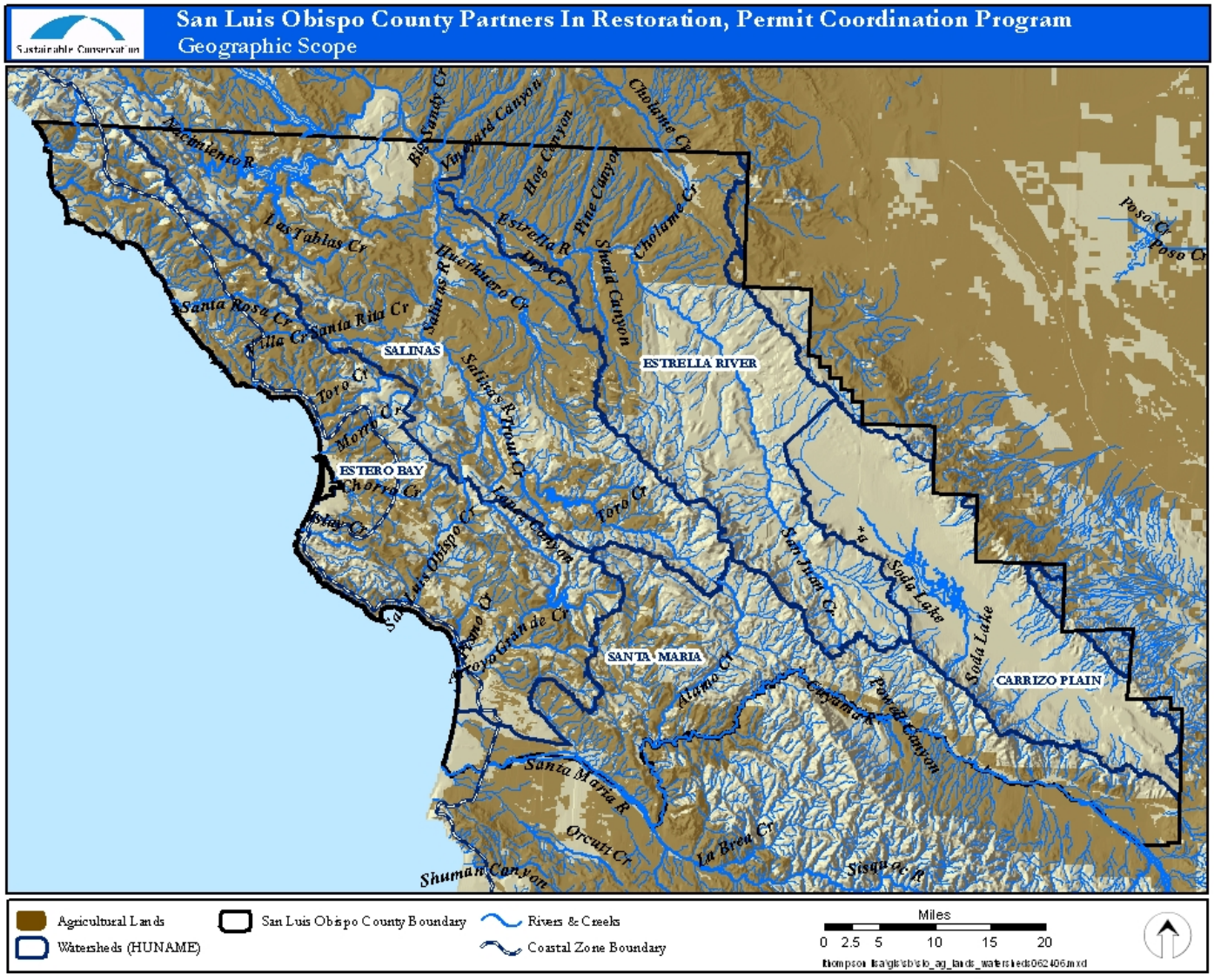
Coastal San Luis Resource Conservation District
&
Upper Salinas – Las Tablas Resource Conservation District

Final Mitigated Negative Declaration
SCH# 2009031101

San Luis Obispo County Partners In Restoration
Permit Coordination Program

March 22, 2009 Draft, Finalized on May 14, 2009



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Preface Inserted May 14, 2009

Prior to adoption of the draft Mitigated Negative Declaration dated March 22, 2009 prepared for the San Luis Obispo County Partners In Restoration Permit Coordination Program, the Upper Salinas – Las Tablas Resource Conservation District, Coastal San Luis Resource Conservation District, and Sustainable Conservation made changes to clarify certain statements within the Mitigated Negative Declaration in response to comments received during the public review and comment period. While these changes provide better specificity to the program description and conditions, the changes do not result in substantial revisions or increase potential impacts of the Project as defined under Title 14, California Code of Regulations, Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act, Section 15073.5(a), (b) or (d). Conversely, the changes meet the requirements pursuant to Section 15073.5.c.

Subsequent the changes, the Upper Salinas – Las Tablas Resource Conservation District and the Coastal San Luis Resource Conservation District adopted the March 22, 2009 draft Mitigated Negative Declaration as final at the conclusion of the Public Hearing held by both RCD Boards' at the San Luis Obispo City/County Library on May 14, 2009.

Please note: To ensure transparency, changes were made within the document instead of attaching an addendum. New language is underlined and deleted language is ~~stricken through~~. Underlined headings and websites are original language, not to be considered new language. In addition, the *PIR Planning Process* and *Monitoring & Reporting Plan* can be found as Appendix B and *Comment Letters on Draft MND & Responses to Comments* can be found as Appendix C.

Partners in Restoration, Permit Coordination Program for San Luis Obispo County

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1.0 PROJECT DESCRIPTION

1.1 PROJECT PURPOSE AND NEED

The purpose of the San Luis Obispo County Partners In Restoration (PIR), Permit Coordination Program (Project) is to provide an efficient permitting process for accomplishing needed restoration work on private land. The restoration practices of the Project are designed to improve critical water quality problems and enhance fish and wildlife habitat, including steelhead habitat connectivity, native riparian habitat, and habitat for California red-legged frogs, California tiger salamanders, and other species imperil.

The Project is a public–private collaborative effort that encourages and supports local farmers, ranchers, landowners and public land managers who want to improve water quality and wildlife habitat on their lands in San Luis Obispo County.

Provide Incentives for Restoration on Private Land. While a growing number of landowners in San Luis Obispo County are interested in implementing small, environmentally beneficial projects on their lands, the time and complexity involved in obtaining multiple permits for each project often discourages them from moving forward with needed work. From the landowner's perspective, current agency review processes intended to protect natural resources often act as disincentives to voluntary practices that would reduce non-point source pollution and enhance habitat. Consequently, most farmers and landowners will continue with current land use practices if the challenges of obtaining governmental approvals exceed the perceived benefits. Thus, projects often are not attempted and landscapes continue to degrade or work may be performed with little or no regulatory oversight. The proposed Project addresses this problem by providing incentives for landowners including farmers and ranchers, to implement environmentally beneficial conservation practices and is expected to result in improved conditions to currently degraded areas throughout the county.

Improve Degraded Water Quality. Severe water quality problems within California's central coast region led to identifying and listing watersheds as water quality impaired under Section 303(d) of the Clean Water Act. The Regional Water Quality Control Board (Regional Board) has listed over 100 total creek miles in San Luis Obispo County and 10,350 acres as water quality impaired due to excessive pathogens, nutrients, pesticides, sediment and other non- point source pollution (see Attachment 1). Excessive erosion and sediment is a major concern because it affects the viability of the ecosystem, stream hydraulics, wetlands, road systems, and the utility and economic viability of farm and ranch lands.

To address this problem, the Regional Board must develop limits or Total Maximum Daily Loads (TMDLs) for each pollutant that exceeds designated limits in a given watershed. Currently, the Regional Board is developing TMDLs for several pollutants in portions of the Santa Maria watershed (some areas shared with Santa Barbara County), which are scheduled for completion in late 2008. The majority of TMDLs affecting San Luis Obispo County waters are not scheduled to be completed until 2015-2019. In the meantime, the Regional Board is focusing efforts on helping farmers comply with the conditional Agricultural Waiver. The Agricultural Waiver (Ag Waiver) is designed to help growers proactively reduce nutrient, pesticide, and sediment inputs to waterways coming from irrigated farmland through a combination of education, monitoring, and conservation practices. The proposed Project while designed to assist all landowners in the implementation of environmentally beneficial projects,

will additionally assist qualified growers to comply with conditions of the Ag Waiver by providing a permitting mechanism for installing needed water quality conservation practices within stream corridors and upland areas. Significant pollutant load reductions will contribute to the restoration of water quality and beneficial uses throughout the County.

Enhance Habitat for Fish and Wildlife. Fish and wildlife will benefit in a number of ways from installation of conservation practices under the Project. Conservation practices that improve water quality also enhance habitat for fish and wildlife, especially through the reduction of sediment, nutrients, and pesticides to waterways. Most of the conservation practices target excessive erosion and sediment inputs to streams. Some of the conservation practices will restore native riparian vegetation through implementation of grazing management plans, removal of exotic, invasive vegetation, or planting native vegetation at degraded sites. Other practices will create new habitat for targeted species. For example, 1) removing barriers to steelhead migration will restore access to spawning areas that may have been blocked for decades and which have greatly contributed to the threat of steelhead extinction in southern and central California; and 2) improving ponds on rangeland and restoring existing ponds may expand breeding habitat for the endangered California tiger salamander, the threatened California red-legged frog and other aquatic species.

Coordinated Watershed Based Planning. Coordinated watershed planning efforts are underway throughout San Luis Obispo County and are aimed at addressing many of the resource concerns described above. The PIR permit coordination program facilitates voluntary conservation on private and public property and thus builds on and helps achieve existing regional programs and agency goals. The conservation practices and the interagency cooperation incorporated in this program support a variety of local, regional and national priorities.

Locally: PIR supports the efforts of the County of San Luis Obispo to coordinate the regulatory authority of different agencies around sediment and erosion control. The County has already developed an exemption to the grading ordinance for projects developed in cooperation with the Upper Salinas-Las Tablas Resource Conservation District (US-LTRCD), Coastal San Luis Resource Conservation District (CSLRCD), and United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) outside the Coastal Zone And is currently working on revisions to the grading ordinance including the agricultural exempt section. In addition, in April 1997 the County Board of Supervisors passed Resolution No. 99-176 that directs staff to, "…work with other local, state, and/or federal agencies to streamline the grading permit process and look for a possible single permit agency."

The San Luis Obispo County Flood Control and Water Conservation District, in cooperation with the Water Resources Advisory Committee, developed a countywide *Integrated Regional Water Management Plan* (IRWMP). The San Luis Obispo County's IRWMP (San Luis Obispo County , May 2007) integrates all of the programs, plans and projects lead by entities within the area that address water supply, water quality, ecosystem preservation and restoration, groundwater monitoring and management, and flood management programs. The IRWMP is available online at:
http://www.slocountywater.org/site/Frequent%20Downloads/Integrated%20Regional%20Water%20Management%20Plan/PROP%2050%20Round%202/pdf/Workshop%205.23.07.pdf.

In the Morro Bay watershed, the Morro Bay National Estuary Program's (MBNEP) Comprehensive Conservation Management Plan (CCMP) recommends actions to address and correct point and nonpoint sources of pollution. MBNEP funded the Morro Bay PIR permit coordination program in the Morro Bay watershed as an Action Plan Demonstration Project. The Morro Bay PIR program facilitated the enactment of several of the CCMP's Action Plans to address erosion, sedimentation and resource enhancement. The proposed Project expands upon the Morro Bay PIR program that has been successfully implemented over the last five years.

***Implement Watershed Management Plans*:** The Permit Coordination Program will implement the strategies of the Monterey Bay National Marine Sanctuary (MBNMS) and the Agricultural and Rural Lands Action Plan. The MBNMS includes over 7,000 square miles of watersheds, of which over 1,400 square miles lie within San Luis Obispo County. Strategies 4-1 and 4-2 of the MBNMS and Agricultural and Rural Lands Action Plan identifies permit coordination for environmentally beneficial projects as one of the key elements in implementing the Action Plan. The proposed Project is a major element in accomplishing the goals of the MBNMS.

This program also supports the Upper Salinas River Watershed Action Plan (WAP). The WAP is a comprehensive planning document for use by landowners, agencies and groups in their individual and collective efforts to improve and restore natural resources within the 2,000 square mile area of the Upper Salinas River Watershed. The planning area comprises approximately one-quarter of the watersheds that affect the Monterey Bay National Marine Sanctuary. The primary objectives of the WAP are to improve water quality, reduce the loss of soil, and enhance wildlife and fish habitat. The plan identifies problems occurring across the watershed that affect fisheries, wildlife, water quality, and riparian and wetland health. Problems include sedimentation, barriers to migrating salmonids, polluted runoff, invasive species, land use practices and permitting barriers, which are some of the common problems identified in watersheds across the county. The watershed plan provides strategies to combat these problems and is designed to provide guidance to agencies, organizations, and individual landowners on how to ensure the long-term protection and enhancement of the watershed.

The WAP was prepared by the US-LTRCD with input from numerous agencies, organizations and individuals including the State Water Resources Control Board, Central Coast Regional Water Quality Control Board, California Department of Fish and Game and a technical advisory committee comprised of pertinent scientists and experts.

The Issues, Goals and Strategies of the WAP are contained in Chapter 7, beginning on page 10 of the WAP. Strategy number 1 under Item number 4, states the following, "Create a Permit Coordination Program with the US-LTRCD and NRCS as the lead agencies in order to simplify and improve the process of approval of beneficial restoration projects. Use successful existing coordination programs such as those adopted in the Morro Bay Watershed and the Lower Salinas Valley." The proposed Project will serve to meet this strategy.

Regionally: This program supports the goals of the California Nonpoint Source Pollution Control Program (NSPCP) developed by the California Coastal Commission and the California Water Resource Control Board. This statewide plan, in turn, supports and conforms with the Federal Clean Water Act (CWA), the Federal Coastal Zone Act Reauthorization Amendments (CZARA), and the California Coastal Act. The NSPCP focuses on implementation of Management Measures (programs, plans, implementation of BMPs, grants, etc.) that together will address and reduce nonpoint source pollution in the State. PIR is included in NSPCP's

Five-Year Implementation Plan as a primary objective of Management Measure Agriculture 1A – Erosion and Sediment Control. This plan calls for placing PIR programs in 50 watersheds over the next five years. The plan can be found online at:

http://www.waterboards.ca.gov/water_issues/programs/nps/docs/fiveyr_plan_1998-2003-1st_add.doc

Nationally: PIR supports the NRCS and a variety of federal programs that are administered and implemented locally to protect and enhance natural resources: the Environmental Quality Incentives Program, the Wildlife Habitat Incentives Program, and others. Additionally, the NRCS focuses significant efforts and federal resources to protect and improve the natural resources in the watershed through the USDA's Hydrologic Unit Area program.

The conservation practices included in the Project mirror the BMPs promoted by the United States Environmental Protection Agency (EPA) to help meet CWA mandates through their Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters.

1.2 PROJECT BASICS

Model Programs. The proposed Project has a proven track record in other coastal California counties that have developed and implemented similar Projects during the last 10 years. A pilot Project was developed by the NRCS and Sustainable Conservation, a non-profit environmental organization, in 1998 in response to very high erosion rates in the Elkhorn Slough watershed in Monterey County and the detrimental effects on water quality and wildlife habitat. Ten conservation practices recommended by the U.S. Environmental Protection Agency and NRCS were conditioned and authorized in advance by federal, state, and local agencies through multiple watershed-based permits for the practices covered under the program. The results of the conservation projects implemented under the program have been dramatic. Between 1998 and 2003, 43 projects were completed. More than 60,000 tons of sediment have been prevented from entering the Elkhorn Slough, its tributaries and the Monterey Bay National Marine Sanctuary, and more than two miles of stream bank and channel have been restored or revegetated. In addition, the program has brought the NRCS into cooperation with many farmers who had not previously expressed interest in on-farm conservation. The results originally anticipated were met and exceeded – more conservation projects were completed, a broader range of projects was implemented, and projects were higher quality projects.

- **More projects were completed.** While the Project was expected to have broad appeal, twice as many farmers participated in the first year of the program than were originally projected for the initial five-year period. Farmers who normally would put off conservation work or refuse to become involved in stream enhancement projects decided to participate. They eagerly responded to the relative ease with which the Project allowed them to address erosion and degradation on their land.

- **A broader range of projects was implemented.** Some landowners previously had been reluctant to pursue the necessary permits for work in riparian areas on their own, directing most of their effort towards on-farm projects that have fewer regulatory requirements. With the Project in place, these farmers initiated projects to reduce severe stream bank erosion and to enhance the natural functioning of riparian corridors and wetlands.

- **The quality of projects improved.** The conditions approved by the public agencies under the permits sometimes made the work more complicated to implement, but ultimately improved the quality of the projects. The farmers were willing to do the work to the "higher" standards in exchange for the simplified permitting process that allowed them to deal with their resource problems efficiently.

  Following the success of the Elkhorn Slough Project, other Projects throughout coastal California have been established at the watershed level and county-wide level. These include the Morro Bay, Calleguas Creek, Navarro River, and Lower Salinas River watersheds, as well as three county-wide programs in Alameda, Humboldt, and Santa Cruz Counties. The proposed county-wide San Luis Obispo Project follows on the successes of these previously established programs. Descriptions of some of these programs and an overview of the Partners in Restoration Partners In Restoration, Permit Coordination, Program are available on Sustainable Conservation's website at:

  http://www.suscon.org/pir/index.asp.

Overview. The proposed Project for San Luis Obispo County consists of 1) 18 NRCS conservation practices (practices), 2) NRCS standardized planning tools, and 3) a suite of Environmental Protection Measures, all of which are integrated to establish the core Project Description (described in detail, below). After extensive collaboration with the NRCS, CSLRCD, and US-LTRCD, regulatory agencies will condition and authorize in advance the practices and issue multiple programmatic approvals to NRCS, CSLRCD and US-LTRCD as co-sponsors of the Project.

Each individual practice will have an applicant who will be the landowner, the authorized agent for the landowner, or the authorized agent for an organization. When landowners seek assistance, NRCS, CSLRCD and US-LTRCD will work with them directly to develop a conservation plan that best addresses the resource concerns on that individual's land. If individual practices meet all of the criteria established for the Project (e.g., type of practice, size limits, protection measures), the landowner or organization would be able to implement the work under the Project's guidelines without the need to seek individual permits. NRCS, CSLRCD and US-LTRCD retain discretionary authority over which practices are implemented under the Project, assist with individual project planning and design, oversee monitoring for compliance with permit conditions and design standards, and report results for each project to the permitting agencies.

Project Sponsors. NRCS is the lead Federal agency for the Project. Formerly the Soil Conservation Service, NRCS provides technical assistance and financial assistance in the form of cost-sharing to cooperators (private landowners working in partnership with NRCS) to develop conservation systems uniquely suited to their land and resource concerns. To help meet its mandate to protect natural resources by working with private landowners, NRCS sponsors important conservation incentive programs, including the Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives Program (WHIP), and Conservation Reserve Program (CRP).

The CSLRCD and US-LTRCD are the local agency sponsors and lead agencies for the Project's compliance with the California Environmental Quality Act (CEQA). CSLRCD and US-LTRCD's mission is to provide education, outreach, resource services, partnerships, and funding to the

San Luis Obispo County agricultural community and the region about natural resource conservation and agricultural issues. Since the early 1950's, CSLRCD and US-LTRCD have administered government and private foundation grants for watershed-wide planning, erosion control, and restoration projects throughout the County.

Together, NRCS, CSLRCD and US-LTRCD form a unique, non-regulatory, Federal-State partnership with the expertise, funding and the relationships necessary to assist landowners to implement better land management practices.

Agency Participants and Programmatic Approvals. In early 2006, NRCS, CSLRCD and US-LTRCD began collaborating with regulatory agencies to develop the Project Description; based on feedback received from these agencies at numerous meetings, NRCS, CSLRCD and US-LTRCD carefully crafted the Project's practice descriptions and protection measures. Regulatory partners involved in the development and approval of this Project include representatives from the following agencies (the anticipated programmatic permit/approval from each agency is given in parentheses):

- National Marine Fisheries Service (biological opinion for steelhead)
- U.S. Fish and Wildlife Service (biological opinion for plants, fish, and wildlife)
- California Department of Fish and Game (streambed alteration agreement)
- Central Coast Regional Water Quality Control Board (water quality certification)
- San Luis Obispo County Planning and Development Department (County grading exemptions)
- California Coastal Commission (federal consistency determination)

Some of the practices installed under the Project will also need a U.S. Army Corps of Engineers (ACOE/Corps) permit under Section 404 of the Clean Water Act. The Corps did not participate in Project development; however, the Corps has participated in the development of a similar effort in San Luis Obispo County encompassing the Morro Bay watershed (the Morro Bay PIR program) and also in Ventura County pertaining to the Calleguas Creek watershed. Moreover, the Corps submitted a letter of support for the Project to be implemented in San Luis Obispo County. Given the scope of the practices proposed for this Project, the Corps believes that existing Nationwide Permits and Regional General Permits will be the appropriate permitting mechanisms for 404 compliance. Furthermore, under certain circumstances, the Corps offers a Letter of Permission (LOP) that may apply to the Project as a permitting mechanism. Discussions with the Corps are currently underway regarding this potential opportunity.

NRCS, CSLRCD and US-LTRCD propose that programmatic approvals be issued for five years, with at least one extension for an additional five years. Implementation of the first practice is expected to begin in the summer/fall work season of 2009.

Geographic Scope. The Project would primarily serve all landowners seeking to restore habitat and reduce soil erosion, particularly including the farming and ranching communities and public land managers throughout San Luis Obispo County. Implementation areas would potentially include public land and land in private ownership along waterways and adjacent uplands within the five major river basins (Estero Bay, Upper Salinas River, Estrella River, Santa Maria and Carrizo Plain watersheds) and their associated tributaries. The proposed

Project will not include practices/projects in any of the following areas or habitats (landowners working with the NRCS/CSLRCD/US-LTRCD on practices in these particular areas or habitats would need to seek individual permits on a project-by-project basis):

- Vernal pools
- Lands and submerged areas under direct jurisdiction of the California Coastal Commission (such as estuaries, harbors and bays)
- Ocean coastline and beaches
- Any area site that does not comply with all associated practice conditions, limitations and mitigation measures of the Project.
- Specific geographic areas identified by consultation with the USFWS, NMFS and DFG as sensitive where impacts can not be avoided or minimized to less than significant.

In San Luis Obispo County, the NRCS and US-LTRCD operate out of the Templeton Service Center and the CSLRCD operates out of the Morro Bay RCD office. The NRCS office provides service for farmers and ranchers throughout the County while the CSLRCD provide services for all areas within the southwestern coastal area of the County and the US-LTRCD provides services for farming and urban areas for a region stretching from the North Coast to the vast Upper Salinas Valley, extending east to the Carrizo Plains (they also service some areas in Monterey and Kern Counties, but these lands are not included in the permit coordination program).

Eligible Participants. The Project will primarily serve agricultural landowners throughout the County; however, because of increasing interest and need to restore steelhead habitat connectivity, the Project will also be available to other landowners and organizations wanting to do small scale barrier removal, stream crossing replacement, and other restoration projects that qualify (i.e., that meet all Project guidelines), and for which appropriate contracts can be formalized with NRCS, CSLRCD and US-LTRCD, if needed. These restoration efforts have met with similar permitting obstacles as previously noted for private landowners. Due to the NRCS, CSLRCD and US-LTRCD mandates to serve the agricultural community, priority will be given to agricultural landowners if all practices in a given year cannot be accommodated due to staffing constraints.

1.3 THE CONSERVATION PRACTICES

Eighteen (18) NRCS Conservation Practices are proposed for inclusion in the Project. The Practices, including engineering designs, are drawn from established NRCS Conservation Practice Standards developed over the last 65 years. These statewide standards are designed to address a broad range of resource conservation needs by providing a framework under which more detailed, locally developed practice specifications are utilized. The selected Practices are designed to control erosion and sedimentation; stabilize eroding stream banks; improve water quality; and increase aquatic, riparian, and upland habitat values. These practices are also recommended by the U.S. Environmental Protection Agency, the California State Water Resources Control Board, and the California Department of Fish and Game as appropriate resource management practices to help keep non-point sources of pollution from entering waterways and to protect and restore fish and wildlife habitat. Descriptions of the current State

Conservation Practice standards can be found online through the NRCS *Field Office Technical Guide (FOTG), Section IV* (www.ca.nrcs.usda.gov/technical/efotg).

The State practice standards and specifications referenced above are a starting point for how Practices will actually be implemented in San Luis Obispo County. The Practices included in this Project (Table 1) have been further refined and restricted to include only those elements of each standard that were deemed appropriate by the resource agencies for use in the County. In addition, the Practice descriptions include the average size of installed practices and proposed maximum size limitations for each Practice. Individual practices that exceed the projected maximum limits would not qualify for the Project and landowners would need to seek individual permits for those practices. A separate table of proposed size limits is provided in Attachment 2.

Additionally, for projects to qualify under the Program, the project shall result in an environmental benefit for wildlife, native plants, water, and/or soil. Environmental benefits are described for each of the 18 conservation practices (projects) covered by the Program and found on page 9 through 27.

It should also be noted in reviewing the practice descriptions that usually a group of practices is chosen to define a single complete project. For example, stream bank protection is usually followed by another practice, critical area planting, used to stabilize the bank with native vegetation. These two practices are integrated into one project. Another common scenario is to decrease erosion on steep slopes in orchards. In this case, adding erosion control features to an access road might be combined with a diversion, which would carry excess upland surface runoff to an underground outlet. These three practices together would be one project.

Table 1. Conservation Practices San Luis Obispo County Partners in Restoration Permit Coordination Program	
Conservation Practice	**Description**
Practices 1-9 primarily address excessive surface erosion with the goal of preventing sediment and other pollutants from entering waterways. Many are installed in uplands.	
1. Access Road Improvements (560)	 Improvement of an existing agricultural access road used for moving livestock, produce, and/or equipment for proper property management while controlling runoff to prevent erosion and maintain or improve water quality. An example of this practice might include re-grading, outsloping, or the addition of a rolling dip to a road so that water is less erosive as it travels across the road. This practice may also be used for repair or removal of culverts from non-fish bearing streams associated with access road improvements. Access road improvements typically involve multiple installations spread out over a long reach of road. <u>Additional Conditions</u> ▪ This practice is used only to regrade, resurface, relocate, and/or provide drainage improvements on existing access roads, **not to construct new roads**. Under this provision, access roads may be relocated to provide a setback from a stream corridor in order to plant riparian vegetation as part of a stream corridor restoration plan or for other natural resource protecting purpose. ▪ This practice will not serve or be related to new development or construction purposes. ▪ Road improvements are modeled in the *Handbook for Forest and Ranch Roads: A Guide for planning, designing, constructing, reconstructing, maintaining and closing wildland roads*, by Weaver and Hagens. This manual contains descriptions of sound methods and designs to improve and maintain rural roads to correct problems associated with poor road placement and design that cause excessive runoff and erosion.

- Improvements carried out under this practice will not be done for the purpose of accommodating future non-agricultural development or as a precursor to intensification of land use.
- All roads described under this category shall meet San Luis Obispo County standards for agricultural roads.

Size Limitations [2]

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
5280	30	15	3000	4	miles	Work performed over 4 miles

Environmental Benefits

- Improves water quality by decreasing erosion and sedimentation to streams
- Restores historic flow paths
- Decreases flooding
- Improves habitat for fish and other aquatic species
- Decreases loss of vegetation and soil

2. Diversion (Upland Flow Interceptors)

(362)

Construction of an earthen channel across a slope to slow and redirect excessive surface flow.

This is an upland practice primarily performed on cultivated land as part of a resource management system to break up concentrations of water on long slopes, reduce runoff damages from upland runoff, and divert water away from active gullies or critically eroding areas.

This practice is often used to deliver water to a sediment basin or a flat, vegetated area where flow velocities are slowed before discharging into a stream channel.

Additional Conditions

- This practice **does not** involve the diversion of water from a waterway or redirection of flow to a different waterway.
- This practice **does not** result in a change in volume of flow or flow reduction to surface waters.

changing the hydrology.

- Each diversion must have a safe and stable outlet that conveys runoff to a point where outflow will not cause damage. Vegetative outlets or sediment basins, when used, will be installed and established prior to installation of a diversion.
- If a diversion outlets directly into a natural drainage, appropriate energy dissipaters will be designed and installed to avoid erosion.
- Where possible, angular rocks or vegetation should be added to channels to reduce erosion.

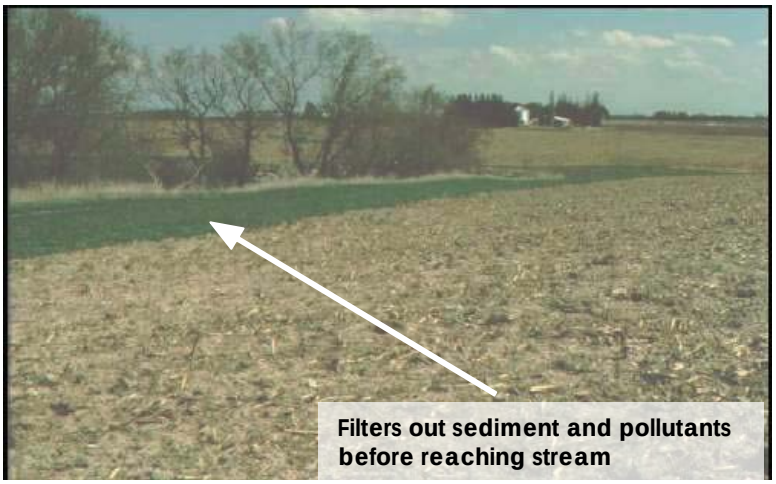
Size Limitations [3]

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
2000	20	1	3000	20	cfs[4]	Upland applications only

Environmental Benefits

- Reduces the amount of sediment and related pollutants delivered to surface waters
- Helps prevent gully formation

3. Filter Strip (393)



A strip of herbaceous vegetation located between cropland, grazing land, or other disturbed land and environmentally sensitive areas.

This practice applies when planned as part of a conservation management system and is used at the lower edges of fields to remove sediment, organic matter, and other pollutants from runoff prior to entering streams. Overland flow entering the filter strip is primarily sheet flow.

Filter strips are also used to provide permanent herbaceous vegetation to enhance habitat for wildlife and beneficial insects, and/or to maintain or enhance watershed function.

Additional Conditions

- Seed mixes containing non-invasive, non-native plant species may be used for filter strips; non-natives to be sterile such as sterile barley; invasive non-native plants are not permitted. Non-natives used will not persist past the first year of establishment. In no case would non-native vegetation species be used by themselves for vegetation purposes.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)
2000	50	2.5	50

Environmental Benefits

- Prevents and minimizes sediment and attached pollutants from entering waterways
- Reduces erosion on the area on which they are installed
- Enhances wildlife habitat and provide habitat for beneficial insects
- Enhances watershed function

4. Grassed Waterway

(412)

A natural or constructed earthen channel or swale that is shaped or graded to required dimensions and established with suitable vegetation for the stable movement of excess runoff.

This practice is used to convey runoff from diversions, terraces, or other concentrated water sources, to reduce gully erosion, reduce sediment delivered to receiving waters, and improve water quality downstream.

Grassed waterways are usually installed on cultivated land and field ditches adjacent to cultivated land. Grassed waterways may also be used to move runoff from agricultural lands into riparian or wetland areas or move excess runoff from ponds to riparian areas.

Additional Conditions

- Grassed waterways will not divert water out of the natural sub-watershed.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations	
				Quantity	Unit
2000	20	1	5000	20	cfs[4]

Environmental Benefits

- Prevents and minimize sediment and attached pollutants from entering waterways, riparian habitat, and/or wetlands
- May be used as a connective feature to other habitat types such as riparian areas and wetlands

5. Irrigation System & Tailwater Recovery (447)

A practice designed to capture irrigation water, provide temporary water storage for agricultural uses, and redistribute water back to the system for reuse.

This practice may be applied as part of a conservation management system to conserve irrigation water and improve offsite water quality.

