

# Initial Study/Mitigated Negative Declaration (IS/MND)

Earthrise Nutritionals Evaporation Pond 8 Project  
At 113 E. Hooper Rd.  
North of Calipatria, CA, 92233  
Imperial County, California



Revised April 2018

Prepared for:

Colorado River Basin Regional Water Quality Control Board

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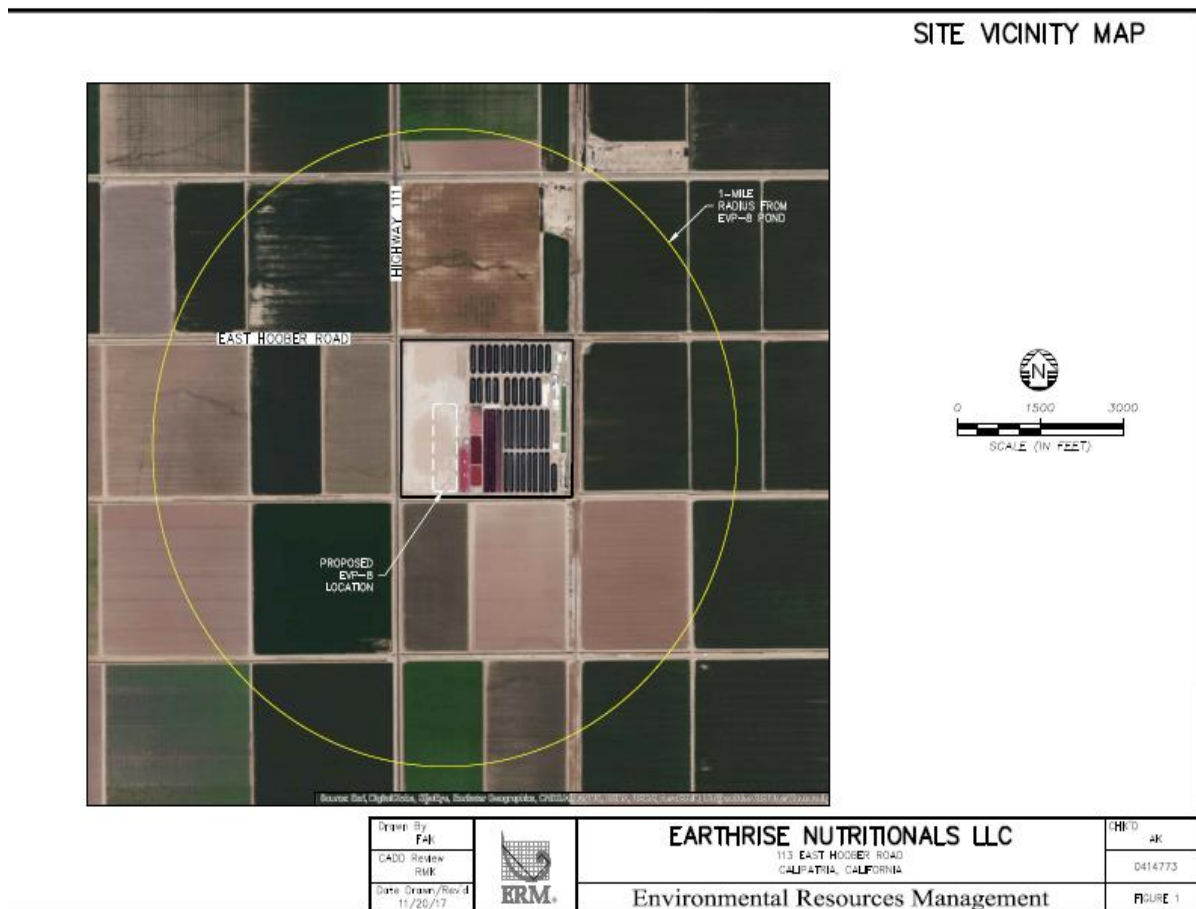
## GENERAL INFORMATION

<b>Project Title:</b>	Earthrise Nutritionals Evaporation Pond 8 Project
<b>Lead Agency Name:</b>	California Regional Water Quality Control Board, Colorado River Basin (“Regional Water Board”)
<b>Lead Agency Address:</b>	73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260
<b>Contact Person:</b>	Scot Stormo, Engineering Geologist
<b>Contact Phone Number, email:</b>	(760) 776-8964, Scot.Stormo@waterboards.ca.gov
<b>Project Applicant’s Name:</b>	Earthrise Nutritionals, LLC
<b>Project Applicant’s Address:</b>	2151 Michelson Drive, Suite 258, Irvine, CA 92612
<b>General Plan Designation:</b>	Agriculture
<b>Zoning:</b>	A-2-G (General Agriculture/Geothermal Overlay Zone) and A-3-G (Heavy Agriculture/Geothermal Overlay Zone)
<b>Description of Project:</b>	The proposed Project consists of the construction, operation, and maintenance of a new, lined evaporation pond (“Project” or “Pond”) at the microalgae production facility owned and operated by Earthrise Nutritionals, LLC (“Applicant”). The Pond will be built on the Applicant’s approximately 189-acre existing facility (“Project Site”) and will be used to receive wastewater generated by the harvesting of algae from the Applicant’s Spirulina Harvest Plant (“SHP”) and its Linablue® Extraction Plant (“LEP”). The SHPF and LBEF are also located at the Project Site. The annual wastewater discharged to the Pond from the two processes will be approximately 16.6 million gallons. The Pond will be constructed as a Class II surface impoundment in accordance with title 27 of the California Code of Regulations, and lined to prevent infiltration of wastewater into native soil as required by waste discharge requirements (“WDRs”) that will be issued by the Regional Water Board.
<b>Surrounding Land Uses and Setting:</b>	The Project Site is surrounded on all sides by lands zoned and used for agricultural purposes, with the closest non-agricultural development being the Calipatria State Prison, located approximately one mile to the east.
<b>Responsible Agencies:</b>	Imperial County Planning & Development Services Department

## 1.0 INTRODUCTION AND PROJECT DESCRIPTION

Earthrise Nutritionals, LLC (“Applicant”) owns and operates an aquaculture facility (“Facility”) located at 113 East Hooper Road, north of Calipatria, CA, 92233, shown in Figure 1 (“Project Site”). The Facility grows algae, which are then harvested, processed, and converted into protein, food-grade colorant, bio-chemicals, and pharmaceutical products. The Discharger has a license from the California Department of Fish and Wildlife which oversees the Facility and regulates algal species. The Discharger submitted a Report of Waste Discharge (“ROWD”) on December 1, 2017, and applied for waste discharge requirements (“WDRs”) from the California Regional Water Quality Control Board, Colorado River Basin (“Regional Water Board”) to discharge wastewater resulting from the harvesting of algae to make its Spirulina and Linablue® products into a new evaporation pond (“Pond”) at the Project Site.

Figure 1 – Project Vicinity Map



The Applicant’s Facility currently includes thirty-seven (37) production ponds for the cultivation of Spirulina (blue-green algae), harvesting and production facilities, and seven (7) wastewater disposal ponds. The production ponds have an alkaline aqueous medium that is rich in nutrient salts. The Spirulina, used as a food and dietary supplement, is harvested by conveyance to the Spirulina harvesting plant (“SHP”) for further processing. This includes rinsing, concentrating the biomass, separating biomass from cultures, dewatering, drying, packaging, and storage of the



Spirulina for shipment. The spent liquid generated from this process is conveyed to the seven evaporation ponds currently in use. The Applicant desires to expand production at the Facility, and proposes the construction of the new Pond to handle the increased volume of wastewater generated by increased production at the Facility.

The Applicant also proposes to discharge to the new Pond process wastewater resulting from its Linablue® product—blue pigment extracted from Spirulina which is used as a food-grade colorant. The extraction process is conducted at the Linablue® extraction plant (“LEP”) and requires potable water which has been purified by reverse osmosis. The Applicant will convey the backwash water from this treatment system to the Pond. The solid by-product generated from the extraction process will be separated using a filter press and dried using a pulse dryer for eventual disposal to a landfill.

The proposed Pond will be an addition to the Applicant’s existing seven ponds used for the discharge of process wastewater. The proposed new Pond will be constructed in accordance with the requirements of California Code of Regulations, title 27, section 20005 et seq. (Title 27) for a Class II surface impoundment. The Pond will be 1,380 feet long by 345 feet wide on the inside (bottom) or approximately 14 acres in size. The depth of the Pond from the bottom to the top of the Pond’s berm will range from 6 to 8 feet (providing at least a 5-foot separation between the first groundwater and the pond’s lowest elevation at the sump). Table 1, below, shows the water quality of the proposed discharge to the Pond.

**Table 1 – Wastewater Characteristics of Discharge to Proposed Pond**

Compound	Units	Reporting Limit	WQO	6HR-SHPF-COMP	6HR-LBEF-COMP	1HR-LBEF-COMP
Fluoride	mg/L	1.0 - 2.0	2	1.2	2.8*/1.58	ND (<2.0)
Chloride	mg/L	10 - 40		520	2400	1300
Sulfate	mg/L	20		990	190	130
HEM: Oil and Grease	mg/L	1.0		2.8	1.7	2.6
Specific Conductance	µmhos/cm	10		8700	8100	4600
Total Dissolved Solids (TDS)	mg/L	10.0		6240	7630	4240
Total Suspended Solids (TSS)	mg/L	1.0		115	74	70
pH	pH Units	0.01		10.03	5.73	5.44
Total Kjeldahl Nitrogen (TKN)	mg/L	0.50-5.0		24	120	94
Total Phosphorus	mg/L	2.5-25		15	98	72
Total Cyanide	mg/L	0.020	0.15	ND (< 0.020)	ND (< 0.020)	ND (< 0.020)
Free Cyanide	mg/L	0.020	0.15	ND (< 0.020)	ND (< 0.020)	ND (< 0.020)
Ammonia (as N)	mg/L	0.10		2.6	5.8	4.9
Nitrate-Nitrite (as N)	mg/L	0.10-10	10	47**/15	0.34	0.24
Nitrate-N						
Biochemical Oxygen Demand (BOD)	mg/L	1.0		260	1500	1200

Compound	Units	Reporting Limit	WQO	6HR-SHPF-COMP	6HR-LBEF-COMP	1HR-LBEF-COMP
Chemical Oxygen Demand (COD)	mg/L	5.0 - 25		410	1900	1300
Total Organic Carbon (TOC)	mg/L	5.0 - 25		84	730	510
Arsenic	mg/L	0.001	0.01	0.0111***/ <b>0.137</b>	ND (<0.00100)	ND (<0.00100)
Barium	mg/L	0.001	1	0.0498	0.0648	0.0478
Cadmium	mg/L	0.001	0.005	ND (<0.00100)	ND (<0.00100)	ND (<0.00100)
Chromium	mg/L	0.001	0.05	0.00304	0.00597	0.00425
Copper	mg/L	0.001	0.05	0.00823	0.00427	0.00428
Lead	mg/L	0.001	0.005	ND (<0.00100)	ND (<0.00100)	ND (<0.00100)
Molybdenum	mg/L	0.001		0.049	0.00652	0.00395
Nickel	mg/L	0.001	0.1	0.00395	0.0187	0.01
Selenium	mg/L	0.001	0.05	0.00356	0.0011	ND (<0.00100)
Silver	mg/L	0.001		ND (<0.00100)	ND (<0.00100)	ND (<0.00100)
Thallium	mg/L	0.001	0.002	ND (<0.00100)	ND (<0.00100)	ND (<0.00100)
Zinc	mg/L	0.001		0.175	0.0803	0.0946
Calcium	mg/L	1.00		41.6	707	388
Iron	mg/L	0.05		0.385	0.0809	0.107
Manganese	mg/L	0.001		0.0118	0.0623	0.0388
Potassium	mg/L	0.5		42.3	132	81.9
Sodium	mg/L	1.00		2010	750	433
Mercury	mg/L	0.000200	0.002	ND (<0.000200)	ND (<0.000200)	ND (<0.000200)
Total Coliform <sup>(a)</sup>	MPN/100mL	10	Poss/Neg	624	NT	98,040
E. Coli <sup>(a)</sup>	MPN/100mL	10	Poss/Neg	<10	NT	2180
Enterococcus <sup>(a)</sup>	MPN/100mL	10	Poss/Neg	2909	NT	57840

Notes:

WQO = Water Quality Objectives

Bold indicates data exceed WQO

SHPF = Spirulina Harvest Plant Facility

LBEF = Linablue Extraction Facility

\* = Subsequent re-analysis showed a Fluoride result less than 2 mg/L

\*\* = Subsequent re-analysis showed a Nitrate-Nitrate (as N) result of 15 mg/L

\*\*\* = Subsequent re-analysis showed an Arsenic result of 0.0137 mg/L

<sup>(a)</sup> = Bacteria samples were taken from the 4th and final composite grab of the LBEF and SHPF because of the 6-hour holding time of bacteria testing.

Based on the wastewater characteristics and site-specific hydrologic conditions, Regional Water Board staff has determined that the proposed discharge is a “designated waste” as defined in Water Code section 13173, and as such, it must be managed in accordance with the requirements of Title 27. Additionally, the proposed Pond (i.e., “waste management unit” as defined in section 20164 of Title 27) must also be constructed, operated, and maintained in accordance with Title 27 as a Class II surface impoundment. Therefore, the Pond will be lined as required by Title 27 to prevent infiltration of wastewater. Soil excavated to construct the Pond will be used on the Project Site to

create the berm for the Pond and to fill a low area to the north of the Pond and a small former pond on the eastern edge of the Project Site. The annual discharge to the Pond will be approximately 16.6 million gallons.

The Pond will be constructed on the southwest portion of the Project Site, adjacent to the seven existing evaporation ponds. The Project Site is zoned A-2-G (General Agriculture) and A-3-G (“Heavy Agriculture”) under the County of Imperial’s (“County”) Land Use Ordinance. (See Imperial County Code, tit. 9, div. 5, ch. 48, § 92548 [Map #48 (Estelle Station Area)].) Aquaculture and the growing and harvesting of algae are allowed in both zones. (Imperial County Code, tit. 9, div. 5, ch. 8, §§ 90508.01(f), 90509.01(c).) Accessory structures for agriculture also are allowed in both zones, and the existing evaporation ponds and the new Pond are ordinary and necessary structures for aquaculture. The Project also is consistent with the Imperial County General Plan’s Land Use Element designation for the Project Site. The Project Site is surrounded by agricultural fields. (See Figure 2 below.) The nearest non-agricultural use is the Calipatria State Prison located approximately one mile to the east. The environmental setting of the area in general is open space for agriculture.

## 1.1 AGENCY AUTHORITY

The California Environmental Quality Act (“CEQA”) (Public Resources Code, § 21000 et seq.) and its implementing regulations, the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), require that the environmental impacts of a public agency’s proposed discretionary action be evaluated and that feasible methods to reduce, avoid, or eliminate significant adverse impacts of such actions be identified and implemented, if feasible.

This Initial Study/Mitigated Negative Declaration (“IS/MND”) addresses whether the construction, operation, and maintenance of the proposed Pond and ancillary pipelines may cause a significant effect on the environment. If a significant effect is identified, CEQA requires that the agency determine if those effects can be reduced or avoided by changing the Project, imposing conditions, or by other means. (CEQA Guidelines, § 15064(f)(2).) If such revisions, conditions or other means to lessen significant impacts are identified, they will be listed as mitigation measures. The determination of whether a project may have a significant effect on the environment is a critical step in the CEQA process, and one that requires careful judgment, as described in CEQA Guidelines Section 15064. The determination should be supported by substantial evidence in the record and, to the extent feasible, on scientific and factual data.

The evaluation provided in Chapters 2 and 3 of this document analyzes and discusses the following areas of potential environmental impacts: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, tribal cultural resources, and utilities/service systems. It also makes mandatory findings of significance. After evaluating the information on the proposed Project in light of the requirements of CEQA, the Regional Water Board concludes that the proposed Project will not have any significant effects on the environment that cannot be mitigated to a less-than-significant level.

## 1.2. PROJECT LOCATION

The Project Site is located approximately two miles north of the City of Calipatria, which is in southern California, roughly 100 miles east of downtown San Diego, 200 miles southeast of downtown Los Angeles and 200 miles west of downtown Phoenix. Specifically, the Project Site is bounded to the east by a Southern Pacific railroad line (owned by Union Pacific Railroad), to the west by State Route 111, to the north by East Hooper Road, and to the south by East Peterson Road. (See Figure 1.) The Project Site is located on 189 acres identified by Imperial County Assessor’s Parcel Number (APN) 022-140-015-0000, within the southeast quarter of Section 33 and a portion of the southwest quarter of Section 34, lying west of the east line of the right of way for the railroad, Township 11 South, Range 14 East, San Bernardino Base and Meridian, Imperial County. The Pond will be entirely within the property boundary of the Project Site and it covers approximately 14 acres within the western part of the Project Site, including the perimeter berm.

## 1.3. SURROUNDING LAND USES

The Project Site is surrounded by “Agricultural” and “Special Purpose” land uses. The surrounding areas are mostly agricultural zones (A2G, A2RG, A3, and A3G, per Imperial County Zoning Map #48). (See Imperial County Code, tit. 9, div. 5, ch. 48, § 92548.) As shown in the Project Site vicinity map, provided as Figure 2 below, the areas adjacent to the Project Site include:

North: Agricultural fields and the City of Niland

South: The City of Calipatria

East: Calipatria State Prison and the Southern Pacific Railroad

West: Agricultural fields and the Salton Sea

**Figure 2 – Land around the Project**



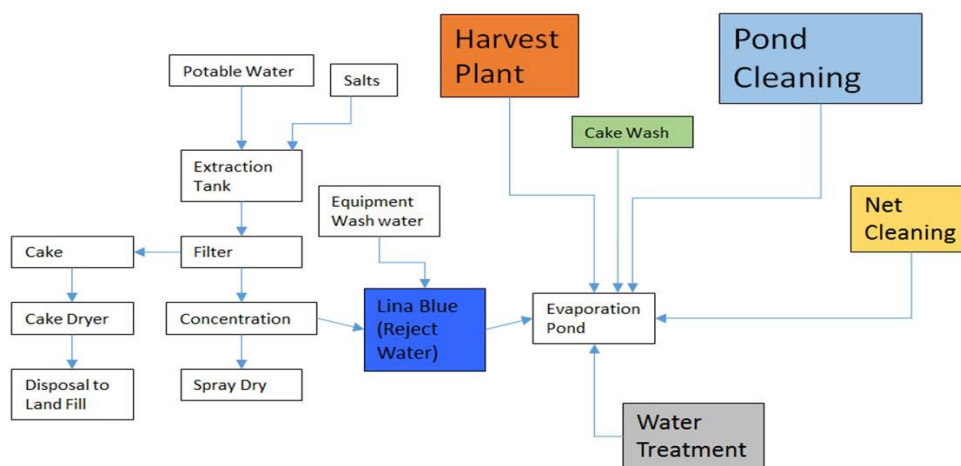
#### 1.4. PROJECT AREA CONDITIONS AND PREVIOUS OPERATIONS

The Applicant cultivates Spirulina (blue-green algae) in thirty-seven (37) variously-sized, racetrack-style production ponds, depicted in Drawing 2 of Appendix A. The water chemistry in the ponds is adjusted and optimized to promote algal growth through the addition of nutrients. The growth medium consists of water, sodium carbonate, nitrates, phosphates, and sulfates. The production ponds are equipped with plastic liners to prevent water infiltration. Water from the aquaculture ponds is circulated through a filter to harvest the algae and then put back into the aquaculture ponds. When water in the aquaculture ponds becomes too saline for optimal conditions, a portion is discharged into the evaporation ponds and replaced with fresh water. Fresh process water consists of Colorado River water obtained from Imperial Irrigation District via an adjacent canal.

The Spirulina is harvested by conveyance to the Facility’s Spirulina harvesting plant (“SHP”) for processing. This includes rinsing, concentrating the biomass, separating biomass from cultures, dewatering, drying, packaging, and storage of the Spirulina powder for shipment. The spent liquid generated from this process is conveyed to the Facility’s wastewater management system, which currently consists of seven evaporation ponds. These ponds also receive sludge generated from cleaning of the open lined-production ponds that are used to culture Spirulina.

The extraction of Linablue® (blue pigment) from the Spirulina takes place at the Linablue® extraction plant (“LEP”) and requires potable water treated with reverse osmosis. Backwash from the water treatment system is conveyed to the existing evaporation ponds. Solid by-products (“cake”) are separate by using a filter press during the Linablue® extraction process. The by-product is then dried using a pulse dryer for disposal to an approved landfill. The wastewater generated from the extraction process is pumped to the existing evaporation ponds. Equipment cleaning and other wash water is also conveyed to the existing evaporation ponds. Figure 3, below, is a general schematic of how wastewater is processed at the Facility:

**Figure 3 – Waste Flow Diagram**



Discharge from the Spirulina process to the existing evaporation ponds occurs seasonally from April through November; discharge from the Linablue® process to the evaporation ponds is generally year-round. The waste streams from the Spirulina and Linablue production mainly consist of process wastewater, filter press solids, and sludge accumulated in the production and in the ponds. The process wastewater is then pumped to the ponds. The sludge and water generated when the production ponds are cleaned are also collectively conveyed to the existing evaporation ponds. Prior to discharging into the evaporation ponds, all Facility wastewater is conveyed to two concrete-lined wastewater collection pits fitted with automatic pumps that periodically pump wastewater to the ponds. One pit is located outside with a manhole cover adjacent to the LEP and the other pit is located inside the SHP. Because of the arid climate, the liquids readily evaporate from the ponds leaving the solids behind. The solids from these processes slowly accumulate over time.

Currently, wastewater flow into the existing wastewater ponds is approximately 28.7 million gallons per year (109,000 cubic meters per year). The capacity of the existing seven evaporation ponds is shown below at Table 2. Wastewater will be conveyed from the two collection pits to the new Pond via a dedicated conveyance pipe (i.e., six inch PVC pipe).

**Table 2: Existing Wastewater Ponds’ Capacity (“Evaporation Ponds”)**

Existing Evaporation Ponds				
Pond	Length	Width	Depth	Volume
	(ft.)	(ft.)	(ft.)	(ft. <sup>3</sup> )
1	1,300	100	4 - 4.5	545,000
2	1,300	200	4 - 4.5	1,098,000
3	450	200	4 - 4.5	380,000
4	450	200	4 - 4.5	380,000
5	450	200	4 - 4.5	380,000
6	115	115	4 - 4.5	56,000
7	737	190	4 - 4.5	591,000

No solvents, pesticides, herbicides, preservatives or toxic substances are used during the cultivation or manufacturing of Spirulina and its associated products. The U.S. Food and Drug Administration has issued the Facility a “Generally Recognized As Safe” (“GRAS”) status.

### 1.5 PROJECT OBJECTIVES

The Applicant plans to expand production by doubling its Linablue® extraction operations. The expanded operation will require additional wastewater management capacity which will be provided by the addition of the Pond to the existing seven evaporation ponds. The Pond will have a total capacity of 16.6 million gallons (63,000 cubic meters per year).

### 1.6 PROJECT DIMENSIONS

The Pond will be approximately 497,000 square feet with a length of 1,380 feet and a width of 345 feet, occupying a total of approximately 14 acres. Accounting for two feet of freeboard, the

maximum fill capacity and evaporation area of the Pond is at an elevation of 818 feet with an area of approximately 475,500 square feet (10.9 acres, 44,000 square meters), including the interior berms. The elevation of the Pond will vary between 810.5 feet (bottom of the sumps) to 820 feet (top of the berm). The Pond floor will be between 812 feet and 814 feet in elevation, which equates to total depth of approximately six to eight feet. The depth will be achieved by a combination of excavation and berm construction. The elevation of the bottom of the Pond provides the minimum five-foot of separation between first groundwater (first water bearing zone) and the Pond’s lowest elevation at the sump (810.5 feet). The two-foot change in floor elevation provides a minimum of one percent slope to promote drainage within the leak collection layer toward the sump.

For ease of operation, maintenance, and monitoring, the Pond will be partitioned into five interior cells, via interior berms. During maintenance or monitoring activities, a specific cell can be drained and taken offline while the other cells within the Pond remain fully functional. The floor of the pond will be graded to provide a minimum of one percent slope to promote drainage of any leak into the Leach Collection Detection System (“LCDS”) sump. (Appendix A, Drawing 3). Each of the five cells will drain into two sumps located at the lowest elevation of each cell. The Pond layout and design details are included in Appendix A.

