. No mineral sources have been identified in the construction of the existing wells.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport and public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement. Noise impacts may be temporary during construction activities. Construction activities will increase noise levels at the project site. The type and number of equipment to be used are unknown. However, it is expected that the primary sources of noise during construction will include trucks, tractors, backhoes, compressors and similar equipment. However, construction activities will be temporary in nature and will generally occur during daylight hours. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operation were to occur or if equipment is not properly muffled or maintained.

Mitigation Measure: Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

Effectiveness of Measure: These measures will reduce noise impacts during construction to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Armona Community Services District will perform monitoring during project construction.

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

Discussion: The proposed improvements are located within Tract 756. No person will be displaced by the construction or the improvements. The construction of this improvement is to eliminate the required treatment of drinking water for Arsenic.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The Kings County Planning Agency is the lead agency regarding the population and housing.

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

Discussion: The construction of the proposed water well and pipeline will not create any demand for public services. The construction of this improvement is to eliminate the required treatment of drinking water for Arsenic.

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

Discussion: The construction of the proposed water well and pipeline will not create any demand on recreation facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g.. bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion: The construction of the proposed water well and pipeline will not create any new demand on transportation systems. However, there will be isolated increments of time when construction equipment will be excavating soil, placing pipe, backfilling trenches, etc. that the driveways will not be accessible. These isolated increments of time will be coordinated between the Property owners and the contractor.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS.				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which services or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statues and regulations related to solid waste?	☐	☐	☐	☒

Discussion: The proposed improvements are located within Tract 756. The proposed construction could alter the hydrology but not the drainage of the project area or the surrounding area. If the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle or a conventional water treatment facility. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state and federal regulations. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The project site is not located within floodplains pursuant to FEMA maps.

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

Substantiation for Sections XVII. a., b., and c.:

a. The project analysis discloses that none of the above-listed effects will occur.

b. All project impacts listed will be reduced to less than significant with by implementing the mitigation measures identified above. See Substantiation for Sections III, V, VII, VIII, XI, XVI, and XVII above.

c. See substantiation for Section XVII.(b) above.

SITE INFORMATION:

CURRENT USE OF SITE:	The proposed improvements are located within Tract 756 , which is currently being developed as a residential subdivision.
SURROUNDING LAND USES:	Surrounding land uses are Single-Family Residential uses, Multi-Family Residential uses, Commercial Uses, Light Industrial Uses, Heavy Industrial Uses, Southern Pacific Railroad, Agricultural Residences, Agricultural Uses, the Last Chance Ditch, and a fragmented portion of the Mussel Slough.
HYDROLOGY: (Source: Department of Water Resources, Groundwater Query Results for "18S21E29R001M" http://wdl.water.ca.gov)	Depth to Groundwater has ranged from 9.6 feet to the 30.0 feet, averaging the 19.04 feet from the 2/26/85 to 1/30/94.
SOILS:	The soils are Nord complex.
SEISMICITY: (Page S-5 of the Safety Element, 1993 Kings County General Plan)	The site is located in a V1 Seismic Zone.
FLOOD HAZARD:	The site is not located in a Special Flood Hazard Area (FIRM Map 060086 75B).
LAND CLASSIFICATION: (Kings County Assessor)	The project site is classified as Prime Land.
WILLIAMSON ACT:	The project site is not in an established Agricultural Preserve.

RIGHT TO FARM NOTICE:

Pursuant to Section 2 of Ordinance No. 546 (Right to Farm Ordinance), all approvals of applications for rezoning, land divisions, zoning permits, and residential building permits, on property in the unincorporated territory of Kings County, shall include a condition that notice and disclosure of this agricultural land use Policy be given by the applicant, or the owner if different from the applicant, to subsequent owners and occupants of the property. The applicant, or the owner if different from the applicant, shall also acknowledge the contents of the notice and disclosure themselves, by signing and recording the written notice and disclosure, which include a description of the property, the notice and the disclosure pertains to.

POSSIBLE IMPACTS:

A review of this project in compliance with the California Environmental Quality Act (CEQA) indicates that there may be significant adverse impacts to the environment, however those impacts can be mitigated to an insignificant level by implementing the mitigation measures identified in this Initial Study/Mitigated Negative Declaration. A mitigation monitoring program will be attached to the Planning Commission Resolution for this project as Exhibit "A." There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. Therefore, a de minimis Mitigated Negative Declaration is appropriate. The Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.