Additional Conditions

- Nutrient and pest management measures for crops will be planned and implemented to limit chemical-laden tailwater as much as practical.
- Storage basins will be sized to provide adequate retention time for the breakdown of chemicals contained in runoff.
- Seepage of chemical-laden water from a storage facility will be controlled to the extent possible by using natural soil liners, commercial liners or other approved methods.
- This practice will not be installed where reduction in downstream flows could impact wetland hydrology.

Size Limitations /11

Length (ft)	Width (ft)	Area of Practice (ac)	Volume/1 (cy)	Additional Limitations	
				Quantity	Unit
N/A	N/A	0.5	2000	2	cfs

Environmental Benefits

- Conserves limited water supplies
- Improves downstream water quality by decreasing sediment and sediment-attached pollutants carried by runoff

6. Pipeline (516)

A pipeline used for conveying water from a source of supply to points of use.

This practice is used on agricultural lands to shift livestock to constructed water sources away from streams to reduce bank erosion, sediment yield, and manure entering watercourses.

Generally, buried pipelines are installed in upland areas. Occasionally, a pipeline may cross a stream; when this is necessary, pipelines will be buried to an appropriate depth to maintain channel and bank stability, and will avoid riparian habitat. In areas where channels are deeply incised and the substrate does not allow burying pipe easily (boulder/cobble), pipelines may be suspended across a channel and attached to posts on the banks; posts will be placed to avoid impacts in the riparian zone.

Size Limitations [10]

Length (ft)	**Width** (ft)	**Area of Practice** (ac)	**Volume**[1] (cy)	**Additional Limitations**		
				Quantity	Unit	Notes
200	20	0.1	N/A			In riparian areas only

Environment Benefits

- Limits cattle access to riparian areas which reduces bank erosion, sediment inputs, and deposit of animal waste directly into streams, and enhances riparian vegetation establishment and health

7. Pond Improvements (378)

Restoration and maintenance of existing off-channel agricultural water impoundments made by constructing an embankment or by excavating a pit or dugout.

This practice serves as part of a grazing management system that provides alternative water sources for livestock away from sensitive riparian areas.

Pond restoration primarily involves removing sediment and repairing spillways and embankments. These activities do not include any increase in the original storage capacity of a pond. Without appropriate pond maintenance, ponds no longer serve their intended purposes, do not provide habitat essential to the recovery of California tiger salamanders, and when embankments eventually fail, large amounts of sediment are delivered to downstream receiving waters.

Additional Conditions

- This practice will only be used on existing ponds, **not to construct new ponds**.

Size Limitations

Length (ft)	**Width** (ft)	**Area of Practice** (ac)	**Volume[1]** (cy)	**Additional Limitations**		
				Quantity	Unit	Notes
N/A	N/A			5	ac-ft	Only sediment removal and maintenance of existing ponds

Environmental Benefits

- Reduces soil erosion and sedimentation in riparian areas
- Improves riparian habitat quality and provides long-term riparian habitat protection
- Enhances habitat for California tiger salamanders and red-legged frogs

8. Sediment Basin

(350)

A basin constructed to collect and store debris or sediment.

This practice applies where physical conditions or land ownership preclude treating the sediment source by installing erosion control measures to keep soil in place.

Sediment basins will trap sediment, sediment associated pollutants, and other debris and prevent undesirable deposition on bottomlands and in streams. Basins are generally located at the base of agricultural lands adjacent to a natural drainage, and may outlet directly into a natural drainage. Periodic removal of sediment will be required as part of a maintenance plan.

This practice may also be used to construct a sediment trapping forebay within the dimensions of an existing, permitted pond. This structure will function to extend the life of the open water habitat of the pond by creating a small area where routine maintenance can be effectively performed.

Additional Conditions

- Sediment basins **will not be constructed in a stream channel** or other permanent water body except as a modification to an existing permitted pond.
- Basins will be placed **outside of the riparian zone** except as a modification to an existing permitted pond.
- Basins are designed to release water at a slower than storm flow rate.
- The design of spillways, **inlets** and outlet works will include water control structures to prevent scouring at the point of discharge.
- A filter strip of vegetation 12 feet wide shall be established around a perimeter of the basin to further reduce pollution.
- **This filter strip shall be maintained by the landowner using measures approved by NRCS and/or RCD.**

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
N/A	N/A	0.5	3500	2	ac-ft	Capacity of Basin

Environmental Benefits

- Prevents excessive sediment and sediment-attached pollutants from entering streams and wetlands
- Increases habitat diversity by revegetation with native species
- Increases life expectancy of open water habitat in ponds

9. Underground Outlet

(620)

A conduit installed underground to collect excess surface water and carry it to a suitable outlet.

This practice is applied generally to agricultural lands where a system is needed to dispose of excess water without causing erosion or flooding.

Underground outlets are often installed as part of a water management system with upland diversions, terraces, and sediment basins. Location, size, and number of inlets are determined to collect excess runoff and prevent erosive surface flow. This runoff is then discharged into a sediment basin or grassed waterway, whenever possible, where high velocity runoff is calmed, and suspended sediment is trapped prior to releasing water into a natural drainage channel.

Additional Conditions

- Where a pipe outlets directly into a stream, appropriate energy dissipaters are installed to slow velocities and prevent scour.

Size Limitations [/5]

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[/1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
50	20	0.1	70	40	cfs[/4]	Energy dissipator at outlet

Environmental Benefits

- Essential part of a water management system to prevent or repair sheet and rill erosion and prevent excess water and sediment from entering waterways.

Practices 10-18 primarily address excessive stream erosion and deposition, with the goal of maintaining or restoring natural stream corridor stability and enhancing native plant communities and fish and wildlife populations. These practices are usually installed in streams/banks.

10. Channel Stabilization

(584)

Measures used to stabilize the bed or bottom of a channel.

This practice applies to stream cannels undergoing damaging aggradation or degradation that cannot be reasonably controlled by debris removal and vegetation management, vegetative protection, bank protection, or upstream water control measures. A channel is considered stable if, over long periods, the channel bottom remains essentially at the same elevation.

Channel stabilization measures are designed to avoid detrimental erosion or sedimentation up- and downstream; will not impair floodplain function; will not cause detrimental changes to watershed hydrology and sedimentation; and will not result in adverse affects on stream or stream corridor function.

An assessment of channel stabilization will identify the causes contributing to the instability (*e.g.* alterations in the watershed resulting in significant changes to discharge or sediment production). The evaluation process will include using the RWQCB's *Primer on Stream and River Protection* decision tree. An interdisciplinary team approach will also be considered for the assessment process. Proper implementation of this channel stabilization practice may include significant channel modification or the installation of physical structures to address historic or cumulative impacts causing the channel instability.

Additional Conditions

- Installation of grade stabilization structures, when required, will be conducted using boulder and/or log and/or brush weirs.
- Structures placed in fish-bearing streams will be designed to accommodate fish passage.
- Removal of accumulated sand or sediment that has caused the channel to become plugged will be permitted one time at any given location. **Routine maintenance involving dredging of a waterway is not permitted.**
- Material removed from a stream shall not be taken offsite and must be spread or stored onsite where appropriate.

Size Limitations

Degrading Streams

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
2000	N/A	2	500			Channel modification to improve geomorphic function

Aggrading Streams

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
300	N/A	2	3000			Channel modification to improve geomorphic function

Environmental Benefits

- Stable stream channels/corridors result in improved water quality to downstream areas, including wetlands
- Improved riparian habitat and associated wildlife benefits such as nesting sites and movement corridors.

11. Grade Stabilization Structure

(410)

A structure used to control the grade and prevent head cutting in natural or artificial channels.

This practice applies where the concentration and flow velocity of water require structures to stabilize the grade in channels or to control gully erosion. Special attention is given to maintaining or improving habitat for fish and wildlife.

Grade stabilization structures installed in streams function to accommodate vertical elevation changes in the stream bed. Typical structures can be constructed from boulders, logs or brush.

Grade stabilization structures installed in upland areas function to prevent continued erosion from migrating headcuts. Typical structures can be constructed from earthen embankments, rocks, logs, willows and brush.

Additional Conditions

- Grade stabilization structures installed in fish-bearing streams will be designed to accommodate fish passage.
- Structures will not impede wildlife movement.
- Structures will be installed only when other channel stabilization measures are not feasible.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
1000	N/A	1.5	N/A	10/6	ea	In non-fish bearing streams, primarily for gully repair

Environmental Benefits

- Structures, if required, are part of an integrated channel stabilization plan
- Structures placed in upland gullies prevent continued excessive sediment to streams

12. Stream Habitat Improvement and Management (395)

Example of old concrete crossing blocking steelhead passage

Maintain, improve, or restore the physical, chemical, and biological functions of a stream.

This practice applies to streams where habitat deficiencies limit survival, growth, reproduction, and/or diversity of aquatic species in relation to the potential of the stream.

Adjoining riparian corridors will be managed with diverse native vegetation suitable to the site conditions and desired ecological benefits (e.g. stream temperature moderation; recruitment of instream wood and fine organic debris; input of riparian nutrients and terrestrial insects; streambank stability; flood attenuation).

Planned stream habitat improvements will include using the *Primer on Stream and River Protection* as an assessment tool. This emphasizes the establishment of an ecologically self-sustaining stream-riparian-system consistent with the watershed conditions and geomorphic setting. Design and implementation generally involve restoration of a stable channel corridor relative to the site's potential.

Examples of improving stream habitat include establishing soil conservation, nutrient management, and pesticide management practices for nonpoint sources of pollution; reducing or managing excessive runoff; restoring or protecting riparian and floodplain

vegetation and associated wetlands; providing physical habitat components important to aquatic species; improving floodplain-to-channel connectivity including off-channel habitats; and providing screens to exclude fish and other aquatic species from unintentional entrapment. When present, livestock will be managed to prevent streambank erosion, bank trampling, over-grazing, and contamination of the stream from livestock waste.

This practice may also be used to remove or modify fish migration barriers such as improperly installed or deteriorating culverts or stream crossings. Such modifications will be designed and implemented in accordance with the *California Salmonid Stream Habitat and Restoration Manual* and in coordination with NOAA Fisheries. Culverts will be consistent with the CA Dept of Fish and Game's *Culvert Criteria for Fish Passage* (April 2003) and NMFS Southwest Region's *Guidelines for Salmonid Passage at Stream Crossings* (September 2001).

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
5280	N/A	N/A	50			Multiple instream structures

Environmental Benefits

- Improves stream stability and function
- May decrease sediment and attached pollutants from entering waterways
- Enhances/creates essential habitat for steelhead and other aquatic species

13. Streambank Protection (580)

Treatments used to stabilize and protect banks of streams or constructed channels.

This practice is used to prevent loss of vegetation, soil and land where streambanks are eroding, to reduce the offsite or downstream effects of sediment resulting from bank erosion, and to improve or enhance the stream corridor for fish and wildlife habitat.

A site assessment will determine if the causes contributing to the instability are local (*e.g.* poor soils, high water table, alignment, obstructions deflecting flows into bank, etc.) or systemic in nature (*e.g.* deposition from increased sediment delivery, increased runoff from development, channel modifications, etc.). The stream bed grade must be controlled before most permanent types of bank protection can be considered feasible (see *Channel Stabilization* practice). If bank failure is a result of the degradation or removal of riparian vegetation, stream corridor restoration will be implemented, where possible.

All treatments are designed to not cause more natural erosion, not limit stream flow access to the floodplain, and not increase flow levels above those that existed prior to the treatment. All treatments are designed to consider the changes that may occur in the watershed hydrology and sedimentation over the design life of the treatments. The evaluation process will include

using the *Primer on Stream and River Protection* decision tree.

Where vegetative measures alone are inadequate to stabilize the bank, channel modifying structures (such as weirs or root wads) or rock rip-rap will be installed. Rock rip-rap should be considered only if the stream corridor condition or critical top of bank structures justify its utilization. Rip rap will be installed only to the minimum elevation practicable for site conditions

Additional Conditions

- Native riparian vegetation and bioengineering structures are the preferred treatments; the use of rock or rock rip-rap will generally be used, when required, between the toe and the ordinary high water mark. If feasible, root wads (anchored into the bank), rock and log weirs, "J'" hooks, and similar small toe and channel modifying structures will be used instead of rock rip-rap. Native riparian vegetation appropriate to the site conditions will be planted above the rock and top of bank.
- If rock rip-rap is needed above the ordinary high water mark, the interstitial spaces will be planted with willow and/or cottonwood poles; native riparian vegetation appropriate to the site conditions will be planted above the rock and top of bank.

Size Limitations [3]

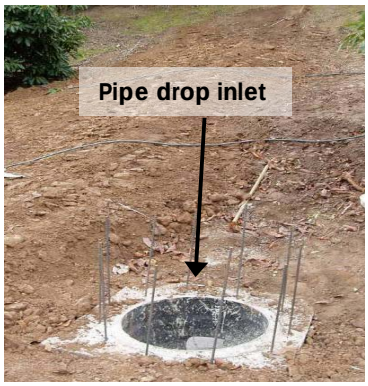
Type	Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)
Vegetation	2000	50	5	N/A
Mechanical bank sloping [7]	500	40	0.5	7500
Mechanical-rock [8]	500	15	0.2	1000

Environmental Benefits

- Reduces excessive sedimentation from bank erosion
- Improves riparian habitat and associated fish and wildlife benefits

14. Structure for Water Control (587)


Culvert under access road



A structure in an irrigation, drainage, or other water management system, including streams and gullies, that conveys water, controls the direction or rate of flow, or maintains a desired surface elevation.

Structures that may be installed under this practice include pipe drop inlets, pump boxes, culverts, and fish screens.

In channels with fish habitat:

a) This practice may be used to replace or modify existing culverts that are barriers to fish movement.

b) New culverts may also be installed under this practice if they enhance habitat for fish or wildlife. New culvert work will be designed and implemented in consultation with the DFG. New culvert work will be in accordance with the CA Dept of Fish and Game's *Culvert Criteria for Fish Passage* (April 2003) and NMFS Southwest Region's *Guidelines for Salmonid Passage at Stream Crossings* (September 2001).

Potential effects on water quantity (volume, runoff rates, etc.) and water quality (stream system channel morphology and stability related to erosion and the movement of sediment, solutes, and sediment-attached pollutants carried by runoff) are considered when planning, designing, and installing structures.

Additional Conditions

- Structures will not be installed where they could impact wetlands or water-related wildlife habitats.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
N/A	N/A	N/A	N/A	50	cfs[4]	

Environmental Benefits

- By controlling the velocity of water running through an area, this practice reduces erosion and prevents down cutting of stream channels.
- Removal of barriers allows movement of steelhead and other aquatic species to previously inaccessible habitat.

15. Stream Crossing (578)

A stable area or structure on agricultural lands constructed across a stream to provide access for people, livestock, equipment, or vehicles.

This practice is used to improve water quality by reducing sediment, nutrient, organic, and inorganic inputs to the stream; reduce streambank and streambed erosion; and provide access to another land unit. Types of stream crossings include culverts, bridges, and fords.

Planning for stream crossing replacement will emphasize establishment of a stable corridor consistent with the watershed conditions and geomorphic setting. Evaluating crossing replacements will include the *Primer on Stream and River Protection* as an assessment tool. This evaluation includes potential effects on up and downstream flow conditions that could result in increases in erosion, deposition, or flooding; effects on fish passage and wildlife habitats; and long term goals of riparian vegetation, among others.

Additional Conditions

- This practice will be used to **replace existing structures only**, not to construct new stream crossings. This may include relocation of the crossing to a better location to reduce erosion potential or improve fish passage as compared to the original location. The original crossing location must be completely abandoned and restored.
- When the existing structure potentially inhibits fish passage, this practice will include measures to improve fish passage.
- Bridges are to be used instead of wetted crossings when feasible.
- No concrete or dirt "Arizona" crossings on anadromous streams.

Size Limitations [9]

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
100	30	0.1	500			Improve or replace existing crossing

Environmental Benefits

- Reduces sediment and other pollutant inputs to streams
- Reduces streambed and bank erosion from eroding crossings
- Replaces barriers to fish migration with bridges when practical

16. Debris Removal & Vegetation Management (326)

Removing snags, drifts, or other obstructions from a channel.

This practice applies to channels where removal of debris, fallen trees, and other obstructions is needed to restore flow capacity and prevent detrimental bank erosion or structural failure. Often, this practice is necessary before installing other conservation practices and will only be implemented in combination with another practice authorized under the permit coordination program, as with critical area planting, for example

The need and efficacy for this practice will be evaluated by the RCD/NRCS before implementation. This practice will be used primarily to remove dead, uprooted vegetation from a channel which may accumulate in large amounts after a storm, plugging a channel or deflecting water towards banks. Occasionally, selective trimming of willows and other vegetation (often occurring in clumps within a channel) may be needed to install other practices or prevent bank erosion.

This practice may also be used to remove non-native invasive plant species that are obstructing a channel, causing bank erosion, degrading the natural habitat, and/or limiting installation of other practices. This practice will also promote late stages of seral vegetation.

Debris removal and vegetation management will not impair channel stability or result in streambank erosion; the potential effects on downstream and upstream reaches will be analyzed using appropriate stream and channel geomorphic procedures, including the *Primer on Stream and River Protection.*

Additional Conditions

- This practice **will not be used for routine flood control purposes**.

- Only hand tools will be used to remove debris or perform selective trimming, if required; heavy equipment in a channel will only be used to remove large objects such as cars, appliances, or other obstructions when access is not possible from the top of the bank.
- This practice will be limited to accumulated small woody debris up to 6 ft. in length that cannot be repositioned and utilized for habitat improvement, selective basal cutting of willows under 6 inches dbh growing within the bankfull channel, and the pruning of willows on streambanks by limbing up (or pruning growth) on the lower trunks to encourage canopy development.
- This practice **will not remove native vegetation from streambanks.**
- This practice **will not remove sediment from stream channels.**
- This practice **will not encourage channel straightening and/or acceleration of flows.**
- Habitat forming elements that provide cover, food, pools, and water turbulence, when present, will be retained or replaced to the extent possible.

Size Limitations [/3]

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[/1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
2500	N/A	N/A	N/A	2	reaches	Selective pruning for habitat enhancement and large woody debris

Environmental Benefits

- Decreases sediment inputs from eroding streambanks
- Improves fish habitat and barrier removal

17. Critical Area Planting

(342)

Establishing permanent vegetation on erodable and/or degraded areas.

This practice is used to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources.

This practice is often used for post-construction planting work or to restore degraded sites such as gullies or deep rills.

Within stream and river channels, plantings are generally installed above the bankfull elevation.

Additional Conditions

- Pursuant to proper erosion control methods, when installing or maintaining this practice above the bankfull elevation, a filter fabric fence, fiber rolls, straw mulch, brush revetment and/or other erosion control materials will be used, if needed, to keep sediment from flowing into the adjacent water body. When vegetation is sufficiently mature to provide erosion control, temporary erosion control structures may be removed.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
				Quantity	Unit	Notes
N/A	N/A	4	N/A	N/A	N/A	Restoration of project areas

Environmental Benefits

- Resulting vegetation cover reduces the amount of soil and nutrients washed into surface waters or leached into ground water
- Established vegetation provides habitat for wildlife

18. Restoration and Management of Declining Habitats (643)

Restoring and conserving rare or declining native plant communities and associated wildlife species.

This practice is used to restore land or aquatic habitats degraded by human activity; provide habitat for rare and declining wildlife species by restoring and conserving native plant

communities; increase native plant community diversity; and management of unique or declining native habitats.

This practice may be used to remove invasive plant species and replace with native plant species in the same place as removed invasive in sensitive resource areas in order to improve the quality of the adjacent aquatic habitat as part of a stream channel restoration plan.

This practice may also include elements of an integrated prescribed grazing management system such as stockwater development, fencing, and pond construction designed to protect riparian habitat quality and benefit targeted species.

Additional Conditions

- This practice will permit the removal of noxious weeds in stream channels by hand (i.e. not the use of large mechanical equipment).
- Where hand removal cannot remove the noxious weeds permanently, herbicides that are approved for use by the Department of Fish and Game may be used under the strict direction and supervision of persons qualified for the use of said chemicals along stream banks.

Size Limitations

Length (ft)	Width (ft)	Area of Practice (ac)	Volume/1 (cy)	Additional Limitations		
				Quantity	Unit	Notes
N/A	N/A	5	N/A			Will include removal of exotic vegetation

Environmental Benefits

- Restores native plant communities and associated fish and wildlife
- Limits cattle access to riparian areas and reduces bank erosion, sediment inputs, and deposit of animal waste directly into streams, as well as enhances riparian vegetation establishment and health
- Creates and/or enhances essential habitat features for California tiger salamanders (ponds), California red-legged frogs (ponds and riparian areas) and other aquatic species

General Notes:

Stream Channel: *Any stream or river channel in which there are perennial, intermittent, or ephemeral flows of water. Channels which carry* ***only*** *storm flows are referred herein as gullies or dry washes.*

Native Plants: *Plants that occur naturally in the Central Coast area and not as a result of the direct or indirect consequences of non-indigenous people's activities.*

Size Limitations*: The practice limitations indicated in the table are only for projects that initially require a permit from any permitting agency, whether local, State of California, or Federal and do not apply to projects that otherwise would not require a permit.*

Footnotes:

/1 Volume of soil is based on practice installation and represents the volume of soil excavated and used as fill or removed from site, or soil imported as fill.

/2 Access road improvements will typically involve multiple installations spread out over a four mile reach of road.

/3 This practice is used in conjunction with the practice standard Critical Area Planting. Revegetation will include native species.

/4 This quantity refers to the maximum allowable engineering design flow rate for the specified practice.

/5 Area of practice within riparian area includes a 50 foot length and a 20 foot wide work area for equipment. Volume of soil is based on a 6 foot wide trench 50 feet long with a trench depth of 6 feet.
/6 A maximum of 10 structures will be placed within a reach length of 1000 feet.

/7 Numbers provided are based on sloping back a 500 foot long stretch of embankment with a 20 foot vertical bank to a 2:1 slope (40 feet deep).

/8 Numbers provided refer to actual areas and volume of rock placed only.

/9 The 100 foot length refers to the portion of the crossing that is perpendicular to the direction of stream flow.

/10 Area of Practice includes a 100 foot stream width with 50 feet on either side of stream (total length 200 feet) and a 20 foot wide potential work area for equipment.

/11 This practices requires a pump with a maximum flow rate of 2 cfs and a recovery basin with a maximum capacity of 1 ac-ft and excavated volume of 2,000 CY.

1.4 PLANNING AND DESIGN

The NRCS, CSLRCD and US-LTRCD Approach to Conservation. In San Luis Obispo County, the expertise of the NRCS, CSLRCD and US-LTRCD staff includes engineering, biology, soil science, range science, and irrigation water management. CSLRCD and US-LTRCD have a Mobile Irrigation Lab program which evaluates on-farm irrigation systems for distribution uniformity. Additionally, the NRCS Area office in Salinas and the State office in Davis have a staff of specialists in fisheries biology, wildlife biology, fluvial geomorphology, and botany available to consult with NRCS/CSLRCD/US-LTRCD on project assessment, design, and implementation. Erosion and habitat degradation, which are problems throughout the County's watersheds, are best controlled at the source. In San Luis Obispo County, the NRCS, CSLRCD and US-LTRCD have worked successfully with public and private groups and individuals to improve watershed management practices. The agencies' watershed approach to coastal resource management focuses attention on the cumulative effect of upland land uses on the creeks, streams, and rivers that eventually flow to sloughs and estuaries.

There are recent and ongoing projects by CSLRCD, US-LTRCD and NRCS that target non-point source pollution and/or benefit fish and wildlife. For instance, the Salinas River Restoration Project in Paso Robles. This project includes stabilization of two drainage channels, removal of noxious weeds, planting of riparian and terrace vegetation, construction of irrigation systems, and erosion control for the purpose of improving water quality, reducing soil erosion and sediment, improving habitat and educating the public of the importance of conserving the environment.

Moreover, The US-LTRCD produced the *Upper Salinas River Watershed Action Pla*n and the *Cover Up Story, Erosion Control Handbook* for San Luis Obispo County and is available online at: http://www.slocounty.ca.gov/AssetFactory.aspx?did=8332. The US-LTRCD also produced *The Rangeland Management Plan* for Monterey County.

In addition, the two RCDs' conduct environmental and engineering reviews for the Alternative Review Program (ARP) Agricultural Grading Permit. Projects under this program include San Miguel, Pool Removal and planting restoration ARP; Burbank Vineyard, Terracing ARP; Pierson Bubbling Springs, Agricultural Pond ARP; Laetitia Vineyard, Agricultural Pond ARP; Southcorp Camatta Hills Vineyard, Agricultural Ponds ARP; Opolo Winery, Agricultural Pond Wastewater Treatment System ARP; Fetzer 5-Rivers Vineyard, Agricultural Ponds ARP; and Chateau Potelle Vineyards, Agricultural Pond ARP.

Over the past 12 years, NRCS has provided approximately $2 million in incentive payments to farmers and ranchers through EQIP (Environmental Quality Incentives Program). The practices implemented under EQIP focus on reducing sediments from entering streams, reducing applications of fertilizers and pesticides, and grazing management systems to reduce overgrazing and improve riparian habitat. This program is ongoing.

NRCS Conservation Planning Process. NRCS utilizes a rigorous planning process before offering recommendations to landowners. As a federal agency, NRCS must ensure practices/projects comply with the National Environmental Policy Act (NEPA). NRCS is required to conduct an Environmental Evaluation for assistance it provides according to the NRCS-NEPA rules (7CFR 650), which became effective in 1979, and were updated by California Amendment CA4 in 2000. This rule prescribes the assessment procedures under which NRCS-assisted actions are to be implemented. The procedures are designed to ensure that environmental consequences are considered in decision-making and to

allow NRCS to assist individuals and non-federal public entities to take actions that protect, enhance, and restore environmental quality.

More specifically, NRCS uses a 9-step conservation planning process to customize a management plan unique to the conditions of a local property and its manager. A *Checklist of Resource Problems and Conditions* is used to help ensure a complete assessment of the properties resource problems and conditions and to report a comprehensive analysis. The assessment includes soil, water, air, plant, animal and human considerations. A conservation plan describing the selected management system is prepared for the landowner, and a NEPA- compliant *Environmental Assessment Worksheet* is completed as part of each conservation plan to document potential short-term, long-term, and cumulative effects of the proposed actions as well as the on-site and off-site impacts. Alternatives are evaluated by the landowner and NRCS; this analysis results in a specific land use plan including detailed recommendations and an engineered plan, if necessary. The NRCS planning steps and the associated checklists, inventory forms, and other planning documents are listed below in Table 2. A copy of the *Checklist of Resource Problems and Conditions* is included as Attachment 3 and the *Environmental Assessment Worksheet* is included as Attachment 4. Under the Project, NRCS/CSLRCD/US-LTRCD will evaluate the impacts of proposed projects to ensure there is a net environmental gain and that temporary impacts during project construction are minimized.

Projects with potential to result in significant adverse environmental impacts are **not permitted whatsoever** under the Project. If significant adverse environmental impacts are expected to result from a proposed practice/project, the landowner will be encouraged to consider alternative actions. If no acceptable alternative can be identified, the landowner will not qualify for the Project and will be directed to prepare a project-specific Environmental Impact Statement (EIS) or an Environmental Impact Report (EIR) as subject to CEQA and to obtain individual project-specific permits that includes appropriate County permits to complete this action.

Table 2. NRCS Conservation Planning Process

	NRCS PLANNING STEP	DOCUMENT USED	RESULTS
Step 1	**Consultation**		Identify resource problems with the cooperator (land operator) and other specialists.
Step 2	**Determine objectives**		Identify, agree on, and document the cooperator 's objectives.
Step 3	**Inventory the resources**	***Checklist of Resource Problems or Conditions***	The checklist prompts qualified inventory team to provide quantitative or qualitative data in several resource categories: Soils, Water, Air, Plants, Animals, and Human (social, economic, and cultural). See Attachment 3.
Step 4	**Analyze resource data**	***Site Specific Practices Effect Worksheet***	Each of the resource problems or concerns identified during the inventory is itemized in a matrix. All current resource management practices and all potential improved practices are also listed in the matrix. The anticipated negative or positive effects of each of the listed practices on each of the resource concerns are evaluated in the matrix using a three-point scale.

Step 5	**Formulate alternative solutions**	***Resource Management System (RMS) Guidesheet***	Groups of practices ('resource management systems') that result in a significant positive improvement in all resource problem categories are identified as alternative systems in the guidesheet. Other groups of practices are also listed as additional alternatives as long as they do not result in a negative effect on resource problems. This process is also known as an "alternatives analysis." Ideally the minimum number of practices that can collectively address all resource problems provides the most efficient and economical alternative for the cooperator.
Step 6	**Evaluate alternative solutions**	***Conservation Effects Worksheet***	To assist the cooperator in selecting an alternative system, the NRCS staff may choose to present each alternative resource management system (RMS) in contrast with current management conditions in the worksheet. The net effects of implementing the RMS can be shown in terms of resource protection, crop production improvements, economic costs or other terms of interest to the cooperator decision-maker.
Step 7	**Cooperator determines course of action**	***Conservation Plan and Environmental Assessment Worksheet***	Select optimal set of conservation practices to maximize resource protection and enhancement. NRCS prepares conservation plan and specifications and Program Environmental Assessment Worksheet. See Attachment 4.
Step 8	**Cooperator implements plan**		Practices are implemented according to NRCS recommended design, standards, and specifications and with NRCS on-site technical support, if needed.
Step 9	**Evaluation of results of plan**		Evaluate effectiveness of plan and make adjustments as needed.

1.5 ENVIRONMENTAL PROTECTION MEASURES

The Project builds on the existing NRCS Conservation Practices and the planning process as described above. The third major piece of the Project is environmental protection. The Environmental Protection Measures identified in this document are established with agency collaboration and form the basis of permit conditions to be issued by each agency. The Environmental Protection Measures are mandatory and therefore, they are incorporated into all phases of Project and associated practices, from planning and design through implementation, monitoring, and reporting, and form an essential part of the Project description.

The Tiered Approach. Early during Project development, the Regional Board suggested, and the Department of Fish and Game (DFG) concurred, that a tiered approach to the protection measures might simplify and clarify how the protection measures would be organized and applied. The idea was to develop a simple decision tool based on level of impact (rather than individual practices). The result is the Tiered Impacts Decision Tool (see Figure 1). Using this tool, practices/projects are placed into one of four tiers, based on impact level. Projects having the fewest impacts are placed in TIER I; those within stream corridor are placed in TIER II; any and all practices/projects where listed species or habitat, critical habitat, and/or cultural/historic resources **could** be impacted are **automatically** placed in TIER III; those with the greatest potential impacts are placed in TIER IV. As tiers increase, so also do the required protection measures. Knowing this, landowners have the option of reducing the scope of their projects in order to qualify for a lower tier.

- TIER I: All the practices performed in uplands and where no listed species or critical habitat would be impacted fall into TIER I; if listed species or habitat, critical habitat, and/or cultural/historic resources could be affected in upland areas, practices/projects are automatically placed in TIER III; no work is performed in streams under this tier.
- TIER II: Practices performed within the stream corridor where no listed species or critical habitat would be impacted AND which do not require rock stream bank protection, grade stabilization structures, or replacement/ modification of stream crossings, fall into TIER II;
- TIER III: Practices performed within the stream corridor where listed species or habitat, critical habitat, and/or cultural/historic resources could be impacted AND which do not require rock stream bank protection, grade stabilization structures, or replacement/ modification of stream crossings, fall into TIER III;
- TIER IV: Practices performed within the stream corridor that require rock stream bank protection, grade stabilization structures, or replacement/modification of stream crossings fall into TIER IV.

Tiers are additive; that is; requirements automatically include the protection measures from lower ranked tiers, as applicable. For example, requirements for TIER III also include the protection measures contained in TIERS I and II, as applicable. Complete descriptions of the Environmental Protection Measures for each tier are given in Table 3.

Activities/practices that do not fit Tiers I through IV are **not** covered by the permit coordination program. Activities/practices that do not qualify for the permit coordination program require **individual permits and regulatory compliance.** Activities/practices that are beneficial to the environment but are **not covered by the permit coordination program** are recommended to have priority when they are being reviewed individually by the various partnering regulatory agencies.