#### 1.6 PROPOSED PROJECT SCHEDULE

Table 3, below, provides a proposed Project schedule.

**Table 3 - Proposed Project Schedule**

<b>Proposed Project Element</b>	<b>General Timeframe 2018</b>
Pond Construction	April--June (approx. 12 weeks)
Begin Pond Discharge	July

#### 1.7 RELATED PERMITS AND REGULATIONS

Table 4, below, summarizes both the permits and authorizations that have been issued to approve Applicant’s operations as well as those approvals relying on this CEQA review. Applicant’s future activities will be fully compliant with the conditions of each of these permits and authorizations.

**Table 4. Required Permits and Approvals**

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status of Approval</b>
California Department of Public Health	Food Production	Complete
California Department of Fish and Wildlife	Aquaculture License	Complete

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status of Approval</b>
United States Food and Drug Administration	Generally Recognized as Safe (“GRAS”) Certification	Complete
State Water Resources Control Board	Construction General Permit	NOI to be filed by end of March 2018
<b>Approvals Pending CEQA Review</b>		
Colorado River Basin Regional Water Quality Control Board	Waste Discharge Requirements (“WDRs”)	WDRs for discharge subject to Board approval based on proposed Initial Study/MND for this Project.
Imperial County Planning and Development Services Department	Grading Permit	Grading Permit to be considered pending adoption of the Initial Study/MND for this Project.



## 2.0 ENVIRONMENTAL CHECKLIST

The environmental factors checked below would be potentially affected by this proposed Project, involving at least one impact that is a “potentially significant impact” as indicated by the checklist on the following pages. The evaluation found no potentially significant impacts that cannot be mitigated to a less-than-significant level.

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

### DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and that 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 significant effects in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required; but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### 3.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION

The optional environmental checklist found in Appendix G of the CEQA Guidelines provides a standard evaluation tool to agencies to identify and evaluate a proposed project’s potential adverse environmental impacts. The Regional Water Board utilizes the environmental checklist below in its evaluation of potentially significant impacts from the Earthrise Nutritionals Evaporation Pond 8 Project.

#### 3.1 AESTHETICS

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

#### 3.1.1 Significance Criteria

The Project’s impacts on aesthetics are considered significant if:

- The Project would block views from a scenic highway or corridor.
- The Project would adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare would be considered significant if the Project adds lighting which would add glare to residential areas or sensitive receptors.

#### 3.1.2 Environmental Settings and Impacts

The Project is on a flat-lying area surrounded by agricultural land, and there are no significant scenic or cultural resources. Specifically, the Project Site is bounded to the east by a Southern Pacific railroad line, to the west by State Route 111, to the north by East Hooper Road, and to the south by East Peterson Road. The Calipatria State Prison is located approximately one mile due east of the Project Site. Other than the prison, the area surrounding the Project Site is open space and primarily agricultural.

**Item a):** The Project will be located approximately 1,130 feet east of State Route 111. Even though some portions of State Route 111 have been deemed eligible for a future “state scenic highway” designation pursuant to Streets and Highways Code section 260 et seq., the area where the Project will be constructed is not in the vicinity of those eligible portions.<sup>1</sup> In addition, the proposed Pond will be constructed mainly below ground surface so it will not have a substantial visual effect on any scenic vistas or any scenic highway, so no impacts will occur.

**Item b):** Operations at the Project Site have been ongoing for approximately 30 years and the Project will not substantially change those operations or substantially change or damage any scenic resources such as trees, rock outcroppings, or historic buildings within a state scenic highway. No impacts will occur.

**Item c):** Operations at the Project Site have been ongoing for approximately 30 years, and the existing visual character of the Project Site and its surroundings is mostly open space and agricultural operations. The Pond will be mainly below ground surface and will not have any vertical elements that will disturb the visual character of the Project Site or the surrounding area, so any visual impacts of the Project will be less than significant.

**Item d):** The Project involves earthmoving activities that will be conducted during the day and during normal business hours, so no new lighting will be required. The Project does not include any sources of light or glare that would affect nighttime views in the area, so no impacts will occur.

### 3.1.3 Mitigation Measures

Because the Project will have no significant impacts on aesthetics, no mitigation measures are required.

## 3.2 AGRICULTURE AND FOREST RESOURCES

<b>AGRICULTURE AND FOREST RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> Imperial County General Plan, Circulation and Scenic Highways Element, Approved by Board of Supervisors on January 29, 2008, at pp. 30, 101-105. Available at: [http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-\(2008\).pdf](http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-(2008).pdf).

<b>AGRICULTURE AND FOREST RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Conflict with zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.2.1 Significance Criteria

Project-related impacts on agricultural resources are considered significant if any of the following conditions are met:

- The Project would conflict with existing zoning or agricultural use or Williamson Act contracts.
- The Project would convert prime farmland, unique farmland, or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to nonagricultural use.
- The Project would involve changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to nonagricultural uses.

### 3.2.2 Environmental Setting and Impacts

The Project includes the construction and operation of a new Pond in an area zoned for agricultural purposes. Specifically, the Project Site is zoned A-2-G (“General Agriculture”) and A-3-G (“Heavy Agriculture”) under the County’s Land Use Ordinance. (See Imperial County Code, tit. 9, div. 5, ch. 48, § 92548 [Map #48 (Estelle Station Area)].) Aquaculture and the growing and harvesting of algae are allowed in both zones. (Imperial County Code, tit. 9, div. 5, ch. 8, §§ 90508.01(f), 90509.01(c).)

**Item a):** According to the California Important Farmland Maps issued by the California Department of Conservation’s (“DOC”) Farmland Mapping and Monitoring Program (“FMMP”), portions of the Project Site have been designated as “Farmland of Local Importance” and “Other

Land.”<sup>2</sup> The Project Site has been designated as “Farmland of Local Importance” on that portion zoned A-2-G, which means the land is either currently producing or has the capability of production, and considered land of importance to the local economy, as defined by each county’s local advisory committee and adopted by its Board of Supervisors.<sup>3</sup> The rest of the Project Site is zoned A-3-G and has been designated as “Other Land,” which is land not included in any of the other FMMP mapping categories, and may include confined livestock, poultry, or aquaculture facilities.<sup>4</sup> Because aquaculture is considered an agricultural use, the Project will not convert any farmland to non-agricultural use, and no impacts will occur.

**Item b):** The existing land use designation for the Project Site allows it to be used for aquaculture, which is an agricultural use consistent with the A-2-G and A-3-G zoning. The Project Site is not under a Williamson Act contract, as Imperial County initiated non-renewal of all contracts under Williamson Act and exited the program on a county-wide basis several years ago.<sup>5</sup> Accordingly, no impacts will occur.

**Item c):** There is no forest land, as defined by Public Resources Code section 12220(g), located on or near the Project Site, as it is approximately six miles southeast of the nearest designated forest land.<sup>6</sup> The Project Site’s zoning and land use is agriculture. Prior to the Applicant’s building its Facility, the land where the Project is had been actively farmed for the production of forage crops and vegetable crops since the 1930s. Therefore, it does not qualify as timberland or forestland or as being available for “Timberland Production.” Consequently, the Project will have no impacts related to the conversion of timberlands or forest lands.

**Item d):** There is no existing forest land within the area of the Project Site, so the Project will not convert forest lands to non-forest use, and no impacts will occur.

**Item e):** There are no other changes that could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. There is no forest land in the area of the Project Site, so the Project will not convert forest lands to non-forest use, and no impacts will occur.

### 3.2.3 Mitigation Measures

Because the Project will have no impact on agricultural or forest resources, no mitigation measures are required.

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<sup>2</sup> California Department of Conservation. Farmland Mapping and Monitoring Program. California Important Farmland: 1984-2014 Maps. Available at: <http://maps.conservation.ca.gov/dlrp/ciftimeseries>. See also Imperial County Important Farmland 2016 Map. Available at: Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/imp16.pdf>.

<sup>3</sup> In Imperial County, “Farmland of Local Importance” means “[n]on-irrigated and uncultivated land with Prime and Statewide soil mapping units.” (Imperial County General Plan, Agricultural Element, Approved by County Board of Supervisors October 6, 2015, at p. 10. Available at: <http://www.icpds.com/CMS/Media/Agricultural-Element-2015.pdf>.)

<sup>4</sup> California Department of Conservation. Farmland Mapping and Monitoring Program. Important Farmland Mapping Categories and Soil Taxonomy Terms. Available at: [http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil\\_criteria.pdf](http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf).

<sup>5</sup> California Department of Conservation. The California Land Conservation Act of 1965 2016 Status Report, at p. 2. Available at: [http://www.conservation.ca.gov/dlrp/lca/stats\\_reports/Documents/2016%20LCA%20Status%20Report.pdf](http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2016%20LCA%20Status%20Report.pdf).

<sup>6</sup> Bureau of Land Management. BLM Special Edition 1998 Surface Management Status Desert Access Guide, California Desert District Salton Sea Map.

### 3.3 AIR QUALITY

<b>AIR QUALITY</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 3.3.1 Significance Criteria

This analysis considers to what degree the proposed Project would

- Directly interfere with the attainment of long-term air quality objectives identified by the applicable air quality management or air pollution control district;
- Contribute pollutants that would violate an existing air quality standard, or contribute to a non-attainment of air quality objectives in the proposed Project's air basin;
- Produce pollutants that would contribute as part of a cumulative effect to non-attainment for any priority pollutant;
- Produce pollutant loading near identified sensitive receptors that would cause locally significant air quality impacts; or
- Release odors that would affect a number of receptors.

The thresholds of significance for project operations used by the Imperial County Air Pollution Control District for CEQA review are given in terms of emissions, as follows:

- Carbon monoxide (CO) and fine particulate matter (PM<sub>2.5</sub>) – 550 pounds per day;
- Oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROG) – 137 pounds per day; and
- Inhalable particulate matter (PM<sub>10</sub>) and oxides of sulfur (SO<sub>x</sub>) – 150 pounds per day.

Emissions from the proposed Project that would exceed these levels would be considered significant.<sup>7</sup>

The thresholds of significance for construction activities used by Imperial County Air Pollution Control District for CEQA review are as follows:

- Inhalable particulate matter (PM<sub>10</sub>) – 150 pounds per day;
- Reactive organic gases (ROG) – 75 pounds per day;
- Oxides of nitrogen (NO<sub>x</sub>) – 100 pounds per day; and
- Carbon monoxide (CO) – 550 pounds per day.

Emissions from construction of the proposed Project that would exceed these levels would be considered significant.<sup>8</sup>

Generally, wastewater operations, including treatment, storage, and disposal, inherently have potential to emit nuisance odors if not properly operated and where there are sensible receptors (e.g., homes, schools, etc.). Section 13050 of the Water Code defines “nuisance” as anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and (3) occurs during, or as a result of, the treatment or disposal of wastes.

### 3.3.2 Environmental Setting and Impacts

The Facility has been operated by the Applicant for more than 30 years without any reported odor problems and is located far from any sensitive receptors. Notably, the closest potential sensitive receptor is Calipatria State Prison, which is over a mile away from the Facility.

The Project Site is located in Imperial County within the Salton Sea Air Basin (Basin). (See Cal. Code Regs., tit. 17, § 60114.) Under the provisions of the federal Clean Air Act, the Basin has been designated as unclassified/attainment for the National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality Standards (SAAQS) for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>).<sup>9</sup> The Project Area is located in a region that has been designated as non-attainment for the ozone (O<sub>3</sub>) 8-hour average NAAQS and SAAQS, nonattainment for particulate matter of 10 micrometers or less (PM<sub>10</sub>) NAAQS and SAAQS, and nonattainment for particulate matter of 2.5 micrometers or less (PM<sub>2.5</sub>).<sup>10</sup>

The Project Site is also located within Imperial County Air Pollution Control District (“ICAPCD”). The ICAPCD prepares and maintains Air Quality Attainment Plans (AQAP) and State

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<sup>7</sup> Imperial County Air Pollution Control District, CEQA Air Quality Handbook: Guidelines for the Implementation of the California Environmental Quality Act of 1970, Revised December 12, 2017, at p. 10. Available at: <http://www.co.imperial.ca.us/AirPollution/PlanningDocs/CEQAHandbk.pdf>.

<sup>8</sup> *Id.* at pp. 20-21.

<sup>9</sup> California Air Resources Board. Available at: <https://www.arb.ca.gov/planning/sip/sip.htm>.

<sup>10</sup> California Air Resources Board. Available at: <https://www.arb.ca.gov/planning/sip/planarea/imperial/Staff-Report-with-Appendices.pdf>.

Implementation Plans (SIP) to document strategies and measures to attain ambient air quality standards.

**Items a)-c):** Emissions from the construction and operation of the Pond will fall below the numeric emissions significance criteria identified above and established by ICAPCD. It is estimated that construction of the Pond and its ancillary infrastructure (e.g., pipes) would take approximately 12 weeks. During this period, it is projected that there will be less than a total of 30 round-trip truck trips, which together with the emissions of other construction equipment would constitute an insubstantial source of diesel emissions. Following construction, the Project would result in no more than approximately three additional diesel truck trips per month to ship the Facility's products. These factors show that the Project would not be a substantial source of hazardous air pollutants.

The emissions associated with the Project will not cause or contribute to a violation of any ambient air quality standard. Although the Imperial Valley is a non-attainment area for PM-10, PM-2.5, and ozone under applicable federal and state ambient air quality standards, emissions of those pollutants during the operational phase of the Project will be negligible. Moreover, the Project will comply with all applicable ICAPCD Rules and Regulations, including Rule 201 of the ICAPCD, which requires written authorization from the ICAPCD prior to the construction of anything that may emit air contaminants.<sup>11</sup> The Project will also comply with Rule 801, which requires the preparation and implementation of a dust control plan that includes best available control measures to limit the emission of dust.<sup>12</sup> During construction, the Applicant will also comply with the standard mitigation measures for fugitive PM-10 control and construction combustion equipment found in Regulation VIII of ICAPCD's CEQA Air Quality Handbook.<sup>13</sup>

Because the Project will comply with all applicable ICAPCD requirements (i.e., the preexisting applicable air quality attainment/maintenance plan), the Project's incremental contribution to a cumulative effect will not be cumulatively considerable, and any cumulative impacts will be less than significant.

**Item d):** No sensitive receptors would be impacted because emissions from the construction and operation of the Pond would not be substantial. The implementation of the dust-control plan will limit the main potential source of "substantial pollutant concentrations." Diesel exhaust emissions during construction will be temporary in nature and limited in scope and distribution as any emissions will disperse rapidly. The area around the Project Site is open, agricultural fields with few receptors, and even if there are "sensitive receptors" at the Calipatria State Prison, it is located approximately 1.5 miles to the east of the Project, so any impacts to receptors there will be less than significant.

**Item e):** Because the nearest sensitive receptors are located over 1.5 miles away from the Project Site, the Project does not have the potential to cause a nuisance problem which impacts a considerable number of people. The Facility has been operated by the Applicant for more than 30 years without any reported odor problems, and the operation of the Pond will not substantially

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<sup>11</sup> Imperial County Air Pollution Control District, Rules and Regulations, Rule 201 (Last Revised October 10, 2006). Available at: <http://www.co.imperial.ca.us/AirPollution/RULEBOOK/RULES/1RULE201.pdf>.

<sup>12</sup> Imperial County Air Pollution Control District, Rules and Regulations, Rule 801 (Last Revised November 8, 2005). Available at: <http://www.co.imperial.ca.us/AirPollution/RULEBOOK/RULES/1RULE801.pdf>.

<sup>13</sup> ICAPCD's CEQA Air Quality Handbook, *supra*, at pp. 23-25.



increase any odors. While the construction of the Pond may generate diesel exhaust fumes, which can be objectionable to some people, there are not a substantial number of people in the area that could be affected, the length of the construction phase will be limited, and the diesel odor would dissipate rapidly. The ICAPCD sets a project screening distance for activities involving wastewater and other potential odor sources at 1 mile from the nearest sensitive receptor,<sup>14</sup> and the nearest sensitive receptor is approximately 1.5 miles away in this instance. Any impacts will be less than significant.

### 3.3.3 Mitigation Measures

Because the Project will have no significant impact on Air Quality, no mitigation measures are required. This notwithstanding, Earthrise Nutritionals has a responsibility to properly operate and maintain its wastewater facilities (i.e., the ponds), and the WDRs for the Project issued by the Regional Water Board will prescribe that Earthrise Nutritionals do so.

### 3.4 BIOLOGICAL RESOURCES

<b>BIOLOGICAL RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>14</sup> ICAPCD's CEQA Air Quality Handbook, *supra*, at pp. 15-16.

<b>BIOLOGICAL RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 3.4.1 Significance Criteria

The impacts on biological resources are considered significant if any of the following criteria apply:

- The Project results in a loss of plant communities or animal habitat considered to be rare, threatened, or endangered by federal, state, or local agencies. The Project interferes substantially with the movement of any resident or migratory wildlife species.
- The Project adversely affects aquatic communities through construction or operation of the project.

### 3.4.2 Environmental Setting and Impacts

The proposed Pond would be constructed and operated at the Facility. The Facility has been in operation for over 30 years and does not contain any natural water features, trees, or rock outcroppings. The Project Site was used for agriculture prior to being developed by the Applicant. The area surrounding the Project Site is also primarily agricultural lands. The Imperial County General Plan’s Conservation and Open Space Element, Figure 1, “Sensitive Habitats Map,” shows that the Project Site is not within any designated sensitive habitat.<sup>15</sup> However, Figure 2 of that document, the “Sensitive Species Map,” shows that the Project Site is within an area where burrowing owls may be found.<sup>16</sup> The western burrowing owl is a small, ground-dwelling owl native to the western Americas, listed as a “California Species of Special Concern” by the California Department of Fish and Wildlife,<sup>17</sup> and protected under the federal Migratory Bird Treaty Act (“MBTA”).<sup>18</sup>

**Item a):** Given the potential for burrowing owls to be present at the Project Site, a habitat assessment of the area where the Pond will be constructed was conducted by a qualified biologist on October 17, 2017, and a report documenting the results of the habitat assessment was prepared.

<sup>15</sup> Imperial County General Plan, Conservation and Open Space Element, Adopted by County Board of Supervisors on March 8, 2016, at Figure 1 [“Imperial County Sensitive Habitats”], p. 5. Available at: <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>.

<sup>16</sup> *Id.* at Figure 2 [“Sensitive Species Map”], p. 7.

<sup>17</sup> California Department of Fish and Wildlife. California Natural Diversity Database (CNDDB). Special Animals List. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>.

<sup>18</sup> U.S. Fish & Wildlife Service. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States (BPT-R6001-2003). Available at: <https://www.fws.gov/mountain-prairie/migbirds/species/birds/wbo/Western%20Burrowing%20Owlrev73003a.pdf>.

(Exhibit 1). During that assessment, the biologist observed the burrow of a pair of burrowing owls in an area off the Project Site, approximately 100 feet from the southeast corner of the proposed Pond, and on the south side of a concrete-lined irrigation ditch that runs along East Peterson Avenue. The biologist also observed a single burrowing owl utilizing burrows on the Project Site along an abandoned concrete-lined irrigation ditch, approximately 180 feet east of the northeast corner of the proposed Pond. All of the burrows were located under the edges of the concrete-lined ditches. No suitable burrows were found within the area where the Pond will be constructed, although the report notes that the area may provide foraging habitat for the burrowing owls. The report concluded that direct impacts to burrowing owls from the Project are unlikely because the area where the Pond will be constructed lacks suitable burrows for breeding and nesting. However, given the proximity of the existing burrows and burrowing owls to the proposed Pond, the report noted the potential for disruption of breeding and nesting activity, depending on the timing of the construction and the proximity of occupied burrows at that time.

**Item b):** The Project Site is developed land and is not located within or near to any riparian habitat. The Pond site does include vegetation, mainly Russian thistle, which could potentially provide habitat for birds covered by the MTBA. To avoid impacts to covered birds and comply with the MBTA, the mitigation measures identified in MM BR-2 will be required below. Moreover, as discussed above, burrowing owls have been identified on and near the Project Site, and mitigation measures have been identified to reduce the potential impacts of the Project on the burrowing owls to less than significant.

**Item c):** The area where the Project will be constructed does not contain any federally-protected wetlands or other waters of the United States. Surface waters in the area of the Facility consist of the IID irrigation canals and surface drains (Imperial Valley Drains); none of which are federal jurisdictional waters. Moreover, the Project is designed to ensure that the discharge of wastes remains contained at the Facility in the Pond and will not reach waters of the state. Accordingly, no impact will occur.

**Item d):** The Project will not impact the movement of resident or migratory fish, as no waters containing fish are located on or near the Project Site. The Project will be built on previously developed and fenced land in the middle of a developed agricultural area, so there are no existing wildlife corridors. Potential impacts to burrowing owls and migratory birds will be mitigated as set forth below. Any impacts of the Project will be less than significant.

**Item e):** The Project will not conflict with any local policies or ordinances protecting biological resources as it will comply with all Imperial County regulations and requirements. Imperial County does not have a tree preservation policy or ordinance. Potential impacts to burrowing owls will be mitigated in the manner described below. Any Project impacts will be less than significant.

**Item f):** According to the Conservation and Open Space Element of the Imperial County General Plan, the majority of the habitat conservation efforts are focused on the Salton Sea and the rivers of Imperial County, and the Project Site is not located near any of those areas. Potential impacts to burrowing owls will be mitigated in the manner described below. Any Project impacts will be less than significant.

### 3.4.3 Mitigation Measures

Based on the foregoing, and given the proximity of the existing burrows and burrowing owls to the proposed Pond, the following mitigation measures related to burrowing owls will be included as conditions in any approvals required for the Project:

**MM BR-1:** In accordance with guidance issued by the California Department of Fish and Wildlife (“CDFW”) on Burrowing Owl Mitigation,<sup>19</sup> a preconstruction take avoidance survey shall be conducted on the Project Site and within a 500-foot buffer of the Project site, no more than 14 days prior to commencement of Project activities, including equipment staging and site preparation. If no burrowing owls are present, the Project may proceed. If burrowing owl(s) are present, an ornithologist experienced in the ecology of burrowing owl nesting behavior shall be retained to develop appropriate avoidance and minimization measures to ensure that the Project complies with all laws and regulations pertaining to nesting birds and birds of prey.

**MM BR-2:** The Pond site includes vegetation, mainly Russian thistle, which could provide habitat for other birds covered by the MTBA.<sup>20</sup> To avoid impacts to covered birds and comply with the MBTA, vegetation in the area will be cleared during the non-nesting/non-breeding season for birds, generally between September 1 and February 1.<sup>21</sup> If the vegetation cannot be removed during that period of the year, the clearing of the vegetation in the construction area must be carried out under the supervision of a qualified biologist. This supervision shall include a pre-construction nesting bird survey conducted by a qualified biologist no more than 14 days prior to the start of ground-disturbing activities. The survey must cover the area of the proposed disturbance and a surrounding 500-foot buffer area. The buffer area must be determined by the biologist and will take into account the species nesting in the area and the habitat present. If no active nests are found, no additional measures are required. If “occupied” nests are found, the nest locations must be mapped by the biologist, utilizing GPS equipment. The nesting bird species must be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging). The biologist must establish a no-disturbance buffer around each active nest based on the species at issue and the surrounding habitat. No construction or ground-disturbing activities must be conducted within the buffer area until the biologist has determined that the nest is no longer active, and has informed the construction supervisor that activities may resume.

**MM BR-3:** If pre-construction surveys determine either the presence of a special status species or sensitive biological resources, construction monitoring by a qualified biologist will be required during construction. The biologist must be given authority to execute the following functions:

1. Establish construction exclusion zones and make recommendations for implementing erosion-control measures in temporary impact areas.
2. Ensure all construction activities stay within the staked construction zone and do not go beyond the limits of disturbance.
3. Minimize trimming/removal of vegetation to within the Project impact area.

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<sup>19</sup> California Department of Fish and Wildlife. Staff Report on Burrowing Owl Mitigation. March 7, 2012. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>.

<sup>20</sup> Burrowing Owl Habitat Assessment for Earthrise Nutritionals Evaporation Pond Construction Project, Imperial County, CA, by Mike Klinefelter, November 3, 2017.

<sup>21</sup> Burrowing Owl Habitat Assessment for Earthrise Nutritionals Evaporation Pond Construction Project, Imperial County, CA, by Mike Klinefelter, November 3, 2017.

4. Restrict non-essential equipment to the existing roadways and/or disturbed areas to avoid disturbance to existing adjacent native vegetation.
5. Install and maintain appropriate erosion/sediment control measures, as needed, throughout the duration of work activities.