The presumption that the project will have a potential for adverse effect on fish and wildlife resources or the habitat upon which wildlife depends is rebutted based on evidence in the record that:

A. The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction.

B. The project does not disturb any plant life required to sustain habitat for fish or wildlife.

C. The project does not disturb any rare or unique plant life or ecological communities dependent on plant life.

D. The project does not threaten any listed or endangered plant or animals or the habitat in which they are believed to reside.

E. The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto.

F. The project does not disturb any marine or terrestrial species, which are subject to the jurisdiction of the Department of Fish and Game, and ecological communities in which they reside.

G. The project will not degrade any air or water resources, which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.

DETERMINATION:

On _____, the Armona Community Services District found that on the basis of the Initial Study and comments received that there is no substantial evidence that the proposed Armona Community Services District Well No. 3 will have a significant effect on the environment and approved the de minimus Mitigated Negative Declaration.

On _____, the Kings County Planning Commission found that on the basis of the Initial Study and comments received that there is no substantial evidence that the proposed Armona Community Services District Well No. 3 will have a significant effect on the environment and approved the de minimus Mitigated Negative Declaration for Conditional Use Permit No. _____.

On _____, the Local Agency Formation Commission found that on the basis of the Initial Study and comments received that there is no substantial evidence that LAFCO Extension of Service Case No. _____ will have a significant effect on the environment and approved the de minimis Mitigated Negative Declaration.

EXHIBIT C

(Proposed Mitigation Monitoring Plan)

GRISWOLD, LaSALLE,
COBB, DOWD & GIN, L.L.P.
311 NORTH DOUTY STREET
P.O. BOX 330
HANFORD, CA 93232-0330

Mitigation Monitoring Plan
Well No. 3

WORKING COPY

III. AIR QUALITY.

Discussion: The proposed improvements will not generate additional air emission sources. Temporary construction activities associated with the proposed well and pipeline have the potential of short-term Air Quality Impacts.

Mitigation Measure: Regulation VIII is a series of rules designed to reduce emissions of PM_{10} resulting from human activity and is required. Mitigation measures to insure that air emissions will not create an adverse environmental impact will include requiring that the contractor comply with San Joaquin Valley Unified Air Pollution Control District Regulation VIII concerning fugitive dust rules.

Effectiveness of Measure: This measure will assure that dust produced from this project will be reduced to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. Monitoring shall be performed by the Armona Community Services District during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency and the San Joaquin Valley Air Pollution Control District.

V. CULTURAL RESOURCES.

Discussion: The proposed improvements are located within Tract 756. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement. No cultural resources have been identified during the use of the property. There are no known historical structures or monuments on the site. The project will involve limited grading or excavation. There are no unique geological features within the vicinity of the project area. There are no known fossil-bearing surficial sediments in the Armona area. There are no known burials within the project area.
There could be a disturbance or destruction of cultural or historic resources resulting from the construction activities associated with the project. Although there is no evidence of archaeological sites on the project site, there is the potential during project-related excavation and construction for the discovery of cultural resources. This impact is potentially significant, but can be mitigated to a less than significant level.

Mitigation Measure: If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or

otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the Armona Community Services District of the site's significance. If the findings are deemed significant by the archaeologist, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.

Effectiveness of Measure: This measure will assure that any cultural resources are properly evaluated, and reduce this impact to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District, and the construction contractors. The Armona Community Services District shall perform monitoring during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency.

VII. HAZARDS AND HAZARDOUS MATERIALS.

Discussion: The proposed improvements are located within Tract 756. No hazardous materials have been encountered during the use of the property. Hazardous materials are not included in the operation of the facilities. As a contingency plan, if the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle or a conventional water treatment facility. The absorption media would be replaced as required and then disposed of periodically in adherence to all local, state and federal regulations. The project is not located within an airport land use plan.

The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

Mitigation Measure: The pilot well will be drilled and tested for quality and quantity of water and the effects on the existing adjacent wells. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media or a conventional water treatment facility. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically in adherence to all local, state, and federal regulations.