Figure 1. Tiered Impacts Decision Tool

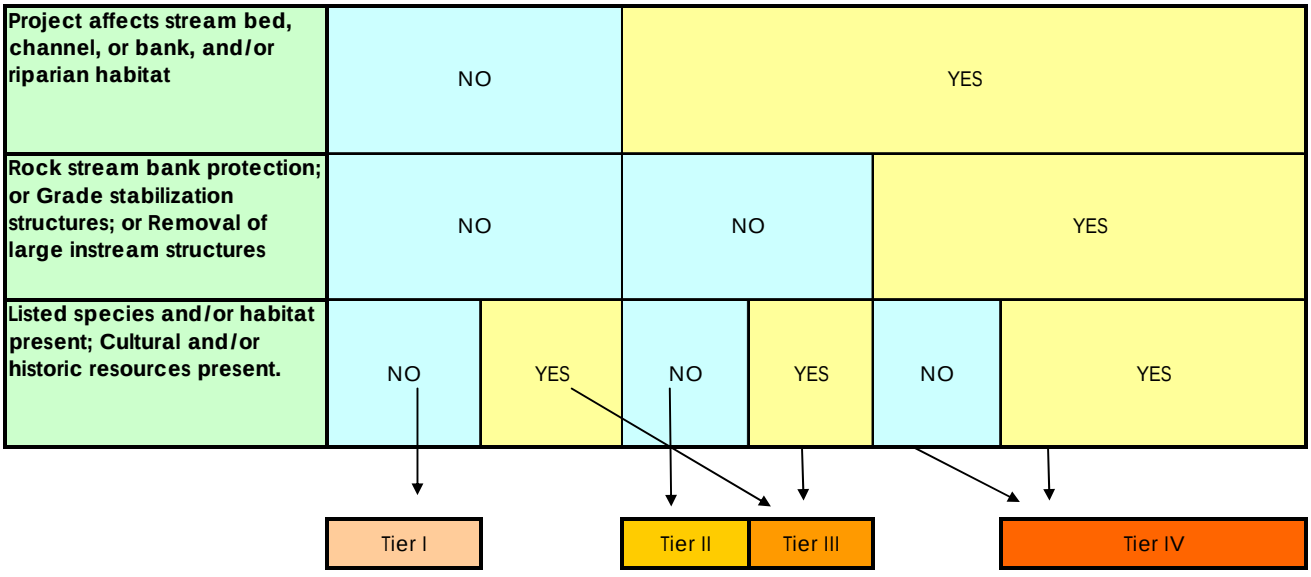


Table 3. Environmental Protection Measures

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
Summary	Projects qualifying for TIER I will not be implemented in streams, riparian habitat, or habitat for listed species; other special conditions apply	Projects implemented in streams and/or riparian areas are automatically placed in TIER II or higher; projects may require temporary water diversions/dewatering; projects will not use rock bank protection, grade stabilization structures or remove large structures associated with stream habitat improvement; projects will not be implemented where listed species or habitat occurs; other special conditions apply	Projects where listed species, habitat or cultural/historic resources occur are automatically placed in TIER III or higher; projects will not use rock bank protection, grade stabilization structures or remove large structures associated with stream habitat improvement; projects may require temporary water diversions/dewatering; additional survey and monitoring requirements apply; other special conditions apply	Projects requiring rock bank protection, grade stabilization structures, or removal of large structures associated with stream habitat improvement are automatically placed in TIER IV; listed species or habitat may be present; projects may require temporary water diversions/dewatering; additional planning and design tools apply; additional survey and monitoring requirements apply; early coordination with agencies is recommended; additional reporting requirements apply; other special conditions apply
Work in stream bed, channel, or bank, including riparian habitat	**Not allowed** ***Site Disturbance*** Site disturbance **to upland areas** will not exceed the maximum limitations (length, width, volume of soil disturbed) for each practice as specified in the Size Limitations Table 1. The total project footprint will be limited to the minimum area necessary to achieve the project goals.	**Allowed with restrictions:** ***Site Disturbance*** Site disturbance will not exceed the maximum limitations (length, width, volume of soil disturbed) for each practice as specified in Table 1. The total project footprint will be limited to the minimum area necessary to achieve the project goals. Finished grades will not be steeper than 2:1 side slopes unless pre-construction condition is so steep (vertical stream banks) that a 2:1 slope on the final grade is not possible; vertical slopes may be graded to the slopes described in the conservation	**Allowed with restrictions:** ***Site Disturbance*** All restrictions for TIER II apply, **AND**: In addition to these general protection measures, all terms and conditions in the biological opinions issued by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) and conditions in the streambed agreement related to state-listed species issued by DFG, conditions of the State	**Allowed with restrictions:** ***Site Disturbance*** All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		practice or engineered design. Disturbance or removal of native shrubs, woody perennials, or trees in the bed, channel, or bank will be avoided completely to the extent possible; when necessary to install practices, removal may occur as follows: If native trees over 4" dbh (diameter at breast height) and willows over 6" dbh are to be removed, they will be replaced at a 3:1 ratio with the exception blue oaks. Blue oaks at any size will be replaced at a 10:1 ratio. If riparian vegetation will be disturbed, it will be replaced with similar and/or native species. For permitted removal of any native tree, the root structure of the tree will be left intact unless cut at or within 6" of ground height and the root structure shall be left intact unless otherwise authorized by DFG on a case by case basis. Diseased or dead trees may be removed if necessary. No more than 2 acres of native riparian shrubs or woody perennials that may contain invasive species will be removed from a stream's bed, channel, or banks. If the area is **exclusively** non-native invasive species, up to 2.5 acres of vegetation may be removed. All removed non-native vegetation will be disposed of at landfill or other appropriate site and **not** used as mulch or compost.	Historic Preservation Office (SHPO)/NRCS agreement and requirements of the Mitigated Negative Declaration (MND) shall be implemented.	

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		If native vegetation is destroyed or disturbed as a result of project activities, it will be permanently restored to pre-construction condition or better and maintained by the landowner. Temporary impacts will be mitigated onsite at a ratio of 1:1. The NRCS/CSLRCD/ US-LTRCD will design and implement re-vegetation projects to achieve 70% re-vegetation survival by the end of the first year, and 90% re-vegetation survival by the end of the fifth year. Native plants characteristic of the local habitat type will be the preferred alternative for revegetation in natural areas. Non-native, non-persistent grass mixes (i.e. sterile barley grass) may be used as fast establishing temporary cover for erosion control while natives are establishing. Non-natives used will not persist past the first year of establishment. In no case would non-native vegetation species be used by themselves for vegetation purposes. Any barren soil as a result of project implementation will be revegetated to stabilize area and minimize erosion and sediment. The goal is to restore the site to a more natural state by seeding, replanting, or other means such as willow stakes, native trees,		

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		shrubs, and/or grasses. ***Equipment*** Only handheld equipment (weedwhackers, chainsaws) will be used to trim vegetation as required by conservation practices within the channel or on the bank. Heavy equipment shall not be used in flowing or standing water, except to cross a stream or pond to access the work site. When possible, NRCS/CSLRCD/US-LTRCD shall designate ingress or egress points and/or perform work from the top of the creek banks. Use of heavy equipment shall be avoided or minimized in a channel bottom with rocky or cobbled substrate. If access to the work site requires heavy equipment to travel on a rocky or cobbled substrate, the amount of time this equipment is stationed, working, or traveling within the creek bed shall be minimized. When heavy equipment is used, woody debris and vegetation on banks and in the channel outside the scope of the project shall be minimally disturbed as necessary for clearance of equipment and laborers. The area designated for equipment storage, short-term maintenance, and refueling will be located a minimum of 100 feet from water bodies. If site		

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		conditions (property size) make this 100-foot distance infeasible, these activities will occur at the maximum distance possible from aquatic areas. If access to the work site requires heavy equipment to travel across a stream, a rubber tired loader/ backhoe is the preferred vehicle; tracked vehicles may be used as a last resort. ***Water Quality*** Erosion control and sediment detention devices will be incorporated into the project design and installed at all locations where the likelihood of sediment input to streams exists. Sediment collected in these devices will be disposed of away from the collection site and outside riparian areas or flood hazard areas at a location where it cannot enter waters of the state. These devices shall be inspected before and after rain events to ensure they are functioning properly. Vehicles will be inspected for leaks and repaired immediately; contractors will be required to carry spill packs on-board the equipment; all spills will be cleaned up immediately; major vehicle maintenance and washing will be done off site; hydraulic fluids will not contain organophosphate esters; all spent fluids including motor oil,		

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		radiator coolant, or other fluids and used vehicle batteries will be collected, stored, and recycled as hazardous waste off site; dry cleanup methods (i.e. absorbent materials, cat litter, and/or rags) will be used whenever possible; if water is used, the minimal amount required to keep dust levels down will be used. All contaminated spoil, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering waterbodies and shall be disposed of at an appropriate facility licensed to accept such material. Herbicides/fungicides/pesticides will be applied sparingly and in such a way as to be protective of water quality, and in accordance with any local agency or manufacturer usage restrictions. Application will be spot applied directly to vegetation and far enough away from waterbodies to prevent discharge or migration to them. Only herbicides that do not contain surfactants will be used where there is any potential for migration into waters of the state. Hand		

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		removal, rather than herbicides or chemicals will be used whenever and wherever possible. Herbicides will not be applied when winds exceed 5 miles per hour or within 96 hours of forecasted rain. Soil amendments may only be used where poor soil structure would prevent or seriously compromise the establishment of new plantings. Soil amendments may be used on stream banks above the normal high water mark during the year of planting, if necessary. Avoid use of fertilizers when using native vegetation seeds because fertilizer gives invasive species an advantage over native species and can be counter productive.		
Temporary water diversion/ dewatering	**Not applicable:** Work in streams not allowed	**Allowed with restrictions:** Work in flowing or ponded water is not allowed. If temporary or intermittent flows exist onsite, construction will occur when the stream is dry. If groundwater seeps into the work area, it will be pumped to an upland site or a filtering system shall be used to collect the water and return clear water to the creek. The pump intake shall be fitted with a fish exclusion device. If perennial flows exist onsite, and **habitat for listed aquatic species is**	**Allowed with restrictions:** All restrictions for TIER II apply, **AND:** **Listed species or their habitat may be present. Cultural or historic resources may be present.** See additional survey and monitoring requirements for listed species and cultural/historic resources below.	**Allowed with restrictions:** All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
		not present, NRCS/CSLRCD/US-LTRCD will install diversions and/or silt controls, such as sandbag cofferdams, straw bales, silt fences, culverts or Visqueen (diversions), in a manner that maintains downstream flows during construction and minimizes siltation. If dewatering in a fish-bearing stream, the NRCS/CSLRCD/US-LTRCD will comply with the terms and conditions outlined in the Biological Opinion, and any subsequent conditions, issued by NMFS for this project. **Excavating a channel for the purpose of isolating the workspace from flowing water is not allowed.**		
Stream bank protection; grade stabilization structures; removal of large structures for habitat improvement	**Not applicable:** Work in streams not allowed	**Rock bank protection is not allowed;** other methods of bank protection (vegetative, bio-technical, or a combination of these) are allowed. Grade stabilization structures are not allowed. Removal of large structures for stream habitat improvement is not allowed.	All restrictions for TIER II apply, **AND**: Listed species and/or habitat may be present. Cultural and/or historic resources may be present In addition to these general protection measures, all terms and conditions in the biological opinions issued by the FWS and NMFS and conditions in the streambed agreement related to state-listed species issued by DFG, conditions of the SHPO/NRCS agreement, and requirements of the MND shall be implemented.	Rock bank protection is allowed as a last resort. Bank protection methods will be selected in the following order of decreasing preference: 1) vegetation stabilization only; 2) bio-technical methods in which vegetation is incorporated with natural type structural components such as woody branches, natural rock, logs, natural fibers and geotextiles, and biodegradable temporary geotextiles; and 3) ungrouted rock rip rap with vegetation. If rock is required, the minimum amount needed to achieve the project goals will be used. The amount of rock used will not exceed the maximum size limitations, described in Table 1.

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
				Gabion baskets are not permitted in streams containing salmonids. Grade stabilization structures may be installed as a last resort. Rock check structures are allowed; concrete is not allowed. Structures will not exceed the maximum size limitations, described in Table 1. Additional planning tools apply (see Planning, below). Projects requiring removal of large instream structures that are barriers to fish movement are allowed only when their removal will not cause unintended secondary consequences on a watershed scale. Grade stabilization structures installed in fish bearing streams will be designed to accommodate fish passage. If listed species and/or habitat and/or cultural/historic resources are present, all restrictions for TIER III apply.
Surveys and Monitoring	***Surveys*** Qualified NRCS/CSLRCD/US-LTRCD staff or hired consultant will conduct a reconnaissance-level survey (see page 67) as part of the	***Surveys*** All restrictions for TIER I apply, **AND:** ***Breeding Bird Surveys*** Surveys by a qualified biologist for	***Surveys*** All restrictions for TIER II apply, **AND**: If habitat for listed species is found in the project area, a	All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	initial site assessment to identify and evaluate whether characteristic habitat for listed species and cultural/historic resources occur in proposed work areas. If listed species habitat is found in the project area, conditions described in TIER III will be implemented. Surveys include, for example, searching the CNDDB, reviewing reports of other projects conducted in nearby areas, and visiting potential project sites to determine if suitable habitat exists for species. Surveys will be conducted at the appropriate period. In the case of CNPS listed plants, for example, on-the-ground floristic surveys will be conducted during the appropriate blooming period to determine presence of any such species. Appropriate protocols established by the DFG, USFWS, NMFS and other agencies for the presence of burrowing owls, California red-legged frogs, and other sensitive/listed species will also be required.	native breeding birds will be required prior to ground disturbance if: Riparian habitat will be affected by the project; and the habitat could support breeding birds; and the project will be implemented during breeding bird season (see restrictions on Timing, below). If any active bird nests are found, a work exclusion zone will be established and maintained around active nests until birds have fledged or the nest is abandoned. ***Monitoring*** All restrictions for TIER I apply; **AND:** Biological monitors will be required if breeding bird surveys are required and exclusionary zones are established; they will monitor active nests throughout construction to ensure nests are not disturbed/nest abandonment does not occur due to construction activities. **AND**: ***Temporary water diversion*** A qualified monitor will be onsite during any activities related to water diversion, will inspect the diversion	qualified individual (approved by the USFWS, NMFS, and/or DFG) will complete a pre-construction survey to determine if species or habitat will be disturbed by planned activities. This individual will use approved protocols to conduct the surveys of each site identified during the reconnaissance survey as containing potential habitat **OR** assume presence of the species if representative habitat is present. If cultural/historic resources are found, the requirements of the MND will be adhered to. ***Monitoring*** All restrictions for TIER II apply, **AND**: For federally and state listed species, a qualified individual will ensure that all terms and conditions of the biological opinions issued by the USFWS and NMFS and the streambed agreement issued by DFG are implemented. The monitor will have absolute authority to halt work if necessary to ensure compliance and protect listed species during construction. Biological monitors will be	

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	The biologist or qualified professional If active nests of raptors (or any Tier III - listed/ sensitive) bird species are found to be present, construction within 100 yards of the active nests shall be delayed until the qualified biologist determines that the young have fledged. If active nests of other species are found to be present, construction within 25 yards of these active nests shall be delayed until the qualified biologist determines that the young have fledged. ***Monitoring*** A qualified monitor will be onsite during construction activities to ensure implementation of permit conditions. The monitor will halt work if necessary to ensure compliance and protect resources. Prior to ground-disturbance, the monitor will walk through the construction area each day so that wildlife present in the work area can move out	system regularly to ensure proper functioning and protection of water quality and biological resources.	required. **AND:** For cultural and historic resources, a qualified individual will ensure all terms and conditions of the SHPO/NRCS agreement and requirements of the MND are met. The monitor will have absolute authority to halt work if necessary to ensure compliance and protect cultural and historic resources during construction.	

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	of harm's way. Biological monitors will not be required for TIER I projects.			
Timing	Project construction will avoid the rainy season and consider wildlife usage in the project area. The general construction season will be **May 15th to October 31st.** All earthmoving activities will be completed by October 31st.	Project construction will avoid the rainy season and consider wildlife usage in the project area. The general construction season will be **May 15th to October 31st.** All earthmoving activities will be completed by October 31st; except revegetation, which may continue until November 30th. Work beyond these days may be authorized, on a site-specific basis, following coordination with DFG, provided work would be completed prior to the first winter rains and stream flows. Work will be timed to avoid disturbing breeding birds in native habitat. Projects that could affect breeding birds will generally begin after August 1. To begin earlier, surveys and additional protection measures are required (see Survey requirements, above).	All restrictions for TIER II apply, **AND**: Where listed species could be impacted by construction activities, work will only be implemented during time intervals specified by the USFWS, NMFS, and/or DFG for these species.	All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply
Planning	Project design, implementation, monitoring, and maintenance will follow the NRCS planning process, as outlined in Table 2 of the Program Description.	All requirements for TIER I apply	All requirements for TIER II apply, **AND:** If work is to be performed in steelhead habitat, the NRCS/CSLRCD /US-LTRCD	All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply **AND**:

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
			will use other appropriate planning tools such as the *California Salmonid Stream Habitat and Restoration Manual* (DFG), *Culvert Criteria for Fish Passage* (DFG, April 2003), and *Guidelines for Salmonid Passage at Stream Crossings* (NMFS, September 2001).	The NRCS/CSLRCD /US-LTRCD will use the **Stream Impacts Avoidance Decision Tree** contained in *A Primer on Stream and River Protection for the Regulator and Program Manager* during the site assessment and alternatives selection process for projects that could impact stream channel stability. Use of this planning tool is intended to minimize unintentional secondary impacts on water surface elevations, velocities, erosion/scour and deposition, sediment transport through the design reach, and length of stream impacted.
Training	A training session will be conducted for the NRCS, CSLRCD and US-LTRCD staff involved with any phase of the permit coordination program. The training will be based on the handbook, *Procedures for Complying with Multiple Permits: A Guide for Conservation Planners.* Measures required to avoid and/or minimize impacts to biological and cultural resources will be emphasized. All project workers and persons associated with the	All requirements for TIER I apply	All requirements for TIER II apply, **AND:** The training will include information about listed and other protected species and cultural/historic resources that could be encountered. At a minimum, the training will include: the natural history of any State or Federally listed or proposed species and other special-status species (requested by USFWS or DFG for inclusion in the training) and cultural/historic resources that may occur onsite; how to recognize these species and their	All restrictions for TIER II (without listed species or cultural/historic resources) or TIER III (with listed species or cultural/historic resources) apply

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	project, including participating landowners, managers, contractors, and the designated responsible party for organizations or agencies, will attend a training prior to any ground-disturbing activities. Conditions of permits and agreements, roles and responsibilities of the parties, and consequences for non-compliance will be emphasized.		habitats and cultural/historic resources; protection afforded listed species by the federal and state Endangered Species Acts and protection afforded cultural/historic resources by SHPO; measures to be followed during construction and maintenance to protect these species, habitats and cultural/historic resources; the necessity of strict adherence to all the conditions and requirements contained in the programmatic permits and the Cooperator Agreement; the possible consequences for violating the terms of the programmatic permits and agreements, including the federal and state Endangered Species Acts.	
Notification and Reporting	***Notification*** The NRCS/CSLRCD/ US-LTRCD will provide **electronic** pre-construction notification for each project to regulatory agencies with jurisdiction over project activities. Written notification will be provided for agencies with such requirements. The notification will include the following information: project location; TIER the	***Notification*** All requirements for TIER I apply, **AND**: Notifications will include a description of proposed water diversion or silt control, if working in a perennial stream and flows will be isolated from the workspace. ***Reporting*** All requirements for TIER I apply	***Notification*** All requirements for TIER II apply, **AND:** Details will be provided on listed species/habitat and cultural/historic resources present in relation to the work area, potential impacts to listed species/habitat and cultural/historic resources, and avoidance/minimization measures planned**.**	***Notification*** All requirements for TIER III ***Reporting*** All requirements for TIER III apply, **AND**: Reports will include alternatives considered and justification for using rock, grade stabilization structures, or removal of large instream structures.

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	project falls under and why; project description and purpose/need (including environmental benefits expected); environmental setting (surrounding habitat, adjacent land uses); approved practices to be installed; project dimensions (length, width, volume of soil disturbance); and summary of any survey results. Agency staff has the final authority to determine whether individual projects may be included in or excluded from the program. Agency staff would be able to conduct a site visit as well. **Projects may begin 10 working days after electronic notifications have been emailed**, unless other timelines are required or specified by agencies. ***Reporting*** NRCS/CSLRCD/US-LTRCD will report the status of all projects to permitting agencies in the form of an annual post-construction report. The		***Reporting*** All requirements for TIER II apply.	

PROJECT COMPONENT	TIER I	TIER II	TIER III	TIER IV
	annual report will be due by April 30 of each year during the term of the permit. The report will include the following information: a list of participating landowners, project name or organizations; descriptions of each project purpose and area affected; improvements to water quality and/or biological resources; photo-documentation comparison of pre-construction and post-construction condition; monitor's observations and adjustments made to existing practices as result of monitoring; reseeding and revegetation efforts; and other pertinent information. The report will also include a review of the status of all previous habitat restorations that are being maintained.			

TIER V: Environmentally beneficial projects requiring individual permits based on agency jurisdiction whereby the agencies will expedite such individual permits as the projects are **not** covered by the San Luis Obispo Partners In Restoration (PIR) Permit Coordination Program and associated programmatic permits or agreements.

1.6 ADDITIONAL PROTECTION MEASURES FOR LISTED SPECIES

Species-specific protection measures are being developed in collaboration with agencies with jurisdiction over protected species and sensitive habitats. These measures will become part of the programmatic biological opinions and streambed alteration agreement issued for the Project.

A list of known Federal and State listed candidate, threatened, endangered, and fully-protected species potentially occurring in the Project area is shown in Table 4. Many of these species occur in habitats where the Project will not be implemented. Species likely to be encountered, according to DFG, are shown with an asterisk (*). The presence of one or more of the species listed below will automatically place the practice/project in Tier III. Table 4 will be updated on a biannual basis as species occurrence and designations change over time.

Table 4. Federal and State Listed Threatened, Endangered, Candidate, and Fully Protected Species

Common Name *Scientific Name*	**Federal**	**State**
FLOWERING PLANTS		
Beach Spectaclepod *Dithyrea maritima*	NA	Threatened
California jewelflower* *Caulanthus californicus*	Endangered	Endangered
California seablite Suaeda californica	Endangered	NA
Camatta canyon amole *Chlorogalum*	Threatened	NA
Chorro creek bog thistle *Cirsium fontinale var. obispoense*	Endangered	Endangered
Gambel's watercress* *Rorippa gambellii*	Endangered	Threatened
Hearst's manzanita *Arctostaphylos hookeri ssp. hearstiorum*	NA	Endangered
Indian knob mountainbalm *Erodictyon altissimum*	Endangered	Endangered
La Graciosa thistle* *Cirsium loncholepis*	Endangered	Threatened
Marsh sandwort *Arenaria paludicola*	Endangered	Endangered
Monterey spineflower *Chorizanthe pungens var. pungens*	Threatened	NA
Morro manzanita *Arctostaphylos morroensis*	Threatened	NA
Nipomo mesa lupine *Lupinus nipomensis*	Endangered	Endangered
Parish's checkerbloom *Sidalcea hickmanii parishii*	Candidate	NA
Pismo clarkia* *Clarkia speciosa var. immaculate*	Endangered	NA
Purple amole *Chloragalum pupureum var . purpureum*	Threatened	NA

Common Name ***Scientific Name***	**Federal**	**State**
Salt marsh bird's-beak *Cordylanthus maritimus maritimus*	Endangered	Endangered
San Joaquin wooly-threads* *Lembertia congdonii*	Endangered	NA
Surf thistle *Cirsium rhothophilum*	NA	Threatened
INVERTEBRATES		
Morro shoulderband snail* *Helminthoglypta walkeriana*	Endangered	NA
Longhorn fairy shrimp* *Branchinecta longiantenna*	Endangered	NA
Smith's blue butterfly *Euphiotes enoptes smithi*	Endangered	NA
Vernal pool fairy shrimp* *Branchinecta lynchi*	Threatened	NA
FISH		
Arroyo chub *Gila orcuttii*	NA	Candidate
Southern California steelhead* *Oncorhynchus mykiss*	Endangered	Candidate
South/central California coast steelhead* *Oncorhynchus mykiss*	Threatened	NA
Tidewater goby* *Eucyclogobius newberryi*	Endangered	NA
AMPHIBIANS		
Arroyo southwestern toad* *Bufo microscaphus californicus*	Endangered	NA
California red-legged frog* *Rana aurora draytonii*	Threatened	NA
California tiger salamander* *Ambystoma californiense*	Threatened	Candidate
REPTILES		
Black legless lizard *Anniella pulchra nigra*	NA	Candidate
Blunt-nosed leopard lizard* *Gambelia silus*	Endangered	Endangered, Fully Protected
Southwestern pond turtle* *Actinemys marmorata pallida*	NA	Candidate
Two-striped garter snake* *Thamnophis hammondii*	NA	Candidate
BIRDS		
Bald eagle* *Haliaeetus leucocephalus*	Threatened	Endangered, Fully Protected
Black swift *Cypseloides niger*	NA	Candidate

Common Name ***Scientific Name***	**Federal**	**State**
Brown pelican* *Pelicanus occidentalis*	Endangered	Endangered, Fully Protected
Burrowing owl *Athene cunicularia*	NA	Candidate
California condor* *Gymnogyps californianus*	Endangered	Endangered, Fully Protected
California black rail *Laterallus jamaicensis coturniculu*	NA	Threatened, Fully Protected
California clapper rail *Rallus longirostris obsoletus*	Endangered	Endangered, Fully Protected
California least tern *Sterna antillarum browni*	Endangered	Endangered, Fully Protected
Golden Eagle *Aguila chrysaetos*		Fully Protected
Least Bell's vireo* *Vireo belli pusillus*	Endangered	Endangered
Peregrine falcon *Falco peregrinus anatum*		Fully protected
Tricolored blackbird* *Agelaius tricolor*	NA	Candidate
Western snowy plover* *Charadrius alexandrinus nivosus*	Threatened	Candidate
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*	Candidate	Endangered
White tailed kite *Elanus leucurus*		Fully Protected
MAMMALS		
Big free-tailed bat *Nyctinomops macrotis*	NA	Candidate
Giant kangaroo rat* *Dipodomys ingens*	Endangered	Endangered
Morro Bay kangaroo rat *Dipodomys heermanni morroensis*	Endangered	Endangered, Fully Protected
San Joaquin kit fox* *Vulpes macrotis mutica*	Endangered	Threatened
San Joaquin/Nelson's antelope squirrel *Ammospermiphilus nelsoni*	NA	Threatened
Southern sea otter *Enhydra lutris nereis*	Threatened	Fully Protected
Tipton kangaroo rat *Dipodomys nitratoides nitratoides*	Endangered	Endangered

1.7 COMPLIANCE

Compliance with programmatic permits will take place at two levels, one with individual landowners (or organizations), who will be implementing practices/projects on their property, and the other with NRCS, CSLRCD and US-LTRCD as Project sponsors. NRCS, CSLRCD and US-LTRCD will be responsible for administering the Project but individual landowners will be

ultimately responsible for complying with conditions of the programmatic permits. Landowners, whose practices/projects qualify for the Project, must sign a Cooperator Agreement (see Attachment 6). This agreement acknowledges their responsibility for complying with all of the permit conditions and NRCS design and installation standards and specifications for the practices.

To assist and clarify roles and responsibilities for the Project, NRCS, CSLRCD and US-LTRCD will use a manual designed specifically for the Project in San Luis Obispo County titled, *Procedures for Complying with Multiple Permits: A Guide for Conservation Planners* based on an existing manual (by the same title) issued for the Santa Cruz County Project in 2005. The overall goal of the manual is to ensure the Project is administered and implemented successfully. Important sections in the compliance manual include:

- A process for ensuring that only those practices/projects that are qualified for the Project are selected;
- Conservation practice design and implementation criteria;
- Conditions required by the agencies in their programmatic permits;
- Information on listed and rare species and sensitive habitats; and
- Survey, monitoring, and reporting requirements.

Table 5 summarizes the roles and responsibilities of individual landowners (or organizations) and NRCS/CSLRCD/US-LTRCD that will help ensure compliance with permit conditions.

Table 5. Responsibilities of NRCS/CSLRCD/US-LTRCD & Landowners Under the Project

	NRCS/CSLRCD/US-LTRCD	Landowner (Organization)
Before Construction		
Planning	Decides which practices/projects are eligible for the Project; oversees planning and Design. Includes biological and cultural analysis by qualified staff or consultant.	
Contracts	Cost-share contract.	Cooperator Agreement.
Training	Mandatory for all staff involved with the Project (using the compliance manual).	Mandatory for all landowners, managers, contractors, subcontractors, and organizations involved with the project (using the compliance manual).
Notification	Prepares and submits pre-construction notifications to regulatory agencies.	
During Construction		
Monitoring	Monitors project implementation to ensure compliance with standards and design specifications and compliance with permit conditions (other monitors required for listed species protection as specified in biological opinions).	Responsible for compliance with plan standards and design specifications and compliance with permit conditions.

	NRCS/CSLRCD/US-LTRCD	Landowner (Organization)
After Construction		
Maintenance and Monitoring	Inspects installed projects as needed during the rainy season; performs formal status reviews of projects annually for 5 years (includes status of any required revegetation).	Performs maintenance when required by the practice standard to ensure proper functioning of the practice, including any required revegetation.
Reporting	Prepares and submits annual reports to regulatory agencies.	

1.8 PROCEDURES FOR NON-COMPLIANCE

Landowners. NRCS, CSLRCD and US-LTRCD are non-regulatory agencies. Largely because they are non-regulatory, a high degree of trust has been established with the agricultural community, and landowners are more likely to work with NRCS, CSLRCD and US-LTRCD to improve the natural resource conditions on their land. Because it is essential that this trust be maintained, NRCS, CSLRCD and US-LTRCD cannot act in a regulatory capacity and notify permitting agencies of non-compliance with permit conditions. However, if the landowner does not carry out work consistent with NRCS design standards and specifications, including the previously agreed upon permit conditions and environmental protection measures, the following procedures will be followed:

- NRCS, CSLRCD or US-LTRCD will notify the landowner in writing about the problem and work directly with the landowner/manager to try to resolve it;
- In the unlikely event that the landowner still fails to conform, NRCS, CSLRCD or US-LTRCD will notify the landowner that their contract is cancelled; if a contract is cancelled, the landowner's actions are no longer covered by the Project's permits and agreements;
- No later than five days after canceling a contract with a landowner, NRCS/CSLRCD/US-LTRCD will notify the regulatory agencies that the contract has been cancelled, the reason for non-compliance, and will provide the agencies with the landowner's contact information;
- The permitting agencies may follow up with the landowner directly to ascertain the reason for the contract cancellation and pursue any enforcement actions, at their discretion. Contracts may be cancelled for reasons other than non-compliance; *e.g.*, if a landowner changes his/her mind about beginning a project, often due to unanticipated costs, a contract will be cancelled.

NRCS/CSLRCD/US-LTRCD. Participating regulatory agencies (at their discretion), may conduct a full evaluation/review of the Project's progress approximately midway through the first five-year period and again at the end of the first term. At those times, the agencies will have the opportunity to recommend changes to the practices or protection measures if they are not providing the level of protection or enhancement originally intended. The Regional Board will

take the lead in organizing the Project reviews and be responsible for coordinating with NRCS/CSLRCD/US-LTRCD relative to any proposed Project changes. As a last resort, each permitting agency has the option to not renew its programmatic permit for an additional five years if compliance issues with NRCS/CSLRCD/ US-LTRCD arise and cannot be resolved to their satisfaction.

2.0 PROJECT LOCATION

San Luis Obispo County encompasses an area of approximately 2,114,765 acres (3,305 square miles). Agriculture is the dominant land use in San Luis Obispo County. Approximately 80% of the County (~1,691,810 acres) is in some form of agriculture. Grazing land occupies approximately 90%, the majority of the agricultural land in the County. Because agriculture is so widespread, conservation activities installed under the Program are expected to lead to significant water quality and habitat improvements throughout the County.