During construction, the biologist must inspect and verify field conditions, as needed, to ensure that wildlife and vegetation adjacent to the construction area are not harmed. He or she must coordinate with the construction foreman and construction crew and must have the authority to immediately stop any activity that has the potential to impact special-status species or remove vegetation not specified in this report.

### 3.5 CULTURAL RESOURCES

<b>CULTURAL RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 3.5.1 Significance Criteria

Impacts to cultural resources are considered significant if:

- The Project would result in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.
- Unique paleontological resources are present that could be disturbed by construction of the proposed Project.
- The Project would disturb human remains.

#### 3.5.2 Environmental Setting and Impacts

Pursuant to the Conservation and Open Space Element of the Imperial County General Plan, the Project Site is located within a “Zero to Rare” area that is not expected to contain historical resources.<sup>22</sup> In addition, a record search of the California Native American Heritage Commission

<sup>22</sup> Imperial County General Plan, Conservation and Open Space Element, Adopted by County Board of Supervisors on March 8, 2016. Available at: <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>.

(“NAHC”) Sacred Lands File for the Project’s area of potential Project effect (“APE”) found no listed sites. The NAHC provided a Tribal Consultation List, and the Regional Water Board contacted the listed tribes concerning the Project, but has received no responses that identified any concerns with the Project.

**Items a), b):** There are no known prehistoric or historic buildings, sites, structures or objects within the Project Site.<sup>23</sup> The proposed Project would be located within the confines of the existing Facility, and would not affect any structures in the surrounding area. Previous construction activities at the Facility have not uncovered any archaeological or cultural resources. As noted above, the NAHC Sacred Land Files did not identify any sites that would be impacted by the Project. Additionally, the Project Site is not in or near any Indian Reservation as shown on the California Tribal Lands map from the U.S. Environmental Protection Agency<sup>24</sup> and the Reservation Map of the California Indian Trust Land of the U.S. Bureau of Indian Affairs.<sup>25</sup> Further, the Project Site does not fall within any known areas of Native American cultural sensitivity identified in the Conservation and Open Space Element of the Imperial County General Plan.<sup>26</sup> Therefore, the Project would not result in substantial adverse changes in the significance of an archaeological or historic resource.

**Item c):** Construction of the Project is not anticipated to directly or indirectly destroy any paleontological resources, site or unique geological features. Previous grading on the Project Site has not impacted such resources. In addition, most fossil materials located less than 10 feet from the surface of the ground are quickly destroyed by weathering from wind and water, and the depth of the excavation for the Pond will be less than 10 feet.<sup>27</sup> For these reasons, any impacts of the Project on paleontological resources will be less than significant.

**Item d):** There are no cemeteries, graves, or burial sites identified within the Project Site. The presence of human remains or human burial sites was not encountered during previous construction activities at the Facility. As required by state law, if human remains are unearthed, the Applicant would follow the guidance of Health and Safety Code section 7050.5 and immediately notify the county coroner who would investigate the remains. No further disturbance would occur until the county coroner has made the necessary findings concerning the origin and disposition of these remains. The Native American Heritage Commission would be notified if the remains are determined to be of Native American descent. Given the foregoing, any impacts of the Project will be less than significant.

### 3.5.3 Mitigation Measures

Because the Project will have no significant adverse impacts on cultural resources, no mitigation measures are required.

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<sup>23</sup> Office of Historic Preservation. Available at: <http://ohp.parks.ca.gov>.

<sup>24</sup> U.S. EPA Native American Tribal Lands and Reservations, Maps. Available at: [https://www3.epa.gov/region9/air/maps/r9\\_tribe.html](https://www3.epa.gov/region9/air/maps/r9_tribe.html).

<sup>25</sup> U.S. Department of the Interior, Indian Affairs. Available at: <https://www.bia.gov>.

<sup>26</sup> Imperial County General Plan, Conservation and Open Space Element, Adopted by County Board of Supervisors on March 8, 2016, Figure 6, at p. 17. Available at: <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>.

<sup>27</sup> Geologic Reconnaissance Technical Study, Ninyo & Moore, March 3, 2009.

### 3.6 GEOLOGY AND SOILS

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

#### 3.6.1 Significance Criteria

The impacts on the geological environment will be considered significant if any of the following criteria apply:

- Impacts to people and structures from seismic hazards, including earthquake surface rupture, ground shaking, liquefaction or landslides, would be triggered by or aggravated by the Project.
- Project-related topographic alterations would result in substantial soil erosion or the loss of large amounts of topsoil.

- The Project is constructed in an area with unstable geologic conditions such that the presence of Project-related features and operations would result in potential risks to people on or offsite, or otherwise cause geologic conditions to become unstable.
- Project-related wastewater disposal cannot be accommodated due to unfavorable subsurface conditions.

### 3.6.2 Environmental Setting and Impacts

The Project Site is located within the Salton Trough region of the Colorado Desert Province and within the footprint of the ancient Lake Cahuilla. Generally, the Project Site is underlain by sediments mapped as Quaternary lake deposits. The Salton Trough is a geologic and topographic structural depression created by regional faulting that is bounded on the east and northeast by the San Andreas Fault and on the west by the San Jacinto fault zone.<sup>28</sup>

**Item a):** The California Department of Conservation’s Special Publication 42 provides that the Project Site is not within a designated Alquist-Priolo Earthquake Fault Zone.<sup>29</sup> The nearest mapped earthquake fault zones are the Elmore Ranch fault, located approximately 9.7 miles to the west of the Project Site, and the Imperial fault, located 15.7 miles to the south of the Project Site. Further, and in accordance with Title 27, the Pond will be designed to withstand the maximum credible earthquake. The Applicant submitted to the Regional Water Board a 2017 Updated Geotechnical Report prepared by LandMark for the Project Site (“Updated Report”). The Updated Report concluded that the geology and soils at the Project Site are suitable for the Project, and its construction and operation will not expose people or structures to potential adverse effects. For these reasons, the impacts from the rupture of a known earthquake fault during the Project’s life will be less than significant.

Seismically induced ground failure, such as liquefaction, is not expected to occur due to the lack of liquefiable soils on the Project Site and the design of the Pond.<sup>30</sup> The Project Site is not within the designated tsunami areas, according to the Department of Conservation Regulatory Maps,<sup>31</sup> and the nearest large body of water (Salton Sea) is not located near the Project Site.<sup>32</sup> For these reasons, no impacts will occur. Additionally, the Department of Conservation Regulatory Maps show that the Project Site is not located within a landslide hazard zone and because the Project Site is mostly flat, it is highly unlikely that landslides will occur.<sup>33</sup> Therefore, no impacts will occur.

**Item b):** The Project Site has a very low potential for soil erosion due to its flat topography and mostly undisturbed soils. The proposed Project would include ground disturbance, primarily the grading and digging of the site to construct the Pond at the Facility. The proposed Project-related grading activity would be conducted in accordance with the requirements of a grading permit secured from Imperial County prior to construction; such requirements include erosion controls as

<sup>28</sup> LandMark Geo-Engineers and Geologists, 2017 Updated Geotechnical Report, March 2017.

<sup>29</sup> California Department of Conservation, California Geological Society. Earthquake Fault Zones: A Guide for Government Agencies, Property Owners/Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California. Revised in 2018. Available at: <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>.

<sup>30</sup> LandMark Geo-Engineers and Geologists, 2017 Updated Geotechnical Report, *supra*, at p. 3.

<sup>31</sup> California Department of Conservation, Regulatory Maps.

<sup>32</sup> California Department of Conservation. Seismic Hazard Zonation Program Information. Available at:

<http://www.conservation.ca.gov/cgs/shzp/Pages/Index.aspx>.

<sup>33</sup> California Department of Conservation. California Landslide Inventory. Available at: <http://maps.conservation.ca.gov/cgs/#dataviewer>.



a standard practice. The Applicant must also comply with the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction Activities (Order No. 2009-0009-DWQ, NPDES CAS000002) for construction of the Pond. The Permit requires implementation of best management practices to ensure storm water during construction activities do not adversely impact water quality. Storm water generated at the Facility would be retained in onsite detention basins and the construction and operation activities would comply with the Facility's Storm Water Pollution Prevention Plan (SWPPP), which includes erosion and sediment controls. Consequently, the construction and operation would not result in erosion or loss of topsoil that would be considered significant.

**Items c):** The Project Site is not located on geological units and does not contain unstable soils. In addition, the Pond will be constructed to be primarily below ground surface so the conditions for lateral spreading, subsidence, liquefaction and collapse are not present. Any impacts of the Project will be less than significant.

**Item d):** According to the 2017 Updated Geotechnical Report by LandMark, clay soils of medium to high expansion are present on the Project Site, but any issues caused by those soil types will be addressed in the design of the Pond. Any impacts of the Project will be less than significant.

**Item e):** No septic tanks or other alternative waste water disposal systems are being proposed as part of the Project, so no impacts will occur.

### 3.6.3 Mitigation Measures

Because the proposed Project will have no significant adverse impacts related to geology and soils, no mitigation measures are required.

## 3.7 GREENHOUSE GAS EMISSIONS

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

### 3.7.1 Significance Criteria

Impacts from the proposed Project are considered significant if:

- The Project would result in greenhouse gas (GHG) emissions that conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

### 3.7.2 Environmental Settings and Impacts

GHGs are present in the atmosphere naturally and are released by natural sources or formed from secondary reactions taking place in the atmosphere. The following gases are the principal contributors to human-induced global climate change: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These gases vary in terms of global warming potential (GWP), which compares the ability of each GHG to trap heat in the atmosphere relative to CO<sub>2</sub>, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the heat trapped by one unit mass of CO<sub>2</sub> over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO<sub>2</sub> equivalents” (CO<sub>2</sub>e). For example, SF<sub>6</sub> is 22,800 times more potent at contributing to global warming than CO<sub>2</sub>.

**Item a):** The Project would generate small amounts of GHGs during the short-term construction phase, primarily from construction equipment, but operation of the Pond will result in the emission of little or no GHGs. Given the limited size of the Project and the short time during which construction will occur, any impacts of the Project due to GHG emissions will be less than significant.

**Item b):** Neither the Imperial County Planning Department nor the ICAPCD has formal plans or guidelines for the reduction of GHG emissions in the Project area. Regulations issued by the Air Resources Board under AB 32 seek to reduce GHG emissions to 1990 levels by 2020,<sup>34</sup> but the AB 32 Scoping Plan does not include an applicable threshold for GHG emissions for a project with the characteristics and duration of the proposed Project.<sup>35</sup> The Project will not conflict with any plan for the reduction of GHGs, so any impacts will be less than significant.

### 3.7.3 Mitigation Measures

Because the Project will create no significant adverse impacts due to GHG emissions, no mitigation measures are required.

## 3.8 HAZARDS AND HAZARDOUS MATERIALS

<b>HAZARDS AND HAZARDOUS MATERIALS</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>34</sup> California Air Resources Board. Assembly Bill 32 Overview. Available at: <http://www.arb.ca.gov/cc/ab32/ab.32.htm>.

<sup>35</sup> California Air Resources Board. CEPA AB 32 Scoping Plan. Available at: <https://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>.

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

### 3.8.1 Significance Criteria

The impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation related to management, use, and disposal of hazardous materials.
- Non-conformance with National Fire Protection Association standards related to hazardous materials management and emergency response.
- Non-conformance with regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.

- Hazardous materials (in solid, liquid, dust or vapor phase) at hazardous concentrations present less than 0.25 mile from a school.
- If historical operations within the Project Area or adjacent properties resulted in chemical releases, worker or offsite receptor exposures to soil, soil gas, or groundwater containing chemicals at hazardous concentrations are enhanced during Project construction or operation.
- If historical operations within the Project Area or adjacent properties resulted in chemical releases, the release of those materials such that migration of the contaminants (either onsite or offsite) is enhanced during Project construction or operation.
- Aggravated safety hazards associated with air traffic, impairment of emergency response actions, or wildland fires.

### 3.8.2 Environmental Settings and Impacts

The Project Site is a developed property with existing industrial structures and is surrounded by agricultural land.

**Items a), b):** Some conventional hazardous materials, such as gasoline and diesel fuels, and small volumes of oils and lubricants, would be used during the Project construction phase for operation of construction vehicles and equipment. These materials would be used and stored within the Project Site boundary, and best management practices will be in place during construction to minimize any pollution from these sources. The Project construction also includes earthwork activities that will not involve the use of hazardous chemicals. As for the operation of the Project, the evaporation of algae process water will not involve the use of hazardous materials. The Pond will be located on the fenced Project Site, so the used process water in the Pond will not be accessible to the public, and will be evaporated in the Pond in accordance with WDRs issued by the Regional Water Board. Any residues remaining in the Pond after evaporation is complete will not be hazardous, and they will be managed in accordance with the state, federal, and local laws. Thus, the Project will not create a significant hazard to the public or the environment through the use or release hazardous materials, nor have a reasonably foreseeable possibility of an upset or accident that would release hazardous materials to the environment. No significant impacts will occur.

**Item c):** The Project Site is not located within 0.25 miles of an existing or proposed school site. The nearest school is approximately 2.83 miles southwest of the Project Site.<sup>36</sup> Therefore, the Project would not impact any school sites resulting from the handling of hazardous materials or wastes or emissions of hazardous air contaminants. No impacts will occur.

**Item d):** Government Code section 65962.5 requires the Department of Toxic Substances Control (“DTSC”) and other agencies to compile and update a list of sites with hazardous waste and substances on the DTSC EnviroStor Database and other sites, collectively referred to as the “Cortese List.”<sup>37</sup> The Project Site is not included on the Cortese List, in the EnviroStor Database

<sup>36</sup> Google Maps. Available at: <https://www.google.com/maps/place/113+E+Hoover+Rd,+Calipatria,+CA+92233/@33.1655944,-115.5494583,11265m/data=!3m1!1e3!4m5!3m4!1s0x80d752d181ea85db:0x69bbc80b4e467c86!8m2!3d33.165695!4d-115.51177>.

<sup>37</sup> California Environmental Protection Agency. Background and History of the Cortese List. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/background/>.

or in any other list compiled pursuant to Government Code section 65962.5.<sup>38</sup> Because the Project would not create a hazard to the public or the environment, no impacts will occur.

**Item e):** The Project Site is not located within the Airport Land Use Plan for Calipatria Municipal Airport.<sup>39</sup> The Project will not cause a safety hazard for people residing or working in the Project area. No impacts will occur.

**Item f):** The Project is not within the vicinity of any known private airstrip so no impacts will occur.

**Item g):** The Project will not impair or interfere with any applicable emergency plan for on-site or off-site emergencies at the Facility, will not interfere with existing emergency access and exits points at the Project Site that would be used by emergency personnel or employees. No impacts will occur.

**Item h):** The Project Site is not located within a “Fire Hazard Severity Zone” identified by the California Department of Forestry and Fire Protection or in an area susceptible to wildland fires.<sup>40</sup> No impacts will occur.

### 3.8.3 Mitigation Measures

Because the Project will create no adverse impacts due to hazardous materials or wildfires, no mitigation measures are required.

## 3.9 HYDROLOGY AND WATER QUALITY

<b>HYDROLOGY AND WATER QUALITY</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>38</sup> California Environmental Protection Agency. Cortese List Data Resources. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>.

<sup>39</sup> Imperial County Airport Land Use Commission, Airport Land Use Plan, Figure 3C: Compatibility Map for Calipatria Municipal Airport. Available at: <http://www.icpds.com/CMS/Media/ALUC-Compatibility-Plan-1996-Part-I.pdf>.

<sup>40</sup> California Department of Forestry and Fire Protection. California Fire Hazard Severity Zone Maps, Imperial County FHSZ Map, Dated: 9/2007. Available at: [http://frap.fire.ca.gov/webdata/maps/imperial/fhszl06\\_1\\_map.13.pdf](http://frap.fire.ca.gov/webdata/maps/imperial/fhszl06_1_map.13.pdf).

<b>HYDROLOGY AND WATER QUALITY</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.9.1 Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

- The Project would cause degradation or depletion of groundwater resources substantially affecting current or future uses.
- The Project would cause the degradation of surface water substantially affecting current or future uses.
- The Project would result in a violation of Waste Discharge Requirements (“WDRs”), including requirements for the proposed discharge to proposed Pond and storm water National Pollutant Discharge Elimination System (“NPDES”) permit requirements for construction activities.

- The Project would result in substantial increases in the area of impervious surfaces, interfering with groundwater recharge.
- The amount of surface water would be increased or drainage patterns in the Project Area would be substantially altered, resulting in increased erosion, siltation, and/or flooding potential.
- The Project would result in alterations to the course or flow of floodwaters.
- The Project would place housing or other structures within the 100-year flood hazard area, or otherwise expose people to risks due to flooding, including failure of a levee or dam, seiche, tsunami, or mudflow.

### 3.9.2 Environmental Setting and Impacts

The Project Site is located within the Brawley Hydrologic Area watershed, which is contained within the Imperial Valley groundwater basin. Two major aquifers are present in the Facility vicinity; the upper aquifer is between 200 and 450 feet thick, and the lower aquifer averages 380 feet thick and has a maximum thickness of 1,500 feet. These two aquifers are separated by a semi-permeable aquitard that is 60 to 280 feet thick. Water quality in these aquifers is reported to be poor due to high salt concentrations, and is not used for municipal or domestic supply. Sources of groundwater recharge include percolation of irrigation water/return flows, rainfall, and surface runoff; underflow into the basin; and seepage from unlined canals (ICF International 2010). The Imperial Valley region is arid and average annual precipitation in this area ranges between 3 and 4 inches per year (ICF Jones & Stokes 2008). A geotechnical investigation conducted as part of the ROWD revealed depth to first encountered groundwater beneath the Project Site is approximately 12.5 to 16.5 feet below ground surface.

The nearest surface water bodies to the Project Site are the “I” Canal and “I” Drain, located immediately south of the Facility. The “I” Drain is a part of the irrigation drain system that serves agricultural lands in the area. The “I” Drain eventually drains into the Alamo River, located approximately three miles west of the Facility. The Alamo River flows north and northwest, where it eventually drains into the Salton Sea. The Alamo River transports agricultural irrigation drainage (e.g., tailwater and tilewater) and storm water runoff from the Imperial Valley to the Salton Sea.

**Item a):** The Water Quality Control Plan for the Colorado River Basin (“Basin Plan”), which was adopted on November 17, 1993 and amended on March 7, 2017, designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Pursuant to section 13263(a) of the Water Code, waste discharge requirements must implement the Basin Plan and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

The Facility is located in the Imperial Hydrologic Unit designated in the Basin Plan. The beneficial uses of ground waters in the Imperial Hydrologic Unit are municipal and domestic supply (MUN)

and industrial service supply (IND).<sup>41</sup> However, first-encountered groundwater beneath the site is not currently used for municipal purposes because of its relatively high salt concentrations.

Surface waters in the area of the Facility consist of the IID irrigation canals and the surface drain identified above, which falls under “Imperial Valley Drains” in the Basin Plan. The beneficial uses of drains are: fresh water replenishment of Salton Sea (FRSH); non-contact Water Recreation (REC II); warm water habitat (WARM); wildlife habitat (WILD); and preservation of endangered or threatened species (END).<sup>42</sup>

The proposed wastewater discharge to the Pond is characterized by relatively high salt and nutrient concentrations that need to be managed pursuant to the requirements of Title 27 for designated waste. The Project has been designed to comply with Title 27 requirements and will be operated to comply with WDRs to be issued by the Regional Water Board, which implement the Basin Plan and other applicable state laws. Therefore, any impacts from the operation of the Project on water quality will be less than significant.

The Project will adhere to state and local regulations that effectively reduce the potential for the Project construction activities to violate water quality standards and WDRs. Specifically, construction activities must follow specifications in the following areas: (1) the Applicant must apply for and obtain a Project-specific grading permit from the Imperial County; and (2) the Applicant must apply for and obtain coverage under the statewide General Construction Permit (NPDES General Permit No. CAS000002, Waste Discharge Requirements Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ & 2012-0006-DWQ) issued by the State Water Resources Control Board, which includes preparation of a Project-specific SWPPP detailing best management practices (“BMPs”) and standard procedures that will be employed during construction activities and facility operation for protection of surface waters. Therefore, any impacts from the construction of the Project on water quality will be less than significant.

**Item b):** The Project will not include the use of groundwater, and existing production activities at the Project Site use water obtained from Imperial Irrigation District (“IID”). The Project also will not interfere with any existing groundwater recharge or lower the level of the groundwater table. Any impacts of the Project on groundwater supplies will be less than significant.

**Items c):** No streams or rivers are located near the Project, and the construction of the Project will not alter drainage on the Project Site in a manner that would result in substantial erosion or siltation. The Project will not alter the adjacent irrigation canal and drain. Project-related soil-disturbance activities include grading and compacting of the proposed location for the Pond. These soil-disturbance activities and new structures would not alter existing drainage patterns. Moreover, pursuant to the General Construction Permit, best management practices (“BMPs”) will be implemented during construction and operation of the Project specifically designed to avoid erosion and siltation. Any Project impacts on drainage will be less than significant.

**Items d)-e):** No streams or rivers are located near the Project, and the construction of the Project would not alter drainage on the Project Site in a manner that would result in on-site or off-site

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<sup>41</sup> Regional Water Board. Water Quality Control Plan: Colorado River Basin, Region 7, Chapter 2 – Beneficial Uses, Table 2-5 at p. 2-19. Available at: [https://www.waterboards.ca.gov/coloradoriver/water\\_issues/programs/basin\\_planning/docs/bp032014/bp\\_chapter2.pdf](https://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/docs/bp032014/bp_chapter2.pdf).

<sup>42</sup> *Id.* at Table 2-3 [Beneficial Uses of Surface Waters in the West Colorado River Basin] at p. 2-9.



flooding. The Project will not alter the adjacent irrigation canal and drain. The Project will not substantially increase any existing surface runoff from the Project Site. Pursuant to the General Construction Permit, BMPs will be implemented during construction and operation of the Project specifically designed to avoid the discharge of any polluted runoff or flooding from runoff. Additionally, the Pond itself is designed to retain stormwater within the confines of the waste management unit. Any impacts of the Project on flooding or runoff will be less than significant.

**Item f):** As discussed under Items a) through e), the Project would comply with regulatory requirements for discharges of storm water to effectively protect water quality in the Project area. The Project will be constructed and operated in accordance with WDRs to be issued by the Regional Water Board, which will include an ongoing Monitoring and Reporting Program designed to prevent degradation of water quality. Any impacts of the Project on water quality will be less than significant.

**Items g), h):** The Project Area is not located within the 100-year flood zone, and the proposed Project does not involve the construction of housing or other structures within a 100-year flood hazard area. The Project Site is approximately 2.27 miles east of the nearest 100-year flood hazard area of the Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Map Panel 425 of 1175, which is depicted on the map as “Zone A.”<sup>43</sup> The Project is located in “Zone C,” which is designated as an area of minimal flooding. Therefore, the proposed Project would not result in any impacts to flood hazards.

**Item i):** In addition to the fact that the Project Site is located in an area of minimal flooding, there are no dams or levees near the existing Facility. As such, the Project will not expose people or structures to any substantial risk of loss, injury or death, as the result of the failure of a levee or dam. There will be no impacts.

**Item j):** The Project Site is located far from the ocean and not within a Tsunami inundation area identified in the Tsunami Inundation Maps for Emergency Planning compiled by the California Department of Conservation.<sup>44</sup> While seiches could potentially occur in or near the Salton Sea, the Project Site is approximately 6.5 miles east of the Salton Sea, and therefore no impacts are expected to occur due to inundation by seiche. As the Project Site is not located in landslide hazard areas, the potential for mudslides is low.<sup>45</sup> The Project would not increase the impacts of a natural disaster, or further expose people or structures to risks from seiche, tsunami, or mudflow (caused by earthquake or other natural disaster). As such, no impacts will occur.

### 3.9.3 Mitigation Measures

Because the discharge of wastewater from Project could have adverse impacts on surface and groundwater quality if the Pond (i.e., the waste management unit) is not properly operated and maintained, the Regional Water Board will issue WDRs implementing Title 27 requirements to prevent significant water quality degradation. Additionally, the Applicant must obtain coverage

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<sup>43</sup> Federal Emergency Management Agency (“FEMA”). Flood Insurance Rate Map, Panel 425 of 1175. Available at: <http://www.icpds.com/CMS/Media/20-FEMA-425.pdf>.

<sup>44</sup> California Department of Conservation. Official Tsunami Inundation Maps. Available at: [http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/Pages/index.aspx#County](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Pages/index.aspx#County).