Effectiveness of Measure: This will insure that the proposed well will not have a significant impact on the surrounding wells. The absorption media will be disposed of periodically adhering to all local, state, and federal regulations. This disposal process and procedure will mitigate any handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

Implementation/Monitoring: These requirements shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Armona Community Services District shall perform monitoring during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency, Kings County Water District, and the Department of Health Services.

VIII. HYDROLOGY AND WATER QUALITY.

Discussion: The proposed improvements are located within Tract 756. The proposed construction could alter the hydrology but not the drainage of the project area or the surrounding area. The pilot well will be pump tested and sampled to insure the quality of the water and that this well will not have an effect on the surrounding shallower wells or the upper unconfined aquifer. The production well is planned to be 1200 feet in depth with annular seals to a depth of approximately 800 feet. This will insure that the production well has no effect on the surrounding shallower private wells. As a contingency plan, if the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle or a conventional water treatment facility. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state and federal regulations. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The project site is not located within floodplains pursuant to FEMA maps.

If the construction will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (Waste Discharge Requirements, Order No. 99-08-DWQ) will be required. Before construction begins, a Notice of Intent to comply with the Order must be submitted to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan must be prepared. Any questions regarding the storm water permitting process should be directed to Ms. Lisa Gymer at (559) 445-6046 or check the State Water Quality Control Board's website at http://www.sswrcb.ca.gov for more information.

The project does not include dredging or discharge of fill materials to navigable waters or wetlands.

The nearest dams that could have any effect on Armona (on the Kings River or Kaweah River) are too far away to have any significant effect on Armona.

There is no potential seiche or tsunami due to the lack of a significant water body near the project site. The project site is flat, eliminating the possibility of mud flow.

Mitigation Measure: The pilot well will be drilled and tested for quality and quantity of water and the effects on the existing adjacent wells. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media or a conventional water treatment facility. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state, and federal regulations.

The requirements of the National Pollutant Discharge Elimination System General Permit No. CAS000002 for Discharges of Storm Water Associates with Construction Activity (Waste Discharge Requirements, Order No. 99-08-DWQ) will be followed.

Effectiveness of Measure: This will insure that the proposed well will not have a significant impact on the surrounding wells. The absorption media will be disposed of periodically adhering to all local, state, and federal regulations. This disposal process and procedure will mitigate any handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

This measure will assure that any storm water discharge associated with the construction activity is adequately mitigated pursuant to the NPDES General Permit as stated above.

Implementation/Monitoring: These requirements shall be included in the conditions of approval and shall be implemented by the construction contractors. The Regional Water Quality Control Board would perform monitoring during project construction.

XI. NOISE.

Discussion: The proposed improvements are located within Tract 756. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement. Noise impacts may be temporary during construction activities. Construction activities will increase noise levels at the project site. The type and number of equipment to be used are unknown. However, it is expected that the primary sources of noise during construction will include trucks, tractors, backhoes, compressors and similar equipment. However, construction activities will be temporary in nature and will generally occur during daylight hours. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operation were to occur or if equipment is not properly muffled or maintained.

Mitigation Measure: Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

Effectiveness of Measure: These measures will reduce noise impacts during construction to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Armona Community Services District will perform monitoring during project construction. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Planning Agency.

XVI. UTILITIES AND SERVICE SYSTEMS.

Discussion: The proposed improvements are located within Tract 756. The proposed construction could alter the hydrology but not the drainage of the project area or the surrounding area. This well is to replace an existing well in the Armona area that has an Arsenic level above the new EPA limit. As a contingency plan, if the well does not produce water with Arsenic levels below the current EPA limit a water treatment facility would be designed and constructed. The design of the treatment facility would use an absorption media that would not require a backwash cycle. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state and federal regulations. The proposed pipeline is located within County of Kings Right of Way or Armona Community Services District easement.

The project site is not located within floodplains pursuant to FEMA maps.

Mitigation Measure: The pilot well will be drilled and tested for quality and quantity of water and the effects on the existing adjacent wells. If the quality of the water produced by the pilot well is above the EPA limits for Arsenic a water treatment facility will be designed and constructed with an absorption media. The use of an absorption media would eliminate the requirement for backwash. The absorption media would be replaced as required and then disposed of periodically adhering to all local, state, and federal regulations.