The Project will be applicable to privately and publically owned lands, mainly agriculturally property, within San Luis Obispo County. However, the Project will not be allowed in the following areas:

- Areas within vernal pools
- Lands and submerged areas under direct jurisdiction of the California Coastal Commission (such as estuaries, harbors and bays)
- Ocean coastline and beaches
- Any area site that does not comply with all associated practice conditions, limitations and mitigation measures of the Project.
- Specific geographic areas identified by consultation with the USFWS, NMFS and DFG as sensitive where impacts can not be avoided or minimized to less than significant.

3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED CHECKLIST

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

☒ Aesthetics	☒ Geology and Soils	☐ Noise
☐ Agricultural Resources	☒ Hazards/Hazardous Material	☐ Population/Housing
☒ Air Quality	☒ Hydrology/Water Quality	☐ Public Services
☒ Biological Resources	☐ Land Use/Planning	☐ Recreation
☒ Cultural Resources	☐ Mineral Resources	☐ Transportation/Traffic
		☒ Utilities

☒ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation, the Environmental Coordinator finds that:

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

☒ Although the proposed Project could have a significant effect on the environment, there will not be a significant effect 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.

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

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" 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.

☐ 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.

Donald J. Funk, Upper Salinas – Las Tablas Resource Conservation District — Date 3/25/09

On behalf of Neil Havlik, Coastal San Luis Resource Conservation District — Date 3/25/09

EVALUATION OF ENVIRONMENTAL IMPACTS

1. As required, a brief explanation is provides for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved. A "No Impact" answer is explained where it is based on project-specific factors as well as general standards.

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

3. Once the lead agencies determined that a particular physical impact may occur, the checklist answers then indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required; however, there were not any determinations of "Potentially Significant Impact."

From Page 54 of Draft MND
Inserted as Page 55 for Final MND

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency describes the mitigation measures, and briefly explains how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. If earlier analyses were used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section1 5063(c)(3)(D). In this case, a brief discussion shall identify the following:

   a) Earlier Analysis Used. Identifies and states where they are available for review.

   b) Impacts Adequately Addressed. Identifies which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describes the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Incorporates into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document shall, where appropriate, include a reference to the page or pages where the statement is substantiated.

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

8. Lead agencies shall address the questions from the checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue shall identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY CHECKLIST

3.1 AESTHETICS/VISUAL RESOURCES

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Have a substantial adverse effect on a scenic vista?		✓		
B. Introduce a use within a scenic view?			✓	
C. Substantially degrade the existing visual character or quality of the area?			✓	
D. Glare or night lighting which may affect adjoining areas?				✓
E. Visually incompatible structures?				✓

SETTING: San Luis Obispo County's visual resources consist of open areas (agricultural and natural, undeveloped land), scenic corridors (areas that have scenic or historic qualities that are visible from recognized roadways) and the built environment (urban landscape). A variety of spectacular natural features and scenic areas contribute to the quality of life enjoyed by residents and visitors. Mountains and ridgelines, unique geological forms, bays and coastal views are the most obvious of these features. The county also includes many other visual resources such as open meadows, riparian corridors, wetland areas, forested areas, and open spaces. Agricultural areas also contribute greatly to the county's visual quality. Scenic views of these resources enhance the travel experience on rural roads and highways.

FINDING: Scenic corridors are view areas, or "viewsheds" from public roads and highways that have unique or outstanding scenic qualities. Inappropriate development can intrude upon these viewsheds. Some examples are highly visible graded roads and pads, buildings that are too close to a highway, and building designs that highlight structures and dominate rather than blend with a natural landscape. Scenic highways and roads are scenic corridors that are designated to conserve and enhance their scenic beauty.

Impact Discussion: The Project will not create or construct structures or change land uses within a scenic, view open to the public. The Project will improve area aesthetics by enhancing and restoring native California vegetation along riparian corridors. Short term, adverse impacts and the scenic vista and visual character at the site of Project activities may occur during implementation of conservation activities. As these potential impacts are short term, when completed, will result in improved aesthetics, as the overall impact is less than significant.

MITIGATION REQUIREMENTS: To ensure that scenic vistas will not be impaired all practices of the Project are to be designed to retain as much of the natural surrounding environment as possible. Any practice of the Project that does not meet the criteria will not qualify for the Permit Coordination Program.

Reference for section: http://www.slocounty.ca.gov/AssetFactory.aspx?did=18793

3.2 AGRICULTURAL RESOURCES

Would the Project:	Poten Signif	Less Than Signif with Mitigation	Less Than Signif	No Impact
A. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				✓
B. Involve other changes in the existing environment, which, due to their location or nature, could resist in conversion of farmland to non-agricultural uses?				✓
C. Conflict with existing zoning or Williamson Act program?				✓

SETTING: SLO County has significant agricultural resources including rangeland, grapes, olive, orange, avocado lemon and nut orchards, vegetables, fruit and flower production. The US-LTRCD, CLSRCD, NRCS are mandated to serve the agricultural community and assist them in

improving their agricultural operations, maintain and improve productivity, prevent soil loss and erosion, while protecting surrounding natural resources.

FINDING: The Project will not result in substantial alteration in agricultural use or a reduction in acreage of agricultural production in the area. Stabilization of eroding soils and streambanks may improve agricultural productivity while reducing erosion and the transport of sediments in the area. The Project will assist the US-LTRCD, CSLRCD and NRCS in their mission to improve agricultural operations and productivity while protecting and enhancing adjacent natural resources.

3.3 AIR QUALITY

Would the Project:	Poten Signif	Less Than Signif with Mitigation	Less Than Signif	No Impact
A. Violate any state or federal ambient, air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?		✓		
B. Expose any sensitive receptor to substantial air pollutant concentrations?		✓		
C. Create or subject individuals to objectionable odors?				✓
D. Be inconsistent with the County Air Pollution Control District Clean Air Plan?				✓

SETTING: San Luis Obispo County skies are typically clear and blue with little of the characteristic brown haze associated with areas considered to have poor air quality, yet air pollution is still a problem.

The primary factors affecting air quality in San Luis Obispo County are (1) the prevailing climatic conditions; (2) the topographic and geographic features of the region; and (3) the type, quantity, and location of pollutant emissions.

FINDING: The Project would have minor, short-term impacts on air quality only in the vicinity of the Project sites as a result of operation of heavy equipment, automobiles, and minor creation of dust.

Based on the relatively minor size of the Project's practices and the short term use of heavy equipment, the total direct and non-direct project emissions would not exceed the *de minimis* threshold levels of federal, state or county statute, regulation or ordinance.

MITIGATION REQUIREMENTS: State/Local Compliance

Dust Control Measures for Small Projects: The Project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. APCD staff recommend the following measures be incorporated into the Project to control dust:

- Reduce the amount of the disturbed area where possible;

- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed and surrounded by straw wattles or silt fence to prevent airborne or runoff losses; and,
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

As for larger scale practices of the Project, when a practice will exceed one of the APCD thresholds, the RCD need to work with the APCD Planning Division (805-781-5912) to quantify the air quality impacts and define appropriate mitigation. The APCD thresholds to measure a practice of the Project against are:

1. 2,000 cubic yards of material shall be moved in one day (equivalent to 185 lbs of Nitrogen oxide (Nox) emissions);

2. 54,500 cubic yards of material shall be moved in one quarter (equivalent to 2.5 tons/qrt of NOx emissions);

3. 4-acres of disturbed area (equivalent to 2.5 tons/qrt of Particulate Matter emissions); and

4. If the site is within 1,000 feet of homes, schools, hospitals or other sensitive receptors than the practice of the Project shall use diesel equipment.

Naturally Occurring Asbestos: The Project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD .

Developmental Burning: Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the Project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Reference for section: http://www.slocleanair.org/air/index.php

3.4 BIOLOGICAL RESOURCES

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
Flora				
A. Result in a loss or disturbance to a unique, rare or threatened plan community?		✓		
B. Substantially reduce the numbers or restrict the range of any unique, rare or threatened species of plants?			✓	
C. Reduce the extent, diversity or quality of native vegetation (including brush removal for fire prevention and food control improvements)?		✓		
D. Impact non-native vegetation whether naturalized or horticultural if of habitat value?		✓		
E. Result in the loss of healthy native specimen trees?		✓		
F. Introduce herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?		✓		
Fauna				
G. Substantially reduce the numbers, restrict the range or impact to the critical habitat of any unique, rare, threatened or endangered species of animal?		✓		
H. Substantially reduce the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			✓	
I. Deteriorate existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc)?		✓		
J. Introduce barriers to movement of any resident or migratory fish or wildlife species?		✓		
K. Introduce any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?		✓		

SETTING: The topography and climate of San Luis Obispo County are extremely diverse, and in large part are responsible for the diversity of habitat types and plant and animal species found in the County. There are 4 major mountain ranges traversing the County, generally running from the north in a southeasterly direction. The topography ranges from steep, rugged ridges and mountains dropping to rolling hills, stream terraces and gently sloping valley floors to the Pacific Ocean. The Salinas River and its tributaries drain approximately 50% of San Luis Obispo County. Elevations range from sea level on the coast to 600 feet in the Salinas River Valley to 4,300 feet in the northeast boundary. The large Carrizo Plains Valley, consisting of gently sloping alluvial soils, drains to an inland body of water known as Soda Lake.

The climate in the region is Mediterranean, typically dry summers and cool wet winters. Rainfall is restricted to the winter months (December through March). San Luis Obispo County falls within the Californian floristic province, which is subject to an El Nino/La Nina weather cycle significantly affecting winter rainfall, causing highly variable rainfall between years. Average annual rainfall ranges from 50 inches in the Santa Lucia Mountains to 8 inches in the Carrizo Plains. As a result, stream flow in the County's watersheds is "flashy," rising and falling in

response to precipitation, and can vary seasonally by over five orders of magnitude (Boughton et al., 2005).

Plant Communities of San Luis Obispo County: The assorted topography and soil types characteristic of San Luis Obispo County support diverse habitats that in turn support diverse assemblages of species, many of which are protected under the Federal and State Endangered Species Acts. Within the California floristic province are 10 broad native terrestrial plant communities. These are: estuarine wetlands, beach and dunes, riparian forests, coastal prairie, coastal sage scrub, oak woodlands, chaparral, valley grasslands, vernal pools, and southern California conifer forests. Some of the principal plant communities present in the County are summarized below

Coastal Salt Marsh: *(estuarine wetlands):* Salt marsh species are largely determined by the frequency and duration of tidal flooding and nutrients received by freshwater runoff. Plants in this community are adapted to high levels of salinity, and are impacted by sediments from upstream filling in these areas (and thereby converting salt marsh to upland habitat). Characteristic plant genera include *Salicornia, Suaeda, Distichlis*, and *Frankenia,*. Wildlife species that depend on this habitat include but are not limited to the light-footed clapper rail, Belding's savannah sparrow, and tidewater goby (brackish water).

Unique to San Luis Obispo County is the Sweet Springs Ecological Preserve in Los Osos. The preserve protects a salt marsh that formed by an unusual combination of a tidal salt marsh and a freshwater spring. Many species of shorebirds and water fowl inhabit the preserve, which is adjacent to and flows into Morro Bay. The Morro Bay estuary supports the coastal salt marsh as well as several other biotic communities including tidal mudflats and coastal scrub.

Typically, salt marshes occur in tidal flats next to the ocean. However, also unique to the County, this community can be found inland near the saline Soda Lake, the last remains of a prehistoric sea, in Carrizo Plain.

Overall, this community is rare as much of the original salt marshes have been destroyed. It is estimated that only 5% – 10% of California's coastal salt marsh community remains.

Dunes and Coastal Strand: Dunes and their associated biota are an extremely delicate and unstable environment, with the only stabilization of the constantly moving sands derived from the relatively sparse vegetation adapted to these sites. Sensitive species supported by the open dune areas in San Luis Obispo County include the federally threatened Western snowy plover (*Charadrius alexandrinus nivosus),* the federally endangered California least tern (*Sterna antillarum browni),* and the federally threatened Monterey spineflower (*Chorizanthe pungens var. pungens).*

One such area is Oso Flaco Lake, a sensitive coastal dune habitat and wetland area that provides important wildlife habitat in the hollows of the Nipomo Dunes within the County. The Dune Lakes are comprised of a series of ten freshwater lakes that are important to birds in the Pacific flyway while providing important nesting areas for water fowl and other marsh associated species.

Also within the County is the Guadalupe-Nipomo Dunes preserve. The preserve is 18 miles of the largest Coastal dune ecosystem in the Western US and the most biodiverse in the nation. The coastal dune-lagoon ecosystem is home to 1,400 known species of birds, plants and animals with the highest sand dune on the west coast.

Freshwater Marsh: Freshwater marshes are characterized by cattails, rushes, and sedges and support a variety of waterfowl and other birds, frogs, and aquatic reptiles. One of the few remaining freshwater marshes in this area used by migratory waterfowl is Black Lake Canyon. The *San Luis Obispo County's Integrated Regional Water Management Plan* (IRWMP) describes, "This unique canyon bisects the Nipomo Mesa and was once part of a stream system that flowed directly into the ocean. Over geologic time, however, the Canyon became isolated from its historic basin. Today, the bottom of the Canyon is still home to unique wetland habitats fed by groundwater and rain. The isolation of the canyon habitats has also encouraged the development of a unique set of plant species. Black Lake Canyon is one of the only known habitat areas that supports the endangered marsh sandwort and the Gambel's watercress," (*Rorippa gambellii*).

Chaparral: Chaparral is very widespread on many different types of soils and parent material. Chaparral is also typically found in older sand dunes and composed mainly of evergreen woody shrub species. Chaparral plants form dense thickets and are adapted to little water and to wildfires. Dominant plant species include manzanita (*Arctostaphylos*), coyote brush, chamise (*Adenostema*), monkey flower (*Ceanothus*), and sage species (*Salvia*). Central maritime chaparral, also known as Sandhill or Burton Mesa chaparral, is a unique form of chaparral highly restricted in its distribution and which supports a high number of endemic plants in the County. Plant series that can be found in the maritime chaparral habitats of San Luis Obispo County, particularly in the Los Osos area, include the federally threatened Morro Manzanita (*Arctostaphylos morroensis)* and federally endangered Indian Knob mountain balm (*Erodictyon altissimum*).

Coastal Sage Scrub: This plant community is comprised of drought-tolerant, shallow-rooted shrubs such as California sagebrush (*Artemisia californica*), black, purple, and white sage (*Salvia mellifera, S. leucophylla, S. apiana*), California buckwheat (*Eriogonum fasciculatum*), and California encelia (*Encelia Californica*). Coastal sage scrub is highly adapted to fire and is limited to the lower elevations of both the coastal and interior regions of the mountains.

Grassland: Native grasslands once covered one fifth of the state, but now cover only 0.1%. They are considered very rare throughout California. The California Natural Diversity Data Base has identified the Purple Needlegrass (*Nassella pulchra*) Grassland as a community which needs priority monitoring and restoration efforts. Communities with 10% or greater overall cover of Stipa pulchra (*Nassella pulchra*) constitute significant communities that require special protection as remnants of the once widespread pristine California prairie.

Vernal pools are a unique character of grasslands. Vernal pools are shallow basins that hold for during spring and then dry in summer and support some of the rarest and most unique flora and fauna in the state.

Much of the County's native grasslands has been converted to grazing and is now dominated by introduced annual grasses such as fescues and bromes. Portions of the Carrizo Plain maintains a relatively pristine ecosystem. Intact native greases also occur in the County within the Montana De Oro State Park.

Oak Woodlands and Forests: Three types of oak woodlands occur in the County – Valley Oak, Coast Live Oak, and Blue Oak Woodlands. Valley Oak Woodlands are characterized by scattered trees surrounded by grassland, whereas trees in Live Oak and Blue Oak Woodlands tend to be more closely spaced. The interior valleys of the County support grasslands and Valley Oak

Woodlands (*Quercus lobata* and *Q. agrifolia*); Coast Live Oak forms dense groves of trees on north-facing slopes and is the primary oak species found in southern oak woodlands. The foothills of the inner coast ranges are occupied by Blue Oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*) and grey pine (*Pinus sabiniana*). Other species associated with oak woodlands include redbud (*Cercis occidentalis),* coffeyberry (*Rhamnus californica*), toyon (*Heteromeles arbutifolia*), mistletoe (*Phoradendron macrophyllum),* poison oak (*Toxicodendron diversilobum),* forbs, and grasses. These communities form the basis of a complex and interconnected food chain that supports diverse wildlife populations. In addition to oak forests, pine and other coniferous forests also occur in the County mainly at higher elevations on USDA Forest Service land.

Monterey Pine Forest: Endemic to coastal California, Cambria's Monterey pine forest is one of only three native stands left in the state with a total of five left in the world. The Monterey pine forests in California are relicts of the Pleistocene coastal coniferous forest. This community is dominated by the Monterey pine (*Pinus radiata)* and is the type of maritime closed-cone forest. Bishop pine (*Pinus muricata*) and coast live oak are other tree species found within the community, however, the size of the Monterey pines and the density of the canopy create a shade cover that limits many species from growth. Also, fire is necessary to maintain the health of the Monterey pine forest. The natural stands of Monterey Pine Forest form plant and animal ensembles found nowhere else on Earth.

FINDING: Listed Species and Critical Habitat in San Luis Obispo County

San Luis Obispo County is home to a variety of Federal and State listed threatened and endangered species. The following are listed species that may be affected by the Project. A complete list of threatened and endangered species occurring in San Luis Obispo County is included as Table 4 of the Project description.

Plants: California jewelflower (*Caulanthus californicus*), Gambel's watercress (*Rorippa gambelii*), La Graciosa thistle (*Cirsium loncholepis*), Pismo clarkia (*Clarkia speciosa var. immaculate),* San Joaquin wooly-threads (*Lembertia congdonii*)

Invertebrates: Longhorn fairy shrimp *(Branchinecta longiantenna),* Morro shoulderband snail *(Helminthoglypta walkeriana),* Vernal pool fairy shrimp *(Branchinecta lynchi)*

Fish: Southern California Coast Steelhead (*Oncorhynchus mykiss*), South/central California coast steelhead (*Oncorhynchus mykiss*), Tidewater goby *(Eucylogobius newberyii),*

Amphibians: Arroyo southwestern toad (*Bufo microscaphus californicus),* California red-legged frog (*Rana aurora draytonii),* California tiger salamander *(Ambystoma californiense)*

Reptiles: Blunt-nosed leopard lizard (*Gambelia silus*), Southwestern pond turtle (*Actinemys marmorata pallida),* Two-striped garter snake (*Thamnophis hammondii)*

Birds: Bald eagle (*Haliaeetus leucocephalus),* Brown pelican (*Pelicanus occidentalis),* California condor (*Gymnogyps californianus*), Least Bell's Vireo (*Vireo bellii pusillus*), Tricolored blackbird (*Agelaius tricolor*), Western snowy plover (*Charadrius alexandrinus nivosus)*

Mammals: Giant kangaroo rat (*Dipodomys ingens*), San Joaquin kit fox (*Vulpes macrotis mutica*)

Impact Discussion: Table Items A-K – Work undertaken as part of the Project will occur only in disturbed or degraded areas primarily on agricultural property where the land is actively

managed for farming or ranching. The intent of the Project and the associated Practices is to reduce erosion and sedimentation and thereby improve the health of natural resources (specifically, water quality, native riparian habitat, and habitat for listed species), while helping maintain agricultural productivity. However, any activity that involves work in an area with sensitive resources, no matter what the intent, has the potential to negatively affect those resources.

Possible negative impacts in the short-term stem primarily from site disturbance during Practice installation (soil excavation or grading, preparation of the ground for seeding and mulching, stream bank and channel stabilization, construction of earthen embankments, placement of fill, vegetation removal), trampling or crushing of vegetation from equipment and foot traffic, and poor onsite management practices that could further degrade water quality. The potential for adverse impacts is partially offset by the fact that all work will occur in already disturbed or degraded areas as well as by the long-term benefits expected to result from the proposed practices.

The Environmental Protection Measures combined with the conditions and limitations placed on the Conservation Practices (Table 1 of the Project Description) will avoid or minimize most potential impacts to plants, animals, and sensitive habitats associated with installation of the Practices. These Environmental Protection Measures apply to all work undertaken as part of the Project and are an integral part of the Project Description.

The Environmental Protection Measures are organized into tiers, with increased potential for practice/project impacts triggering stricter levels of protection. For example, TIER I practices/projects include upland practices where no listed species or potential habitat occurs. TIER II practices/projects may take place in streams but no listed species or potential habitat can be present. Surveys by certified conservation planners trained by qualified individuals are required to conclude listed species are not present and would not be impacted. Projects where listed species and cultural/historic resources are known to occur (either by surveys or occurrence data) or where suitable habitat exists are automatically placed in TIER III or TIER IV. TIER IV practices/projects include all Practices with structural components (*e.g.*, rock incorporated into bank protection) and practices/projects which are considered more complex (*e.g.*, replacing an existing barrier with a fish-friendly crossing). TIER IV practices/projects have the strictest protection measures and level of review by the associated agencies. It should be noted that regardless of TIER, it is required that all practice installations are conducted in a manner that ensures NO significant impacts occur. <u>In other words, any impacts that cannot be avoided or minimized to a less than significant level, then that project shall not be eligible or allowed to participate in the program.</u>

Following is a summary of Environmental Protection Measures pertinent to biological resources. A detailed description of the Project's Environmental Protection Measures is included in Table 3 of the Project Description.

Summary of protection measures to avoid and minimize adverse effects associated with loss or degradation of habitat:

- Site disturbance, including staging and access areas and disturbance or removal of native vegetation will be limited to the minimum area necessary to achieve the Project goals; staging areas will be sited on previously disturbed areas to the extent possible and will not exceed 2 acres

for any one practice of the Project.

- Native grasses that are part of a native grassland (as defined by the Department of Fish and Game) shall be avoided; patches of native grasses that are clearly isolated and not a part of a native grassland or other sensitive habitat (vernal pools, oak woodland/forests, wetlands, riparian habitat), shall be avoided to the maximum extent possible. If patches of native grasses cannot be avoided completely, no more than 2 acres shall be disturbed for any one practice of the Project.

- Projects may be sited in oak woodlands but shall not result in habitat fragmentation, loss of canopy cover, changes in hydrology, or impairment to wildlife movement. Impacts to individual oak trees shall be avoided to the maximum extent possible. If native trees over 4" diameter at breast height (dbh) are unavoidably removed, they will be replaced at a 3:1 ratio with the exception of blue oaks. Blue oaks at any size will be replaced at a 10:1 ratio. Where the root zone cannot be avoided completely, no more than 20% of the root zone shall be affected by practice/project installation.

- Upland practices that are part of a grazing management plan (cross-fencing and stockwater systems) will offset any disturbance to individual native grasses or oak trees by eliminating overgrazing and enhancing adjacent riparian areas.

- Projects will avoid direct and indirect impacts to vernal pools, vernal pool complexes, seasonal wetlands, and other isolated wetlands: no practice will result in decreased water flow, topographic changes, or restricted wildlife access/movement to or within these habitats.

- Disturbance or removal of native riparian vegetation in the bed, channel, or bank will be avoided to the maximum extent possible; when necessary to install practices, disturbance or removal may occur as follows: A maximum of 2 acres of native riparian habitat may be removed from a stream's bed, channel, or bank for any given practice. If the area is exclusively non-native invasive species, up to 2.5 acres of vegetation may be removed. If native vegetation is destroyed or disturbed as a result of practice activities, it will be permanently restored to pre-construction condition or better.

- Removal of native trees will be avoided to the maximum extent possible; when necessary to install practices, native trees over 4" dbh and willows over 6" dbh will be replaced at a 3:1 ratio with the exception of blue oaks. As indicated above, blue oaks at any size will be replaced at a 10:1 ratio. For permitted removal of any native tree, the root structure of the tree will be left intact unless cut at or within 6" of ground height or otherwise authorized by DFG on a case by case basis. Non-native trees that provide habitat for special status species will not be removed. Diseased or dead trees (native and nonnative) may only be removed if causing bed or bank erosion.

- Removal of native riparian vegetation will be mitigated onsite by revegetation. NRCS/CSLRCD/US-LTRCD will design and implement re-vegetation plans, when required, to permanently restore sites to their pre-construction condition or better, with the goal of achieving a more natural state. The success criteria (percent cover and survival of native plantings) for revegetation practices/projects will be to achieve 70% survival by the end of the first year, and 90% revegetation survival by the end of the fifth year.

- Native plants characteristic of the local habitat type will be the preferred alternative for

revegetation. Non-native, non-persistent grass mixes (*e.g.*, sterile barley grass) may be used as fast establishing temporary cover for erosion control while natives are establishing. Non-natives used will not persist past the first year of establishment. In no case would non-native vegetation species be used by themselves for vegetation purposes.

▪ Work in flowing or ponded water is not allowed, except as follows: If temporary or intermittent flows exist onsite, construction shall occur when the stream is dry. If groundwater seeps into the work area, the site shall be dewatered. Any muddy or otherwise contaminated water shall be pumped to an upland area located outside the stream channel where the water can clear prior to re-entering the stream. If the site cannot be dewatered then the site shall be isolated from the flowing water by a cofferdam, silt fencing or other barrier. Upon completion of construction, turbid water in the isolated area shall be allowed to settle and then the barrier shall be removed. Passive diversion is preferred over pumping. If pumping is used, additional requirements shall apply, as specified by DFG in the Streambed Alteration Agreement. Excavating a channel for the purpose of isolating the workspace from flowing water is not allowed.

Summary of protection measures to avoid and minimize adverse effects to listed species, rare species, and species of state and local concern:

▪ Species-specific protection measures are being developed in collaboration with agencies with jurisdiction over protected species. In addition to the general protection measures contained in the Project Description, all terms and conditions in the biological opinions issued by FWS and NMFS and conditions in the streambed alteration agreement issued by DFG related to state-listed species shall be implemented.

▪ Initial site assessments shall be carried out by a certified conservation planner (individuals who have completed a formal training process and have obtained certification) to evaluate whether characteristic habitat for listed species, rare species, or species of state or local concern could occur or does occur in proposed work areas. If rare species or species of state or local concern are found in the practice/project area, they shall be subject to protection measures (which includes avoidance and minimization measures to prevent "take" of such species) outlined by DFG and/or the California Native Plant Society's (CNPS) Mitigation Guidelines. Additionally, all conditions concerning sensitive/listed species apply to any plant or animal that qualifies under CEQA Section 15380 regarding endangered, rare or threatened species.

▪ Field surveys for species will be conducted by qualified individuals that have been approved by the FWS, NMFS, and DFG. The qualified individuals handling sensitive species shall be familiar with the species' habitat requirements, and have the necessary permits for handling the species, as applicable.

▪ If habitat for listed species is found in the practice/project area, a qualified individual (approved by the FWS, NMFS, and/or DFG) shall complete a pre-construction survey to determine if species or habitat will be disturbed by planned activities. This individual shall use approved protocols to conduct the surveys of each site identified during the initial assessment as containing potential habitat **OR** assume presence of the species if representative habitat is present (in lieu of conducting protocol-level surveys).

▪ The general construction season shall be May 15th to October 31st. If practices are installed in

streams or riparian vegetation, work shall not begin until after August 1st to avoid potential impacts to breeding riparian birds, unless surveys are conducted. If construction must occur prior to August 1st, a qualified individual, approved by DFG and/or FWS, shall conduct pre-construction surveys for breeding birds or bird nesting activity. If any active nests are found, a work exclusion zone shall be established and maintained to around active nests to protect the nest until the qualified individual verifies that birds have fledged or the nest is abandoned. NRCS/CSLRCD/US-LTRCD may request exceptions to size of the exclusion zones from DFG on a case-by-case basis.

- If active nests of raptors or any listed/sensitive bird species are found to be present, construction within 100 yards of the active nests shall be delayed until the qualified biologist determines that the young have fledged. If active nests of other species are found to be present, construction within 25 yards of these active nests shall be delayed until the qualified biologist determines that the young have fledged.

- If water is present at work sites, it must be isolated from the work area by installing a temporary diversion system; diversion of flowing water will be done in a manner that maintains downstream flows and minimizes siltation. A qualified individual, approved by FWS, NMFS and/or DFG, will assist with the design and implementation of the diversion, capture fish or wildlife, and move them to a pre-arranged, safe location prior to construction; this individual will monitor the site during construction to ensure individuals do not re-enter the work area. The qualified individual will have absolute authority to halt work if listed species are at risk until adequate protections can be maintained.

- If dewatering, electrofishing should be included as a potential technique for capturing and relocating steelhead if necessary. Electrofishing would prevent fish from hiding within undercut banks and under rocks and would thereby protect the fish from becoming stranded. Capture techniques would be proposed by the fisheries biologist during the survey stage of the project and NMFS would make the final decision regarding the appropriate technique on a site specific basis during the preconstruction review and notification process.

- Work will not be conducted during breeding activities for listed species occurring in the practice/project area (as outlined in the terms and conditions of the biological opinions and streambed alteration agreement for individual species). Avoiding work when these species are active, as proposed under the Project, minimizes many of the potential impacts.

Summary of protection measures to avoid and minimize adverse effects associated with use of heavy equipment, vehicles, and workers:

- Only handheld equipment (weed whackers, chainsaws) will be used to trim or remove vegetation within the channel or on the bank when required prior to installing conservation practices, for removal of invasive plant species, or for removing limited amounts of vegetation associated with some of the practices. In areas where California red-legged frogs or other sensitive species may be present, the area shall be surveyed for such species immediately prior to removal of vegetation.

- Heavy equipment shall not be used in flowing or standing water, except to cross a stream or pond to access the work site. If heavy equipment is required for installation of the practices, it will be operated from the top of creek banks or on terraces above the creek bed whenever

possible. If access to the work site requires heavy equipment to travel across a stream, a rubber tired loader/ backhoe is the preferred vehicle; tracked vehicles may be used as a last resort. NRCS/CSLRCD/US-LTRCD shall designate ingress or egress points.

- For bank restoration practices, finished grades will not be steeper than 2:1 side slopes unless preconstruction condition is so steep (vertical stream banks) that a 2:1 slope on the final grade in not possible; vertical slopes may be graded to the slopes described in the conservation practice or engineered design.

- All Project workers and persons associated with the Project, including participating landowners, managers, contractors, and sub-contractors will attend a training prior to any ground-disturbing activities. The training will include information about listed species that could be encountered and protection measures contained in the biological opinions and streambed agreement.

- Temporary fencing and/or staking and flagging sensitive areas will help deter inadvertent impacts to species or habitat due to workers going into areas that are "off limits."

- A qualified individual, approved by FWS, NMFS, and/or DFG will have absolute authority to halt work if necessary to ensure compliance and protect listed species and habitat during construction.

Summary of protection measures to avoid and minimize adverse effects associated with surveying and monitoring activities:

- NRCS/CSLRCD/US-LTRCD biologist, ~~or~~ consulting biologist or qualified professional~~, who~~ will be conducting a reconnaissance-level survey as part of the initial site assessment. These surveys include, for example, searching the CNDDB, reviewing reports of other projects conducted in nearby areas, and visiting potential project sites to determine if suitable habitat exists for species. Surveys will be conducted at the appropriate period. In the case of CNPS listed plants, for example, on-the-ground floristic surveys will be conducted during the appropriate blooming period to determine presence of any such species. Appropriate protocols established by the DFG, USFWS, NMFS and other agencies for the presence of burrowing owls, California red-legged frogs, and other sensitive/listed species will also be required. The biologist or qualified professional will be trained and familiar with the protected species and the preferred habitats of the species, be knowledgeable in the use of data tools such as CNDDB, and be trained by a qualified individual in general survey techniques to avoid potential impacts to listed species, state and local species of concern, and native habitats.

- Field surveys for species will be conducted by qualified individuals that have been approved by the FWS, NMFS, and DFG. The qualified individuals handling sensitive species shall be familiar with the species' habitat requirements, and have the necessary permits for handling the species, as applicable.

- A training session will be conducted for NRCS/CSLRCD/US-LTRCD staff involved with any phase of the Project. The training will be based on the NRCS handbook, *Procedures for Complying with Multiple Permits: A Guide for Conservation Planners.* Measures required to avoid and/or minimize impacts to biological and cultural resources will be emphasized.