<sup>45</sup> California Department of Conservation. Index of Landslide Maps and Reports. Available at: <http://maps.conservation.ca.gov/cgs/informationwarehouse/landslides/>.

under the statewide General Construction Permit. The WDRs must include the following mitigation measures:

MM-HYD-1: Implement Title 27 standards for Class II surface impoundments, including construction, operation and maintenance, closure and post-closure standards;

MM-HYD-2: Prescribe a prohibition of discharge to the Pond of “hazardous wastes”;

MM-HYD-3: Prescribe a comprehensive Monitoring and Reporting Program in the WDRs that will monitor the constituents of concern in the wastewater stored in the Pond.

### 3.10 LAND USE AND PLANNING

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

#### 3.10.1 Significance Criteria

Land use and planning impacts are considered significant if the Project conflicts with the land use and zoning designations established by Imperial County.

#### 3.10.2 Environmental Setting and Impacts

The Project Site is located on land zoned for agricultural purposes. **Figure 1** shows the surrounding land uses.

**Item a):** The Project will be constructed on the existing Project Site, which already is an operating algal production facility, and will not physically divide an established community since all surrounding land uses are agricultural. No impacts will occur.

**Item b):** The Project will not conflict with Imperial County’s General Plan or Land Use Ordinance since the proposed uses comply with the agricultural land use designations for the Project Site as well as with the permitted uses under the A-2-G and A-3-G zones. No impacts will occur.

**Item c):** The Project will not conflict with any habitat conservation plan or natural community conservation plan since none apply to the Project Site or to the surrounding area. No impacts will occur.

### 3.10.3 Mitigation Measures

Because the Project will have no impact on land use or planning, no mitigation measures are required.

## 3.11 MINERAL RESOURCES

<b>MINERAL RESOURCES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.11.1 Significance Criteria

Project-related impacts on mineral resources are considered significant if any of the following conditions are met:

- The Project would 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.
- The Project results in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

### 3.11.2 Environmental Setting and Impacts

Based on the Map of Imperial County Existing Mineral Resources located in Imperial County General Plan’s Conservation and Open Space Element, there are no known mineral resources or mineral resource sites in the Project area.<sup>46</sup> Additionally, Imperial County does not contain any mineral resources containing a Surface Mining and Reclamation Act (“SMARA”) classification.<sup>47</sup> Still, a number of mineral resources including gold, gypsum, sand, gravel, lime, clay, stone, kyanite, limestone, sericite, mica, tuff, salt, potash, and manganese are currently being extracted

<sup>46</sup> Imperial County General Plan. Conservation and Open Space Element, Figure 8 [Imperial County Existing Mineral Resources] at p. 25. Adopted by County Board of Supervisors on March 8, 2016. Available at: <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>.

<sup>47</sup> California Department of Conservation. Publications of the SMARA Mineral Land Classification Project Dealing with Mineral Resources in California, at p. 20. March 2013. Available at: [http://www.conservation.ca.gov/cgs/minerals/mlc/Documents/SMARA\\_Publications\\_March\\_2013.pdf](http://www.conservation.ca.gov/cgs/minerals/mlc/Documents/SMARA_Publications_March_2013.pdf).

in Imperial County. These extractions, however, are limited and are sparsely scattered throughout the county.

**Items a), b):** All proposed Project activities would occur within the boundaries of the Project Site and will not impact mineral resources. Therefore, there will be no impact.

### 3.11.3 Mitigation Measures

Because the Project will create no impact to mineral resources, no mitigation measures are required.

### 3.12 NOISE

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

### 3.12.1 Significance Criteria

Impacts on noise are considered significant if:

- Construction noise levels exceed the Imperial County noise regulations. Construction noise levels would be considered significant if they exceed federal OSHA noise standards for workers.

- Operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, Project noise sources increase ambient noise levels by more than three dBA at the site boundary.
- Project equipment would generate noise greater than 90 dBA at the property line.

### 3.12.2 Environmental Setting and Impacts

The Project area is rural and agricultural in nature, and no noise-sensitive receptors immediately adjoin the Project Site. The proposed Project would result in the construction and operation of the proposed Pond, which would be part of an existing Facility that grows and harvests algae, and produces protein and colorant products. The use of construction equipment would be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturday. No commercial construction operations would be permitted on Sundays or holidays.

**Items a), b), c), d):** All construction and operation would occur within the existing boundaries of the Project Site. The temporary noise levels and vibration that could result from the earthwork activities during construction will not exceed the County’s allowed thresholds, not create excessive groundborne vibration, and be conducted only during hours authorized by the Imperial County General Plan’s Noise Element.<sup>48</sup> Further, the construction of the Project will be for a limited period of time and will not cause a “permanent” increase in ambient noise levels. Operation of the new evaporation pond will not create a substantial increase in noise above current levels, so any Project impacts related to ambient noise will be less than significant.

**Items e), f):** The Project will be constructed on the existing Project Site located 1.35 miles north of the Calipatria Municipal Airport. Current employees are not exposed to excessive noise levels from the operation of the airport, and the construction of the Project also will not expose workers to excessive levels of noise, so any potential impacts will be less than significant. The Project Site is not in the vicinity of a private airstrip, so no impacts will occur in that regard either.

### 3.12.3 Mitigation Measures

Because the Project will create no significant adverse noise impacts, no mitigation measures are required.

## 3.13 POPULATION AND HOUSING

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<sup>48</sup> Imperial County General Plan, Noise Element, Adopted by County Board of Supervisors on October 6, 2015, at p. 21. Available at: <http://www.icpds.com/CMS/Media/Noise-Element-2015.pdf>.

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

### 3.13.1 Significance Criteria

The impacts of the Project on population and housing are considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing would exceed the existing supply.
- The proposed Project would produce additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

### 3.13.2 Environmental Setting and Impacts

The Project consists of the construction, operation, and maintenance of a wastewater Pond at an existing facility. The Project area is rural and agricultural in nature, and does not depend on the level of available housing. The Project will not produce additional demand on housing.

**Items a), b), c):** The proposed Project will not result in the relocation of individuals, impact housing or commercial facilities, or change in the distribution of the population. Consequently, the proposed Project will have no impact on population, population distribution, or housing.

### 3.13.3 Mitigation Measures

No impacts from the proposed Project on population and housing are expected, and no mitigation measures are required.

### 3.14 PUBLIC SERVICES

<b>PUBLIC SERVICES</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.14.1 Significance Criteria

Impacts on public services are considered significant if the Project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

#### 3.14.2 Environmental Setting and Impacts

The Project consists of the construction and operation and maintenance of a wastewater Pond at an existing Facility. The Project area is rural and agricultural in nature, and does not depend on the level of available housing.

**Item a):** The Project will not require any new or physically altered governmental facilities to maintain acceptable performance objectives for public services; no significant impacts will occur.

- 1) The existing Facility complies with Imperial County standards and regulations concerning fire protection, and is prepared for a fire emergency. The addition of the Pond will not include any new buildings or otherwise significantly affect the existing provision of fire services. Any impacts of the Project on fire services will be less than significant.
- 2) The addition of the Pond to the existing Facility will not require additional police protection or affect law enforcement services, so no impacts will occur.
- 3) The Project is not residential in nature and will not induce population growth, so it will not require additional school facilities. No impacts to schools will occur.
- 4) The Project is not residential in nature, and will not induce population growth, so it will not require additional parks or otherwise affect existing parks. There will be no impacts.

- 5) The Project will not require the provision of other additional public services or facilities so no impacts will occur.

### 3.14.3 Mitigation Measures

Because the proposed Project will not significantly impact public services, no mitigation measures are required.

### 3.15 RECREATION

<b>RECREATION</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.15.1 Significance Criteria

The impacts to recreation are considered significant if:

- The Project would result in an increased demand for neighborhood or regional parks or other recreational facilities.
- The Project would adversely affect existing recreational opportunities.

#### 3.15.2 Environmental Setting and Impacts

The Project consists of the construction, operation, and maintenance of a wastewater Pond at an existing facility. The Project area is rural and agricultural in nature, and does not depend on recreational facilities.

**Items a), b):** The proposed Project will not increase the demand for neighborhood or regional parks, or other recreational facilities in the area because it will not increase the local population. The Project does not include or require the constriction of any new recreational facilities, require expansion of existing recreational facilities, or adversely affect recreational services. As such, there will be no recreational impacts resulting from the proposed Project.

#### 3.15.3 Mitigation Measures

Because the proposed Project will not impact recreational resources, no mitigation measures are required.



### 3.16 TRANSPORTATION/TRAFFIC

<b>TRANSPORTATION/TRAFFIC</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the importance of the circulatory system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulatory system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.16.1 Significance Criteria

The impacts on transportation/traffic are considered significant if any of the following criteria apply:

- Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than 1 month.
- An intersection's volume-to-capacity ratio increases by 0.02 (2 percent) or more when the LOS is already D, E, or F.
- A major roadway is closed to all through traffic, and no alternate route is available.

- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Waterborne, rail car, or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.

### **3.16.2 Environmental Setting and Impacts**

The Project Site is located at 113 East Hooper Road, north of Calipatria, California. The Project Site is bordered by agricultural land, and State Route 111 is the main road near the Facility. Access to the facility is Hooper Road, off State Route 111.

**Items a):** The construction and operation of the Project will not conflict with the Imperial County General Plan's Circulation and Scenic Highways Element and/or any applicable plan, ordinance or policy related to transportation. The additional number of vehicle trips during the Project's construction phase will be small and temporary and below the County's acceptable thresholds. During operation of the Pond, infrequent vehicle trips will be needed to remove residues in the Pond. Any Project impacts on traffic will be less than significant.

**Item b):** The construction and operation of the Project will not conflict with a congestion management plan for any designated roads or highways and any impacts to traffic from the Project will be less than significant.

**Item c):** The Project does not include any structures or buildings that would change air traffic patterns, increase air traffic levels, or result in a substantial safety risk. No impacts will occur.

**Item d):** The Project does not include any changes to existing roads or traffic patterns or the construction of any new roads off the Project Site so no impacts will occur.

**Item e):** The Project will not affect access to the Project Site from Hooper Road because the Project will be constructed on the other side of the Project Site from the Hooper Road entrance to the Project Site. Any impacts to emergency access will be less than significant.

**Item f):** The Project will not affect any adopted policies, plans or programs related to public transit or bicycle or pedestrian facilities or cause a decrease in the performance or safety of such facilities, in any area of the Project Site. No impacts will occur.

### **3.16.3 Mitigation Measures**

Because the proposed Project will not cause any significant impacts to traffic and transportation, no mitigation measures are required.

### 3.17 TRIBAL CULTURAL RESOURCES

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

#### 3.17.1 Significance Criteria

Impacts to tribal cultural resources would be considered significant if the Project would alter such resources, as defined in Public Resources Code section 21074, in a way that would alter the cultural significance or cultural value by a California Native American tribe.

#### 3.17.2 Environmental Setting and Impacts

The Project Site is bounded to the east by a Southern Pacific’s railroad line, to the west by State Route 111, to the north by East Hooper Road, and to the south by East Peterson Road. The Calipatria State Prison is located approximately 1.5 miles due east of the Site. The Facility has been in operation for over 30 years and does not contain any natural water features or ditches, trees, or rock outcroppings. The Project Site was used for agriculture prior to being developed by the Applicant. Other than the prison, the area surrounding the Project Site is open space and primarily agricultural.

**Item a), b):** There are no known listed or eligible for listing tribal cultural resources within the Project Area and the proposed Project would not affect resources in the surrounding area.

Furthermore, previous activities within the Project Site have not uncovered any tribal cultural resources. Prior to construction, the Facility was active farmland and was irrigated since the early 1940s. As a result, it is unlikely that new tribal cultural resources would be unearthed or otherwise adversely changed or disturbed by the proposed activities. Further, the Project Site does not fall within any known areas of Native American cultural sensitivity identified in the Conservation and Open Space Element of the Imperial County General Plan.<sup>49</sup>

A record search of the California Native American Heritage Commission (“NAHC”) Sacred Lands File for the Project’s area of potential project effect (“APE”) found no listed sites. The NAHC provided a Tribal Consultation List, and the Regional Water Board contacted the listed tribes concerning the Project, but has received no responses that identified any concerns with the Project. The Project will therefore not result in substantial adverse changes in the significance of a tribal cultural resource.

### 3.17.3 Mitigation Measures

Because the proposed Project will not cause any significant impacts to tribal cultural resources, no mitigation measures are required.

### 3.18 UTILITIES AND SERVICE SYSTEMS

<b>UTILITIES AND SERVICE SYSTEMS</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>49</sup> Imperial County General Plan, Conservation and Open Space Element, Adopted by County Board of Supervisors on March 8, 2016, Figure 6, at p. 17. Available at: <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>.

<b>UTILITIES AND SERVICE SYSTEMS</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 3.18.1 Significance Criteria

The impacts on utility and service systems are considered significant if any of the following criteria apply:

- The Project would cause a substantial demand for water supplies or wastewater treatment.
- The Project would create an increase in runoff intensity that exacerbates drainage conditions and changes.
- The Project would produce an insufficient provision for solid waste or sludge disposal.
- The Project would violate Regional Water Board or State Water Resources Control Board waste discharge requirements, including requirements for the proposed discharge of treated wastewater to the storage ponds and for irrigation of the 10- and 130-acre parcels and storm water requirements.

### 3.18.2 Environmental Setting and Impacts

The Project consists of the construction, operation and maintenance of a wastewater Pond at an existing facility. The Project area is rural and agricultural in nature, and other than water for industrial use and energy, it does not depend on other utility services.

**Item a):** The Project will not discharge to any wastewater treatment facility, but it will involve the on-site management of used water from aquaculture in the Pond in accordance with WDRs to be issued by the Regional Water Board. Compliance with the WDRs will ensure that the impacts of the Project are less than significant.

**Item b):** The Project will result in the construction of the Pond that will be used to evaporate wastewater from aquaculture in accordance with WDRs to be issued by the Regional Water Board. The construction of the Pond will not cause any significant environmental impacts and the

operation of the Pond in compliance with the WDRs will ensure that any environmental impacts of the Project will be less than significant.

**Item c):** The Project will not require the construction or expansion of any storm water drainage facilities, so any impacts of the Project will be less than significant.

**Item d):** The construction and operation of the Pond will not require additional water supplies, and the Applicant’s existing operations are served by water from the Imperial Irrigation District, so no new or expanded water entitlements are needed and any impacts of the Project on water supplies will be less than significant.

**Item e):** The Project will not result in the discharge of water to a wastewater treatment facility so it will not affect the capacity of any treatment facility and any impacts of the Project will be less than significant.

**Item f):** The only solid waste generated by the Project will be the residues remaining in the Pond after the evaporation process. The amount of waste generated will not be of sufficient volume to significantly affect the capacity of any landfill that is permitted to accept that type of solid waste, so any impacts of the Project will be less than significant.

**Item g):** The Pond will comply with all statutes and regulations related to solid waste, including those found in the WDRs and Title 27, so any impacts of the Project will be less than significant.

**3.18.3 Mitigation Measures**

Because the proposed Project will not cause any significant impacts to utilities and service systems, no mitigation measures are required.

**3.19 MANDATORY FINDINGS OF SIGNIFICANCE**

<b>MANDATORY FINDINGS OF SIGNIFICANCE</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>MANDATORY FINDINGS OF SIGNIFICANCE</b> <i>Would the project:</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 3.19.1 Discussion

**Item a):** Because the Project consists of the construction, operation and maintenance of a Class II surface impoundment for wastewater at an existing Facility in an agricultural area that has been developed for decades, it would not adversely affect the quality of the environment or eliminate important examples of the major periods of California history or prehistory.

The Project Area has been previously disturbed, graded, and developed. With the implementation of MM-BIO-1 through MM-BIO-3, (measures required to protect active owl nests and burrows), the Project would avoid disturbance or impact on any burrowing owls and would not reduce or eliminate any plant or animal species. With this mitigation, the impact will be less than significant.

The Project’s discharge of wastewater to the proposed Pond may have significant potential to degrade surface and ground water quality if not properly managed or controlled. With the implementation of mitigation measures MM-HYD-1, -2, and -3, the Project’s potential for nuisance and water quality degradation will be substantially and effectively mitigated to less than significant.

**Item b):** CEQA Guidelines Section 15064(h)(1) requires that a “lead agency consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable.” Where a lead agency is examining a project with an incremental effect that is not cumulatively considerable, a lead agency need not consider the effect significant, but must briefly describe the basis for concluding the incremental effect is not cumulatively considerable.

As described above, the proposed Project will contribute incrementally to the impacts on the environment; however, no potentially significant impacts were identified that could not be mitigated to a less-than-significant level. Impacts related to hydrology, water quality, air quality, and greenhouse gas emissions could contribute cumulatively to broader, connected actions and cumulative effects. Particulate air emissions of 10 micrometers or less are in nonattainment for both the NAAQS and SAAQS and are regulated by the ICAPCD. Emissions related to either the construction or operation of the proposed Pond were quantified and found to be below ICAPCD significance thresholds. While these would contribute to cumulative and connected actions, which would include the operation of the Facility as analyzed previously and found to likewise be well

below ICAPCD significance thresholds, and other activities in the Salton Sea Air Basin, these emissions would not measurably degrade air quality. Likewise, cumulative emissions would not result in other criteria pollutants achieving nonattainment status.

Hydrology throughout the region is connected through the watersheds and irrigation canals. As such, the Regional Water Board rigorously regulates water quality and the IID regulates waters entering its irrigation canals. As noted in the hydrology and water quality analysis, wastewater would be discharged and contained in a Pond in a manner that is consistent with the WDRs to be issued by the Regional Water Board. Like with all projects considered in this cumulative analysis, the Regional Water Board and IID monitor these supplies to minimize or avoid effects. As such, the potential cumulative effect on hydrology and water quality will be less than significant.

Other Project impacts related to biological and cultural resources, GHG emissions, and hazardous materials, though potentially additive, would not result in cumulatively considerable or potentially significant impacts. Biological, cultural, and hazardous material impacts are fully contained onsite. And, while there would be GHG emissions resulting from construction and operation of the proposed Pond, these would not be significant.

As such, while the proposed Project would contribute to cumulative effects on the environment, these impacts will be less than significant and the mitigations identified in this analysis would offset any potential for significance both at a Project and at a cumulative level.

**Item c):** This Project analysis has identified a number of areas where the human environment could be affected by the proposed activities. Specifically, air quality and GHG emissions, though less than significant, would contribute to the degradation of local air quality. The ICAQMD regulates such emissions and has permitted the proposed activities to minimize or avoid any such impact. Likewise, water quality resulting from the proposed wastewater treatment could have an effect on the human environment if not treated to an approved level. The Regional Water Board, however, is charged with regulating these water quality levels and, as such, issues very specific WDRs for each type of discharge with discharge specifications and effluent limitations for indicator pathogens to address human health concerns. Finally, noise and traffic generated during construction have the potential to result in local effects on the human environment. As noted in this analysis, however, these impacts are consistent with the surrounding agricultural land use and would not create a new type or potentially significant impact on the human environment. The Regional Water Board has considered these effects and has found that the proposed Project would not cause a substantial adverse effect, either directly or indirectly, on the human environment.

#### **IV. PERSONS AND ORGANIZATIONS CONSULTED**

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with section 15129 of the CEQA Guidelines.



**A. APPLICANT & APPLICANT'S AGENTS**

- Tomatsu Maguchi, Earthrise Nutritionals, LLC
- John Lormon, Procopio, Cory, Hargreaves & Savitch LLC
- Walter Rusinek, Procopio, Cory, Hargreaves & Savitch LLC
- Hazel Ocampo, Procopio, Cory, Hargreaves & Savitch LLC

**B. COUNTY OF IMPERIAL**

- Planning and Development Services Department
- Air Pollution Control District
- Fire Department
- Agriculture Commissioner
- Environmental Health Services
- Sheriff's Office

**C. OTHER AGENCIES/ORGANIZATIONS**

- Native American Heritage Commission

*(Written or oral comments received on the checklist prior to circulation)*

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**VI. MITIGATED NEGATIVE DECLARATION – REGIONAL WATER QUALITY CONTROL BOARD (Colorado River Region)**

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*The following Mitigated Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act, sections 21091 and 21092 of the Public Resources Code.*

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<b>Project Name:</b>	Earthrise Nutritionals Evaporation Pond 8 Project
<b>Project Applicant:</b>	Earthrise Nutritionals, LLC
<b>Project Location:</b>	113 East Hooper Road, north of the City of Calipatria, County of Imperial, California, 92233, designated as Assessor’s Parcel Number (“APN”) 022-140-015-000
<b>Description of Project:</b>	The proposed Project consists of the construction, operation, and maintenance of a new, lined evaporation pond (“Project” or “Pond”) at the microalgae production facility owned and operated by Earthrise Nutritionals, LLC (“Applicant”). The Pond will be built on the Applicant’s approximately 189-acre existing facility (“Project Site”) and will be used to receive wastewater generated by the harvesting of algae from the Applicant’s Spirulina Harvest Plant (“SHP”) and its Linablue® Extraction Plant (“LEP”). The SHPF and LBEF are also located at the Project Site. The annual wastewater discharged to the Pond from the two processes will be approximately 16.6 million gallons. The Pond will be constructed as a Class II surface impoundment in accordance with title 27 of the California Code of Regulations, and lined to prevent infiltration of wastewater into native soil as required by waste discharge requirements (“WDRs”) that will be issued by the Regional Water Board.

## VII. FINDINGS

**This is to advise that the Regional Water Quality Control Board, Colorado River Basin, acting as the lead agency, has conducted an Initial Study to determine if the Project may have a significant effect on the environmental and is proposing this Mitigated Negative Declaration based upon the following findings:**

- The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- The Initial Study identifies potentially significant effects but:
  - (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
  - (2) There is no substantial evidence before the agency that the Project may have a significant effect on the environment.
  - (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

**If adopted, the Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The Project file and all related documents are available for review at the Colorado River Basin Regional Water Quality Control Board, 73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260, (760) 346-7491.**

### NOTICE

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The public is invited to comment on the proposed Mitigated Negative Declaration during the review period.