Effectiveness of Measure: This will insure that the proposed well will not have a significant impact on the surrounding wells. The absorption media will be disposed of periodically adhering to all local, state, and federal regulations. This disposal process and procedure will mitigate any handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Implementation/Monitoring: These requirements shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Armona Community Services District shall implement the mitigation measures, monitor and report to the Kings County Water District and the Department of Health Services.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

Discussion: Complying with San Joaquin Valley Unified Air Pollution Control District Regulation VIII concerning fugitive dust rules will assure that dust produced from this project will be reduced to a less than significant level.

If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the Armona Community Services District of the site's significance. If the findings are deemed significant by the, archaeologist appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project. This measure will assure that any cultural resources are properly evaluated, and reduce this impact to a less than significant level.

Proper well construction and operation, as detailed throughout this environmental checklist, will mitigate any potential to degrade the quality of the environment to less than significant.

Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment. These measures will reduce noise impacts during construction to a less than significant level.

All project impacts listed as less than significant have a relationship to short-term effects.

There is no potential for cumulatively considerable impacts.

These requirements shall be included in the conditions of approval and shall be implemented by the Armona Community Services District and the construction contractors. The Armona Community Services District shall implement the mitigation measures, monitor and report to the San Joaquin Valley Unified Air Pollution Control District, Kings County Planning Agency and the Department of Health Services.

EXHIBIT D

(Proposed Mitigated Negative Declaration)

GRISWOLD, LaSALLE,
COBB, DOWD & GIN, L.L.P.
311 NORTH DOUTY STREET
P.O. BOX 330
HANFORD, CA 93232-0330

MITIGATED NEGATIVE DECLARATION

Armona Community Services District
Well No. 3

Project Description:

The project consists of drilling a pilot well within Lots 39, 40 and 41 of Phase 6 of Tract 756. The water production potential from the pilot well will be established and used to determine the final well design parameters. The final production well would be constructed, with associated appurtenances (controls, hydro pneumatic tank, standby power, chlorination capabilities, etc.). The project includes the construction of a water transmission main to the existing Armona Community Services District facilities. If the Arsenic levels are above the new limit a water treatment facility will be designed to remove Arsenic with an adsorption media. The project may also include a water storage tank and booster pumping station.

a. Pilot Well

The Armona Community Services District (ACSD) proposes to drill a pilot well at the proposed site. Testing will be performed on the water produced by the pilot well to determine the characteristics of the groundwater and confirm that Arsenic levels are below the new EPA limit.

b. Production Well

The water production potential from the pilot well will be established and used to determine the final well design parameters. This new well would replace an existing water supply well that exceeds the MCL for Arsenic. The final production well would be constructed, with associated appurtenances (controls, hydro pneumatic tank, standby power, chlorination capabilities, etc.). The production well will be approximately 1200 feet in depth and sealed to a depth of 800 feet. The sealing to a depth of 800 feet will help to insure that shallower groundwater does not affect the quality of the water produced by the production well and the production well does not affect the quantity of water produced by the surrounding shallower wells.

c. Water Transmission Line

The project includes the construction of a water transmission main from the well site to the existing Armona Community Services District facilities in Tract 756.

d. Possible Treatment and Storage of Water

If the Arsenic levels are above the new EPA limit a water treatment facility will be designed to remove Arsenic with an adsorption media or conventional water treatment facilities. The adsorption media would be disposed of periodically as required by regulations. A water storage tank and associated booster pump station may be constructed on-site.

Project Location:

The proposed project is located in Kings County within Tract 756 in Armona. The facilities are located northwest of the intersection of Daisy Lane and Larkspur Way in Section 33, Township 18 South, Range 21 East, Mount Diablo Base and Meridian.

Findings:

The proposed project requires the preparation of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act.

Basis of Finding:

The attached copy of the Initial Study and Environmental Checklist Form support the finding.

The Mitigated Negative Declaration will be deemed final and effective if no appeal is filed in the manner specified by the California Environmental Quality Act (CEQA).

This Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act.

Submitted by: _____ July 12, 2006
Kelly Granger, Operations Manager — Date
Armona Community Services District