Summary of protection measures to avoid and minimize adverse effects associated with implementation of stream bank protection, grade stabilization structures, and replacement or modification of steelhead barriers:

- Bank protection methods shall be selected in the following order of decreasing preference: 1) vegetation only; 2) bioengineering methods in which vegetation is incorporated with natural type structural components such as woody branches, natural rock, logs, natural fibers and geotextiles, and biodegradable temporary geotextiles; and 3) ungrouted rock rip rap with vegetation. If rock is required, the minimum amount needed to achieve the Project goals shall be used. Use of rock shall conform to the description and size limits contained in the Stream Bank Protection practice.

- Channel stabilization may require grade stabilization structures for repair of large gullies as a last resort. If rock is required, the minimum amount needed to achieve the Project goals shall be used. Use of rock shall conform to the description and size limits contained in the Grade Stabilization Structure practice

- Evaluation of stream bank protection incorporating rock, grade stabilization structures, and stream crossing replacement or modification will include A *Primer on Stream and River Protection for the Regulator and Program Manager* (RWQCB, San Francisco Bay Region, 2003) as an assessment tool. This evaluation includes potential effects up- and downstream; flow conditions that could result in increases in erosion, deposition, or flooding; and creation of stable channel conditions appropriate to the site, among others. The RWQCB's Primer is available online at: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf.

- Projects for stream bank protection, when required, will generally use rock or rock rip-rap between the toe and high water mark. If feasible, root wads (anchored into the bank), rock and log weirs, "J" hooks, and similar small toe and channel modifying structures will be used instead of rock rip-rap. Native riparian vegetation appropriate to the site conditions will be planted above the rock and top of bank.

- If practices/projects for stream bank protection require rock rip-rap above the ordinary high water mark, interstitial spaces will be planted with willows, stakes and/or other appropriate riparian species. Native vegetation appropriate to the site conditions will be planted above the rock and top of bank.

Summary of procedures for project planning, design, notification, review, and reporting:

- At a minimum, project design, implementation, monitoring, and maintenance will follow the mandated 9-step NRCS planning process. If work is to be performed in steelhead habitat, NRCS/CSLRCD/US-LTRCD shall use other appropriate planning tools, which include the *California Salmonid Stream Habitat Restoration Manual* (DFG), *Culvert Criteria for Fish Passage* (DFG, April 2003) that is available online at http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp and *Guidelines for Salmonid Passage at Stream Crossings* (NMFS, September 2001) that is available online at http://swr.nmfs.noaa.gov/hcd/NMFSSCG.PDF. If work includes rock stream bank protection, grade stabilization structures, or replacement/ modification of barriers, the *Primer on Stream and River Protection* (RWQCB, San Francisco Bay Region, 2003) will be added as a planning tool.

- Agency staff has the final authority to determine whether individual projects may be included in or excluded from the program. Agency staff would be able to conduct a site visit as well.

- For Practices installed in uplands where listed species would not be impacted, NRCS/CSLRCD/US-LTRCD will provide electronic pre-construction notification to jurisdictional agencies with information including practice/project location and purpose, tier the project falls under, Practices to be implemented and practice dimensions, site conditions, and survey results. Work may begin 10 working days after e-notification is sent, absent an objection on the appropriateness of tier placement. If an objection is raised regarding tier placement, DFG or FWS will make the final determination.

- For practices installed in streams, NRCS/CSLRCD/US-LTRCD will provide an electronic or written (according to agency requirements and programmatic permits) preliminary pre-construction notification to jurisdictional agencies containing site-specific information for review and approval. The agencies will comment or recommend revisions within 30 working days. If necessary, NRCS/CSLRCD/US-LTRCD will incorporate agency recommendations into the project and send a final pre-construction notification; work may begin 10 working days after the final notification is sent. The notification will identify the practice and include a description of any proposed water diversion, capture and relocation procedures if required, details on listed species/habitat present, potential impacts to listed species/habitat, and planned procedures (outlined in the biological opinions and streambed alteration agreement) to avoid and minimize impacts on the species.

- Any improvements shall be "wildlife friendly" and would be installed so that it does not block migration corridors, inhibit wildlife movement or reduce forging opportunities for wildlife. Water developments that have the potential to trap wildlife shall contain escape structures or other appropriate mechanisms (as required in NRCS Standard 614).

- NRCS/CSLRCD/US-LTRCD will provide a post-construction annual report to all permitting agencies by April 30th for those projects completed the prior year.

Summary of additional measures associated with each conservation practice to avoid and minimize adverse effects:

For each conservation practice described in Table 1 of the Project description, additional conditions are required, including size limitations for each installed practice. A separate table of size limits for each practice is provided as Attachment 2. Below is a list of the additional requirements for each practice.

1. Access Road Improvements

- This practice is used only on existing access roads, to regrade, resurface, relocate, and/or provide drainage improvements on existing access roads, not to construct new roads. Under this provision, access roads may be relocated to provide a setback from a stream corridor in order to plant riparian vegetation as part of a stream corridor restoration plan or for other natural resource protecting purpose.

- This practice will not serve or be related to new development or construction purposes.

- This practice does not include construction of all-weather roads, fire break roads, or logging roads.

- Road improvements are modeled on the *Handbook for Forest and Ranch Roads: A Guide for planning, designing, constructing, reconstructing, maintaining and closing wildland roads*, by Weaver and Hagens. This manual contains descriptions of methods and designs to improve and maintain rural roads to correct problems associated with poor road placement and excessive runoff and erosion.

- Improvements carried out under this practice will not be done for the purpose of accommodating future development or as a precursor to intensification of land use.

2. Diversion (upland flow interceptors)

- Each diversion must have a safe and stable outlet that conveys runoff to a point where outflow will not cause damage to a natural watercourse. Vegetative outlets or sediment basins, when required, will be installed and established prior to installation of a diversion.

- This practice does not involve the diversion of water from a waterway or redirection of flow to a different waterway.

- This practice does not result in a change in volume of flow or flow reduction to surface waters.

- Diversion of upland water will not prevent entry into a wetland or convert a wetland by changing the hydrology.

3. Filter Strip

- Filter strips allow a strip of herbaceous vegetation located between cropland, grazing land, or disturbed land and environmentally sensitive areas to provide permanent herbaceous vegetation to enhance habitat for wildlife and beneficial insects, and/or to maintain or enhance watershed function.

- Filter Strips are planned as part of a conservation management system and are used at the lower edges of fields to remove sediment, organic matter, and other pollutants from runoff prior to entering streams. Overland flow entering the filter strip is primarily sheet flow.

- Seed mixes containing non-invasive, non-native plant species may be used for filter strips; however, non-natives shall be sterile such as sterile barley. Invasive non-native plants are not permitted.

4. Grassed Waterway

- This practice is used to convey runoff from diversions, terraces, or other concentrated water sources, to reduce gully erosion, reduce sediment delivered to receiving waters, and improve water quality downstream.

- Grassed waterways will not divert water out of the natural sub-watershed.

- Vegetation planted for a grassed waterway will be non-invasive species characteristic of the local habitat and appropriate to the area.

5. Irrigation System and Tailwater Recovery

- Nutrient management measures, pest management measures, and irrigation system management are an essential component of this practice, and will be planned and implemented

to limit chemical-laden tailwater as much as practical.

- Storage basins will be sized to provide adequate retention time for the breakdown of chemicals contained in runoff.

- Seepage of chemical-laden water from a storage facility will be controlled to the extent possible by using natural soil liners, commercial liners or other approved methods.

- This practice will not be installed where reduction in downstream flows could impact wetland hydrology

6. Pipeline

- This practice will not provide water for human consumption, recreation, or construction activities.

- This practice will rely on an existing source of water supply.

- Buried pipelines are generally installed in upland areas. Occasionally, a pipeline may cross a stream; when this is necessary, pipelines will be buried to an appropriate depth to maintain channel and bank stability, and will avoid riparian habitat. In areas where channels are deeply incised and the substrate does not allow burying pipe easily (boulder/cobble), pipelines may be suspended across a channel and attached to posts on the banks; posts will be placed to avoid impacts in the riparian zone.

7. Pond Improvements

- Pond improvements will only be used on existing ponds, not to construct new ponds.

- This practice serves as part of a grazing management system that provides alternative water sources for livestock away from sensitive riparian areas.

- This practice will not provide water for human consumption, recreation, or construction activities.

- Pond improvements will not increase in the original storage capacity of a pond.

- Pond restoration will require a landowner have a valid water rights permit. If a landowner does not have a valid water rights permit, pond restoration will not be allowed under the permit coordination program.

8. Sediment Basin

- Sediment basins will not be constructed in a stream channel or other permanent water body except as a modification to an existing permitted pond.

- Basins will be placed outside of the riparian zone except as a modification to an existing permitted pond

- Basins are designed to release water at a slower than storm flow rate.

- The design of spillways, inlets and outlet works will include water control structures to prevent scouring at the point of discharge.

- A filter strip of vegetation 12 feet wide shall be established around a perimeter of the basin to

further reduce pollution.

- Filter strip shall be maintained by the landowner using measures approved by NRCS and/or RCDs.

9. Underground Outlet

- Underground Outlets may be used with Diversions, Grassed Waterways, and/or Sediment Basins to address surface erosion; see descriptions and maximum dimensions associated with those practices.

- When a pipe outlets directly to a natural watercourse, appropriate energy dissipaters are installed to slow velocities and prevent scour.

10. Channel Stabilization

- Installation of grade stabilization structures, when required, will be conducted using boulder and/or log and/or brush weirs.

- Structures placed in fish-bearing streams will be designed to accommodate fish passage.

- Planting native vegetation on the banks is incorporated with this practice.

- Removal of accumulated sand or sediment that has caused the channel to become plugged will be permitted one time only at any given location when causing active bank erosion or threatening infrastructure. Routine maintenance involving dredging of a waterway is not permitted.

- Material removed from a stream shall not be taken offsite and must be spread or stored onsite.

11. Grade Stabilization Structures

- This practice falls into Tier IV of the Environmental Protection Measures. See Table 3 for additional conditions.

- Grade stabilization structures installed in fish-bearing streams will be designed to accommodate fish passage.

- Structures will not impede wildlife movement.

- Structures will be installed only when other channel stabilization measures are not feasible.

- This practice incorporates planting native vegetation on channel banks.

12. Stream Habitat Improvement and Management

- Planned stream habitat improvements will include using the *Primer on Stream and River Protection* as an assessment tool.

- Barrier removal or modification will be designed and implemented in accordance with DFG's California Salmonid Stream Habitat Restoration Manual and in coordination with NMFS.

13. Stream Bank Protection

- All bank protection practices/projects are carefully analyzed for cause. A site assessment will determine if the causes contributing to the instability are local (e.g. poor soils, high water table,

alignment, obstructions deflecting flows into bank, etc.) or systemic in nature (e.g. deposition from increased sediment delivery, increased runoff from development, channel modifications, etc.). The stream bed grade must be controlled before most permanent types of bank protection can be considered feasible (see Channel Stabilization practice). If bank failure is a result of the degradation or removal of riparian vegetation, stream corridor restoration will be implemented, where possible.

- All treatments are designed to not cause more natural erosion, not limit stream flow access to the floodplain, and not increase flow levels above those that existed prior to the treatment. All treatments are designed to consider the changes that may occur in the watershed hydrology and sedimentation over the design life of the treatments. The evaluation process will include using the *Primer on Stream and River Protection* decision tree.

- Stabilizing banks using vegetation and bioengineering methods is the preferred option (see Table 3, Environmental Protection Measures, Tier IV). When required, the use of rock or rock rip-rap will generally be used between the toe and the ordinary high water mark. If feasible, root wads (anchored into the bank), rock and log weirs, "J" hooks, and similar small toe and channel modifying structures will be used instead of rock rip-rap. Native riparian vegetation appropriate to the site conditions will be planted above the rock and top of bank.

- If rock rip-rap is needed above the ordinary high water mark, the interstitial spaces will be planted with willows, stakes and/or other appropriate riparian species; native riparian vegetation appropriate to the site conditions will be planted above the rock and top of bank.

14. Structure for Water Control

- Structures will not be installed where they could adversely impact wetlands or water-related wildlife habitats.

- Structures are installed for agriculture in an irrigation, drainage, or other water management system, including streams and gullies, that conveys water, controls the direction or rate of flow, or maintains a desired surface elevation.

- Structures that may be installed under this practice include pipe drop inlets, pump boxes, culverts, and fish screens.

15. Stream Crossing

- Planning for stream crossing replacement will emphasize establishment of a stable corridor consistent with the watershed conditions and geomorphic setting. Evaluating crossing replacements will include the *Primer on Stream and River Protection* as an assessment tool.

- This practice will be used to replace existing structures only, not to construct new stream crossings. This may include relocation of the crossing to a better location to reduce erosion potential or improve fish passage as compared to the original location. The original crossing location must be completely abandoned and restored.

- When the existing structure potentially inhibits fish passage, this practice will include measures to improve fish passage.

- Bridges are to be used instead of wetted crossings when feasible.

- No concrete or dirt "Arizona" crossings on anadromous streams.

16. Debris Removal and Vegetation Management

- This practice will not be used for routine flood control purposes.

- Only hand tools will be used to remove debris or perform selective trimming, if required; heavy equipment in a channel will only be used to remove large objects such as cars, appliances, or other obstructions when access is not possible from the top of the bank.

- Debris removal and vegetation management will be limited to accumulated small woody debris up to 6 ft. in length that cannot be repositioned and utilized for habitat improvement, selective basal cutting of willows under 6 inches dbh growing within the bankfull channel, and the pruning of willows on streambanks by limbing up (or pruning growth) on the lower trunks to encourage canopy development.

- This practice will not remove native vegetation from streambanks.

- This practice will not remove sediment from stream channels.

- This practice will not encourage channel straightening and/or acceleration of flows.

- Habitat forming elements that provide cover, food, pools, and water turbulence, when present, will be retained or replaced to the extent possible.

17. Critical Area Planting

- Native plants characteristic of the local habitat type will be used for this practice within the stream corridor, with the following exceptions: nonpersistent, non-invasive grass species such as sterile barley grass and others as appropriate may be used as nurse crops or for temporary erosion control benefits until natives are established. Appropriate non-invasive non-native plants may be installed in upland areas to repair degraded sites.

- When installing or maintaining this practice above the bankfull elevation, a filter fabric fence, fiber rolls, straw mulch, brush revetment and/or other erosion control materials will be used, if needed, to keep sediment from flowing into the adjacent water body; when vegetation is sufficiently mature to provide erosion control, it may be appropriate to remove these structures.

18. Restoration and Management of Declining Habitats

- Removal of invasive plant species will be done by hand; any use of herbicides will follow approved manufacturer protocols and limitations by regulatory agencies (see Environmental Protection Measures, Table 3).

- Pond restoration will require a landowner have a valid water rights permit. If a landowner does not have a valid water rights permit, pond restoration will not be allowed under the permit coordination program.

- Landowners assume responsibility for creating new habitat for listed species.

Summary of Project Benefits to Biological Resources:

The Project is not expected to result in further degradation of habitat. The current complex, time-consuming and often multi-agency permit process is a great disincentive to landowners

interested in voluntary restoration efforts on their property and results in many beneficial projects not being attempted or, sometimes worse, work being performed by well-meaning landowners, but without the benefit of professional planning and design, and without necessary oversight. The implementation of this Project would coordinate the permit process for environmentally beneficial conservation projects and is expected to result in an increased number of quality projects that reduce non-point source pollution, improve conditions of currently degraded areas, and enhance habitat.

Habitat restoration activities undertaken as part of the Project will improve wildlife corridors by enhancing habitat features such as riparian vegetation. Improving riparian habitat is central to the purpose of the Project. The Practices will improve both the quantity and quality of riparian habitat. Practices that will enhance riparian habitat include: critical area planting, pipelines, stream habitat improvement and management, stream bank protection, restoration and management of declining habitats, and stream channel stabilization. These Practices will improve the quality of riparian areas by stabilizing eroding soils in riparian areas, planting native riparian vegetation in degraded areas, removing invasive plant species, reducing livestock reliance on streams as primary water sources, and managing sources of erosion that can accumulate in riparian areas.

Another long-term positive environmental goal of the Project includes the improvement of wetland functioning in the watersheds, particularly the downstream salt marshes, sloughs, and lagoons that are the ultimate recipients of sediment and other pollutants. The Practices are designed to control erosion at its source in upland areas. This is accomplished by stabilizing erodible soils on farms and ranches to prevent soil accumulation in wetlands, collect sediments before they enter waterways and wetlands, and provide watering areas for livestock away from sensitive habitats. In addition, specific types of habitats are excluded from the Project in order to avoid construction-related impacts to those habitats and species that depend on those habitats. These include vernal pools, estuaries, harbors, bays, ocean coastline and beaches.

The NRCS conservation planning process uses tools such as the *Environmental Assessment Worksheet* to determine effects on wetlands and other sensitive areas (see Attachment 4). Only projects that result in a net environmental benefit are included in this Project. There will be no net loss of wetlands under this Project. In those instances where wetlands (occurring in riparian areas) may be temporarily encroached upon, protection measures appropriate to the type of wetland would be implemented. Protection measures include laying down mats, avoiding wetland vegetation and replanting where impacted, and staging to avoid and minimize impacts to certain areas of the wetland.

Table Items A, B, G – Although work undertaken as part of some of the Project has the potential to result in the loss of individuals of a CNPS 1B (classification for rare, threatened or endangered) listed plant species, such losses are expected to be minimal due to the surveys and avoidance conditions included in the Environmental Protection Measures (Table 3 of the Project Description), including adherence to protection measures outlined by DFG and/or the CNPS Mitigation Guidelines. Even in rare instances of inadvertent individual plant loss, due to the degraded nature of most of the project sites, the overall benefits of the environmentally beneficial projects undertaken as part of the Project will offset these potential impacts to less than significant by improving resource conditions at multiple locations throughout the County. Particularly through implementation of the Restoration and Management of Declining Habitats

Practice, there is great potential for restoring native plant habitats by removing exotic invasive plant species and allowing native species the opportunity to reestablish an area.

"Take" is defined by the Endangered Species Act (ESA) as harassing, harming, hurting or killing any threatened or endangered species. In certain cases, there is the potential for "take" of individual protected plants or animals as part of work performed under this Project and a small number of individuals of special status species could be affected by such incidental take. However, any loss of individuals will not be substantial and resource agencies recognize that the potential for incidental take of certain threatened and endangered species during implementation of some projects will be balanced by the habitat and resource gains that will result from the proposed Practices. In addition, in some cases, habitat for some of the listed species is expected to be enhanced or created. For example, the removal or modification of barriers to steelhead movement will provide access to currently blocked spawning grounds which will assist with the recovery of steelhead in the County. Restoring existing ponds may enhance or create habitat for California red-legged frogs, California tiger salamanders, and other aquatic species. In every case where take is a possibility, the resource agency with jurisdiction has been consulted and will issue an approval. NMFS and FWS, trustee agencies for federal and state candidate, sensitive, and special status species, will issue Incidental Take Statements as part of their biological opinions issued for the Project. The biological opinions will include Reasonable and Prudent Measures to minimize the potential for incidental take. The FWS and NMFS will ensure that Project activities would not result in jeopardy to any of these species by placing limits on take. No take of Fully Protected species (listed under the California Endangered Species Act) would occur under this Project.

MITIGATION REQUIREMENTS (and Residual Impacts)**:** The conditions, protection measures and limitations described herein are innately built into the practices of the Project and are prerequisites for the practices to be implemented under the Project. No additional mitigation is necessary as the conditions and limitations included in the Conservation Practices (Table 1 of the Project Description) combined with the Environmental Protection Measures (Table 3 of the Project Description) and the species-specific protection measures that will be included in the biological opinions and streambed alteration agreement would result in less than significant impacts to biological resources as a result of this Project.

Additionally, the Conservation Practices provide for improved surface water quality and decreased sedimentation in water bodies that will benefit fish, amphibians, and reptiles. Practices that enhance riparian and bank vegetation, including the critical area planting, filter strips, and stream bank protection practices may also provide shelter from predators and breeding, foraging and basking sites for some special status species known to occur in the County's watersheds. Control of erosion and pesticide runoff from farm fields will improve the quantity and quality of freshwater input into creeks, streams, and downstream estuaries and marshes. The net conservation benefits which may result from implementation and maintenance of the Conservation Practices for species include: reducing fragmentation and increasing connectivity of habitats, maintaining or increasing species populations, removing invasive exotics and restoring native plant populations, and buffering sensitive areas from runoff.

Lastly, by coordinating the permit process, the Project addresses the disincentives currently faced by landowners in undertaking environmentally beneficial conservation projects and is expected to result in more, and better quality, habitat enhancing projects throughout the County.

Below are summaries of the long-term benefits achieved by other Partners In Restoration (PIR) Permit Coordination Programs:

Elkhorn Slough Watershed, Monterey County

- First permit coordination program, established 1998
- Total of 43 projects were implemented during the 5-year term
- Estimate of total sediment reduction (kept from entering streams and wetlands) – 60,000 tons
- Estimate of linear miles of stream corridor improvement – 2
- Estimate of total area of native riparian vegetation planted – 13 acres

Morro Bay Watershed, San Luis Obispo County

- Total of 15 projects were implemented during the 5-year term
- Estimate of total sediment reduction (kept from entering streams and wetlands) – 11,350 tons
- Estimate of total streambank corridor improvement – 2,700 feet
- Greater success was proven than with individual permits
- Agencies decided to expand the program and add more types of practices
- Using successes and lessons learned to expand the program to cover the County under the PIR Program

West Marin County

- Started in 2004
- Total of 17 projects were completed in 3 years (2004-06)
- Estimate of total area of native riparian vegetation planted – 10.3 acres
- Estimate of total linear feet of stream corridor improvement – 11,200

Santa Cruz County

- Started in 2005
- Estimate of total sediment reduction (kept from entering streams and wetlands) – 20,000 tons
- Estimate of total area of invasive plant removal in 2 years – 6 acres
- Estimate of total area of native riparian vegetation planted in 2 years – 4 acres
- Failing or undersized culverts replaced with fish-friendly structures in 3 years -- 6 (which is subject to an El Nino/La Nina weather cycle)

3.5 CULTURAL RESOURCES

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Disturb pre-historic resources?		✓		
B. Disturb historic resources?		✓		
C. Disturb paleontological resources?		✓		
D. Disturb any human remains, including those interred outside of formal cemeteries?		✓		

SETTING: The historic and cultural resources of San Luis Obispo County are described by their overall settings as follows.

Prehistoric Setting: The southern portion of San Luis Obispo County is within the territory historically occupied by the Chumash (Gibson, 1990; Greenwood, 1978; Kroeber, 1953), and the northern part of the County was historically occupied by the Salinan people. The archaeological record indicates that sedentary populations occupied the coastal regions of California more than 9,000 years ago. Native American society began to disintegrate soon after Spanish contact in 1769, primarily due to the introduction of epidemic European diseases and the consequent high mortality rate.

Historic Setting: The National Register of Historic Places lists 34 historically recognized locations within San Luis Obispo County. National Register properties are distinguished by having been documented and evaluated according to uniform standards. In addition to those properties identified in the National Register of Historic Places, the State Office of Historic Preservation designates California Historical Landmarks throughout the State. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. San Luis Obispo County contains several State-designated historical landmark sites. However, the fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Paleontological Setting: Paleontological resources are the fossilized remains of prehistoric plant and animal organisms, as well as the mineralized impressions (trace fossils) left as indirect evidence of the form and activity of such organisms. Under state and federal law, paleontological resources are considered to be nonrenewable resources. Vertebrate fossil sites are usually found in nonmarine or continental deposits. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized. Scattered vertebrate remains (mammoth, mastadon, horse, groundsloth, camel, and

rodents) have been identified from the Pleistocene non-marine continental terrace deposits on Vandenberg Air Force Base to the south (Flarz, 2003).

FINDING: The primary intent upon implementation of the Project will be to avoid disturbing cultural resources through a thorough planning process, review of literature, and site visits. Any and all practices/projects where cultural and/or historic resources **could** be impacted are **automatically** placed in TIER III of the Environmental Protection Measures, Table 3.

Federal Compliance: For practices of the Project involving federal assistance, where National Environmental Policy Act (NEPA) requirements are stipulated, NRCS will be the lead agency responsible for environmental determination compliance, including the analysis of impacts to cultural resources. NRCS policies (General Manual 420, Part 401) ensure that the effects of conservation activities on historic properties are considered in the earliest planning stages and that cultural resource protection is accomplished as efficiently as possible. As with all conservation practices/projects, including those covered by the watershed-based permits, applicable lead agency identifies, examines, considers and avoids potential impacts to cultural resources. All practices/projects implemented under this project operate under 36 CFR 800. The applicable lead agency fulfills its National Historical Preservation Act, Section 106 requirements in the following way:

Step l: The lead agency determines if the proposed activity is considered an undertaking, as defined in the Programmatic Agreement.

Step 2: If it is an undertaking, a qualified archaeologist conducts a cultural resources review to determine if known resources within the Area of Potential Effect could be affected by the conservation practice (undertaking).

Step 3: Qualified NRCS staff or consultant conducts a site visit to the location and completes a field inspection of the Area of Potential Effect to confirm the location of previously identified cultural resources and to locate new cultural resources.

Step 4: Determine whether the undertaking will impact a cultural resource in the Area of Potential Effect.

Whenever possible, lead agency avoids impacts to the resource by moving the practice to another area, changing the work limits, changing the practice to an acceptable alternative or modifying the design of the practice.

Step 5: The lead agency revises plans if necessary to avoid all adverse impacts to cultural resources.

The NRCS' California State Office has a Cultural Resources Coordinator/Cultural Resources Specialist (CRC/CRS) who provides resources and guidance to the District Conservationists and field staff. The CRC/CRS provides training and informational materials to field personnel and other interested parties for the consideration of cultural resources; provides policy and procedural guidance for considering and managing cultural resources and historic properties; provides oversight and quality control for cultural resource program; conducts cultural resources investigations and evaluations; and develops treatment plans for mitigation. A literature search of the Morro Bay watershed is being conducted by the NRCS State office in Davis through UC Santa Barbara. This search will serve as a baseline for cultural resources literature review for

practices under the Project.

State/Local Compliance: For projects not involving federal assistance, the applicable RCDs will be the CEQA lead agency responsible for analyzing environmental impacts, including cultural resources. The lead agency will retain a qualified consultant to assess the potential for impacts to cultural resources on a project-by-project basis.

Impact Discussion: Although the avoidance of impacts to cultural resources is listed as the primary objective for Project implementation, the proposed practices of the Project is not associated with a specific location at this time. Because the location of Project implementation is not known, impacts to cultural resources are considered significant but mitigable. This includes impacts to identified or unrecognized historic resources, impacts to identified and previously unidentified pre-historic archeological resources, and if earth disturbance occurs in fossil-bearing strata, significant fossil materials could be damaged or destroyed.

MITIGATION REQUIREMENTS: The RCDs' and NRCS staff personnel will receive cultural resources training. Under the Project, the lead agency responsible for planning and implementing the conservation practices and will have completed training to the level designation in the Leader's Guide for the NRCS Natural Resource Training Program. This training provides them with information on identifying and protecting cultural resources. In addition, the lead agency will consult with appropriate tribes (as identified by the Native American Heritage Commission or the National Park Service), public groups, individuals, and State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO) to identify potential cultural resources within the project boundaries and evaluate, discuss whether they would be adversely affected by the proposed project, and how this impact could be minimized or avoided. Detailed information on cultural resources on the practice/project site will not be released to staff that have not completed the training above.

Additionally, the NRCS established a formal legal agreement with SHPO that will be adhered. The Agreement is included as Attachment 5.

As previously stated, the primary goal of Project implementation will be the avoidance of cultural resource impacts. However, in the event that avoidance of impacts is not feasible, the following mitigation measures will be required to reduce impacts to less than significant levels:

Historic Resource Mitigation The Lead Agency shall protect historic structures and sites by requiring new uses and alterations to existing uses to be designed with consideration for preserving and protecting these resources. This includes requiring minimum site disturbance, identifying the required findings for approval, and implementing design requirements for those areas within a historic combining designation. Compliance would partially reduce impacts. In addition, the following mitigation is required:

Historical Resource Survey. Prior to initiation of site disturbance, the lead agency shall require an historical resource survey, conducted by a qualified archaeologist or historian, that assesses the potential impacts of all ground disturbing activities on those properties that:

- Are located within an Historic combining designation;
- Contain designated historic sites;
- Are located in an area of known historic resources; or,

- Contain structures greater than 50 years old.

Should the historical resource survey identify significant resources, the mitigation measures recommended by the qualified archaeologist or historian shall become conditions. These measures could include, but not necessarily be limited to:

- Avoidance of significant historical resources;
- Graphic documentation (photographs, drawings, etc.);
- Prohibition of Demolition of Buildings and Structures; and/or
- Restoration, Stabilization, Repair, and Reconstruction.

Prehistoric Resource Mitigation: The Lead Agency shall protect and preserve archaeological resources. This includes conducting preliminary site surveys, requiring mitigation plans (if applicable), and identifying the required findings. In addition, the Lead Agency shall require that in the event that archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

a. Construction activities shall cease, and the Environmental Coordinator and Department of Planning and Building shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law; and

b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Department of Planning and Building and the Environmental Coordinator so that proper disposition may be accomplished.

In addition, the following mitigation is required:

Archaeological Surface Survey. The Lead Agency shall require an archaeological surface survey, conducted by a qualified archaeologist, that assesses the potential impacts of all ground disturbing activities on those parcels that:

- Are located within an Archaeological Sensitive Area combining designation;
- Contain known archaeological sites, as recorded on the County's Official Maps;
- Are located in an area designated by the County of San Luis Obispo Planning and Building Department as archaeologically sensitive (e.g. Nipomo, Santa Margarita, Salinas River area, coastal streams, etc.); or,
- Contain physical features on-site that may indicate the presence of archeological resources (e.g. springs, creeks, rock outcrops).

Should the archaeological surface survey identify significant resources, the Project and associated practices shall avoid the resource if feasible. Should avoidance be infeasible, the following mitigation measure shall apply.

Mitigative Data Recovery Excavation. If avoidance of an archaeological site(s) is not possible, data recovery excavation shall be completed prior to site disturbance. A data recovery plan shall

be submitted by a qualified archaeologist for review. Data recovery shall be performed by a qualified archaeologist, and shall be carried out in accordance with a research design consistent with the requirements of the California Office of Historic Preservation Planning Bulletin 5, *Guidelines for Archaeological Research Design*. At a minimum, data recovery shall include:

- Mapping of site boundaries and the distribution of surface remains;
- Surface collection of artifacts;
- Excavation of a sample of the cultural deposit to characterize the nature of the site and retrieve a representative sample of artifacts and other remains within the proposed impact area;
- Monitoring of excavations at Native American sites by a tribal representative;
- Technical studies and analysis of the recovered sample, including radiocarbon dating, typological and technical analysis of tools and debris, identification and analysis of preserved faunal and floral remains, and other studies appropriate to the research questions outlined in the research design;
- Cataloguing and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility;
- Submission of a final technical report detailing the results of the investigations; and
- Preparation of an interpretive report suitable for distribution to the general public.

Archaeological Resource Construction Monitoring. At the commencement of construction on sites that have been identified as having the potential to support cultural resources, an archaeologist and a Native American representative shall conduct an orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered. A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological remains are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.

Paleontological Resource Mitigation: Implementation of the following mitigation measures would reduce impacts on paleontological resources to less than significant levels:

Preparation of a Paleontological Resource Monitoring Plan. For practices/projects where paleontological sensitivity is high, the Lead Agency shall retain a qualified accredited paleontologist to prepare a Paleontological Resource Monitoring Plan based on the specific project plans. The monitoring plan shall detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection. The monitoring plan shall include provisions for collecting a representative sample of invertebrates prior to construction, documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains.

Paleontological Monitoring. A qualified paleontological monitor shall observe any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in *in situ* sedimentary rock where paleontological sensitivity is high. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

Treatment of Paleontological Remains Discovered During Monitoring. If paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on-site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.

A standard sample (3 to 12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery and treated according to the procedures specified above.

Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.

At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).

Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., "mammal, 25 specimens") should be avoided.

Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.

All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such as a museum or

university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

The project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.