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Date of Determination            Jose Angel, Executive Officer

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***The Applicant hereby acknowledges and accepts the results of the Regional Water Board and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.***

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Applicant Signature

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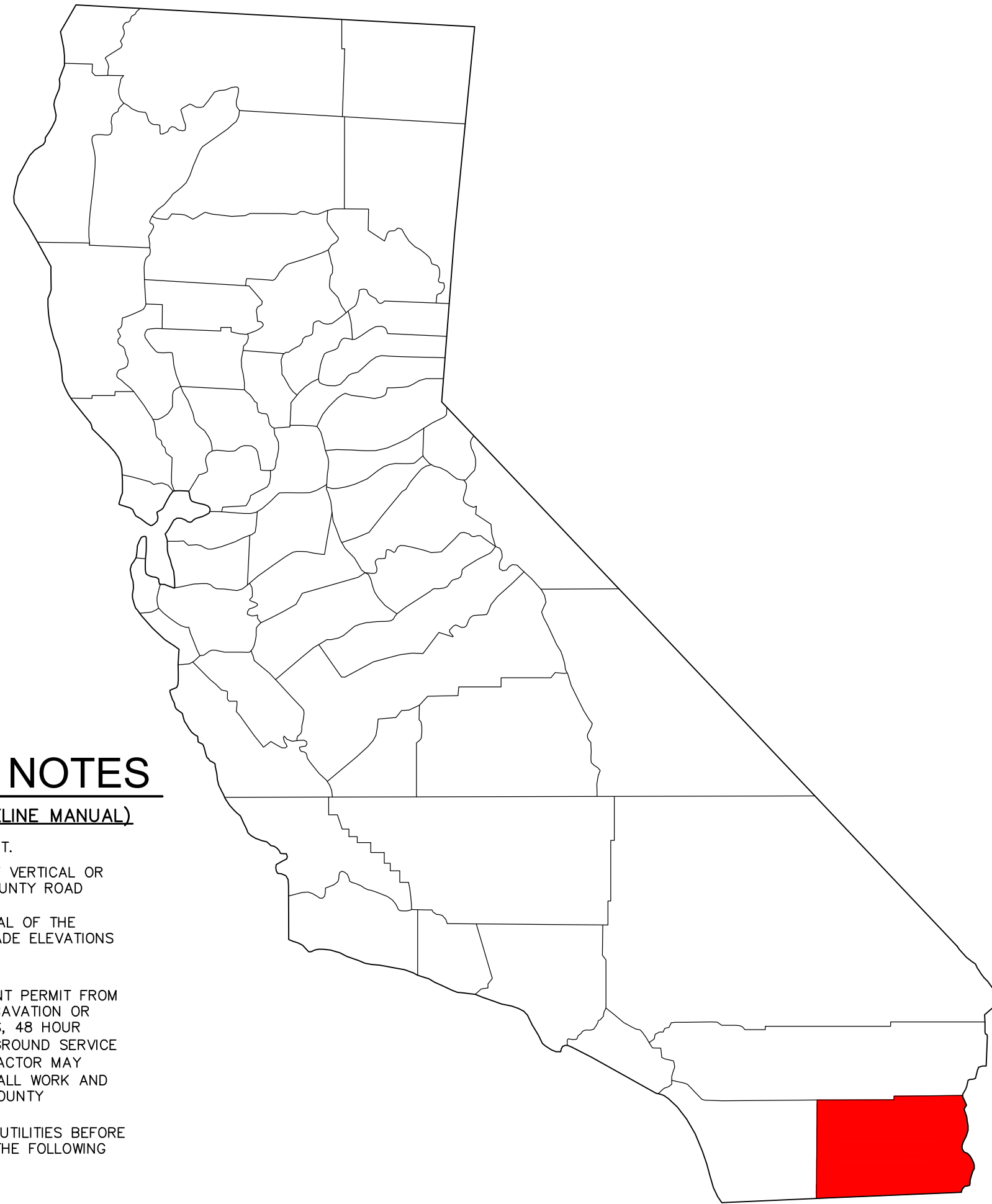
Date

*Appendix A*  
*Drawings*

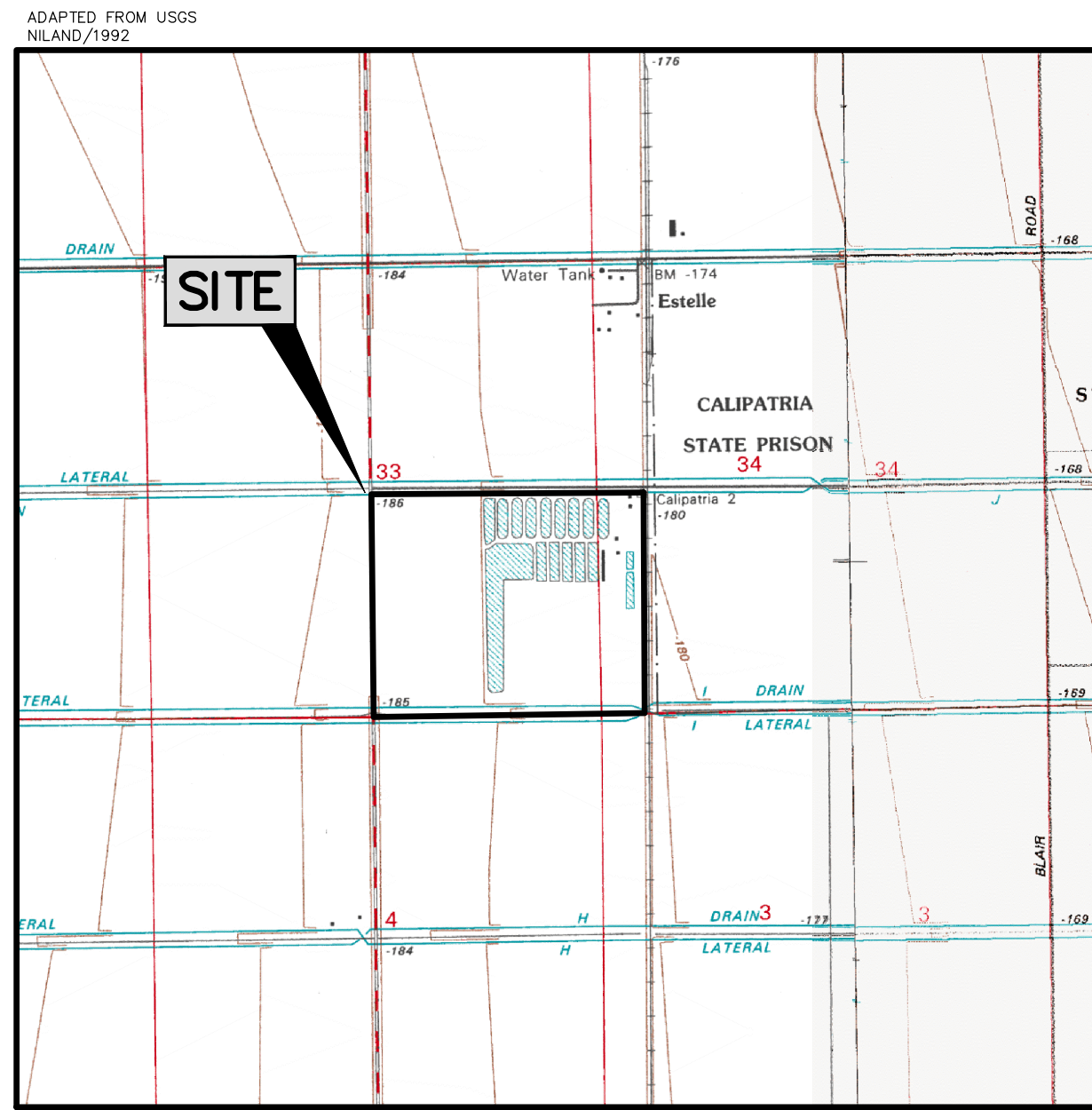
# IMPERIAL COUNTY GENERAL NOTES

(DEPARTMENT OF PUBLIC WORKS ENGINEERING DESIGN GUIDELINE MANUAL)

- \* NOTES THAT ARE NOT APPLICABLE FOR THIS PROJECT ARE CROSSED OUT.
- 1. APPROVAL OF THIS GRADING PLAN DOES NOT CONSTITUTE APPROVAL OF VERTICAL OR HORIZONTAL ALIGNMENT OF ANY PRIVATE ROAD SHOWN HEREON FOR COUNTY ROAD PURPOSES.
- 2. FINAL APPROVAL OF THESE GRADING PLANS SUBJECT TO FINAL APPROVAL OF THE ASSOCIATED IMPROVEMENT PLANS WHERE APPLICABLE. FINAL CURB GRADE ELEVATIONS MAY REQUIRE CHANGES IN THESE PLANS.
- 3. ~~NEAREST MATERIAL SHALL BE OBTAINED FROM A LEGAL SITE.~~
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE TO SECURE AN ENCROACHMENT PERMIT FROM THE COUNTY OF IMPERIAL DEPARTMENT OF PUBLIC WORKS FOR ANY EXCAVATION OR CONSTRUCTION WITHIN COUNTY ROAD RIGHT-OF-WAY. FOR INSPECTIONS, 48 HOUR MINIMUM NOTICE IS REQUIRED, (760) 482-4462. ADDITIONALLY, UNDERGROUND SERVICE ALERT (USA) MUST BE CALLED TWO WORKING DAYS BEFORE THE CONTRACTOR MAY EXCAVATE. THEIR CONTACT NUMBER 811 (formerly (800) 422-4133). ALL WORK AND MATERIALS ARE SUBJECT TO THE INSPECTION AND APPROVAL OF THE COUNTY DEPARTMENT OF PUBLIC WORKS.
- 5. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF PROPOSED WORK SHALL BE GIVEN TO THE FOLLOWING AGENCIES:
  - GAS: (800) 422-4133/ (800) 227-2600
  - ID POWER: (760) 339-9280
  - ID WATER: (760) 339-9263
  - PACIFIC TELEPHONE: (800) 422-4133
  - CATV: (760) 626 6299
  - SEWER AGENCY: (760) 482 -4462
  - WATER AGENCY: (760) 482-4462



IMPERIAL COUNTY, CALIFORNIA  
GENERAL LOCATION MAP

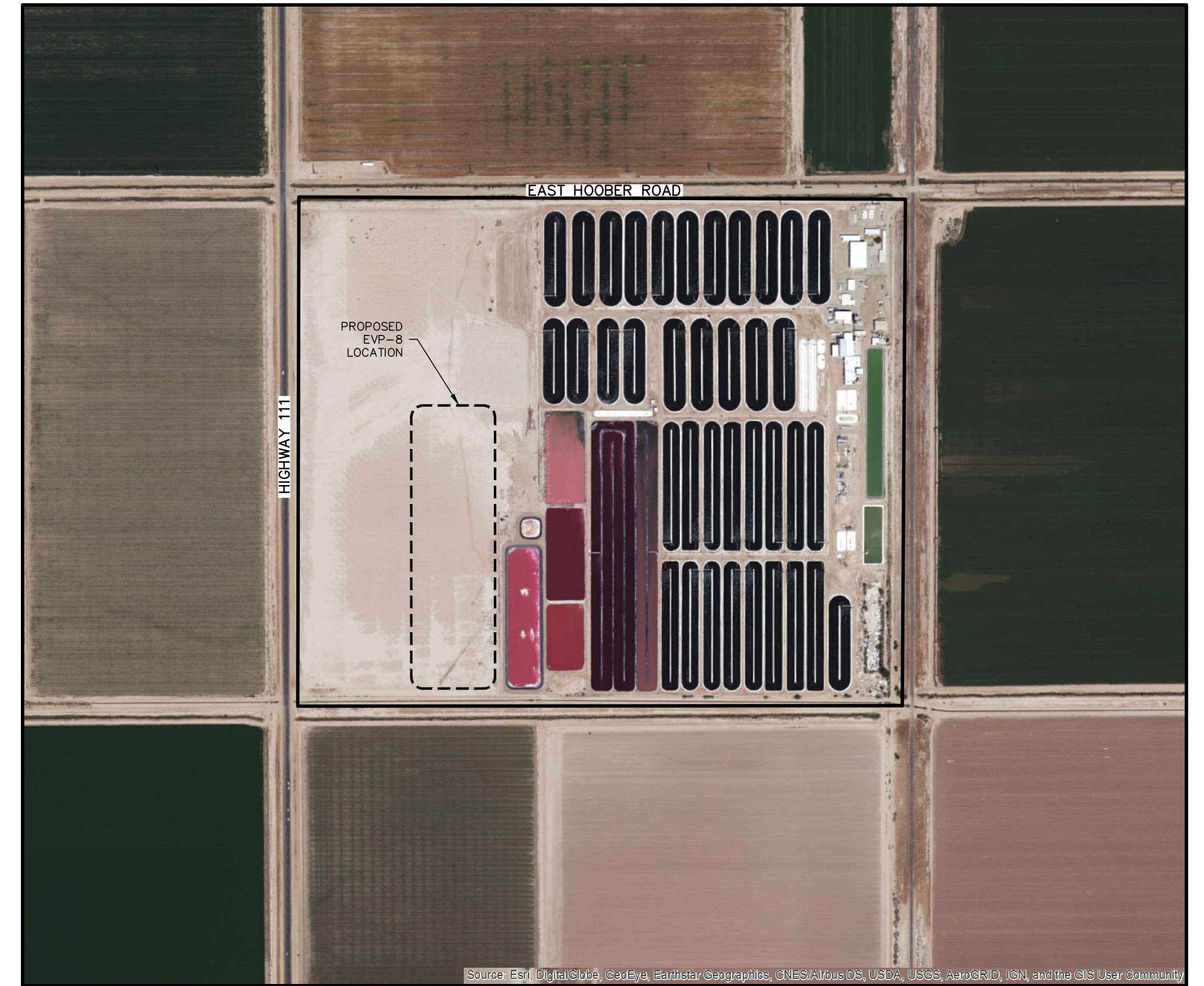


SECTION 33  
T.11S. - R.14E.  
CITY OF CALIPATRIA  
IMPERIAL COUNTY  
CALIFORNIA



0 2000  
SCALE (IN FEET)

SITE LOCATION MAP



SITE VICINITY MAP

0 500  
SCALE (IN FEET)

## GENERAL NOTES

- 6. A SOILS REPORT MAY BE REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND/OR GRADING PLAN APPROVAL.
- 7. APPROVAL OF THESE PLANS BY THE DIRECTOR OF PUBLIC WORKS DOES NOT AUTHORIZE ANY WORK OR GRADING TO BE PERFORMED UNTIL THE PROPERTY OWNER'S PERMISSION HAS BEEN OBTAINED AND VALID GRADING PERMIT HAS BEEN ISSUED BY THE COUNTY PLANNING & DEVELOPMENT SERVICES DEPARTMENT.
- 8. THE DIRECTOR OF PUBLIC WORKS' APPROVAL OF THESE PLANS DOES NOT CONSTITUTE COUNTY BUILDING OFFICIAL APPROVAL OF ANY FOUNDATION FOR STRUCTURES TO BE PLACED ON THE ITEMS COVERED BY THESE PLANS, INCLUDING ANY ONSITE OR PERIMETER SCREEN OR RETAINING WALLS.
- 9. ALL MAJOR SLOPES SHALL BE ROUNDED INTO EXISTING TERRAIN TO PRODUCE A CONTOURED TRANSITION FROM CUT OR FILL FACES TO NATURAL GROUND AND ABUTTING CUT OR FILL SURFACES.
- 10. NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE GRADING ORDINANCE AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, THE PERMITTEE IS RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO ADJACENT PROPERTY. NO PERSON SHALL EXCAVATE ON LAND SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY SUCH PROPERTY FROM SETTLING, CRACKING, EROSION SILTING, SCOUR OR OTHER DAMAGE, WHICH MIGHT RESULT FROM THE GRADING DESCRIBED ON THE PLAN. THE COUNTY WILL HOLD THE PERMITTEE RESPONSIBLE FOR CORRECTION OF NON-DEDICATED IMPROVEMENTS WHICH DAMAGE ADJACENT PROPERTY.
- 11. SPECIAL CONDITION: IF ANY ARCHEOLOGICAL RESOURCES ARE DISCOVERED ON THE SITE OF THIS GRADING OPERATION, SUCH OPERATION WILL CEASE IMMEDIATELY AND THE PERMITTEE WILL NOTIFY THE DIRECTOR OF THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT AND THE DISCOVERY. GRADING OPERATION WILL NOT RECOMMENCE UNTIL THE PERMITTEE HAS RECEIVED WRITTEN AUTHORITY FROM THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES TO DO SO.
- 12. THE CONSTRUCTION OF ONE PGC STANDARD DRIVEWAY PER LOT, LOCATION TO BE DETERMINED IN THE FIELD BY ENGINEER OF WORK AND APPROVED BY COUNTY PUBLIC WORKS INSPECTOR. PGC SURFACING OF DRIVEWAY TO EXTEND FROM CURB TO PROPERTY LINE.
- 13. ALL GRADING SHALL CONFORM TO THE UNIFORM BUILDING CODE APPENDIX CHAP. 33, AS AMENDED BY TITLE 9 LAND USE ORDINANCE.
- 14. ALL PROPERTY CORNERS SHALL BE CLEARLY DELINEATED IN THE FIELD PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION AND/OR GRADING.
- 15. DURING ROUGH GRADING OPERATIONS AND PRIOR TO THE CONSTRUCTION OF ANY PERMANENT DRAINAGE STRUCTURES, TEMPORARY DRAINAGE CONTROL SHALL BE PROVIDED TO PREVENT PONDING WATER AND DAMAGE TO CONTIGUOUS PROPERTIES.
- 16. DUST SHALL BE CONTROLLED BY THE CONTRACTOR IN ACCORDANCE WITH ALL IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT (APCD) FUGITIVE DUST CONTROL RULES AND REGULATIONS AND SHALL COMPLY WITH THEIR PERMITTING REQUIREMENTS, IF APPLICABLE.
- 17. NO FILL SHALL BE PLACED ON EXISTING GROUND UNTIL THE EXISTING GROUND HAS BEEN CLEARED OF WEEDS, DEBRIS, TOPSOIL AND OTHER DELTERIOUS MATERIAL.
- 18. THE MAXIMUM ALLOWABLE CUT AND FILL SLOPES ARE 2:1, UNLESS A SLOPE STABILITY ANALYSIS AUTHORIZES A STEEPER SLOPE AND HAS BEEN APPROVED.
- 19. ~~A 5' WIDE BY 1' HIGH BERM, OR EQUIVALENT, SHALL BE CONSTRUCTED ALONG THE TOP OF ALL FILL SLOPES OVER 5' IN VERTICAL HEIGHT. ALL SLOPES LESS THAN OR EQUAL TO 5:1 SHALL HAVE A BERM TO PREVENT DRAINAGE FROM GRADING SAME.~~
- 20. ~~A DITCH DESIGNED TO HANDLE THE FLOWS (Q) FROM A 100-YR STORM EVENT SHALL BE CONSTRUCTED ALONG THE TOP OF ALL CUT SLOPES.~~
- 21. NO OBSTRUCTION OF FLOOD PLAINS OR NATURAL WATER COURSES WILL BE PERMITTED.
- 22. ALL EXISTING DRAINAGE COURSES ON THE PROJECT SITE MUST CONTINUE TO FUNCTION DURING STORM CONDITIONS. PROTECTIVE MEASURES AND TEMPORARY DRAINAGE PROVISIONS MUST BE USED TO PROTECT CONTIGUOUS PROPERTIES DURING GRADING OPERATIONS.
- 23. THE FINISHED GRADE SHALL BE SLOPED AWAY FROM ALL EXTERIOR BUILDING WALLS AT NOT LESS THAN 4% (1/2" PER FOOT) FOR A MINIMUM OF 3 FEET, UNLESS A SOIL REPORT PROVIDES ALTERNATE RECOMMENDATIONS.
- 24. A QUALIFIED AND REGISTERED PROFESSIONAL ENGINEER SHALL SUBMIT A WRITTEN CERTIFICATION TO THE PUBLIC WORKS DEPARTMENT THAT THE FINAL GRADING HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS FOR ALL GRADING DESIGNATED AS "ENGINEERED GRADING". AS-BUILT PLANS SHALL BE PROVIDED PRIOR TO FINAL ACCEPTANCE.
- 25. THE CONTRACTOR SHALL NOTIFY THE PUBLIC WORKS DEPARTMENT AT LEAST 48 HOURS IN ADVANCE OF REQUESTING A FINISH LOT GRADE AND DRAINAGE INSPECTION. THIS INSPECTION MUST BE APPROVED PRIOR TO THE BUILDING PERMIT FINAL INSPECTION BY PUBLIC WORKS FOR EACH LOT.
- 26. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT \* AT 811 (formerly (800) 422-4133) A MINIMUM OF TWO DAYS PRIOR TO THE COMMENCEMENT OF ANY DIGGING OR EXCAVATION.

## LIST OF DRAWINGS

DRAWING NO.	TITLE
1.	COVER
2.	LOCATION MAPS, GENERAL NOTES, LIST OF DRAWINGS, ABBREVIATIONS AND LEGEND
3.	EXISTING SITE CONDITIONS
4.	PROPOSED EVAPORATION POND GRADING PLAN
5.	SECTIONS
6.	DETAILS

## ABBREVIATIONS

DIA.	DIAMETER
EX	EXISTING
TYP	TYPICAL
MIN	MINIMUM
ELEV	ELEVATION
O.C.	ON CENTER
TBR	TO BE REMOVED
MSL	MEAN SEA LEVEL

### DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE COUNTY OF IMPERIAL IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR THE PROJECT DESIGN.

*Truong*

TRUONG MAI, PE  
CA PE REGISTRATION NO. C 63484  
EXPIRATION DATE: 9/30/2018

ENVIRONMENTAL RESOURCE MANAGEMENT (ERM)  
1920 MAIN STREET, SUITE 300, IRVINE, CA  
PH: 949-623-4700

**FOR PERMITTING PURPOSES ONLY.  
NOT FOR CONSTRUCTION.**

## LEGEND

	SLOPE
	BENCHMARK
	EXISTING SPOT ELEVATION
	EXISTING GRAVEL ACCESS ROAD
	EXISTING INDEX CONTOUR
	EXISTING INTERMEDIATE CONTOUR
	PROPOSED INDEX CONTOUR
	PROPOSED INTERMEDIATE CONTOUR
	WATER
	FENCE
	APPROXIMATE SITE BOUNDARY
	LIMIT OF DISTURBANCE
	SILT FENCE
	OVERHEAD ELECTRICAL LINE
	PRIMARY LINER
	CONDUCTION LAYERS
	SECONDARY LINER
	ANCHOR TRENCH

DRAWING NUMBER WHERE  
DETAIL IS PRESENTED

501  
4  
DETAIL DESIGNATION  
DRAWING NUMBER WHERE  
DETAIL IS IDENTIFIED

## PROJECT INFORMATION

OWNER	EARTHRISE NUTRITIONALS, LLC. 2151 MICHELSON DRIVE, SUITE 258 IRVINE, CA 92612 PHONE: (760) 348-5027
SITE ADDRESS	EARTHRISE NUTRITIONALS, LLC. 113 E. HOOBER ROAD CALIPATRIA, CA 92233
DESIGN ENGINEER	ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) 1920 MAIN STREET, SUITE 300, IRVINE, CA 949-623-4700
SOIL ENGINEER	STEVE WILLIAMS, PG NO. 7064 ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) 1920 MAIN STREET, SUITE 300, IRVINE, CA
ASSESSOR'S PARCEL NUMBER	022-140-015
LEGAL DESCRIPTION	THE SOUTHEAST QUARTER OF SECTION 33 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, T11N, R14E, S3B.M.
PROJECT BENCHMARK	CALIPATRIA 2 - RM 5 (DISK STAMPED " CALIPATRIA 2 - RM 5" SET IN 12" ROUND CONCRETE POST) PID - D0151 VERTICAL FIRST ORDER CLASS 1 POINT NUMBER -1 EASTING: 6788514.38 NORTHING: 2005788.80 PUBLISHED ELEVATION: -177.81 FT. PROJECT ELEVATION: 1000 FT - 177.81 FT = 822.19 FT.
EARTHWORK INFORMATION	CUT = 33,800 CU.YD (APPROX.) FILL = 33,500 CU.YD (APPROX.) NOTE: THE CUT/FILL QUANTITIES ARE APPROXIMATE BASED ON GRADING PLANS PRESENTED ON THE DRAWINGS. IT DOES NOT FACTOR ACTUAL CONDITIONS SUCH AS SHRINKAGE OR SWELLING. THE FILL VOLUME INCLUDES FILL REQUIRED FOR POND CONSTRUCTION (23,000 CY.) PLUS FILL REQUIRED TO BACKFILL THE TWO PITS WITHIN THE SITE. THE PITS ARE IDENTIFIED ON EXISTING SITE MAP.

## EARTHRISE NUTRITIONALS, LLC. EVAPORATION POND 8

113 EAST HOOBER ROAD  
CALIPATRIA, CALIFORNIA 92233

### LOCATION MAPS, GENERAL NOTES, LIST OF DRAWINGS, ABBREVIATIONS AND LEGEND

SCALE	NOTED	PROJECT NUMBER	SHEET	REV.
DATE DRAWN	12/1/2017	0414773	1	0



Rev.	Date	Description	By	Chk

DRAWN BY: GML CADD Review: FAK CHECKED BY: AK



Environmental Resources Management



SECTION

HOOBER ROAD  
UNKNOWN R/W WIDTH

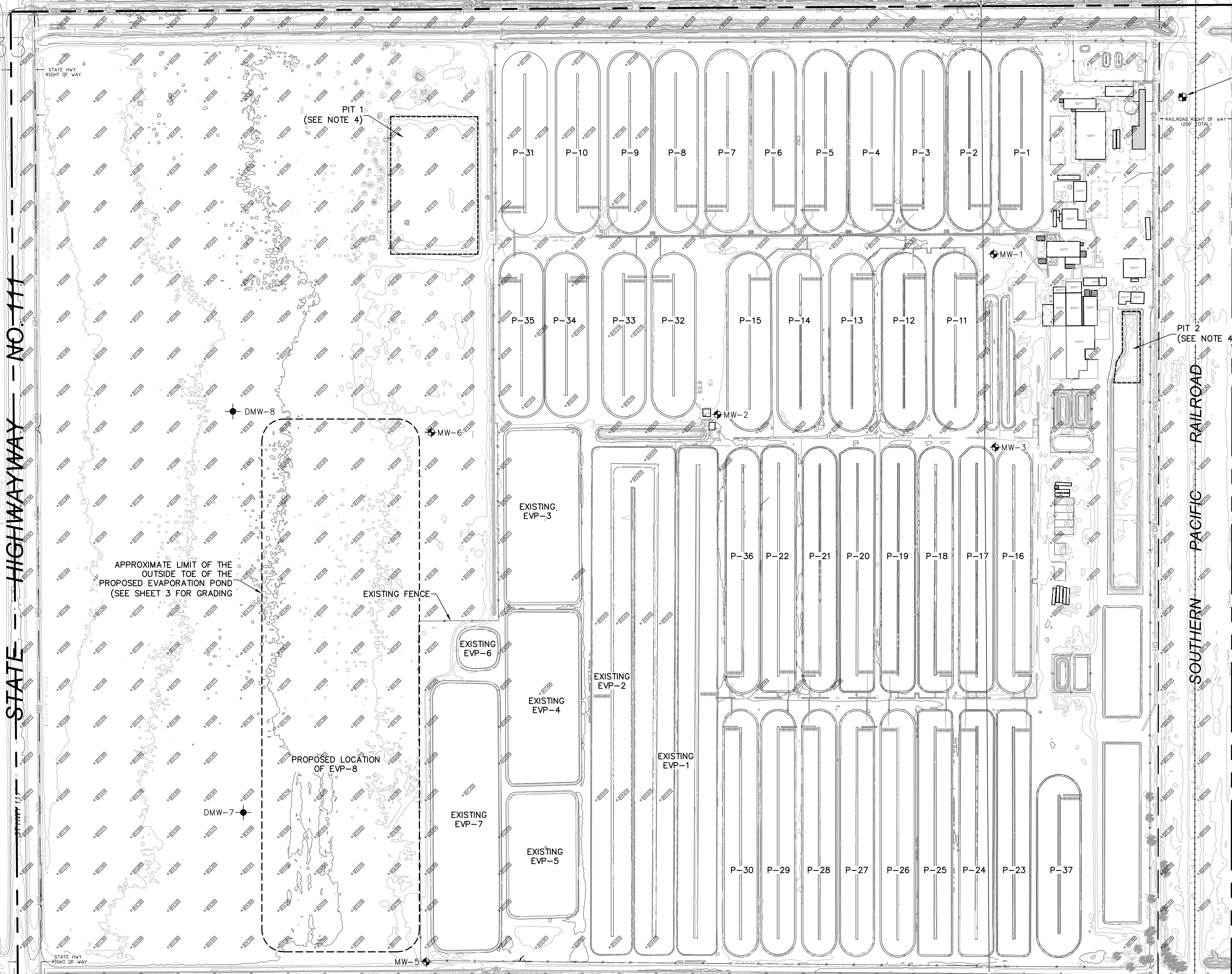
STATE HWY  
RIGHT OF WAY  
(GR TOTAL)

STATE HWY  
RIGHT OF WAY  
(GR TOTAL)

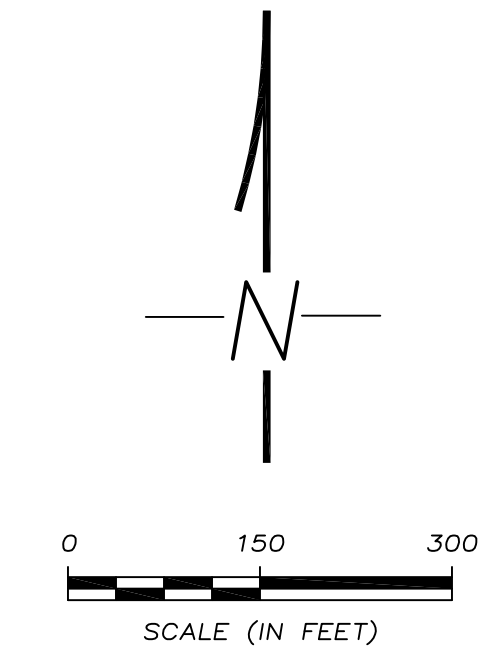
STATE -- HIGHWAYWAY -- NO-111

PETERSON ROAD  
UNKNOWN R/W WIDTH

IDD "I" LATERAL  
CANAL



PROJECT BENCHMARK:  
CALIPATRIA 2 - RM 5  
ELEVATION: 822.19 FT.  
(SEE SHEET 1)

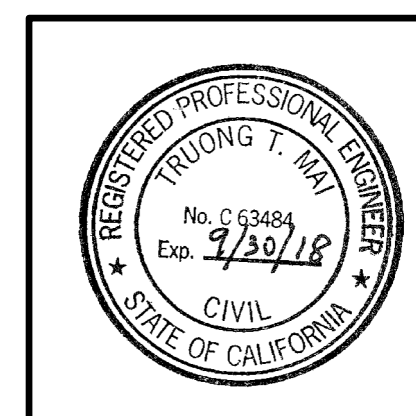


LEGEND

- COUNTY BENCHMARK
- EXISTING INDEX CONTOUR
- EXISTING INTERMEDIATE CONTOUR
- EXISTING SPOT ELEVATION
- P-22 EXISTING PRODUCTION POND
- EXISTING OVERHEAD POWER LINE
- PROPERTY BOUNDARY
- EXISTING MONITORING WELL
- PROPOSED DETECTION MONITORING WELL
- EXISTING FENCE
- APPROXIMATE LIMIT OF EVP 8

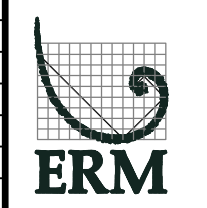
- NOTES:
- SEE DRAWING NO. 1 FOR GENERAL NOTES, ABBREVIATIONS AND LEGEND.
  - IT IS CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY ACTUAL SITE CONDITIONS PRIOR TO START OF ANY WORK. THERE IS NO WARRANTY OR GUARANTEE ON THE COMPLETENESS OR CORRECTNESS OF THE EXISTING CONDITION INFORMATION. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ENGINEER/OWNER PRIOR TO THE START OF THE WORK.
  - THE LOCATIONS OF EXISTING UTILITIES SHOWN HEREIN ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE EXISTENCE OF ALL UTILITIES AND THEIR LOCATION AND ENSURE THAT UTILITIES ARE PROTECTED AT ALL TIMES THROUGHOUT THE WORK.
  - THE REFERENCED PITS (PIT 1 AND PIT 2) SHALL BE BACKFILLED WITH THE EXCESS SOIL GENERATED FROM THE PROPOSED EVAPORATION POND 8 EXCAVATION. THE FILL PLACED IN THESE PITS SHALL BE COMPACTED AND GRADED TO THE SURROUNDING GRADE LEVEL.

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Rev.	Date	Description	By	Chk

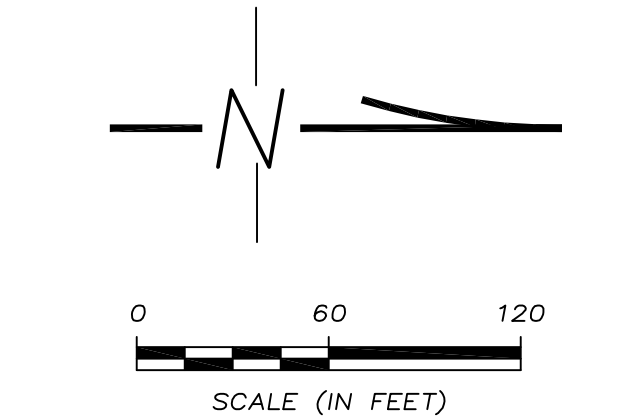
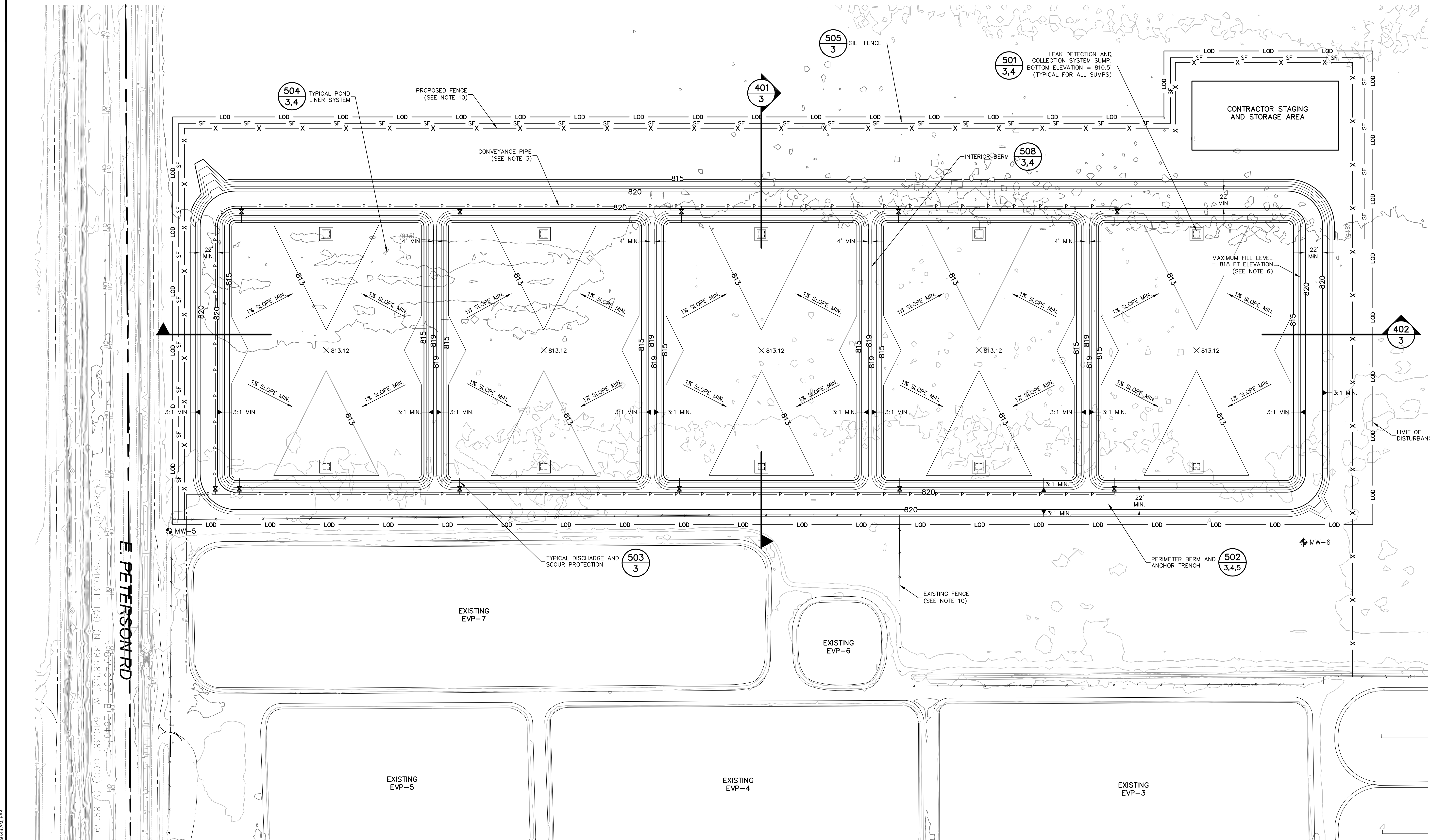
DRAWN BY: FAK CADD REVIEW: RMK CHECKED BY: AK



**EARTHRISE NUTRITIONALS, LLC.**  
EVAPORATION POND 8  
113 EAST HOOBER ROAD  
CALIPATRIA, CALIFORNIA 92233

**EXISTING SITE CONDITION**

SCALE	NOTED	PROJECT NUMBER	SHEET	REV.
DATE DRAWN	12/1/2017	0414773	2	0



- LEGEND:
- - - (815) - - - EXISTING INDEX CONTOUR
  - - - (816) - - - EXISTING INTERMEDIATE CONTOUR
  - 820 — PROPOSED INDEX CONTOUR
  - 813 — PROPOSED INTERMEDIATE CONTOUR
  - X 813.12 SPOT ELEVATION
  - - - EXISTING FENCE
  - ⊕ MONITORING WELLS
  - LOD — LIMITS OF DISTURBANCE
  - - - SF — SILT FENCE
  - - - ROAD CENTERLINE
  - X PROPOSED VALVE
  - - - PROPOSED CONVEYANCE PIPE
  - - - EXISTING PIPE
  - - - X — PROPOSED FENCE

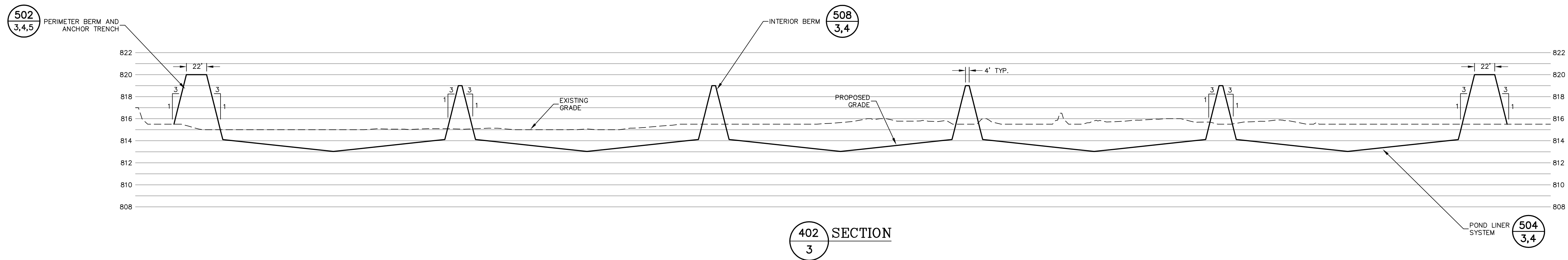
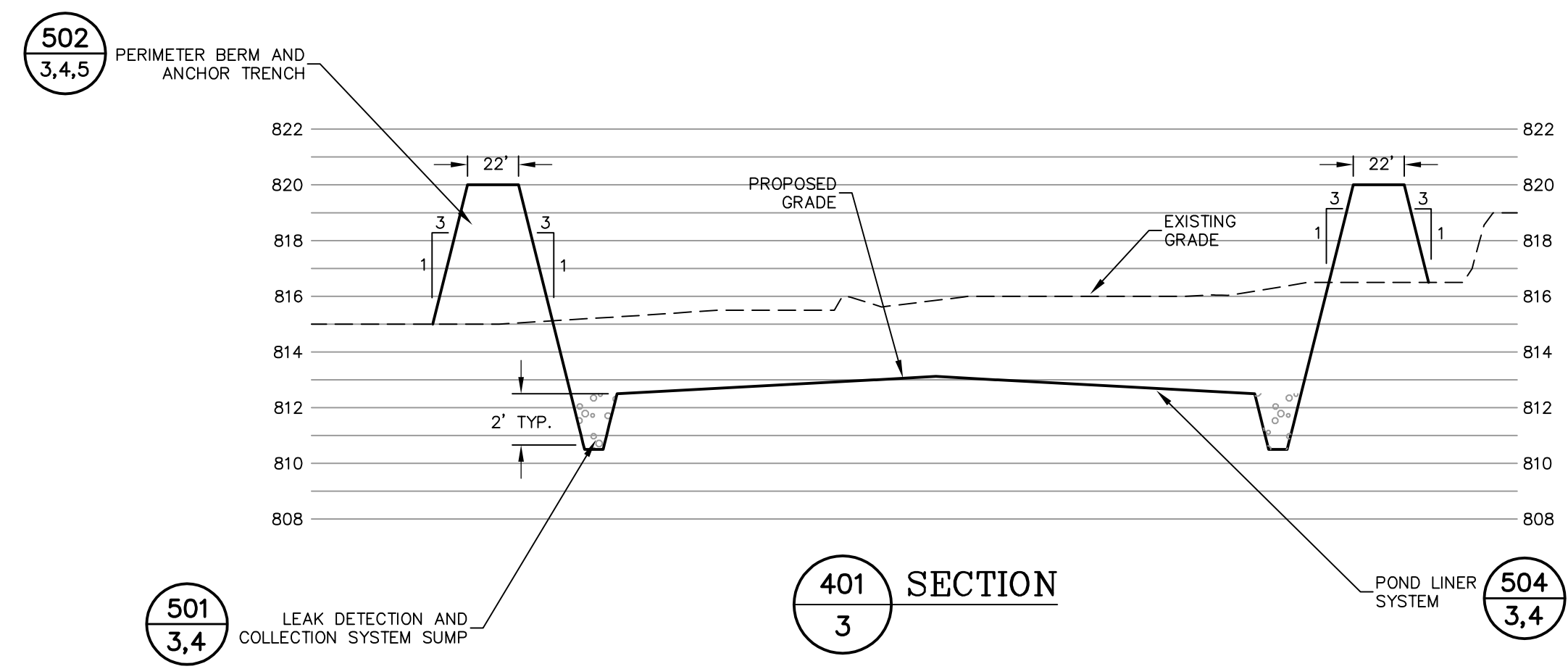
- NOTES:
- SEE DRAWING NO. 1 FOR GENERAL NOTES, ABBREVIATIONS AND LEGEND.
  - PROPOSED CONTOURS SHOWN IN THIS SHEET REPRESENT TYPICAL ELEVATIONS AND GRADES FOR THE FINAL EVAPORATION POND 8. AT NO LOCATION SHALL THE FLOOR OF THE POND BE GRADED LESS THAN 1%. THE SIDE SLOPE OF THE POND SHALL NOT EXCEED 3:1 (HORIZONTAL TO VERTICAL SLOPE).
  - THE NEW CONVEYANCE PIPES AND VALVES SHOWN ON THIS DRAWING ARE NOT DESIGNED BUT ARE SHOWN HEREIN FOR SCHEMATIC PURPOSE ONLY. FINAL DESIGN, INCLUDING LOCATION, SHALL BE DETERMINED AND PRE-APPROVED BY OWNER'S REPRESENTATIVE.
  - THE CONTRACTOR SHALL INSTALL ALL VALVES ON THE TOP FLAT CREST OF THE BERM. NO VALVES SHALL BE INSTALLED IN OR ON A SLOPE. ANY VALVE SHOWN HEREIN ON A SLOPE IS FOR GRAPHICAL CLARITY DUE TO THE DRAWING SCALE.
  - EXCAVATION AND BACKFILLING ACTIVITIES ASSOCIATED WITH CONSTRUCTION OF THE NEW POND SHALL NOT DISTURB, INTERFERE WITH THE OPERATION, OR AFFECT THE EXISTING PONDS IN ANY WAY.
  - A DEMARCATION LINE SHALL BE PAINTED ON THE INTERIOR LINER OF THE POND AT ELEVATION +818 FEET TO INDICATE THE MAXIMUM FILL LEVEL.
  - THE ESTIMATED VOLUME OF EXCAVATION IS APPROXIMATELY 33,800 CUBIC YARDS (C.Y). APPROXIMATELY, 23,000 C.Y WILL BE REQUIRED FOR THE CONSTRUCTION OF BERMS FOR THE EVAPORATION POND 8. THE EXCESS SOIL SHALL BE USED TO FILL PIT 1 AND PIT 2 IDENTIFIED ON SHEET 02. EXPECTED BACKFILL REQUIRED FOR THE TWO PITS IS APPROXIMATELY 10,500 CY. (IN-PLACE VOLUME). NO SOIL SHALL BE REMOVED FROM THE SITE.
  - THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THE PUBLIC ROADS ARE CLEAN AND FREE OF SOIL OR OTHER MATERIALS FROM THE SITE. THE CONTRACTOR SHALL MAINTAIN THE SITE ROADS AND SHALL INSPECT AND CLEAN PUBLIC ROADS AS NECESSARY TO COMPLY WITH LOCAL ORDINANCES.
  - CONTRACTOR SHALL PREVENT ALL DISCHARGES TO STREAMS AND CANALS, AND IS RESPONSIBLE FOR CLEAN-UP OF ANY SPILLAGE OR DISCHARGES.
  - EXISTING FENCE WEST OF EVP-7 SHALL BE REMOVED, AND A NEW FENCE ALONG WITH A FENCE GATE SHALL BE INSTALLED AS SHOWN. THE EXISTING FENCE THAT IS REMOVED CAN BE REUSED. NEW FENCE SHALL BE SIMILAR TO THE EXISTING FENCE. FENCE REMOVAL AND INSTALLATION SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE.

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	<b>EARTHRISE NUTRITIONALS, LLC.</b> <b>EVAPORATION POND 8</b> 113 EAST HOOBER ROAD CALIPATRIA, CALIFORNIA 92233	
	<b>PROPOSED GRADING PLAN</b>	
Rev. Date Description By Chk DRAWN BY FAK CADD Review RMK CHECKED BY AK	SCALE NOTED DATE DRAWN 12/1/2017	PROJECT NUMBER 0414773 SHEET 3 REV. 0

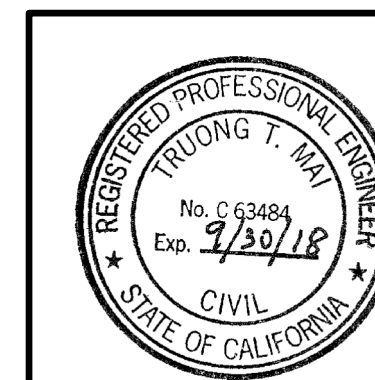
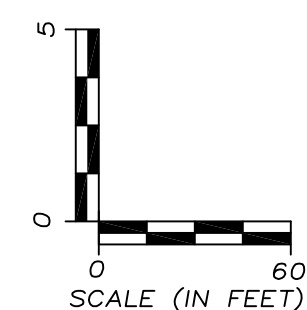
Environmental Resources Management

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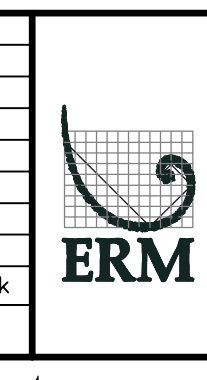
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NOT FOR CONSTRUCTION.**