3.6 GEOLOGY AND SOILS

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?		✓		
B. Be within a CA Dept. of Mines &Geology Earthquake Fault Zone (formerly Alquist Priolo)?		✓		
C. Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation or fill?		✓		
D. Change rates of soil absorption, or amount or direction of surface runoff?		✓		
E. Include structures located on expansive soils?		✓		
F. Change the drainage patterns where substantial on- or off-site sedimentation/erosion or flooding may occur?		✓		

SETTING: The conservation of soils is essential to the future of agriculture in this county. Unfortunately, several things can negatively affect this resource. Soil erosion from both natural and man-made causes can result from urbanization, inappropriate removal of vegetation, overgrazing, cultivation on steep slopes and development without regard to sound conservation practices.

There are 113 soil series within San Luis Obispo County consisting of Coastal, Paso Robles and Carrizo Plains, and 723 soil phases (various surface textures and slope classes of those 113 soil series). This is more soil types than the state of Kansas. Below is a list of general soil types and their potential for erodibility.

FINDING - The Project is not anticipated to have a negative effect on geology or soils in the Project area.

Impact Discussion: The Project is designed to prevent erosion and sedimentation on agricultural

lands and riparian areas and to decrease sedimentation to downstream locations. Buildings and large structures normally affected by geologic hazards are not a component of the Project.

Portions of the Project's geographic scope fall within various fault zones found within the County. The risk of slope failure, liquefaction or structural failure is addressed during the planning process. Where applicable, engineers consider soil physical factors when selecting and designing structures that may pose a threat to life or property. The planning process requires all projects to be evaluated for soil and geologic hazards and mitigate impacts if appropriate.

The degree of erosion will vary with different soil types. Soil erosion depends on the erosive energy of water running across its surface, and the resistance of the soil to detachment by this water. Any improper grading that causes runoff to converge into concentrated flow may cause significant erosion in any soil that is not nearly level. However some soils are more vulnerable than others. Slope determines the energy of water flowing on the soil. Usually the erosion hazard is slight on slopes of 0 to less than 2 percent, moderate on slopes of 2 to less than 15 percent, and severe on slopes of 15 percent or more. The resistance of the soil to erosion depends on its cohesion, indicated by the soil erodibility factor, and the armoring of the soil by rock fragments on its surface. The soil erodibility factor (Kw) is an index of how easily water detaches soil particles. It is proportional to percent silt, very fine sand, and permeability of the slowest soil layer. It is inversely proportional to percent clay and organic matter. Usually soils with a soil erodibility factor of 0.22 or more are significantly vulnerable to erosion. Rock fragments on the surface armor the soil from the effects of water running on its surface. Soil surfaces covered with 15 percent or more of rock fragments 3 inches or more across are less vulnerable to erosion. There is not a perfect correlation in San Luis Obispo County between surface texture and the soil erodibility factor. The following table shows the relationship between these two.

Kw alway exceeds 0.22	Kw sometimes exceeds 0.22	Kw never >= 0.22
gravelly fine sandy loam	clay	channery clay loam
silt loam	clay loam	channery loam
silty clay loam	coarse sandy loam	channery sandy clay loam
stony fine sandy loam	fine sandy loam	channery sandy loam
stony loam	loam	extremely gravelly sand
very fine sandy loam	loamy sand	fine sand
	sandy loam	gravelly clay loam
	silty clay loam	gravelly loam
		gravelly sandy clay loam
		gravelly sandy loam
		sand
		sandy clay loam
		very channery clay loam
		very channery loam
		very channery sandy loam
		very cobbly clay loam
		very gravelly loam

The NRCS soils report called *Hazard of Erosion and Suitability for Roads on Forestlands* rates soils for potential erosion hazard based on these factors. It is available in the Microsoft access data base available from the Soil Data Mart at http://soildatamart.nrcs.usda.gov/ .

Unless mitigated, any grading practice will have the potential to cause soil erosion and, subsequently, result in water quality degradation and siltation. Exposed soil can be eroded when impacted by raindrop impact and surface flow of storm water drainage. Measures must be implemented to protect the soil from erosion.

MITIGATION REQUIREMENTS: In order to prevent soil from eroding and impacting stream habitat and water quality all road banks and exposed areas shall be treated with adequate temporary and permanent soil erosion control measures that meet the County Erosion Control Handbook criteria, and State and Local standards. All erosion control measures shall be continually maintained during and after construction.

The Project and associated projects will address temporary or permanent erosion control measures recommended in the *Cover Up Story, Erosion Control Handbook,* which the US-LTRCD produced for San Luis Obispo County and is available online at: http://www.slocounty.ca.gov/AssetFactory.aspx?did=8332.

3.7 HAZARDS & HAZARDOUS MATERIALS

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			✓	
B. Create a significant hazard to the public or environment through a reasonably foreseeable accidental release of hazardous materials into the environment?		✓		
C. Emit hazardous emissions or handle hazardous materials, substance or waste within one-quarter mile of an existing or proposed school?				✓
D. Be located on a site which is included on a list of hazardous materials complied pursuant to Government Code Section 65962.5 and, as a result, create a significant public or environmental hazard?				✓
E. For a project located within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area?				✓
F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
G. Expose people or structures to a significant risk or loss, injury or death involving wildland fires?				✓

SETTING: The Project will involve the use and storage of earth moving equipment during the implementation of specific activities. These activities will occur in both upland and non-upland areas. Projects will not be allowed to occur at hazardous sites unless the hazard can be fully mitigated.

FINDING: Projects will be required to have measures in place to avoid hazards to individuals working at the site. Project incorporates specific measures to minimize potential impacts resulting from spills of hazardous substances (e.g. diesel fuel and other chemicals) that may occur while using or maintaining equipment associated with the Project. Impacts resulting from Hazards or Hazardous Materials are not expected. In areas adjacent to or near serpentine rock formations an evaluation should be conducted to determine whether there would be a potential

exposure of asbestos dust associated with these rock formations.

MITIGATION REQUIREMENTS: The Project, including associated practices, will have an emergency safety plan to ensure the safety of all individuals at the site and to ensure that spills of hazardous materials will not occur. If an occurrence has been identified during a phase of the project will notify the proper authorities before work can resume.

Vehicles will be inspected for leaks and repaired immediately; contractors will be required to carry spill packs onboard equipment; all spills will be cleaned up immediately; major vehicle maintenance and washing will be done off site; hydraulic fluids will not contain organophosphate esters; all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries will be collected, stored, and recycles as hazardous waste off site; dry cleanup methods (i.e. absorbent materials, cat litter and/or rags) will be used whenever possible; if water is used, the minimal amount required to keep dust levels down will be used.

All contaminated spoil, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities shall be prevented from contaminating the soil and/or entering waterbodies and shall be disposed of at an appropriate facility licensed to accept such material.

3.8 HYDROLOGY AND WATER QUALITY

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Violate any water quality standards or waste discharge requirements?		✓		
B. Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lower of the local groundwater table level?				✓
C. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation?		✓		
D. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?		✓		
E. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		✓		
F. Otherwise substantially degrade water quality?		✓		
G. Place housing within a 100 year flood hazard area?				✓
H. Place within a 100 year flood hazard area structures which would impede or redirect flood flows?		✓		
I. Expose people or structures to a significant risk of loss, injury or death involving flooding, including				✓

flooding as a result of the failure of a levee or dam?				
J. Inundation by seiche, tsunami, or mudflow?				✓

SETTING: The Project is designed specifically to prevent nonpoint source pollution resulting from agricultural grading, agricultural operations and streambank erosion. Design criteria and implementation and maintenance of the practices recognize the hydrologic conditions of each applicable watershed and the specific site characteristics. A map depicting the hydrologic unit watersheds of San Luis Obispo County is attached as Attachment 7.

FINDING: The purpose of Project implementation is to improve water quality.

There is no building or paved surface construction associated with the Project. The Project, including associated practices, will have a positive change by reducing runoff.

Some of the Project's activities may result in placement of small vegetative or rock structures. These structures typically are placed parallel to the watercourse and thus do not pose a significant risk for redirecting flows away from the flood hazard area.

Failure of structures included in the Project pose a minimal risk to life and properly because of their location and small size.

The Project does not pose a threat of causing inundation or being inundated by such events.

State/Local Compliance: Project activities will comply with Regional Water Quality Control Board standards and waste discharge requirements and will not violate water quality standards.

Impact Discussion: The Project will not result in substantial depletion of groundwater. Project activities may result in some short-term changes in course and direction of surface water movement during construction, which could have a temporary and minor adverse impact on the local groundwater table level. However, the Project's activities are designed to enhance many degraded sites and improve soil and water condition and provide a higher level of natural functioning in the watershed. Therefore, the long term impact is expected to be beneficial.

Surface Drainage, Erosion and Flooding - Polluted (sediment, pesticide and nutrient) runoff and downstream flooding will be reduced as a result of implementation and maintenance of the conservation practices.

The NRCS and RCD compute hydrologic runoff estimates for existing land use and management prior to selecting conservation practices. The practices are designed to reduce runoff to the natural background level that would have occurred on the properly prior to development of agricultural operations or other impervious surfaces. These design objectives are achieved either through improved infiltration or through detention of peak flows. Infiltration is improved through the use of increased vegetative cover of bare soils (critical area planting, filter strips, grassed waterways) and improved agricultural soil and crop management (cover crops, irrigation management, row arrangement.

Flooding that could result from the alteration of the course of a stream or river will be avoided through the selection of conservation practices to be applied to watercourses. Work along watercourses covered by this Project will promote the use of biotechnical streambank protection. These practices increase the roughness of streambanks, thereby slowing the rate of discharge into downstream streams and rivers. Localized flooding associated with slower discharge would be

avoided by increasing the cross-sectional area of the channel or providing for a flood flow terrace as part of the design. Stream channel stabilization that involves sediment removal will increase the capacity of the channel, thereby reducing localized flooding. All work in stream channels will involve the use of NRCS hydrological and engineering procedures and manuals.

The evidence for the conclusions is drawn from the NRCS Field Office Technical Guide Practice Standards and Specifications (FOTG), the NRCS National Engineering Handbook, and the Engineering Field Manual. Practices have been developed and field-tested over the past sixty years by NRCS engineers, geologist, biologists, agronomists, and other specialists to arrive at the current national standards and specifications. Modifications for California conditions have been made for some practices as needed. The expected environmental impacts of each practice under California conditions have been assessed and documented in Conservation Practices Physical Effects included in the NRCS - FOTG.

MITIGATION REQUIREMENTS: The Project, including the associated practices, shall incorporate best management practices and protection measures that address and prevent potential storm water runoff associated with project activities. The Project is designed to reduce nonpoint source pollution and improve water quality. Protection measures are incorporated to address potential short-term, temporary impacts associated with project construction activities.

In order to prevent soil from eroding and impacting stream habitat and water quality all road banks and exposed areas shall be treated with adequate temporary and permanent soil erosion control measures that meet the County Erosion Control Handbook criteria, and State and Local standards. All erosion control measures shall be continually maintained during and after construction.

The Project, including all associated practices, will address temporary or permanent erosion control measures recommended in the *Cover Up Story, Erosion Control Handbook*, which the US-LTRCD produced for San Luis Obispo County and is available online at: http://www.slocounty.ca.gov/AssetFactory.aspx?did=8332.

Erosion control and sediment detention devices will be incorporated into the project design and installed at all locations where the likelihood of sediment input to streams exists. Sediment collected in these devices will be disposed of away from the collection site and outside riparian areas or food hazard areas at a location where it cannot enter waters of the state. These devises shall be inspected before and after rain events to ensure they are functioning properly.

Project grading and construction shall avoid the rainy season. Work shall be completed prior to the first winter rains and stream flows unless all temporary erosion control and drainage measures are in place and continually maintained.

If unavoidable during practice implementation, herbicides, fungicides and pesticides will be applied sparingly and in such a way as to be protective of water quality, and in accordance with any local agency or manufacturer usage restrictions. Application will be spot applied directly to vegetation and far enough away from water bodies to prevent discharge or migration to them. Only herbicides that do not contain surfactants will be used where there is potential for migration into waters of the state. Hand removal rather than herbicides or chemicals, will be used whenever and wherever possible.

Herbicides will not be applied when winds exceed 5 miles per hour or within 96 hours of

forecasted rain.

Soil amendments may only be used where poor soil structure would prevent or seriously compromise the establishment of new plantings during restoration activities. Soil amendments may be used on stream banks above the normal high water mark during the year of planting, if necessary. Fertilizers shall be avoided when using native vegetation seeds to prevent giving invasive species an advantage over native species establishment.

Refer also to mitigations under Section 3.4 Biological Resources and 3.7 Hazards and Hazardous Materials.

3.9 LAND USE AND PLANNING

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Physically divide an established community?				✓
B. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?				✓
C. Conflict with any applicable habitat conservation plan or natural community conservation plan?			✓	

SETTING: The Project will be implemented primarily on agricultural land for conservation purposes not associated with any changes in land use or zoning.

FINDING: The purpose of Project implementation is to conserve and enhance natural communities and will work in concert with any conservation plans that may exist.

Project proponents worked with and received comments from resource and regulatory agencies to formulate measures applicable to the different situations that the Project, including all associated practices, may encounter to ensure full and appropriate environmental protection and conformance with applicable laws. Therefore, the Project will be in compliance with applicable local, state and federal environmental laws through the permits and agreements resulting from the Project. Moreover, the Project is consistent, and in most cases, helps further existing environmental laws, policies and mandates (e.g. California's Plan for Nonpoint Source Pollution Control program).

Landowners will be responsible for obtaining permits not covered by the Project; otherwise, the Project will **not** be available or applicable to such landowners.

3.10 MINERAL RESOURCES

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Result in the loss of availability of a known mineral resource that would be a value to the region and			✓	

residents of the state?				
B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or land use plan?			✓	

SETTING: Old chromium, mercury and other ore mines exist throughout the Project area in the upper reaches of the various watersheds. In addition to the upland mines, there are also numerous river gravel mines. Most are located in the Salinas River. The Project does not include mining or support facilities for existing or future river gravel mines.

FINDING: The Project is not designed to impact or control any existing mine, mineral extraction site, or similar activity. The Project activities will be used primarily in and adjacent to agricultural operations.

3.11 NOISE

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Expose people to noise levels which exceed the standards established in local general plan or noise ordinance, or applicable standards of other agencies?				✓
B. Create an exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
C. Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓

SETTING: Project sites will be located in generally quiet areas and will entail the short-term use of construction/grading equipment, chain saw as and other noise producing equipment.

FINDING: Temporary ambient noise levels in the Project vicinity will occur during construction activities. The use of heavy equipment will also likely generate groundborne vibration. However, such short-term noise and vibration levels are not expected to exceed existing noise generated by common agricultural management.

Furthermore, it is expected that many of the Project activities will reduce erosion and loss of soil and thus reduce the need for noisy clean-up operations. Noise impacts, if any, will be less than significant.

3.12 POPULATION AND HOUSING

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major				✓

infrastructure)?				
B. Displace existing housing or people, requiring construction of replacement housing elsewhere?				✓
C. Create the need for substantial new housing in the area?				✓

SETTING: Typically these activities will occur in rural agricultural areas that are not planned for urban development. Furthermore, the Project's activities will be conducted primarily in sites near or adjacent to streams and other water bodies that will not be associated with any changes in land use or zoning.

FINDINGS: The Project will not directly or indirectly induce population growth or displace existing housing supply. The Project is intended to conserve and enhance natural communities for plant and wildlife habitat thus reducing the threat of human population growth. The Project will also result of soil erosion and improvement quality.

3.13 PUBLIC SERVICES

Would the Project: Result in significant adverse physical impacts associated be with the provision of new or physically altered government facilities or require 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 for any of the public services?	**Poten Signif**	**Less than Signif. with Mitigation**	**Less Than Signif**	**No Impact**
A. Fire protection?				✓
B. Police protection (e.g., Sheriff, CHP)?				✓
C. Schools?				✓
D. Roads?				✓
E. Solid Wastes?				✓
F. Other public facilities?				✓

SETTING: The Project will be implemented primarily on agricultural land and near or adjacent to streams and other water bodies for conservation purposes.

FINDING: The Project will not require additional public services therefore impacts to Public Services/Utilities will not occur.

3.14 RECREATION

Would the Project:	**Poten Signif**	**Less than Signif. with Mitigation**	**Less Than Signif**	**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?				✓
B. Does the project include recreational facilities or				✓

require the construction or expansion of such facilities that may have an adverse impact on the environment?				

SETTING: The Project will be implemented primarily on private agricultural land to improve water quality and restore degraded habitats.

FINDING: The Project does not involve any land use changes that would affect parks and recreational areas nor does it result in the construction of new parks therefore impacts to Recreation access or demands are not expected. Improved riparian health and water quality will increase recreational opportunities and enjoyment in the watershed.

3.15 TRANSPORTATION/TRAFFIC

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?			✓	
B. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
C. Result in a change in air traffic patterns, including an increase in traffic levels or a change in location that results in substantial safety risks?				✓
D. Substantially increase hazards due to a design feature or incompatible uses?				✓
E. Result in inadequate emergency access?				✓
F. Result in inadequate parking?				✓

SETTING: The Project will be implemented primarily in rural areas on private land.

FINDING: A temporary increase in traffic associated with the Project is likely to occur only during construction.

Project activities will not result in any land use changes and therefore will not result in any new roads or transportation needs. Access for construction equipment during construction to these lands will be via public roads and highways. However, the increase will be minor and short-term (only during construction) and will not exceed the capacity of the street system. In addition, the proposed conservation activities will reduce or eliminate many threats to traffic safety such as sediments on roads, plugging of road culverts and associated localized flooding. By reducing the likelihood of these traffic hazards there will be less need for County Public Works crews and equipment to be on the roads to clean up sediment and flooding problems.

If necessary, the landowner must obtain an encroachment permit from the agency with jurisdiction of road right-of-way.

3.16 UTILITIES AND SERVICE SYSTEMS

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
B. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
C. Require or result in the construction of new storm water drainage facilities or expansion or existing facilities, the construction of which could cause significant environmental effects?		✓		
D. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements necessary?				✓
E. Result in a determination by the wastewater treatment provider which serves or may serve the project that has adequate capacity to serve the project's demand in addition to the provider's existing commitments?				✓
F. Comply with federal, state and local statutes and regulations related to solid waste?				✓

SETTING: The Project activities will occur primarily on private lands and utilize existing water and waste water services, when they are necessary.

FINDING: The Project does not require water or waste water service beyond those existing in the watershed and will not create waste water.

Impact Discussion: The Project will occasionally involve the construction of practices to improve water quality and reduce erosion such facilities will include grassed water ways, rock weirs, underground outlets, and other drainage improvements consistent with NRCS Field Office Technical Guide (FOTG).

Protection measures included in the Project require construction debris and trash to be taken to appropriate landfills. Such disposal will be minimal and have no impact on landfill capacity. Sediment will be spread or stored onsite where appropriate.

The Underground Service Alert will be notified in advance if the Project, including all associated practices, is within an area of possible underground utilities.

Landowner must obtain approval from the holder of any utility easement for work within that easement.

MITIGATION REQUIREMENTS: Where a pipe outlets directly into a stream, appropriate energy dissipaters are installed to slow velocities and prevent scour.

Each practices of the Project that will cause ground penetration or excavation shall follow the Underground Service Alert (USA) protocol. The website is available online at:

http://www.digalert.org/index.asp The Common Ground Alliance Best Practice publication is available online at: http://www.digalert.org/pdfs/bestpractices5.pdf .

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Poten Signif	Less than Signif. with Mitigation	Less Than Signif	No Impact
A. 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, reducethe number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
B. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)		✓		
C. Have environmental effects which will cause substantial adverse effects				✓

FINDING: In all cases, the Project and all associated practices will meet and comply with all mitigations, conditions, and limitations contained within this Mitigated Negative Declaration. In other words, all descriptive measures in the MND are conditions of the Project. The conditions, protection measures and limitations described throughout the entire MND are innately built into the Program and are requirements for projects to be implemented under the Program and will be conditions of each project. Moreover, as stated throughout the document, the Project incorporates extensive protection measures and management practices designed in cooperation with local, state and federal agencies and all permits required by local, state and federal agencies will be obtained.

Though the Project may have minor, short-term, temporary impacts, these potential adverse impacts will be less than significant. Consequently, the Project will not have a significant adverse impact on the environment or human health. Because the Project and all associated practices will meet all mitigation requirements, conditions, limitations and agency permits, the potential for cumulative adverse impacts will also be less than significant. More importantly, the intent and design of the Project is to prevent erosion, sedimentation and other pollutants from entering California's waterways to improve water quality and restore natural resources. The Project and associated restoration practices will repair, enhance and maintain riparian vegetation, steelhead passage connectivity and plant, fish and wildlife habitat, including species imperil in San Luis Obispo County. As a result, the Project is expected to have a cumulative beneficial impact on water quality, natural resources and human health.

4.0 APPENDIX: ATTACHMENTS TO PROJECT DESCRIPTION

- ATTACHMENT 1. REGIONAL WATER QUALITY CONTROL BOARD'S 303(D) LIST OF IMPAIRED WATERBODIES in San Luis Obispo County
- ATTACHMENT 2. PROPOSED SIZE LIMITS FOR THE CONSERVATION PRACTICES
- ATTACHMENT 3. CHECKLIST OF RESOURCE PROBLEMS AND CONDITIONS
- ATTACHMENT 4. NRCS ENVIRONMENTAL ASSESSMENT WORKSHEET
- ATTACHMENT 5. NRCS/SHPO CULTURAL RESOURCES AGREEMENT
- ATTACHMENT 6. NRCS/LANDOWNER COOPERATOR AGREEMENT
- ATTACHMENT 7. GEOGRAPHICAL SCOPE WITH HYDROLOGIC UNIT WATERSHEDS MAP

Appendix A

Attachments to Project Description

Attachment 1

Clean Water Act Section 303(d) Listed (Impaired) Waterways in San Luis Obispo County, 2006

WATERWAY	POLLUTANT/ STRESSOR	POTENTIAL SOURCES	ESTIMATED SIZE AFFECTED	PROPOSED TMDL COMPLETION
Alamo Creek	Fecal Coliform	Agriculture Range Grazing-Riparian and/or Upland Natural Sources	7.8 Miles	2008
Atascadero Creek	Fecal Coliform Low Dissolved Oxygen	Source Unknown Source Unknown	5.4 Miles 5.4 Miles	2019 2019
Cholame Creek	Boron Fecal Coliform	Source Unknown Agriculture Pasture Grazing - Riparian and/or Upland Natural Sources Nonpoint Source	8.7 Miles 8.7 Miles	2019 2019
Chorro Creek	Nutrients Oxygen, Dissolved Sedimentation/Siltation	Municipal Point Sources Agriculture Irrigated Crop Production Agriculture-storm Runoff Source Unknown Agriculture Irrigated Crop Production Range Grazing - Riparian and/or Upland Agricultural Storm Runoff Construction/land Development Road Construction Resource Extraction Hydromodification Channelzation Streambank Modification/Destabilization Channel Erosion Erosion/Siltation Natural Sources Golf Course Activities Nonpoint Source	14 Miles 14 Miles	2005 2019
Cuyama River	Boron	Source Unknown	134 Miles	2019
Las Tablas Creek	Metals	Surface Mining	5.7 Miles	2019
Las Tablas Creek, North Fork	Metals	Surface Mining	6.5 Miles	2019
Las Tablas Creek, South Fork	Metals	Surface Mining	4.7 Miles	2019

WATERWAY	POLLUTANT/ STRESSOR	POTENTIAL SOURCES	ESTIMATED SIZE AFFECTED	PROPOSED TMDL COMPLETION
Los Osos Creek *This listing was made by USEPA*	Low Dissolved Oxygen	Agriculture Pasture Grazing-Riparian and/or Upland Urban Runoff/Storm Sewers Natural Sources	4.1 Miles	2015
	Sedimentation/Siltation	Agriculture Irrigated Crop Production Range Grazing - Riparian and/or Upland Agricultural Storm Runoff Hydromodification Channelization Dredging Habitat Modification Removal of Riparian Vegitation Channel Erosion Erosion/Siltation Natural Sources Nonpoint Source		
Morro Bay	Oxygen, Dissolved	Source Unknown	1,922 Acres	2019
	Pathogens	Range Grazing - Upland Urban Runoff/Storm Sewers Septage Disposal Natural Sources Nonpoint Source		
	Sedimentation/Siltation	Agriculture Irrigated Crop Production Construction/land Development Resource Extraction Channelization Channel Erosion		
Nacimiento Reservoir *(Lake)*	Metals	Surface Mining Natural Sources	5,736 Acres	2019
Nipomo Creek	Fecal Coliform	Agriculture Urban Runoff/Storm Sewers Natural Sources	9.3 Miles	2008
Oso Flaco Creek	Ammonia (Unionized)	Source Unknown	6.3 Miles	2019
	Fecal Coliform	Source Unknown	6.3 Miles	2008
	Nitrate	Source Unknown	6.3 Miles	2015

WATERWAY	POLLUTANT/ STRESSOR	POTENTIAL SOURCES	ESTIMATED SIZE AFFECTED	PROPOSED TMDL COMPLETION
Oso Flaco Lake	Dieldrin	Source Unknown	56 Acres	2019
	Nitrate	Agriculture	56 Acres	2015
Prefumo Creek	Nitrate as Nitrate (NO3)	Source Unknown	7.7 Miles	2019
Salinas River	Chloride	Agriculture	49 Miles	2019
(Upper, confluence of Nacimiento River to Santa Margarita Reservoir)		Pasture Grazing-Riparian and/or Upland		
		Urban Runoff/Storm Sewers		
	Sodium	Agriculture	49 Miles	2019
		Pasture Grazing-Riparian and/or Upland		
		Urban Runoff/Storm Sewers		
San Luis Obispo Creek	Nitrate as Nitrate (NO3)	Source Unknown	1.6 Miles	2019
San Luis Obispo Creek	Nitrate as Nitrate (NO3)	Source Unknown	9.6 Miles	2019
(Below W Marsh Street)	Nutrients	Municipal Point Sources	9.6 Miles	2005
		Agriculture		
		Irrigated Crop Production		
		Agriculture-storm runoff		
San Diego Creek	Toxaphene	Source Unknown	4.6 Miles	2019
Santa Maria River	Ammonia (Unionized)	Source Unknown	51 Miles	2019
	Chlorpyrifos	Source Unknown	51 Miles	2015
	DDT	Source Unknown	51 Miles	2015
	Dieldrin	Source Unknown	51 Miles	2015
	Endrin	Source Unknown	51 Miles	2015
	Fecal Coliform	Agriculture	51 Miles	2008
		Pasture Grazing-Riparian and/or Upland		
		Urban Runoff/Storm Sewers		
		Natural Sources		
	Nitrate	Agriculture	51 Miles	2015
		Pasture Grazing-Riparian and/or Upland		
		Urban Runoff/Storm Sewers		
Soda Lake *(Saline Lake)*	Ammonia (Unionized)	Source Unknown	2,627 Acres	2019
Warden Creek	Low Dissolved Oxygen	Source Unknown	6 Miles	2019

State Water Resources Control Board, Central Coast Region, 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments

Attachment 2

San Luis Obispo County Partners In Restoration Permit Coordination Program

Size Limitations for Conservation Practices

Conservation Practice	Length (ft)	Width (ft)	Area of Practice (ac)	Volume[1] (cy)	Additional Limitations		
					Quantity	Unit	Notes
1. Access Roads (560)[2]	5280	30	15	3000	4	miles	Work performed over 4 miles
2. Diversion (362)[3]	2000	20	1	3000	20	cfs[4]	Upland applications only
3. Filter Strip (393)	2000	50	2.5	50			
4. Grassed Waterway (412)	2000	20	1	5000	20	cfs[4]	
5. Irrigation System & Tailwater recovery (447)[11]	N/A	N/A	0.5	2000	2	cfs	
6. Pipeline (516)[10]	200	20	0.1	N/A			In riparian areas only
7. Pond (378)	N/A	N/A			5	ac-ft	Only sediment removal and maintenance of existing ponds
8. Sediment Basin (350)	N/A	N/A	0.5	3500	2	ac-ft	Capacity of Basin
9. Underground Outlets (620)[5]	50	20	0.1	70	40	cfs[4]	Energy dissipator at outlet
10. Stream Channel Stabilization (584)							
Degrading Streams	2000	N/A	2	500			Channel modification to improve geomorphic function
Aggrading Streams	300	N/A	2	3000			Channel modification to improve geomorphic function
11. Grade Stabilization Structure (410)	1000	N/A	1.5	N/A	10[6]	ea	In non-fish bearing streams, primarily for gully repair
12. Stream Habitat Improvement and Mngt (395)	5280	N/A	N/A	50			Multiple instream structures
13. Streambank Protection (580)[3]							
Vegetation	2000	50	5	N/A			
Mechanical bank sloping[7]	500	40	0.5	7500			
Mechanical-rock[8]	500	15	0.2	1000			
14. Structure for Water Control (587)	N/A	N/A	N/A	N/A	50	cfs[4]	
15. Stream Crossing (578)[9]	100	30	0.1	500			Improve or replace existing crossing
16. Debris Removal & Vegetation Management (326)[3]	2500	N/A	N/A	N/A	2	reaches	Selective pruning for habitat enhancement and large woody debris Large woody debris will be retained whenever possible
17. Critical Area Planting (342)	N/A	N/A	4	N/A			Restoration of project areas
18. Restoration and Management of Declining Habitats (643)	N/A	N/A	5	N/A			Will include removal of exotic vegetation

Note: Practice limitations are only for projects that initially require a permit from any permitting agency, whether local, State of California, or Federal and do not apply to projects that otherwise would not require a permit.

Footnotes:

/1 Volume of soil is based on practice installation and represents the volume of soil excavated and used as fill or removed from site, or soil imported as fill.

/2 Access road improvements will typically involve multiple installations spread out over a four mile reach of road.

/3 This practice is used in conjunction with the practice standard Critical Area Planting. Revegetation will include native species.

/4 This quantity refers to the maximum allowable engineering design flow rate for the specified practice.

/5 Area of practice within riparian area includes a 50 foot length and a 20 foot wide work area for equipment. Volume of soil is based on a 6 foot wide trench 50 feet long with trench depth of 6 feet.

/6 A maximum of 10 structures will be placed within a reach length of 1000 feet.

/7 Numbers provided are based on sloping back a 500 foot long stretch of embankment with a 20 foot vertical bank to a 2:1 slope (40 feet deep).

/8 Numbers provided refer to actual areas and volume of rock placed only.

/9 The 100 foot length refers to the portion of the crossing that is perpendicular to the direction of stream flow.

/10 Area of Practice includes a 100 foot stream width with 50 feet on either side of stream (total length 200 feet) and a 20 foot wide potential work area for equipment.

/11 This practices requires a pump with a maximum flow rate of 2 cfs and a recovery basin with a maximum capacity of 1 ac-ft and excavated volume of 2,000 CY.