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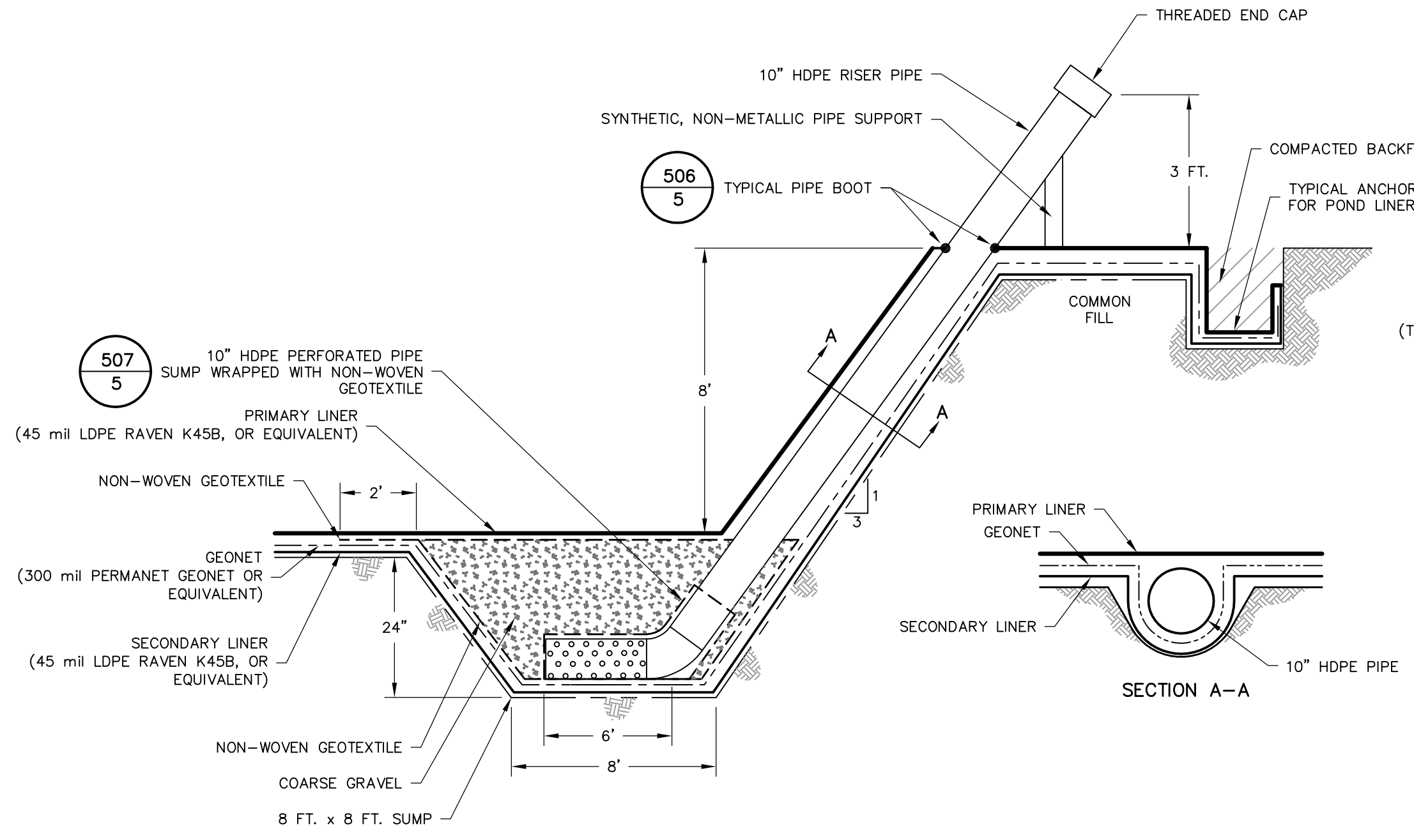
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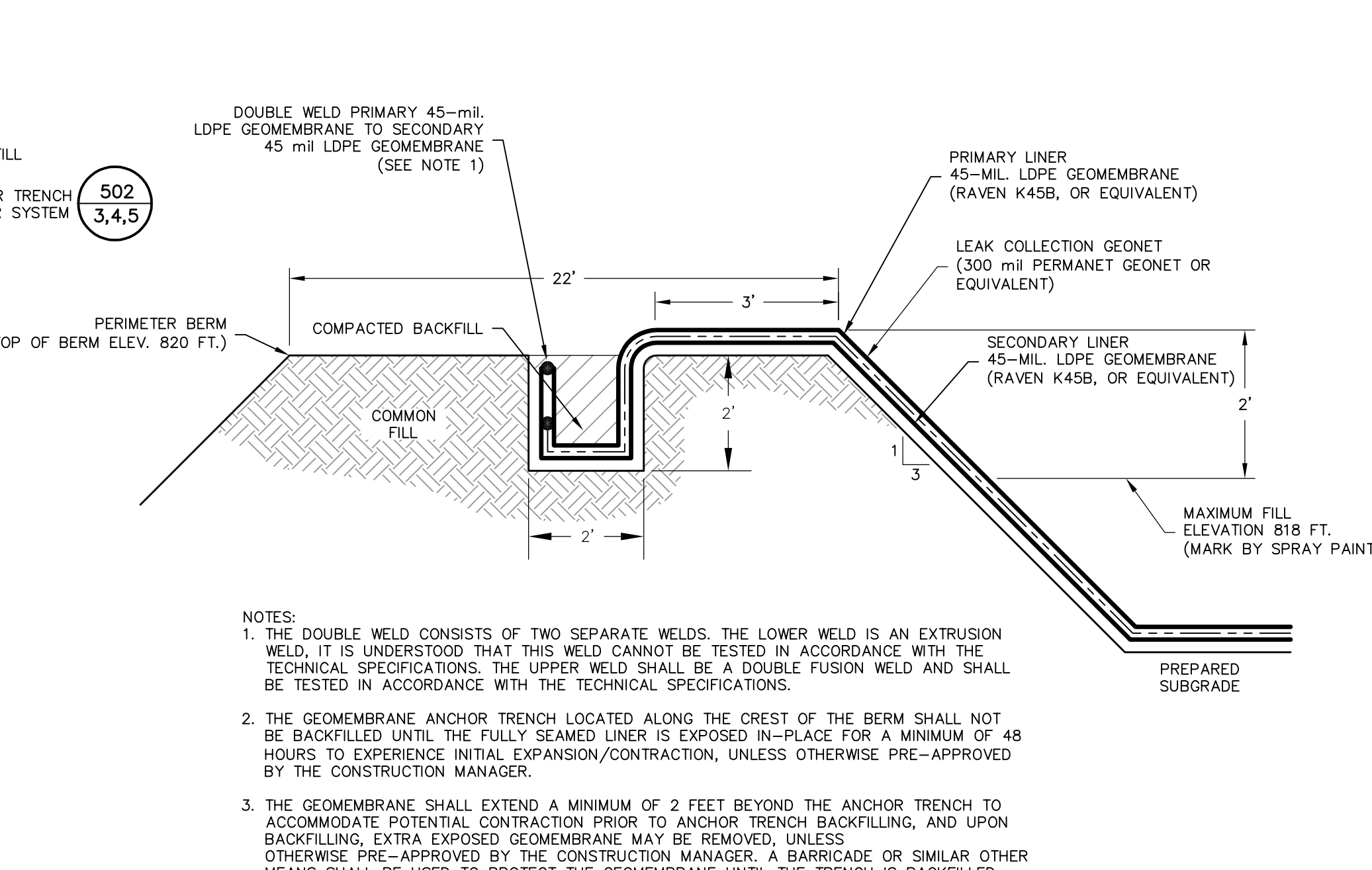
<b>EARTHRISE NUTRITIONALS, LLC.</b> <b>EVAPORATION POND 8</b> <small>113 EAST HOOBER ROAD CALIPATRIA, CALIFORNIA 92233</small>			
<b>CROSS SECTIONS</b>			
SCALE	NOTED	PROJECT NUMBER	SHEET
		0414773	4
DATE DRAWN	12/1/2017		REV. 0

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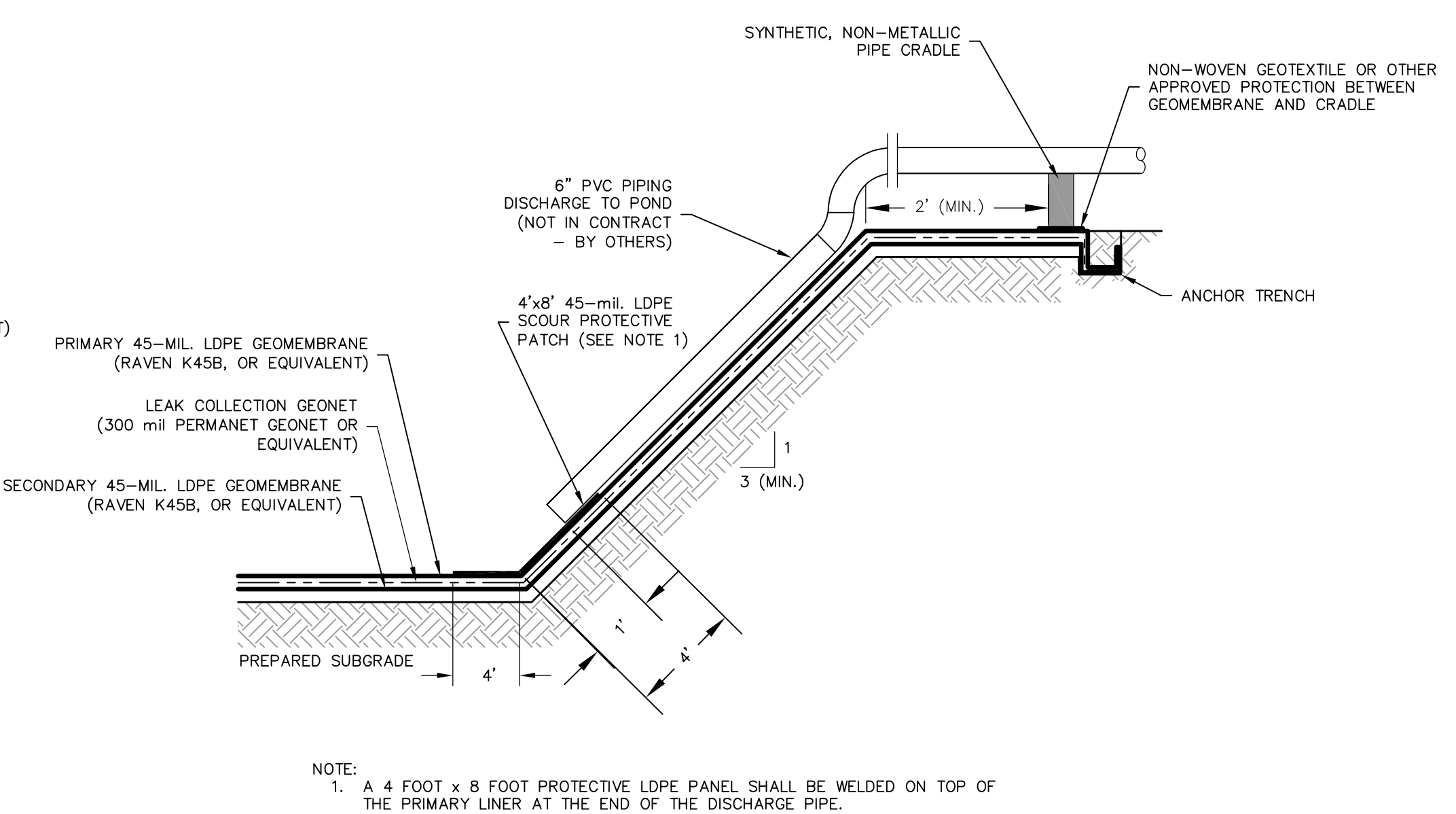
**501** LEAK DETECTION AND COLLECTION SYSTEM SUMP DETAIL  
3,4 NOT TO SCALE

NOTES:  
1. WATER LEVEL WITHIN THE SUMP SHALL BE MEASURED PERIODICALLY WITH A PORTABLE WATER LEVEL METER. WHEN THE WATER LEVEL IS DETECTED AT 4 INCHES OR MORE ABOVE THE BOTTOM OF THE SUMP, ADDITIONAL INSPECTION SHALL BE CONDUCTED SUCH AS LABORATORY TESTING OF THE SUMP WATER AND GROUNDWATER DATA REVIEW TO CONFIRM THAT THE OBSERVED SUMP WATER IS A LEAK AND NOT CONDENSATE WATER. DURING MEASUREMENT, CARE SHALL BE PROVIDED TO PREVENT THE EQUIPMENT (WATER LEVEL METER) SETTING OFF DUE TO CONDENSATE ON THE PIPE SIDE SLOPE.  
2. THE RISER PIPE SHALL BE BURIED IN A TRENCH ALONG THE SIDE SLOPE AS SHOWN ON SECTION A-A.



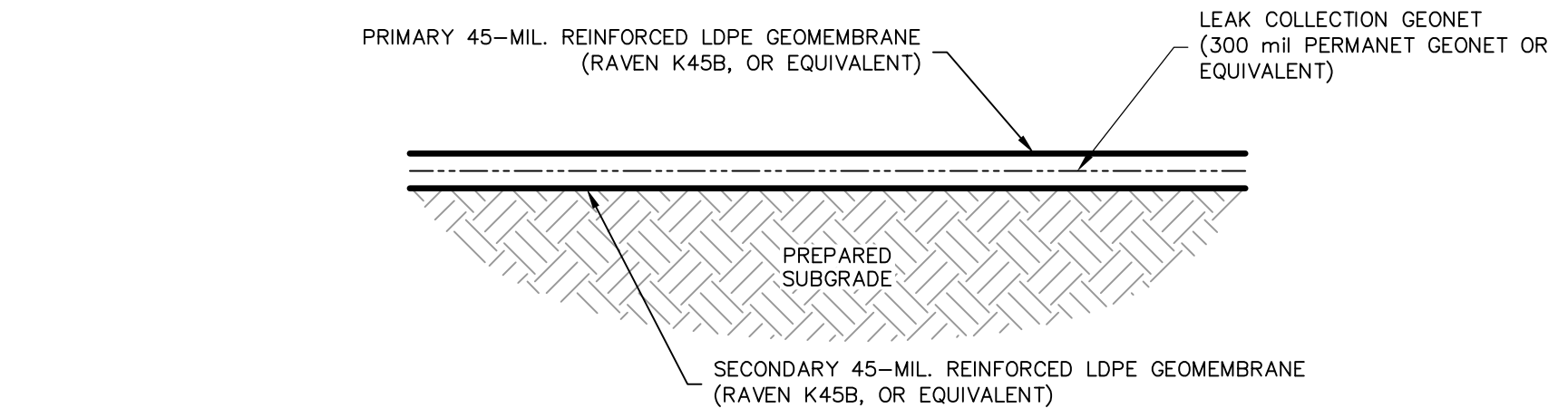
**502** TYPICAL PERIMETER BERM AND ANCHOR TRENCH DETAIL  
3,4,5 NOT TO SCALE

NOTES:  
1. THE DOUBLE WELD CONSISTS OF TWO SEPARATE WELDS. THE LOWER WELD IS AN EXTRUSION WELD. IT IS UNDERSTOOD THAT THIS WELD CANNOT BE TESTED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS. THE UPPER WELD SHALL BE A DOUBLE FUSION WELD AND SHALL BE TESTED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS.  
2. THE GEOMEMBRANE ANCHOR TRENCH LOCATED ALONG THE CREST OF THE BERM SHALL NOT BE BACKFILLED UNTIL THE FULLY SEAMED LINER IS EXPOSED IN-PLACE FOR A MINIMUM OF 48 HOURS TO EXPERIENCE INITIAL EXPANSION/CONTRACTION, UNLESS OTHERWISE PRE-APPROVED BY THE CONSTRUCTION MANAGER.  
3. THE GEOMEMBRANE SHALL EXTEND A MINIMUM OF 2 FEET BEYOND THE ANCHOR TRENCH TO ACCOMMODATE POTENTIAL CONTRACTION PRIOR TO ANCHOR TRENCH BACKFILLING, AND UPON BACKFILLING, EXTRA EXPOSED GEOMEMBRANE MAY BE REMOVED, UNLESS OTHERWISE PRE-APPROVED BY THE CONSTRUCTION MANAGER. A BARRICADE OR SIMILAR OTHER MEANS SHALL BE USED TO PROTECT THE GEOMEMBRANE UNTIL THE TRENCH IS BACKFILLED.



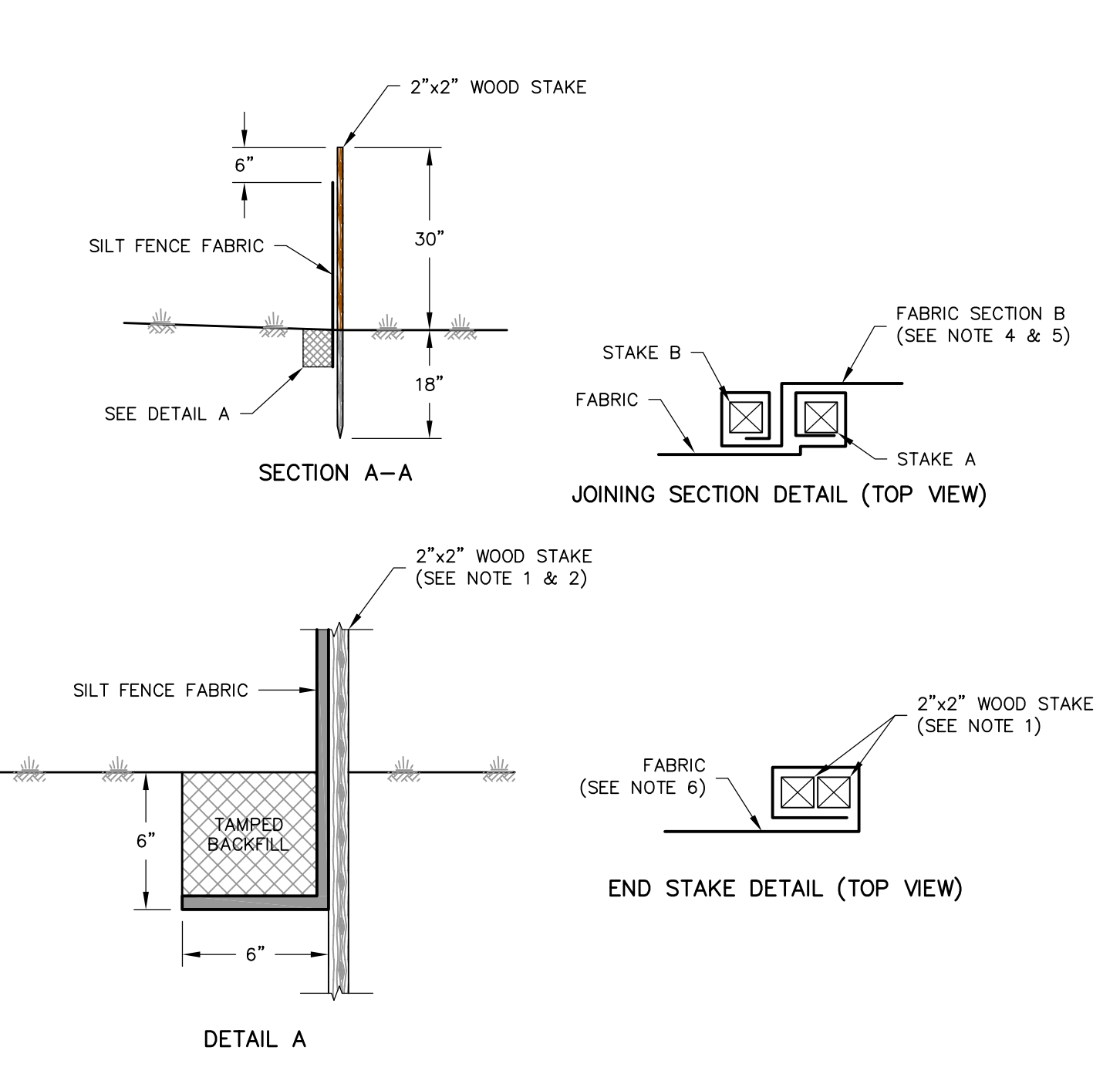
**503** TYPICAL PIPE DISCHARGE AND SCOUR PROTECTION DETAIL  
3 NOT TO SCALE

NOTE:  
1. A 4 FOOT X 8 FOOT PROTECTIVE LDPE PANEL SHALL BE WELDED ON TOP OF THE PRIMARY LINER AT THE END OF THE DISCHARGE PIPE.



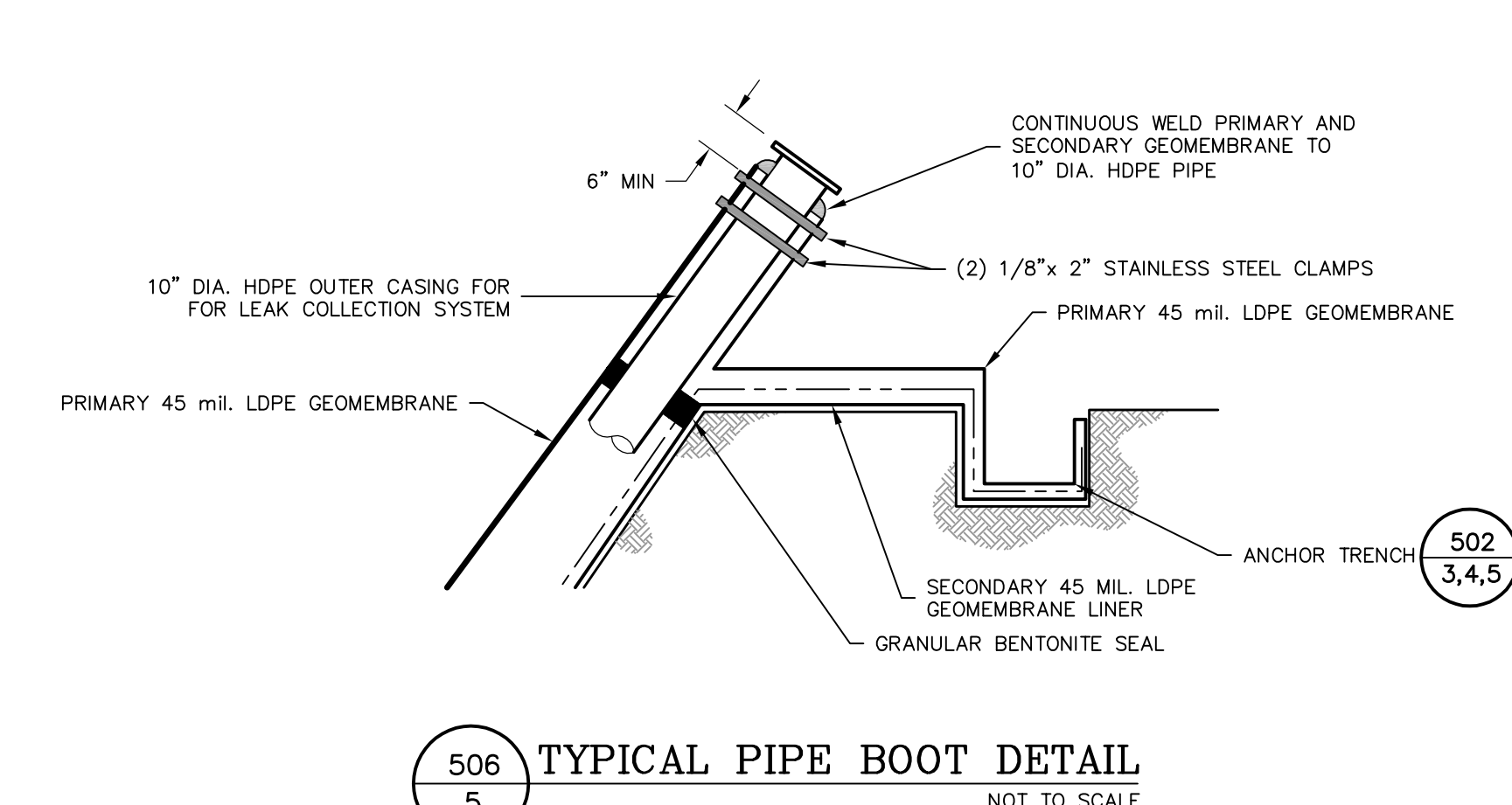
**504** TYPICAL POND LINER SYSTEM DETAIL  
3,4 NOT TO SCALE

NOTES:  
1. SUBBASE SHALL BE PREPARED FOR THE GEOSYNTHETIC INSTALLATION. THE SUBBASE SHALL NOT CONTAIN ROCK FRAGMENTS, BROKEN CONCRETE, MASONRY, RUBBLE, OR OTHER SIMILAR MATERIALS. THE SUBBASE SHALL NOT NOT CONTAIN MATERIAL LARGER THAN ONE (1) INCH AT THE SURFACE.

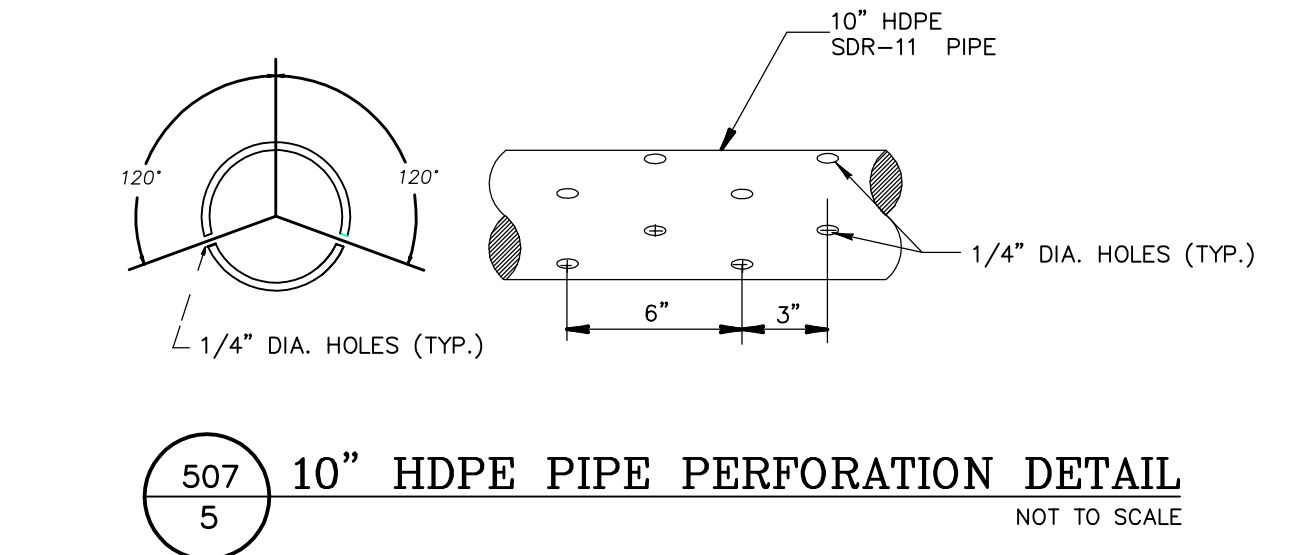


**505** SILT FENCE DETAIL  
3 NOT TO SCALE

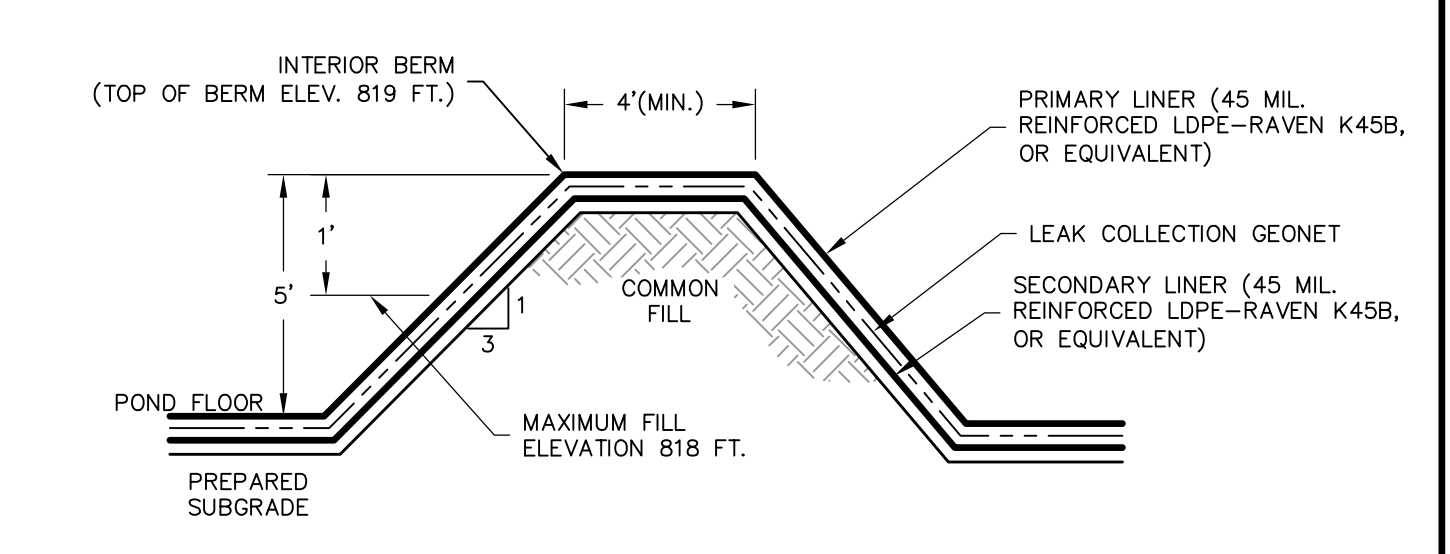
NOTES:  
1. STAKE DIMENSIONS ARE NOMINAL.  
2. DIMENSION MAY VARY TO FIT FIELD CONDITION.  
3. STAKES SHALL BE SPACED AT 8'-0" MAXIMUM AND SHALL BE POSITIONED DOWNSTREAM SIDE OF FENCE.  
4. STAKES TO OVERLAP AND FENCE FABRIC TO FOLD AROUND EACH STAKE ONE FULL TURN.  
5. STAKES SHALL BE DRIVEN TIGHTLY TOGETHER TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT. THE TOPS OF THE STAKES SHALL BE SECURED WITH WIRE.  
6. FOR END STAKE, FENCE SHALL BE FOLDED AROUND TWO STAKES ONE FULL TURN AND SECURED WITH 4 STAPLE.  
7. MINIMUM 4 STAPLE STAKE. DIMENSIONS SHOWN ARE TYPICAL.



**506** TYPICAL PIPE BOOT DETAIL  
5 NOT TO SCALE



**507** 10" HDPE PIPE PERFORATION DETAIL  
5 NOT TO SCALE



**508** TYPICAL INTERIOR BERM DETAIL  
3,4 NOT TO SCALE

**REGISTERED PROFESSIONAL ENGINEER**  
TRUONG T. MA  
No. C 63424  
Exp. 9/30/18  
CIVIL  
STATE OF CALIFORNIA

Rev.	Date	Description	By	Chk	
DRAWN BY	GML	CADD Review	FAK	CHECKED BY	AK

**EARTHRISE NUTRITIONALS, LLC.**  
**EVAPORATION POND 8**  
113 EAST HOOPER ROAD  
CALIPATRIA, CALIFORNIA 92233

**DETAILS**

SCALE	NOTED	PROJECT NUMBER	SHEET	REV.
DATE DRAWN	12/1/2017	0414773	5	0

Environmental Resources Management

**FOR PERMITTING PURPOSES ONLY.  
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**BURROWING OWL HABITAT ASSESSMENT**  
Earthrise Nutritionals Evaporation Pond Construction Project  
Imperial County, California

The Earthrise Nutritionals Evaporation Pond Construction Project is located approximately 660 feet east of Highway 111 directly north of E. Peterson Avenue, Imperial County, California. It is located within the southeast quarter of Section 33 of Township 11 South, Range 14 East, San Bernardino Base and Meridian on the U.S. Geological Survey (USGS) Niland, CA 7.5 minute quadrangle.

Prepared for:  
**Earthrise Nutritionals, LLC**  
Contact: Mr. Tomatsu Maguchi  
113 E. Hooper Road  
Calipatria, CA 92233

Assessment conducted by: Mike Klinefelter  
Report prepared by: Mike Klinefelter  
**M.J. Klinefelter**  
40960 California Oaks Rd #316  
Murrieta, CA 92562  
Phone: 951.698.8374  
Email: mike@4gis.com

**Assessment Date: 16 October 2017**  
**Report Date: 3 November 2017**

**Summary:** Mike Klinefelter conducted a habitat assessment for burrowing owl on the 16<sup>th</sup> of October 2017 for the proposed Earthrise Evaporation Pond Construction Project directly north of E. Peterson Avenue and west of the existing ponds. No burrows were observed within the construction area for the proposed pond. Several burrows were found along a drainage canal south of the proposed pond along E. Peterson Ave. and along an abandoned canal adjacent to the western boundary of the existing facilities. A pair of burrowing owls were observed using burrows south of the proposed pond and a single burrowing owl was observed utilizing the burrows along the western boundary of the existing facilities. Suitable nesting habitat exists along the drainage canals to the south of the proposed pond.

## 1. SITE LOCATION AND PROJECT DESCRIPTION

The Evaporation Pond Construction Project (the “Project”) is located approximately 660 feet east of Highway 111 directly north of E. Peterson Avenue in Imperial County, California (Figure 1, Regional Map, and Figure 2, Vicinity Map). It is within the southeast quarter of Section 33 of Township 11 South, Range 14 East, San Bernardino Base and Meridian on the U.S. Geological Survey (USGS) Niland, CA 7.5 minute quadrangle (Figure 3, USGS Map).

The proposed work for the Project involves rough grading and construction of a lined evaporation pond which will be used to discharge unused wastewater resulting from the harvesting of algae for Spirulina and the Lina Blue extraction facility. The Project site is approximately 13.5 acres (Figure 4, Site Map). The current conditions of the Project site and surrounding areas are portrayed in Photos 1-7 and Figure 4 (Site Map).

## 2. BACKGROUND

The western burrowing owl (*Athene cunicularia*) was listed as a California Species of Special Concern by the California Department of Fish and Game (CDFG, now known as the Department of Fish and Wildlife or “CDFW”) in 1978. It is protected by the Migratory Bird Treaty Act (50 C.F.R. § 10)(MBTA) and California Fish & Game Code §§ 3503, 3503.5, and 3513. The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The regulatory definition of “take,” as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. The MBTA prohibits the destruction of a nest when it contains birds or eggs. Pursuant to Fish & Game Code section 3513, the CDFW enforces the Migratory Bird Treaty Act consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.<sup>1</sup>

The western burrowing owl is a small, ground dwelling owl native to the western Americas. This subspecies ranges from the middle prairies to the Pacific Ocean, and from Canada into Central America. Burrowing owl typically occupy a variety of habitats including open grasslands, scrub & deserts, prairies, agricultural lands, golf courses, airports, and vacant lots. They require burrows for nesting and protection from predators, and for the dispersal activity of juvenile owls. They are often associated with burrowing mammals, particularly the California ground squirrel (*Spermophilus beecheyi*).

According to the most recent guidance from CDFG<sup>1</sup>, the breeding season for the burrowing owl typically occurs between 1 February and 31 August although breeding in December has been documented. The peak of the breeding season occurs between 15 April and 15 July and is the period when most burrowing owls have active nests (eggs or young). The incubation period lasts

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<sup>1</sup> CDFG (California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Department of Fish and Game. March 7, 2012.

29 days and young fledge after 44 days. Burrowing owls may change burrows several times during the breeding season, starting when nestlings are about three weeks old.

### 3. METHODOLOGY

The methods employed for this investigation were based on the methods and other pertinent information contained in the CDFG Staff Report on Burrowing Owl Mitigation dated March 7, 2012<sup>1</sup>. Prior to conducting the habitat assessment, the following biological databases, reference documents, and aerial imagery were reviewed:

- California Department of Fish and Wildlife (“CDFW”) California Natural Diversity Database (CNDDDB) GIS data<sup>2</sup>.
- Carlsbad U.S. Fish and Wildlife Service (“USFWS”) special status species GIS data<sup>3</sup>.
- Imperial Irrigation District (“IID”) Burrowing Owl Survey Records<sup>4</sup>
- U.S. Geological Survey (“USGS”) Niland 7.5’ quadrangle topographic map.
- Recent and historic aerial imagery (Bing and Google Earth).<sup>5</sup>

A basemap was produced using ArcGIS 10.2 geographic information systems (GIS) software prior to the field investigation showing the Project location and parcel boundaries overlaid on an aerial photograph. The basemap was produced at a scale of 1:3600, or 1”=300’ and was used to navigate the survey area. The burrowing owl habitat assessment field investigation consisted of a single site visit by one field investigator. The habitat assessment field investigation was conducted on 16 October 2017 from 8:45 a.m. to 10:15 a.m. by Mike Klinefelter. Mr. Klinefelter has a bachelor’s and master’s degree in environmental science and he has conducted numerous habitat assessments, breeding and non-breeding season surveys, and “take” avoidance surveys for burrowing owl in southern California for over 10 years. He is knowledgeable of burrowing owl habitat, ecology, and field identification of the species and diagnostic burrowing owl sign.

In order to maximize the probability of burrow and owl detection, the field investigation was conducted in the morning hours. During the field survey, the entire Project site was diligently and systematically inspected for burrows and other features such as fence posts, berms, banks,

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<sup>2</sup> CNDDDB. "California Natural Diversity Database". 2016. Digital GIS Data. California Dept. of Fish and Game Natural Heritage Division.

<sup>3</sup> USFWS. 2017. Digital GIS data. United States Fish and Wildlife, Carlsbad Office.

<sup>4</sup> IID. 2017. Imperial Irrigation District Burrowing Owl Survey Records. Available at <https://datasin.org/datasets/0dd0e2e0d742401592b9c8ee3ac3ac29>. Accessed multiple days October 15 through November 3, 2017.

<sup>5</sup> Bing and Google Earth online aerial imagery. 2013. Accessed on 10 and 11 December 2013.

dirt, rock and debris piles, culverts, and man-made structures which may provide burrowing owl nesting and perching habitat. Additionally, the Project site and adjacent areas were surveyed for the presence of burrowing owls, and/or burrowing owl signs such as pellets, prey remains, whitewash (feces), burrowing owl feathers, or decoration. The survey involved walking straight-line transects north to south along the approximately 450 foot wide Project and adjacent accessible areas. The pedestrian survey was conducted in a manner to allow 100% visual coverage of the ground surface throughout the entire Project site. Additional suitable burrowing owl habitat within 150 meters (approximately 500 feet) adjacent to the Project site was also surveyed on foot and through the use of binoculars where access was not feasible and on property where access permission was not granted. All areas within the Project site and adjacent areas were also visually scanned for burrowing owls using binoculars. Since some burrowing owls may be detected by their calls, the field investigator also listened for burrowing owls while conducting the survey. The survey was conducted during favorable weather conditions for the detection of burrowing owls: sunny with no clouds; wind speeds between 0 and 6 miles/hour; ambient temperature range from 71° to 82° Fahrenheit, no precipitation within the preceding 5-day period, and unlimited visibility.

A Samsung S7 smartphone with integrated GPS was used in the field to record and photo document burrow locations and other areas where potential nesting features were present (e.g. burrows, debris piles, etc.). Burrows that did not exhibit evidence of burrowing owl occupation but had the potential to support burrowing owls were recorded; this included California ground squirrel (*Otospermophilus beecheyi*) burrows. Data collected from the Samsung smartphone (datum WGS84) were incorporated into a Geographic Information System (GIS) using ESRI ArcGIS 10.2 software. The data were used to generate a photo map figure that displays burrow locations and other features at the Site (Figure 4, Site Map).

Digital photographs were taken to characterize site conditions and document significant features (e.g. potential nesting locations) (Photos 1-7). Photographs were taken with the Samsung S7 camera and integrated GPS. GeoSpatial Experts GPS-Photo Link software was used to process photographs, produce photo documentation, and to produce GIS data with the location and direction of each photo taken on-site. Photo point locations and compass directions of the photos included in this report are shown in Figure 3.

#### **4. OBSERVATIONS**

The Project area consists of relatively flat ground that has been either farmed or kept clear of vegetation going back to at least 1992 based on a review Google Earth historic aerial imagery. At the time of the field investigation the northern portion of the Project area was sparsely vegetated (30-50% actual cover) only with Russian thistle (*Salsola tragus*) (Photo 5) and the southern portion was clear of vegetation (Photos 6 and 7). No burrows or burrow surrogates (e.g. pipe, culverts, concrete rubble, etc.) were observed within the Project site; however, burrows were observed adjacent to a concrete lined irrigation channel along E. Peterson Avenue directly southeast of the Project site. Historic data from IID surveys conducted in 2006, 2007, and 2008 contained several observations of burrowing owl and occupied burrows adjacent to both the concrete lined irrigation channel and an unlined channel directly south of the lined



channel<sup>4</sup>. A pair of burrowing owls was observed approximately 100 feet from the southeast corner of the Project site along the south side of the concrete lined irrigation channel in the vicinity of the previous IID survey data observations. A single burrowing owl was observed utilizing burrows along an abandoned concrete lined irrigation channel approximately 180 feet east of the northeast corner of the Project. No ground squirrels or burrows typical of ground squirrels were observed on or adjacent to the Project site. All of the burrows that appeared to be utilized by burrowing owls adjacent to the Project were under the edge of the concrete lined drainage channels (Photo 1 and 3).

There were no suitable burrows found within the Project site. However, the Project site may provide foraging habitat for burrowing owls in the vicinity. Based on past data and the current observations, the irrigation channels along E. Peterson Avenue supports breeding and nesting habitat. More extensive focused surveys would be required to determine the number of burrowing owls in the area adjacent to the Project and to identify locations of burrows being utilized.

## **5. RECOMMENDATIONS**

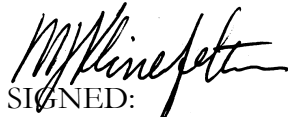
Because the Project site lacks suitable burrows for breeding and nesting, direct impact to burrowing owl and/or nests is unlikely. Based on the proximity of burrows and burrowing owls to the south and east of the Project site, there is some potential for disruption of breeding and nesting activity depending on the timing of construction and the proximity of occupied burrows at the time.

In areas where nesting and foraging habitat exist, CDFW recommends that take avoidance surveys be conducted prior to ground disturbing activities in order to determine burrowing owl locations and activities. Take avoidance surveys should be conducted in accordance with CDFG Staff Report on Burrowing Owl Mitigation, Appendix D<sup>1</sup> or the most current CDFW guidance in place during the pre-construction phase. If burrowing owls are present within 150 meters of the Project site, a qualified biologist should implement a buffer or setback from active burrows and monitor burrowing owl activity during construction. A minimum 50 meter (160 foot) buffer from construction activities is recommended; however, if activities need to occur less than 160 feet from occupied burrows a monitoring program is recommended to ensure that burrowing owls are not detrimentally affected.

## 6. REPORT CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

DATE: November 3, 2017

  
SIGNED:  
Michael J. Klinefelter

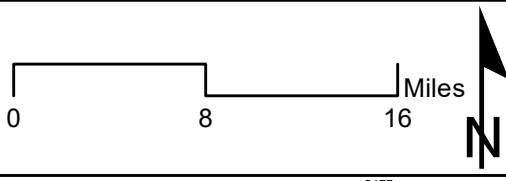
Attachments: Map Figures 1-4  
Photos 1-7

*Appendix A*  
*Drawings*



SOURCE: ESRI Streetmap

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 40960 CALIFORNIA OAKS RD #316  
 MURRIETA, CALIFORNIA 92562  
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TITLE  
**REGIONAL MAP**

PROJECT  
**Earthrise Pond Expansion**  
 Imperial County, CA

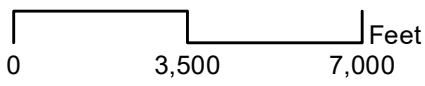
FIGURE  
**1**

FILE NAME: Path: C:\Users\mike\Dropbox\Projects\Procopio\_earthrise\1\_Regional.mxd 11/3/2017



SOURCE: ESRI Streetmap

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TITLE  
**VICINITY MAP**

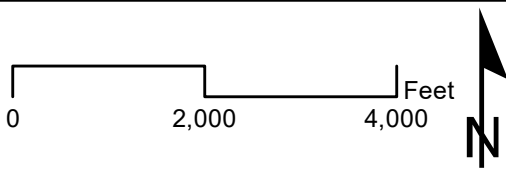
PROJECT  
**Earthrise Pond Expansion**  
 Imperial County, CA

FIGURE  
**2**



SOURCE: USGS 7.5 Min. Niland Quad

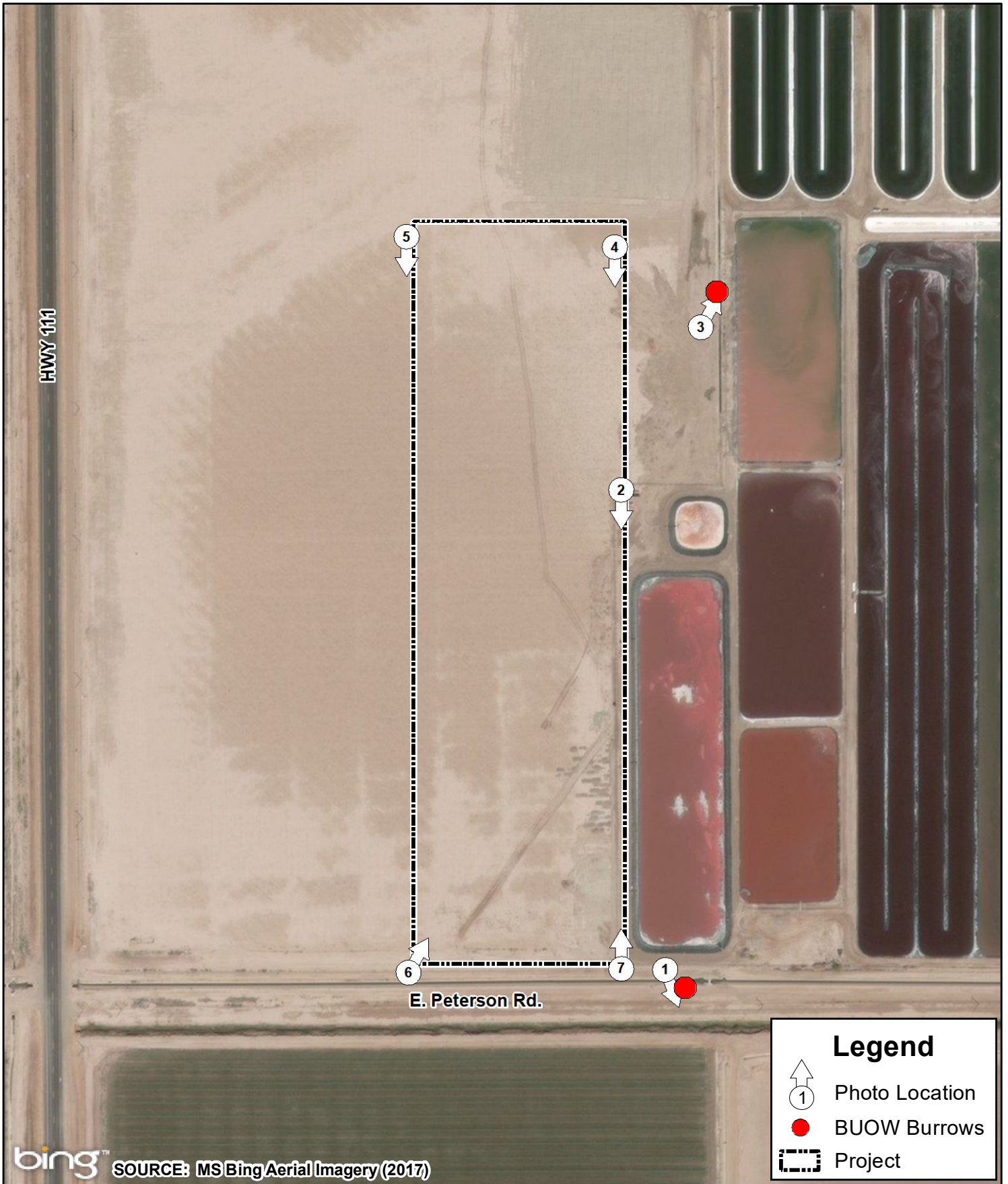
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TITLE  
**USGS MAP**  
 PROJECT  
**Earthrise Pond Expansion**  
 Imperial County, CA




FIGURE  
**3**

FILE NAME: Path: C:\Users\mike\Dropbox\Projects\Procopio\_earthrise\3\_USGS.mxd DATE 11/3/2017

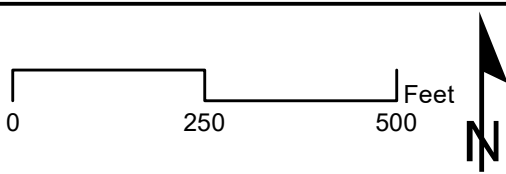


bing™ SOURCE: MS Bing Aerial Imagery (2017)

**Legend**

-  Photo Location
-  BUOW Burrows
-  Project

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TITLE  
**SITE MAP**

PROJECT  
**Earthrise Pond Expansion**  
 Imperial County, CA

FIGURE  
**4**

**Earthrise Pond Expansion**

**Photo No: 1**



**10/16/2017 9:01:48 AM**

<b>Attributes</b>	
Photo No	1
Subject	Earthrise Pond Expansion
Comment	Occupied burrows along E. Peterson Ave channel
File Name	2017-10-16 09.01.48.jpg
Date Time Stamp	10/16/2017 9:01:48 AM



Earthrise Pond Expansion

Photo No: 2



Attributes	
Photo No	2
Subject	Earthrise Pond Expansion
Comment	Looking south from center of eastern Project boundary
File Name	2017-10-16 09.17.27.jpg
Date Time Stamp	10/16/2017 9:17:27 AM

**Earthrise Pond Expansion**

**Photo No: 3**



Attributes	
Photo No	3
Subject	Earthrise Pond Expansion
Comment	Burrowing owl and burrow east of the Project
File Name	2017-10-16 09.22.32.jpg
Date Time Stamp	10/16/2017 9:22:32 AM

Earthrise Pond Expansion

Photo No: 4



10/16/2017 9:25:54 AM

Attributes	
Photo No	4
Subject	Earthrise Pond Expansion
Comment	View south along east Project boundary
File Name	2017-10-16 09.25.54.jpg
Date Time Stamp	10/16/2017 9:25:54 AM

Earthrise Pond Expansion

Photo No: 5



10/16/2017 9:29:51 AM

Attributes	
Photo No	5
Subject	Earthrise Pond Expansion
Comment	View south along west Project boundary
File Name	2017-10-16 09.29.51.jpg
Date Time Stamp	10/16/2017 9:29:51 AM

Earthrise Pond Expansion

Photo No: 6



10/16/2017 9:38:16 AM

Attributes	
Photo No	6
Subject	Earthrise Pond Expansion
Comment	View north along west Project boundary
File Name	2017-10-16 09.38.16.jpg
Date Time Stamp	10/16/2017 9:38:16 AM

Earthrise Pond Expansion

Photo No: 7



10/16/2017 9:57:49 AM

Attributes	
Photo No	7
Subject	Earthrise Pond Expansion
Comment	View north along east Project boundary
File Name	2017-10-16 09.57.49.jpg
Date Time Stamp	10/16/2017 9:57:49 AM