Attachment 3

CA-CPA-WORKSHEET

US DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

Business Name: _____ Tract/Land Unit: _____

NRCS Client Land Use: _____ Management System Label: _____

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Soil Erosion		
Sheet and Rill Erosion - RUSLE or RUSLE2	_____	_____ Tons/Acre/Year
Sheet and Rill Erosion – Visual Assessment		_____
- Rangeland – Rangeland Health Indicator Score		
_____		
_____		
Wind Erosion - WEQ	_____	_____ Tons/Acre/Year
Wind Erosion – Visual Assessment		_____
- Rangeland – Rangeland Health Indicator Score		_____
Ephemeral Gully – Visual Assessment	_____	_____
Ephemeral Gully - Air photo analysis		_____ Acres
Ephemeral Gully - Numeric		_____ Tons/Year
Ephemeral Gully- Narrative Entry		_____
- Rangeland – Rangeland Health Indicator Score		_____
Classic Gully- Visual Assessment	_____	_____
Classic Gully- Direct Volume		_____ Tons/Year
Classic Gully - Numeric		_____ Acres
Classic Gully - Air photo analysis		_____ Acres
- Rangeland – Rangeland Health Indicator Score		_____
Streambank - Direct Volume	_____	_____ Tons/Year
Streambank Erosion – Visual Assessment		_____ _____
Streambank Erosion – Lateral Recession Estimate		_____
Streambank Erosion – Air photo analysis		_____
- Rangeland – Visual Assessment of Riparian Health		_____
Shoreline – Visual Assessment	_____	_____ _____
Shoreline – Air photo analysis		_____ Acres
Shoreline - Direct Volume		_____ Tons/Year
Irrigation-Induced Erosion – Direct Volume	_____	_____ Tons/Acre/Year
Irrigation-Induced Erosion – Imhoff Cone or other		_____ Tons/Acre/Year
Irrigation-Induced Erosion - Models		_____
Irrigation-Induced Erosion - Visual Assessment		_____
Mass Movement- Visual Assessment	_____	_____ Acres _____Tons/Year
Mass Movement - Geologic Investigation		_____ _____
Road, Roadsides, Construction Sites – Visual Assessment	_____	_____ Acres_____
Road, Roadsides, Construction Sites – Direct Volume		_____ Tons/Year
Road, Roadsides, Construction Sites – RUSLE2 and WEQ		_____ Tons/Year

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Soil Condition		
Organic Matter Depletion – Soil Conditioning Index	_____	_____
Organic Matter Depletion – Soil Quality Kit		_____
Organic Matter Depletion – Thickness & strength of crust		_____
Organic Matter Depletion – aggregate stability		_____
Organic Matter Depletion – earthworm test		_____
Organic Matter Depletion – respiration test		_____
Organic Matter Depletion – soil sampling method		_____
Organic Matter Depletion – Rangeland Health Indicator Score		_____
Rangeland Site Suitability- Rangeland Health Indicators	_____	_____
Compaction – Soil Quality Test Kit : Bulk Density Test	_____	_____
Compaction – Plant Root Observation		_____
Compaction - Penetrometer		_____
Compaction – Rangeland Health Indicator Score		_____
Compaction – Soil Quality Info Sheet - Compaction		_____
Compaction – Soil Sampling Method		_____
Subsidence – Visual Assessment	_____	_____
Subsidence– Visual – Soil probes and witness poles		_____
Subsidence – Inventory of volume and depth		_____ Inches/Acre/Year _____
Contaminants: Salts and Other Chemicals – Laboratory tests	_____	_____
Contaminants: Salts and Other Chemicals – Background concentrations		_____
Contaminants: Salts and Other Chemicals - Soil Quality Test Kit: Electrical Conductivity		_____
Contaminants: Salts and Other Chemicals – Crop Yield		_____
Contaminants: Salts and Other Chemicals – Soil Quality Info Sheet: Salinization		_____
Contaminants: Salts and Other Chemicals – Soil Sampling Method		_____
Contaminants: Animal Waste & Other Organics - N – Nitrogen Quick Test	_____	_____ Pounds/Acre/Year_____
Contaminants: Animal Waste & Other Organics - N – Soil laboratory testing		_____
Contaminants: Animal Waste & Other Organics - N – Plant Tissue Testing		_____
Contaminants: Animal Waste & Other Organics - N – Application Records		_____
Contaminants: Animal Waste & Other Organics - N – Crop Nutrient Requirements		_____
Contaminants: Animal Waste & Other Organics - N – Soil Sampling Method		_____
Contaminants: Animal Waste & Other Organics - P – Soil laboratory testing	_____	_____ Pounds/Acre/Year_____
Contaminants: Animal Waste & Other Organics - P – Plant Tissue Testing		_____
Contaminants: Animal Waste & Other Organics - P – Application Records		_____
Contaminants: Animal Waste & Other Organics - P – Crop Nutrient Requirements		_____
Contaminants: Animal Waste & Other Organics - P – Soil Sampling Method		_____
Contaminants: Animal Waste & Other Organics - K – Soil laboratory testing	_____	_____ Pounds/Acre/Year_____
Contaminants: Animal Waste & Other Organics - K – Plant Tissue Testing		_____
Contaminants: Animal Waste & Other Organics - K – Application Records		_____
Contaminants: Animal Waste & Other Organics - K – Crop Nutrient Requirements		_____
Contaminants: Animal Waste & Other Organics - K – Soil Sampling Method		_____

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Contaminants: Commercial Fertilizer - N – Nitrogen Quick Test	_____	_____ Pounds/Acre/Year_____
Contaminants: Commercial Fertilizer - N – Soil laboratory testing		_____
Contaminants: Commercial Fertilizer - N – Crop Nutrient Requirements		_____
Contaminants: Commercial Fertilizer - N – Soil Sampling Method		_____
Contaminants: Commercial Fertilizer - N - Soil Quality Test Kit – pH		_____
Contaminants: Commercial Fertilizer - P – Soil laboratory testing	_____	_____ Pounds/Acre/Year_____
Contaminants: Commercial Fertilizer - P – Crop Nutrient Requirements		_____
Contaminants: Commercial Fertilizer - P – Soil Sampling Method		_____
Contaminants: Commercial Fertilizer - P - Soil Quality Test Kit – pH		_____
Contaminants: Commercial Fertilizer - K – Soil laboratory testing	_____	_____ Pounds/Acre/Year_____
Contaminants: Commercial Fertilizer - K – Crop Nutrient Requirements		_____
Contaminants: Commercial Fertilizer - K – Soil Sampling Method		_____
Contaminants: Commercial Fertilizer - K - Soil Quality Test Kit – pH		_____
Contaminants: Residual Pesticides – Visual observation	_____	_____
Contaminants: Residual Pesticides – WIN-PST		_____
Contaminants: Residual Pesticides – Laboratory Testing		_____
Contaminants: Residual Pesticides – Soil Sampling Method		_____
Contaminants: Residual Pesticides – Soil Quality Info Sheet: Pesticides		_____
Damage from Sediment Deposition – Visual assessment	_____	_____Acres/Year_____
Damage from Sediment Deposition – Volume calculation		_____
Damage from Sediment Deposition –RUSLE2 and WEQ		_____
Damage from Sediment Deposition – Plant & animal community assessment		_____
Damage from Sediment Deposition - Rangeland Health Indicator Score		_____
Damage from Sediment Deposition - Soil Quality Info Sheet: Sediment Deposition On Cropland		_____

Water Quantity

Rangeland Hydrologic Cycle – Rangeland Health Indicators	_____	_____
Excessive Seepage – Visual Assessment	_____	_____Acres/Year_____
Excessive Seepage – Client Interview		_____
Excessive Seepage – Area Measurements		_____
Excessive Seepage – Soil Survey		_____
Excessive Runoff, Flooding, Ponding - Visual Assessment	_____	_____
Excessive Runoff, Flooding, Ponding - Client Interview		_____
Excessive Runoff, Flooding, Ponding – SVAP		_____
Excessive Runoff, Flooding, Ponding – Nat'l Engineering Handbood		_____
Excessive Runoff, Flooding, Ponding – Hydrologic Models		_____
Excessive Subsurface Water – Visual Assessment	_____	_____
Excessive Subsurface Water - Plant quality and quantity		_____
Excessive Subsurface Water – Nat'l Engineering Handbook		_____
Excessive Subsurface Water – Soil Survey		_____

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Excessive Subsurface Water – DrainMod		
Drifted snow - Visual assessment		
Drifted snow – Client interview		
Drifted snow – Depth and area measurements		
Inadequate Outlets - Visual assessment		
Inadequate Outlets - Client interview		
Inadequate Outlets – National Engineering Handbook		
Inadequate Outlets – Hydrologic Models		
Inefficient Water Use on Irrigated Land - Visual assessment		_____Acre-Inches/Acre/Year_____
Inefficient Water Use on Irrigated Land - National Engineering Handbook		
Inefficient Water Use on Irrigated Land – Crop Quality & Quantity Measurements		
Inefficient Water Use on Irrigated Land – Farm Irrigation Rating Index (FIRI)		
Inefficient Water Use on Non-irrigated Land - Visual assessment		_____Acre-Inches/Acre/Year_____
Inefficient Water Use on Non-irrigated Land – Plant or Animal Measurements		
Inefficient Water Use on Non-irrigated Land – Soil Moisture Test		
Reduced Capacity of Conveyances by Sediment Deposition - Visual assessment		_____Cubic Yards_____
Reduced Capacity of Conveyances by Sediment Deposition – Client Interview		
Reduced Capacity of Conveyances by Sediment Deposition - National Engineering Handbook		
Reduced Capacity of Conveyances by Sediment Deposition – Hydrologic Models		
Reduced Capacity of Conveyances by Sediment Deposition – Measurements of loss of capacity		
Reduced Storage of Water Bodies by Sediment Accumulation - Visual assessment		_____Acre-Inches/Year_____
Reduced Storage of Water Bodies by Sediment Accumulation - Depth and area measurements		
Reduced Storage of Water Bodies by Sediment Accumulation - National Engineering Handbook		
Aquifer Overdraft – Water level measurements		_____Acre-Inches/Year_____
Insufficient Flows in Water Courses - Visual assessment		
Insufficient Flows in Water Courses – Water flow records		
Insufficient Flows in Water Courses – Gauge Station data		
Insufficient Flows in Water Courses – Consumptive use/allocation water rights		
Insufficient Flows in Water Courses – Habitat Evaluation Guides		
Insufficient Flows in Water Courses – National Biology Handbook		

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Water Quality		
Harmful Levels of Pesticides in Groundwater - WIN-PST		
Harmful Levels of Pesticides in Groundwater – NAPRA		
Harmful Levels of Pesticides in Groundwater – Vadose zone and groundwater chemical sampling and assay		
Excessive Nutrients and Organics in Groundwater –National Engineering Handbook		
Excessive Nutrients and Organics in Groundwater – NLEAP		
Excessive Nutrients and Organics in Groundwater – FARM*A*Syst		
Excessive Nutrients and Organics in Groundwater – Vadose zone and groundwater chemical/particle sampling and assay		
Excessive Salinity in Groundwater – Vadose zone and groundwater salinity sampling		
Excessive Salinity in Groundwater – National Engineering Handbook		
Excessive Salinity in Groundwater – Soil salinity sampling and assay		
Excessive Salinity in Groundwater – Water sampling		
Harmful Levels of Heavy Metals in Groundwater – Vadose zone and groundwater chemical sampling and assay		
Harmful Levels of Pathogens in Groundwater – Vadose zone and groundwater chemical sampling and assay		
Harmful Levels of Petroleum in Groundwater – Vadose zone and groundwater chemical sampling and assay		
Harmful Levels of Pesticides in Surface water - WIN-PST		
Harmful Levels of Pesticides in Surface water – NAPRA		
Harmful Levels of Pesticides in Surface water – Surface water chemical sampling assay		
Excessive Nutrients and Organics in Surface Water – WIN-PST		
Excessive Nutrients and Organics in Surface Water –NAPRA		
Excessive Nutrients and Organics in Surface Water – surface water chemical sampling assay		
Excessive Suspended Sediment and Turbidity in Surface Water- SVAP		
Excessive Suspended Sediment and Turbidity in Surface Water- Visual assessment		
Excessive Suspended Sediment and Turbidity in Surface Water- Client interview		
Excessive Suspended Sediment and Turbidity in Surface Water- Water Quality Indicators Guide – Surface Waters, sheets 1A and B		
Excessive Suspended Sediment and Turbidity in Surface Water- Surface water chemical/particle sampling and assay		

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Excessive Salinity in the Surface Water- SVAP	_____	_____
Harmful Levels of Heavy Metals in Surface Water- Surface water chemical sampling and assay	_____	_____
Harmful Temperatures of Surface Water - SVAP	_____	_____
Harmful Temperatures of Surface Water – HSI model for target species		_____
Harmful Temperatures of Surface Water – Surface water temperature sampling and assay		_____
Harmful Levels of Pathogens in Surface Water – Surface water pathogen sampling and assay	_____	_____
Harmful Levels of Petroleum in Surface Water – Surface water chemical sampling and assay	_____	_____
Air Quality		
Particulate matter less than 10 micrometers in diameter (PM-10) Specific guidelines contained in State or Federal Implementation Plan	_____	_____Pounds/Year_____
Particulate matter less than 10 micrometers in diameter (PM-10) - Air Quality analysis		_____
Particulate matter less than 10 micrometers in diameter (PM-10) - Onsite observation, local regulations, criteria or other approved NRCS tools		_____
Particulate matter less than 2.5 micrometers in diameter (PM-12.5) Specific guidelines contained in State or Federal Implementation Plan	_____	_____Pounds/Year_____
Particulate matter less than 2.5 micrometers in diameter (PM-12.5) Onsite observation, local regulations, criteria or other approved NRCS tools		_____
Excessive Ozone – Specific guidelines contained in State or Federal Implementation Plan	_____	_____Pounds/Year_____
Excessive Ozone – Onsite observation, local regulations, criteria, or other approved NRCS tools		_____
Excessive Greenhouse Gas – CO_2 – Model simulations	_____	_____
Excessive Greenhouse Gas – CO_2 – Sampling for soil carbon		_____
Excessive Greenhouse Gas – CO_2 – Other NRCS approved tools		_____
Excessive Greenhouse Gas – N_20 – Model simulations	_____	_____
Excessive Greenhouse Gas – N_20 – Other NRCS approved tools		_____
Excessive Greenhouse Gas – CH_4 – IPCC methodology	_____	_____
Excessive Greenhouse Gas – CH_4 – Other NRCS approved tools		_____
Ammonia (NH_3) – Approved NRCS technical guidance and tools	_____	_____Pounds/Year_____
Chemical Drift - Approved NRCS technical guidance and tools	_____	_____

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Objectionable Odors – Olfactory assessment		
Objectionable Odors – Agricultural Waste Management Field Handbook (AWMFH)		
Objectionable Odors – NRCS approved tools		
Reduced Visibility – Visual assessment		
Reduced Visibility – Regional air partnership recommendations and/or state guidance for smoke management		
Undesirable Air Movement – Visual assessment		
Undesirable Air Movement – Anemometers		
Undesirable Air Movement – Approved NRCS technical guidance and tools		
Adverse Air Temperature – Chill factor indices, heat indices		
Adverse Air Temperature – Air temperature assessment		
Plants		
Plants Not Adapted or Suited – On-site investigation & records		
Plants Not Adapted or Suited – Forage Suitability Groups		
Plants Not Adapted or Suited – Pasture Condition Scoring		
Plants Not Adapted or Suited – Client interview		
Plants Not Adapted or Suited – PLANTS database		
Plants Not Adapted or Suited – Vegetative Guide		
Plants Not Adapted or Suited – Plant hardiness zone map		
Plants Not Adapted or Suited – Poil pH, drainage class, SAR, EC suitability ranges		
Plants Not Adapted or Suited – Soil interpretations – Section IV		
Plants Not Adapted or Suited – Local agronomy guides		
Plants Not Adapted or Suited – University Extension Service information		
Plants Not Adapted or Suited – Soil survey manuscripts		
Plants Not Adapted or Suited – Ecological Site Descriptions (ESD)		
Plants Not Adapted or Suited – Conservation Tree and Shrub Groups (CTSG)		
Plants Not Adapted or Suited – Silvics of North American Trees		
Plants Not Adapted or Suited – NRCS Discipline Manuals/Handbooks		
Plants Not Adapted or Suited –Field Planting Evaluations		
Plant Condition		
Productivity, Health and Vigor– Local agronomy guides		
Productivity, Health and Vigor – Client interview		
Productivity, Health and Vigor – Crop scouting		
Productivity, Health and Vigor – Plant tissue & harvest analysis		
Plants Not Adapted or Suited – NRCS Discipline Manuals/Handbooks		
Productivity, Health and Vigor – Ecological Site Descriptions (ESD)		
Productivity, Health and Vigor – Rangeland Similarity Index Worksheet		
Productivity, Health and Vigor – Rising Plate Meter		
Productivity, Health and Vigor - Forage Suitability Groups		

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Productivity, Health and Vigor – Electronic probe calibrated for the forage mixture, or a clip and weigh sampling procedure		
Productivity, Health and Vigor – Plot sampling of the understory vegetation		
Productivity, Health and Vigor – Soil survey reports		
Productivity, Health and Vigor – Soil testing		
Productivity, Health and Vigor – Crop/soil yield comparison in the vicinity		
Productivity, Health and Vigor – Pasture Condition Scoring		
Productivity, Health and Vigor – Keys for disease and insect symptoms		
Productivity, Health and Vigor – Keys for nutrient deficiencies, toxicities, and other conditions		
Productivity, Health and Vigor – Rangeland Health Assessment		
Productivity, Health and Vigor – Stocking rate of desired species		
Productivity, Health and Vigor – Stocking measurement for the tree stands		
Productivity, Health and Vigor – Vegetative Guide		
Productivity, Health and Vigor – Conservation Tree and Shrub Groups (CTSG)		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – Client Interview		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – Inventory site		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – GM 190, Part 410		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – Federal and State endangered species Rules and regulations		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – Consultation with appropriate federal, State and local agencies/groups		
Threatened or Endangered Plant Species: Plant Species Listed or Proposed for Listing under the Endangered Species Act – PLANTS Website		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – Client Interview		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – Inventory site		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – GM 190, Part 410		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – Federal and State endangered species Rules and regulations		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – Consultation with appropriate federal, State and local agencies/groups		
Threatened or Endangered Plant Species, Declining Species, Species of Concern – PLANTS Website		
Noxious and Invasive Plants - Client Interview		
Noxious and Invasive Plants – Inventory site		
Noxious and Invasive Plants – Consult weed management areas		
Noxious and Invasive Plants – Consultation with appropriate federal, state and local agencies/groups		
Noxious and Invasive Plants – State or local noxious weed list		
Noxious and Invasive Plants – PLANTS Website		

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION
Noxious and Invasive Plants – Field Planting Evaluations		
Noxious and Invasive Plants – Vegetative Guide		
Forage Quality and Palatability – NIRS Forage Quality Analysis (NUTBAL)		
Forage Quality and Palatability – Plant tissue analysis		
Wildfire Hazard – Visual assessment protocols		Acres/Year
Wildfire Hazard – Site & flammable biomass inventories		
Wildfire Hazard – Aerial photo analysis		
Animals		
Fish and Wildlife - Inadequate Food – Visual assessment		
Fish and Wildlife - Inadequate Food – Inventory of food species		
Fish and Wildlife - Inadequate Food – Aerial photo analysis		
Fish and Wildlife - Inadequate Food – State adapted Wildlife Habitat Evaluation Guide		
Fish and Wildlife - Inadequate Food – National Biology Handbook		
Fish and Wildlife - Inadequate Food – Client Interviews		
Fish and Wildlife - Inadequate Cover/Shelter – Visual assessment		
Fish and Wildlife - Inadequate Cover/Shelter – Inventory of cover/shelter		
Fish and Wildlife - Inadequate Cover/Shelter - Aerial photo analysis		
Fish and Wildlife - Inadequate Cover/Shelter– State adapted Wildlife Habitat Evaluation Guide		
Fish and Wildlife - Inadequate Cover/Shelter– National Biology Handbook		
Fish and Wildlife - Inadequate Cover/Shelter – Client Interviews		
Fish and Wildlife - Inadequate Water – Surface water dissolved oxygen sampling & assay		
Fish and Wildlife - Inadequate Water – Stream Visual Assessment Protocol		
Fish and Wildlife - Inadequate Water - Habitat Suitability Index – Model for target species		
Fish and Wildlife - Inadequate Water – Inventory of water supplies		
Fish and Wildlife - Inadequate Water – Aerial photo analysis		
Fish and Wildlife - Inadequate Water – State Adapted Wildlife Habitat Evaluation Guide		
Fish and Wildlife - Inadequate Water – National Biology Handbook		
Fish and Wildlife - Inadequate Water – Client Interviews		
Fish and Wildlife - Inadequate Space – Visual Assessment		
Fish and Wildlife - Inadequate Space – Stream Visual Assessment Protocol		
Fish and Wildlife - Inadequate Space – Inventory of space/areas		
Fish and Wildlife - Inadequate Space – Air photo analysis		
Fish and Wildlife - Inadequate Space – State Adapted Wildlife Habitat Evaluation Guide		
Fish and Wildlife - Inadequate Space – National Biology Handbook		
Fish and Wildlife - Inadequate Space – Client Interviews		
Fish and Wildlife - Habitat Fragmentation – Stream Visual Assessment Protocol		
Fish and Wildlife - Habitat Fragmentation – Aquatic & terrestrial habitat evaluation procedures		
Fish and Wildlife - Habitat Fragmentation – Wildlife Habitat Evaluation Guide (WHEG)		
Fish and Wildlife - Habitat Fragmentation – Client interviews		

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

Y/N DESCRIPTION OF CONDITION

Fish and Wildlife - Imbalance Among & Within Populations –
Fish and Wildlife agency guidance and protocols _____ _____
Fish and Wildlife - Imbalance Among & Within Populations – Client Interviews _____
Fish and Wildlife - Imbalance Among & Within Populations – Management Hi story _____
Fish and Wildlife - Imbalance Among & Within Populations - Resource Inventory _____
Fish and Wildlife - Imbalance Among & Within Populations – Habitat Evaluation _____
Fish and Wildlife - Imbalance Among & Within Populations– National Biology Manual _____

Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act - Client Interviews _____ _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act — CADFG - Rarefind _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – General Manual 190, Part 410 _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – Fish & Wildlife recovery plans _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – Federal & State endangered species rules and regulations _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – Consultation with appropriate federal, state, and local agencies/groups _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – CA Fish and Game and USF&WS web sites _____
Fish and Wildlife - Threatened & Endangered Fish and Wildlife Species –
Fish and Wildlife Species Listed or Proposed for Listing under the
Endangered Species Act – Field identification _____

Domestic Animals - Inadequate Quantities & Quality of Feed and Forage - Measured inventory _____ _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage-
National Range & Pasture Handbook _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage- GLA software _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage-
Nutritional Balance Program (NUTBAL) _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage- NIRS – NUTBAL Pro _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage- Forage quality lab analysis _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage-
Other state adopted forage/livestock management software and job sheets _____
Domestic Animals - Inadequate Quantities & Quality of Feed and Forage- GLCI Grazing Recordbook

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

Y/N DESCRIPTION OF CONDITION

(Body Condition Score) Cattle BCS≥4, Sheep BCS≥3 _____

Domestic Animals - Inadequate Quantities & Quality of Feed and Forage - Client Interviews _____

Domestic Animals - Inadequate Quantities & Quality of Feed and Forage - Visual inspection of animals _____

Domestic Animals - Inadequate Shelter - Visual assessment _____ _____

Domestic Animals - Inadequate Shelter - Inventory of facilities and their capacities _____

Domestic Animals - Inadequate Shelter - Aerial photo analysis _____

Domestic Animals - Inadequate Shelter - National Range and Pasture Handbook _____

Domestic Animals - Inadequate Shelter - Client Interviews _____

Domestic Animals - Inadequate Stock Water –
Visual assessment of quantity and/or quality of water facilities _____ _____

Domestic Animals - Inadequate Stock Water –
Visual inspection of soil and vegetative conditions at water facilities _____

Domestic Animals - Inadequate Stock Water – Inventory of distribution needs _____

Domestic Animals - Inadequate Stock Water – Aerial photo analysis _____

Domestic Animals - Inadequate Stock Water – National Range and Pasture Handbook _____

Domestic Animals - Inadequate Stock Water – Client interviews _____

Domestic Animals - Inadequate Stock Water – Water quality analysis _____

Domestic Animals - Inadequate Stock Water – FOTG Section IV Standards _____

Domestic Animals - Stress and Mortality- Animal health/mortality alerts _____ _____

Domestic Animals - Stress and Mortality- State and local biosecurity protocols _____

Domestic Animals - Stress and Mortality- State and local standards for animal disposal _____

Domestic Animals - Stress and Mortality- Client Interviews _____

Domestic Animals - Stress and Mortality- Visual inspection of animals _____

Domestic Animals - Stress and Mortality- GLCI Grazing Recordbook- BCS (Body Condition Score) _____

Human Considerations

Land – All changes in land use, land taken out of production or land brought into production should be identified

_____

_____

_____

Capital – All additional expenses and income resulting from conservation activities should be identified

_____

_____

_____

Labor – Changes to the labor requirements from managing/implementing conservation practices should be identified

_____

_____

_____

Management Level – The management level is measured in qualitative units of skill level

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

Y/N DESCRIPTION OF CONDITION

_____

_____

_____

Risk – Inform decision maker of changes in risk associated with implementation of the conservation plan

_____

_____

_____

Profitability – Where possible, provide benefit and cost information to the decision maker

_____

_____

_____

Cultural Resources –NRCS identifies and protects cultural resources early in the planning and environmental evaluation process for all assistance activities classified as an undertaking

_____

_____

_____

Civil Rights Impacts – Analysis should be properly documented to clearly show that agency actions, which if implemented will not result in denial or reduced program benefits, or any form of discrimination against any clientele group

_____

_____

_____

Environmental Justice – EJ principles must be incorporated into all. Determinations of whether a particular program or activity raises an environmental justice issue depends an evaluation of all circumstances. NRCS should consider whether the adverse effect is appreciably more severe or greater in magnitude than the adverse effect that would be suffered by the non-minority population and/or non-low-income-population

_____

_____

_____

Social Assessment – Social analysis provides the planner with knowledge about individual landowners and community concerns, issues, and needs. With this information, the planner can prepare a plan that complies with USDA CR and EJ policies and meets the needs of both the natural resources base and the local landowners and residents

_____

_____

_____

Food Safety - Planners should assess irrigation water source and quality, livestock exclusion from fields and water sources, the proximity of wildlife and wildlife trails through the area, the timing and use of applications of unincorporated and incorporated manure and composted manure, possible cropping and grazing limitations post-harvest, and to the extent possible, post-harvest handling of products.

_____

_____

_____

CHECKLIST OF RESOURCE PROBLEMS OR CONDITIONS

ANSWER ALL ITEMS AND DESCRIBE EACH YES ANSWER:

	Y/N	DESCRIPTION OF CONDITION

Other Concerns/Remarks:

Attachment 4

USDA, Natural Resources Conservation Service **EA Worksheet**

CALIFORNIA
ENVIRONMENTAL ASSESSMENT WORKSHEET

Date_____

Client and/or Business Name:
Purpose and Need Statement (Client Objective):
Description of Proposed Project:
Treatment Unit: Farm #: Tract #: Field #:
Watershed:
Name of Person(s) Completing Worksheet:

- This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410).
- Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term -those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.

	Environmental Effects Element	Description of Effects
I.	SOIL:	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	
b.	Soil fertility?	
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	
g.	Number of acres of prime &/or unique cropland?	
h.	Other?	
II.	WATER:	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	
e.	Ground water quality?	
f.	Amount of water available for public use?	
g.	Exposure of people or property to flooding?	
	Other?	

	Environmental Effects Element	Description of Effects
III.	AIR:	
a.	Air quality?	
b.	Odors?	
c.	Other?	
IV.	PLANTS:	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	
c.	Normal recruitment of existing, native species?	
d.	Other?	
V.	ANIMALS:	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	
c.	Native animals (migration barriers, competition from non-natives, etc.)?	
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	
e.	Human activity during sensitive life stages (nesting, spawning, etc)?	
f.	Other?	
VII.	OTHER HUMAN CONSIDERATIONS:	
a.	Noise levels?	
b.	Present or planned land uses?	
c.	Aesthetic resource, scenic value, or natural area?	
d.	Recreational opportunities?	
e.	Public health and safety?	
f.	Public interest related to the site or watershed?	
g.	Economic impacts to the clients, landowners, or public?	
h.	Client well being?	
i.	Environmental justice?	
	Other?	

SPECIAL ENVIRONMENTAL CONCERNS: Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
Threatened or Endangered Species (To ensure actions do not jeopardize T&E species)	190 GM- 410.22 , California Endangered Species Handbook		
Natural Area (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23		
Landscape Resource (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24		
Floodplain Management (To conserve, preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25		
Wetland (To protect, maintain and restore wetland functions and values)	190 GM 410.26, NFSA Manual		
Stream Channel Modification (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28		
Riparian Area (To protect, maintain, and restore riparian areas)	190 GM 411		
Prime and Unique Farmland (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403		
Cultural Resources (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401		
Coastal Zone Management Area (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583		
Wild and Scenic River (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454		
Special Aquatic Site (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10		
Essential Fish Habitat (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97		

OTHER CONSIDERATIONS

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

_____

_____

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

_____

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.

e. Discuss any **Cumulative Effects** (beneficial or adverse):

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):
No Action 1.
2.
3.
4.

g. Remarks or Other Considerations:

RECOMMENDATION (check one)

☐ Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

☐ Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rational for the findings above):

Signature (Planner)	Title	Date

Reviewed/Concurred By	Title (District Conservationist)	Date

Attachment 5

SHPO/NRCS Agreement

STATE LEVEL AGREEMENT
BETWEEN THE
CALIFORNIA USDA NATURAL RESOURCES CONSERVATION SERVICE
AND THE
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING IMPLEMENTATION OF SOIL AND WATER CONSERVATION ASSISTANCE ACTIVITIES ON PRIVATE AND PUBLIC LANDS WITHIN THE STATE OF CALIFORNIA

WHEREAS, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), carries out Conservation Technical Assistance programs for soil, water, and related resource conservation activities under the Soil Conservation and Domestic Allotment Act of 1936, Public Law 74-76, 16 U.S.C. 590 a-f, as amended; the Flood Control Act of 1944, Public Law 78-534, as amended; the Watershed Protection and Flood Prevention Act, Public Law 83-566, as amended, Section 6; the Flood Control Act of 1950, Public Law 81-516, Section 216; the Great Plains Act of 1956, Public Law 84-1021; the Agricultural and Food Act of 1981, Public Law 97-98, 95 Stat. 1213; the Agricultural Credit Act, Public Law 95-334, Title IV, Section 403; Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624; the Flood Control Act of 1936, Public Law 74-738; the Water Resources Planning Act of 1965, 42 U.S.C. 1962; the Food Security Act of 1985, Public Law 99-1989, as amended; and the Farm Security and Rural Investment Act of 2002, Public Law 107-171 and related authorities; and

WHEREAS, the NRCS National Headquarters, the Advisory Council on Historic Preservation (Council) and the National Conference of State Historic Preservation Officers (NCSHPO) executed a Programmatic Agreement, dated May 31, 2002, that contains requirements which must be included in State Level Agreements; and

WHEREAS, the purpose of this State Level Agreement is to tailor compliance procedures and requirements of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations to the particular conditions of the State of California; and

WHEREAS, the California NRCS, in consultation with the California State Historic Preservation Officer (SHPO), has determined that certain categories of its conservation programs and activities may affect properties listed in or eligible for listing in the National Register of Historic Places, and that these activities are therefore subject to review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f and 470h-2(f)) and the Council's implementing regulations at 36 CFR Part 800; and

WHEREAS, a streamlined NRCS process involving conservation technical assistance at the Field Office (county) level is appropriate to the large number of small undertakings on private property, the NRCS has determined there is: (1) the need for timely services to diverse NRCS customers dependent upon agricultural production, (2) the need to provide exempted categories, as detailed in Stipulation 3 of the national Programmatic Agreement for certain NRCS programs, activities, and technical assistance that will not affect historic properties, and (3) the need to reconcile the variable emergency directives contained in NRCS (7 CFR 624) and Council (36 CFR 800.12) regulations; and

WHEREAS, the remainder of NRCS responsibilities for compliance under Section 106 of the NHPA will be met by procedures consistent with the Council's regulations (36 CFR 800), and

WHEREAS, unless otherwise defined differently in this Agreement, definitions are applied as in 36 CFR 800.16; and

WHEREAS, the NRCS and the SHPO agree that in recognition of the sovereign status of federally recognized Indian Tribal governments, this statewide agreement does not apply to Tribal lands nor Tribal review of undertakings pursuant to Section 101(d)(2) of the NHPA. The NRCS is committed to seeking consultation protocols with individual Tribal Historic Preservation Officers or other individual governments of federally recognized Indian tribes;

NOW THEREFORE, the California NRCS and the California SHPO agree that a streamlined compliance process is desirable for NRCS conservation assistance activities; that the California NRCS shall carry out the activities covered by this Agreement in accordance with the preceding recitals and the following stipulations in order to take into account the effects of these activities on historic properties; and that these recitals and stipulations shall govern California NCRS compliance with Section 106 of the NHPA for these activities until this Agreement expires or is terminated.

STIPULATIONS

The California NRCS shall ensure that the following stipulations are carried out:

1. **Undertakings**: Federal actions that have the potential to affect historic properties are undertakings that require consultation with the State Historic Preservation Officer under the terms of this agreement or under the regulations for the NHPA at 36 CFR 800. Attachment 1 lists the conservation practices excluded as undertakings, except when such practices would disturb previously uncultivated ground or a change in crop requires original deep plowing or ripping. All practices installed in ground previously deep plowed or ripped to a depth of 3 feet or greater, and do not exceed this disturbance,

may be excluded as undertakings when a records search indicates that no known cultural resources are in the project area. If cultural resources are known for the area, they will be avoided or evaluated, if necessary, for the National Register of Historic Places. All other practices are undertakings. Field office staff will use Attachment 1 and the determination of depth of previous ground disturbance to determine subsequent actions. Each field office will submit a list of practices as exclusions or undertakings by contract number (when a contract exists) or by landowner name and tract number for general Conservation Technical Assistance to the Cultural Resources Specialist (CRS) on a quarterly basis.

2. **Area of Potential Effect**: The Area of Potential Effect (APE) will be determined by the project planner, Cultural Resources Technician (trained field office staff) and/or a CRS. The APE will include all proposed project activities (conservation practices) and any other areas of associated disturbance, such as staging areas. The APE will include, at a minimum, a 10-meter (~32 feet) buffer zone. An aggregate APE greater than 20 acres requires that a CRS complete the cultural resources review for the project. The APE size will be a category of the quarterly list in Stipulation 1.

3. **Identification of Historic Properties and Use of NRCS Personnel**: California NRCS field office personnel who have satisfactorily completed the national and state NRCS Cultural Resources training program are acceptable for designation as Cultural Resources Technician (CRT). A CRT may complete the initial cultural resources review for projects as permitted in this agreement under the supervision of a CRS. A CRT is restricted to review projects that are 20 acres or less in aggregate size as defined in Stipulation 2. The discovery of any cultural resources, other than isolated artifacts, immediately suspends a CRT's authority for completing the review for that project although the CRT may continue to investigate the APE for that project. No CRT has the authority or responsibility to make any judgments or decisions regarding discovered cultural resources. The State CRS will be notified of the discovery by e-mail by the following workday, with the particulars of the discovery including description, range, township, section and GPS coordinates in UTMs with NAD 83 or WGS 84 datum. A CRS or other professional specialist, as defined in the Secretary of Interior's Standards and Guidelines, will complete the review for the project.

4. **Access to Cultural Resources Information:**

   Each field office will have a list of the applicable 7 ½' USGS topographical quad sheets for which the NRCS has acquired cultural resources information through the Co-operative Agreement (#65-9104-3-280) with SHPO. The agreement permits limited release of cultural resources information to NRCS employees and archaeological contractors in performance of their duties. If a

project location is on an available quad sheet, the CRT will request the pertinent information from the CRS.

If a particular quad sheet is not available, CRTs will initiate records search requests to Information Centers of the California Historical Resources Information System. They may not receive specific data such as site location coordinates or descriptions, but may receive a generalized response of the presence or absence of documented cultural resources within or adjacent the APE. They may also receive information related to previous survey or inventory, or lack thereof, of the APE. Previous survey or inventory of an APE, completed within five years prior to the record search, with no cultural resources located precludes additional survey and, with documentation, the project may move forward, as with other negative reports. A CRT request for a records search will direct the Information Center to forward specific cultural resources information to the State CRS if the search produces a positive response for cultural resources in or adjacent the APE. The CRS may release specific data to the CRT for avoidance purposes during the conservation planning or otherwise assist the CRT in the field.

The CRT must destroy all sensitive or confidential cultural resources information upon finalizing the applicable conservation plan and with the installation of the conservation practices. The data may not be maintained other than at the State Office by the CRS. The data may not be given to the landowner. However, the landowner may request information directly from the Information Center. A breach in the confidentiality of cultural resources information is cause for suspension of the CRT's review authority, whereby the CRS will assume those responsibilities. Review authority may be reinstated upon a review of the causes and severity by the CRS, the employee's supervisor, and the involved employee, in consultation with SHPO.

5. **Native American Consultation:** Consultation regarding cultural resources or other concerns will continue on a project-by-project basis with federally recognized tribes and all others as identified by the Native American Heritage Commission (NAHC). Many field offices have established working relationships with tribes that will enhance consultation procedures. In the event of no response from the NAHC within 30 days of a request for a Sacred Lands search and a list of contacts, field offices may consult with such groups for their input to projects. If no relationships exist, field offices may initiate consultation with local tribal groups, if such groups are interested in doing so.

6. **Public Participation:** Public participation in the Section 106 process for actions under this agreement is restricted by confidentiality concerns of private landowners and the nature and degree of complexity of the undertakings. The nature of the undertakings is that of routine farming and ranching practices that are not complex and therefore are not subject to a public participation

requirement. Members of the public that have an interest in the cultural resources process may request additional information from the State Cultural Resources Specialist.

7. **National Register of Historic Places:** All evaluations of cultural resources for the purpose of determining eligibility for inclusion in the National Register of Historic Places will be conducted by a CRS or other professional specialist, as defined in the Secretary of Interior's Standards and Guidelines. All unevaluated cultural resources will be treated as eligible for the National Register.

8. **Avoidance:** NRCS will protect cultural resources in their original location to the fullest extent possible while assisting the landowner in planning and implementing conservation activities. If an historic property can not be avoided, NRCS will either terminate further implementation of the undertaking or initiate consultation with SHPO and follow the process as described in 36 CFR 800.

9. **Project Annual Compliance Documentation:** NRCS shall provide SHPO, at a minimum, documentation for each undertaking that includes the results of the IC records search, Native American consultation, the area covered by the field investigations, the number and type of resources located, the number of resources avoided, the method of avoidance, and the identity of the person(s) conducting any cultural resources field work. The preceding applies to those undertakings where cultural resources were discovered. Previous survey, if completed within ten years of the date of the applicable record search, of an APE with negative or isolates-only findings precludes additional survey. If no cultural resources or only isolated artifacts are located within an APE, report forms (Attachment 2) documenting these findings will be compiled and submitted to SHPO with the annual summary. Projects associated with negative or isolates-only findings and previous negative or isolates-only surveys may proceed without a response from SHPO. Cultural resources will be recorded on the Department of Parks and Recreation series 523 forms.

10. **SHPO Review:** Review of NRCS undertakings covered by and submitted to the SHPO in accordance with the terms of this agreement is assigned to the SHPO Project Review Unit. Either the Deputy SHPO or Supervisor of the Project Review Unit is authorized to sign consultation correspondence on behalf of the SHPO. As provided for at 36 CFR 800.3 (g) in expediting consultation for positive findings, NRCS may address the multiple steps of 36 CFR 800.3 through 800.6 in a single report submittal. If SHPO does not respond within 30 calendar days of a submittal, NRCS will document the absence of a reply and continue toward project implementation. If, within the 30-day review period, SHPO disagrees with any of the findings or documentation submitted by NRCS, the parties shall further consult to resolve

the objections. If the additional consultation does not resolve the objections, resolution shall be sought as specified in Stipulation 16d.

11. Discovery Situations: All discoveries, except human remains and associated funerary objects, will be treated according to NRCS General Manual (GM-Attachment 3) 420 Part 401.28. If the discovery is on public land, the appropriate state or federal agency will be notified and work will not proceed until their cultural resources requirements are satisfied or waived in writing. If human remains are identified in an APE, all activities will cease and the following steps, according to the California Health and Human Safety Code, 7050.5 and the California Environmental Quality Act, Section 15064.5 (d) and (e) will be taken:

a. NRCS personnel will not allow further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains.
b. The appropriate County Coroner will be notified.
c. If the coroner determines the remains to be Native American, the coroner will contact the Native American Heritage Commission (NAHC) within 24 hours.
d. The NAHC will identify the most likely descendent (MLD who may make recommendations to the landowner or the person responsible for the work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code Section 5097.98.
e. If the NAHC is unable to identify the MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission or the landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

12. Emergencies: The following procedures will ensure that protection of life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible.

36 CFR 800.12(d) provides for exemption from the provisions of Section 106 when immediate rescue and salvage operations are conducted to preserve life or property.

In accordance with 36 CFR 800.12 (b) (2), when time and situations permit, the NRCS will: (1) complete a records search at the appropriate Information Center of The California Historical Resources Information System; (2) if the APE was previously inventoried and no historic properties or unevaluated cultural resources are present, work will proceed with SHPO and tribal

notification; (3) if the APE was not inventoried, the NRCS will attempt to do so or document and notify SHPO and the relevant tribe why the inventory would not occur; (4) the SHPO and tribe will be afforded an opportunity to comment within seven days or within the time available; (5) activities conducted under this stipulation will be included in the annual summary to SHPO.

13. **Training of NRCS Personnel:** Training of field personnel on NRCS cultural resources policy, procedures and field identification processes will occur when a need is identified by the Assistant State Conservationists for Field Operations. Attachment 4 is a print-out of the on-line NRCS cultural resources Modules 1-6, that define, describe and explain the cultural resources policy, procedures and processes. The modules are available through the USDA AgLearn web site. Additional training (Modules 7-8) for the history and prehistory of specific regions of California will be scheduled for field employees within 3-6 months of completion of Modules 1- 6. The focus of Modules 7 and 8 is area-specific artifact and site identification in the classroom and field. Also presented are area-specific overviews of the prehistory, ethnography and history, with handouts of pertinent readings, such as bottle and nail identification guides. Employees have access to Moratto's (1984, reprinted 2004) *California Archaeology*, Volume 8 (1978) of the *Handbook of North American Indians,* California, and Noel Justice's (2002) *Stone Age Spear and Arrow Points of California and the Great Basin.* Additional reference material is available at the NRCS State Office. Students have classroom access to and identification exercises of prehistoric teaching collections from the Anthropology Department at the University of California, Davis and privately owned historic artifact collections of bottles, square nails and other items. They also receive information relating to identifying and protecting traditional cultural places and human burial sites. Tribal representatives may also be invited to give presentations of Native American perspectives of cultural resources. If necessary, the NRCS will contract for expert assistance for an area in the delivery of the training for Modules 7-8.

14. **Curation Arrangements:** California NRCS will not collect and take ownership of cultural resources except where said resources originated in lands owned by NRCS (refer to GM 420 part 401.35(b)) and a curation agreement exists with a federally recognized facility. All cultural resource material is the property of the land managing agency (Federal, Tribe, etc.) or landowner. If the landowner permits, California NRCS may take temporary possession of cultural resources for analysis, dating, emergency conservation, etc. Ultimate curation of the material is the responsibility of the land managing agency or landowner. In the event of curation of federal collections, arrangements will be made with a facility that meets the standards at 36 CFR 79. NRCS will encourage the landowner to donate collections that have research value to an

appropriate institution or curation facility. NRCS will provide assistance, upon request, in coordinating arrangements with an institution or facility.

15. Review of Field Office Procedures and Compliance: A CRS will conduct a review of each CRT annually based, in part, on a comparison of the submitted list of exclusions, undertakings and APEs (as specified in Stipulations 1 and 2), and the lists of contracted applications in the NRCS national database (Protracts). The review may also include field office reviews in conjunction with other quality reviews. A lack of concordance between the submitted list and Protracts may be cause for suspension of a CRT's cultural resources review authority. Review authority may be reinstated upon satisfactorily addressing the deficiencies.

ADMINISTRATIVE STIPULATIONS

16. Review:

a. The SHPO may review activities carried out pursuant to this agreement. NRCS shall facilitate this review by compiling specific categories of information to document the effectiveness of this agreement and by making this information available to the SHPO in the form of a written report. Categories of information shall include, but are not limited to, a summary of actions taken under the agreement, including all findings and determinations, accomplishments, estimated time and cost savings, public objections, and inadvertent effects or foreclosures. The range and type of information included by NRCS in the written report and the manner in which this information is organized and presented must be such that it facilitates the ability of the SHPO to assess accurately the degree to which this agreement and its manner of implementation constitute an efficient and effective program alternative under 36 CFR 800, and to determine whether this agreement should remain in effect, and if so, whether and how it should be improved through appropriate amendment.

b. NRCS shall prepare the written report of these findings annually for the duration of this agreement. The initial report shall be prepared following completion of the first full calendar year under this agreement. NRCS shall submit the annual reports to the SHPO no later than three (3) months following the end of the calendar year. NRCS shall provide notice to the public that a generalized summary of the report herein prescribed is available for public inspection and ensure that potentially interested members of the public are made aware of its availability and that the public may comment to signatory parties on the report. NRCS, in consultation with the SHPO, shall identify the specific recipients of the public notice herein described.

c. NRCS shall ensure that one or more meetings are held to facilitate review of, and comment on, the report to address questions and issues, or to resolve adverse comments. These meetings shall include a critical examination of the overall effectiveness and benefits of the agreement, determining if its requirements are being met, deciding if amendments to the agreement are warranted, reviewing the reporting format and categories for adequacy, and identifying any other actions that may be needed in order to take into account the effects of the activities covered by this agreement on historic properties in California.

d. **Resolving Objections**

1. Should the SHPO object to the manner in which the terms of this agreement are implemented, to any action carried out or proposed with respect to implementation of this agreement, or to any documentation prepared in accordance with and subject to the terms of this agreement, California NRCS shall immediately consult with the SHPO for no more than 60 days to resolve the objection. NRCS shall reasonably determine when this consultation will commence. If the objection is resolved through such consultation, the action in dispute may proceed in accordance with the terms of that resolution. If, after initiating such consultation, NRCS determines that the objection cannot be resolved through consultation, NRCS shall forward all documentation relevant to the objection to the Council, including NRCS's proposed response to the objection, with the expectation that the Council will within thirty (30) days after receipt of such documentation:

   a. advise NRCS that the Council concurs in NRCS's proposed response to the objection, whereupon NRCS will respond to the objection accordingly; or

   b. provide NRCS with recommendations, which NRCS will take into account in reaching a final decision regarding its response to the objection; or

   c. notify NRCS that the objection will be referred for comment pursuant to 36 CFR § 800.7(c), and proceed to refer the objection and comment. NRCS shall take the resulting comment into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA.

2. Should the Council not exercise one of the above options within 45 days after receipt of all pertinent documentation, NRCS may assume the Council's concurrence in its proposed response to the objection.

3. NRCS shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject

of the objection. NRCS's responsibility to carry out all actions under this agreement that are not the subject of the objection will remain unchanged.

4. At any time during implementation of the measures stipulated in this agreement, should an objection pertaining to such implementation be raised by a member of the public, NRCS shall notify the SHPO in writing of the objection and take the objection into consideration. NRCS shall consult with the objecting party and, if the objecting party so requests, with the SHPO for no more than 30 days. Within ten (10) days following closure of this consultation period, NRCS will render a decision regarding the objection and notify all parties consulting hereunder of its decision in writing. In reaching its decision, NRCS will take into account any comments from the consulting parties regarding the objection, including the objecting party. NRCS's decision regarding the resolution of the objection will be final.

5. NRCS shall provide all parties to consultation carried out hereunder with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
6. NRCS may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

e. Amendments

Either signatory may propose that this agreement be amended, whereupon the signatories will consult for no more than 60 days to consider such amendment. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This agreement may be amended only upon the written consent of both signatories. If it is not amended, this agreement may be terminated by either signatory in accordance with Stipulation 17 below.

17. Termination

a. If this agreement is not amended as provided for in Stipulation 16, or if either signatory proposes termination of this agreement for other reasons, the signatory proposing termination shall, in writing, notify the other signatory, explain the reasons for proposing termination, and consult with the other signatory for at least 60 days to seek alternatives to termination.

b. Should such consultation result in an agreement on an alternative to termination, then the signatories shall proceed in accordance with the terms of that agreement.

c. Should such consultation fail, the signatory proposing termination may terminate this agreement by promptly notifying the other signatory in

writing. Termination hereunder shall render this agreement without further force or effect.

d. If this agreement is terminated hereunder, NRCS shall either consult in accordance with stipulation 2.A. of the "Programmatic Agreement Among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers Relative to: Conservation Assistance", executed May 31, 2002, to develop a new agreement, or comply with subpart B of 36 CFR Part 800 for all individual undertakings that would otherwise be covered by this agreement. Unless and until a new agreement is executed pursuant to this paragraph, NRCS shall comply with subpart B of 36 CFR Part 800 for all individual undertakings that would otherwise be covered by this agreement.

e. Not withstanding any other provision of this stipulation, this agreement shall automatically terminate and have no further force or effect upon termination or expiration of the "Programmatic Agreement Among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers Relative to: Conservation Assistance", executed May 31, 2002.

18. Duration of this Agreement

This agreement shall remain in effect for a period of two (2) years after the date it takes effect, after which time it may be extended for one (1) additional year based upon a review of its utility and compliance with the stipulations by NRCS and SHPO. At the end of this three (3) year period, if the agreement is functioning as stipulated, the agreement will be amended for an additional five (5) years of use, unless it is terminated prior to that time or unless it is terminated in accordance with the terms of stipulation 17.e., above. No later than six months prior to the expiration date of this agreement, NRCS shall initiate consultation with the SHPO to determine if this agreement should be allowed to expire automatically or whether it should be extended for the additional term as described, with or without amendments, as the signatories may determine. Unless the signatories agree through such consultation on an alternative to automatic expiration of this agreement, this agreement shall automatically expire and have no further force or effect in accordance with the timetable stipulated herein.

19. Effective Date of this Agreement

This agreement shall take effect on the day that it has been executed by the NRCS.

20. **Civil Rights:** By signing this agreement, the signatories assure that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

SIGNATORIES

Lincoln E. Burton
State Conservationist
California Natural Resources Conservation Service

12-4-07
DATE

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
California Office of Historic Preservation

3 DEC 2007
DATE

Attachment to SHPO Agreement

Attachment 1. Conservation Practices Excluded as Undertakings

All practices to be installed in ground previously plowed/ripped to 3 feet or greater and the installation will not extend beyond this disturbed ground may be excluded as undertakings that have the potential to affect historic properties when a records search indicates that no known cultural resources are in the project area.

Aerial application of seed for any purpose is excluded as an undertaking.

The following individual practices are excluded as undertakings:

Practice Code	**Name**
591	Amendments for Treatment of Agricultural Waste
450	Anionic Polyacrylamide (PAM) Erosion Control
370	Atmospheric Resource Quality Management
314	Brush Management-Chemical treatment
327	Conservation Cover
328	Conservation Crop Rotation
332	Contour Buffer Strips
330	Contour Farming
585	Contour Strip-cropping
340	Cover Crop-When planned for existing crop lands
589C	Cross Wind Trap Strips
399	Fishpond Management
393	Filter Strip-When planned for existing crop lands
511	Forage Harvest Management
603	Herbaceous Wind Barriers
441	Irrigation System: Microirrigation-Surface installation only
430HH	Irrigation Water Conveyance-Rigid Gated Pipeline-Surface
449	Irrigation Water Management
590	Nutrient Management
595	Pest Management
521C	Pond Sealing or Lining, Bentonite Sealant
521D	Pond Sealing or Lining, Compacted Clay Treatment
521A	Pond Sealing or Lining, Flexible Membrane
521B	Pond Sealing or Lining, Soil Dispersant
345	Residue and Tillage Management, Mulch Till
329A	Residue Management, No-Till and Strip Till
346	Residue and Tillage Management, Ridge Till
344	Residue Management, Seasonal
344A	Residue Management, Seasonal, Rice Residue
557	Row Arrangement
660	Tree/Shrub Pruning
367	Waste Facility Cover
633	Waste Utilization

355 Well Water Testing

The practice standards for each of the above practices follow this page.

Attachment 2. Report Format for Negative or Isolates only Findings

United States Department of Agriculture
Natural Resources Conservation Service

Field Office:
Address:

Cultural Resources Report Form for Negative or Isolates Only Findings

Records Search results: Present a brief summary of the results. Attach copy of information from Information Center or State Office

Native American consultation: Attach letters to and from Native American Heritage Commission, and groups or individuals; include data for meetings and telephone calls that include participants, date, discussion points and other pertinent information

Area of Potential Effect (APE): Attach 1:24000 scale topographic map, may be from Customer Service Toolkit Conservation Plan, with APE designated; include Range, Township, Section, quadrangle name

Name and Title of Cultural Resources Technician:

Signature: **Date:**

Attachment to SHPO Agreement

Attachment 3. NRCS General Manual: Title 420, Part 401- Cultural Resources

Attachment to SHPO Agreement

Attachment 4. Cultural resources training modules 1-6

Attachment 6
COOPERATOR AGREEMENT

TERMS OF ASSISTANCE AND NOTIFICATION REGARDING PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS UNDER THE SAN LUIS OBISPO COUNTY PARTNERS IN RESTORATION PERMIT COORDINATION PROGRAM

Between the United States Department of Agriculture, Natural Resources Conservation Service, the Coastal San Luis Resource Conservation District, and the Following Cooperator

Landowner: _____ Address: _____

_____ Zip: _____

Property Location: _____

(Assessor Parcel Number, street address, or narrative description; see attached map)

USDA Tract #:_____ Photo No:_____ Quad Sheet: _____

Acres:_____ Major Land Use:_____

(Row Crops, Orchard, Nursery, Range, Woodland, etc.)

Included Conservation Practices:

Access Road Improvements	Irrigation System/Tailwater Recovery	Sediment Basin
Channel Stabilization	Limited Vegetation Removal to Minimize Erosion	Stream Bank Protection
Critical Area Planting	Pipeline	Stream Crossing
Diversion	Pond Improvement	Stream Habitat Improvement/ Management
Filter Strip	Restoration/Management of Declining Habitats	Structure for Water Control
Grade Stabilization Structure		Underground Outlet
Grassed Waterway		

The project shall provide an environmental benefit for wildlife, native plants, water, and/or soil. Specifically, the project:

_____

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and Coastal San Luis Resource Conservation District (CSLRCD) for the San Luis Obispo County Partners In Restoration (PIR) Permit Coordination Program, referred to hereinafter as the "**Program**," and the following landowner (or organization), referred to hereinafter as the "**Cooperator**":

I. THE PROGRAM AGREES TO AUTHORIZE PROJECTS AND FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE TO:

1. Help solve conservation problems;
2. Assist in the design, installation, maintenance, and monitoring of appropriate conservation practices;
3. Offer the Cooperator the coverage of multiple permits that provide for the design, installation, maintenance, and monitoring of specified conservation practices under the Program as issued by the public agencies including: United States Fish and Wildlife Service; United States National Marine Fisheries Service; United States Department of the Army, Corps of Engineers; California Department of Fish and Game; California Regional Water Quality Control Board, Central Coast Region; San Luis Obispo County Planning and Development; and
4. Provide the Cooperator with information and support from qualified Program staff to answer questions regarding the procedures for the design, installation, maintenance, and monitoring of the conservation practices and specific protection measures to be followed to avoid or minimize the impacts of projects to sensitive natural resources and water quality.

II. THE COOPERATOR AGREES TO:

1. Fully conform to the procedures for the design, installation, maintenance, and monitoring for the service life of the conservation practices as developed by the Program with the aforementioned public agencies under their various permitting authorities. The specific procedures are documented in the attached site-specific *Project Plan & Specifications* provided by the NRCS and CSLRCD;
2. Allow the NRCS, CSLRCD and aforementioned public agencies on site with proper notice to inspect work conducted under the Program;
3. Allow the NRCS and CSLRCD to include information about the project status and benefits in an annual report provided to the aforementioned agencies;

4. No language in any part of this agreement will reflect an initiation by CSLRCD for regulatory action; and
5. To the best of the landowner's knowledge, this project is taking place on the property (within the property lines of the property) described in this agreement.

III. AGREED THAT:

1. The Program assumes no responsibility for the legal establishment of any property acreages, boundary lines, or water rights;
2. It is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. However, the *Project Plan and Specifications* developed under the Program implemented under this agreement provide the Cooperator with coverage for the following permits:

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for listed plant and animal species, issued by the United States Fish and Wildlife Service, Ventura, CA.

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for south-central California and southern California steelhead, issued by the United States National Marine Fisheries Service, Long Beach, CA.

❑ Agreement for procedures to use existing Nationwide Permits and/or Regional General Permits in compliance with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, Los Angeles, CA.

❑ Programmatic Certification of the Nationwide Permits under Section 401 of the Clean Water Act issued by the California Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.

❑ Master Streambed Alteration Agreement in compliance with Section 1600 *et. seq.* of the Fish and Game Code, issued by the California Department of Fish and Game, Fresno, CA.

❑ Master Permit issued by the County of San Luis Obispo - complies with the Federal Coastal Zone Management Act, the San Luis Obispo County Local Coastal Program (in conjunction with the California Coastal Commission), the California Environmental Quality Act, and the county Grading Control Ordinances.

❑ Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.

3. It is the responsibility of the Cooperator to ensure that work carried out on site is consistent with the terms and conditions of the permits checked in #2 above as specifically indicated in the project-specific *Project Plan & Specifications* provided to the Cooperator by the NRCS and CSLRCD.
4. Cooperator agrees to fully conform with the conditions of the permits and requirements in the PIR Program's Mitigated Negative Declaration (MND). Mitigation measures identified in the MND will be conditions of the project. All descriptive measures in the MND are conditions of the project covered by the Program. Each project will be conditioned to prevent "take." If work on site is not carried out consistent with the procedures for the design, installation, maintenance, and monitoring of the conservation practices covered by the permits checked in #2 above, the Program shall notify the Cooperator in writing and work directly with the Cooperator to resolve the problem. If the problem cannot be resolved, the Program shall notify the Cooperator that this Agreement and other applicable contracts are cancelled and that the Cooperator's actions are no longer covered by this Agreement and other contracts. The Program shall notify the aforementioned permitting agencies that the Cooperator's Agreement and/or contracts have been cancelled including the reasons for non-compliance. The permitting agencies may contact the Cooperator at their discretion to ascertain the reason for Agreement/contract cancellation. The Program shall have no further responsibility to enforce the conditions of the permits checked in #2 above and shall not be held responsible as the permittee. The Cooperator shall be responsible for all violations and will have to individually obtain all necessary permits, and comply with all laws and ordinances that apply to their work.
5. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

_____ _____

COOPERATOR Date

_____ _____

USDA NATURAL RESOURCES CONSERVATION SERVICE Date

_____ _____

COASTAL SAN LUIS RESOURCE CONSERVATION DISTRICT Date

Attachment 6
COOPERATOR AGREEMENT

TERMS OF ASSISTANCE AND NOTIFICATION REGARDING PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS UNDER THE SAN LUIS OBISPO COUNTY PARTNERS IN RESTORATION PERMIT COORDINATION PROGRAM

Between the United States Department of Agriculture, Natural Resources Conservation Service, the Upper Salinas – Las Tablas Resource Conservation District, and the Following Cooperator

Landowner: _____ Address: _____

_____ Zip: _____

Property Location: _____

(Assessor Parcel Number, street address, or narrative description; see attached map)

USDA Tract #:_____ Photo No:_____ Quad Sheet: _____

Acres:_____ Major Land Use:_____

(Row Crops, Orchard, Nursery, Range, Woodland, etc.)

Included Conservation Practices:

Access Road Improvements	Irrigation System/Tailwater Recovery	Sediment Basin
Channel Stabilization	Limited Vegetation Removal to Minimize Erosion	Stream Bank Protection
Critical Area Planting	Pipeline	Stream Crossing
Diversion	Pond Improvement	Stream Habitat Improvement/ Management
Filter Strip	Restoration/Management of Declining Habitats	Structure for Water Control
Grade Stabilization Structure		Underground Outlet
Grassed Waterway		

The project shall provide an environmental benefit for wildlife, native plants, water, and/or soil. Specifically, the project:

_____

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and Upper Salinas – Las Tablas Resource Conservation District (USLTRCD) for the San Luis Obispo County Partners In Restoration (PIR) Permit Coordination Program, referred to hereinafter as the "**Program**," and the following landowner (or organization), referred to hereinafter as the "**Cooperator**":

I. THE PROGRAM AGREES TO AUTHORIZE PROJECTS AND FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE TO:

1. Help solve conservation problems;
2. Assist in the design, installation, maintenance, and monitoring of appropriate conservation practices;
3. Offer the Cooperator the coverage of multiple permits that provide for the design, installation, maintenance, and monitoring of specified conservation practices under the Program as issued by the public agencies including: United States Fish and Wildlife Service; United States National Marine Fisheries Service; United States Department of the Army, Corps of Engineers; California Department of Fish and Game; California Regional Water Quality Control Board, Central Coast Region; San Luis Obispo County Planning and Development; and
4. Provide the Cooperator with information and support from qualified Program staff to answer questions regarding the procedures for the design, installation, maintenance, and monitoring of the conservation practices and specific protection measures to be followed to avoid or minimize the impacts of projects to sensitive natural resources and water quality.

II. THE COOPERATOR AGREES TO:

1. Fully conform to the procedures for the design, installation, maintenance, and monitoring for the service life of the conservation practices as developed by the Program with the aforementioned public agencies under their various permitting authorities. The specific procedures are documented in the attached site-specific *Project Plan & Specifications* provided by the NRCS and USLTRCD;
2. Allow the NRCS, USLTRCD, and aforementioned public agencies on site with proper notice to inspect work conducted under the Program;
3. Allow the NRCS and USLTRCD to include information about the project status and benefits in an annual report provided to the aforementioned agencies;

4. No language in any part of this agreement will reflect an initiation by CSLRCD and/or USLTRCD for regulatory action; and
5. To the best of the landowner's knowledge, this project is taking place on the property (within the property lines of the property) described in this agreement.

III. AGREED THAT:

1. The Program assumes no responsibility for the legal establishment of any property acreages, boundary lines, or water rights;
2. It is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. However, the *Project Plan and Specifications* developed under the Program implemented under this agreement provide the Cooperator with coverage for the following permits:

- ❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for listed plant and animal species, issued by the United States Fish and Wildlife Service, Ventura, CA.
- ❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for southern California steelhead, issued by the United States National Marine Fisheries Service, Long Beach, CA.
- ❑ Agreement for procedures to use existing Nationwide Permits and/or Regional General Permits in compliance with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, Los Angeles, CA.
- ❑ Programmatic Certification of the Nationwide Permits under Section 401 of the Clean Water Act issued by the California Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.
- ❑ Master Streambed Alteration Agreement in compliance with Section 1600 *et. seq.* of the Fish and Game Code, issued by the California Department of Fish and Game, Fresno, CA.
- ❑ Master Permit issued by the County of San Luis Obispo - complies with the Federal Coastal Zone Management Act, the San Luis Obispo County Local Coastal Program (in conjunction with the California Coastal Commission), the California Environmental Quality Act, and the county Grading Control Ordinances.
- ❑ Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.

3. It is the responsibility of the Cooperator to ensure that work carried out on site is consistent with the terms and conditions of the permits checked in #2 above as specifically indicated in the project-specific *Project Plan & Specifications* provided to the Cooperator by the NRCS and USLTRCD.
4. Cooperator agrees to fully conform with the conditions of the permits and requirements in the PIR Program's Mitigated Negative Declaration (MND). Mitigation measures identified in the MND will be conditions of the project. All descriptive measures in the MND are conditions of the project covered by the Program. Each project will be conditioned to prevent "take." If work on site is not carried out consistent with the procedures for the design, installation, maintenance, and monitoring of the conservation practices covered by the permits checked in #2 above, the Program shall notify the Cooperator in writing and work directly with the Cooperator to resolve the problem. If the problem cannot be resolved, the Program shall notify the Cooperator that this Agreement and other applicable contracts are cancelled and that the Cooperator's actions are no longer covered by this Agreement and other contracts. The Program shall notify the aforementioned permitting agencies that the Cooperator's Agreement and/or contracts have been cancelled including the reasons for non-compliance. The permitting agencies may contact the Cooperator at their discretion to ascertain the reason for Agreement/contract cancellation. The Program shall have no further responsibility to enforce the conditions of the permits checked in #2 above and shall not be held responsible as the permittee. The Cooperator shall be responsible for all violations and will have to individually obtain all necessary permits, and comply with all laws and ordinances that apply to their work.
5. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

_____ _____

COOPERATOR Date

_____ _____

USDA NATURAL RESOURCES CONSERVATION SERVICE Date

_____ _____

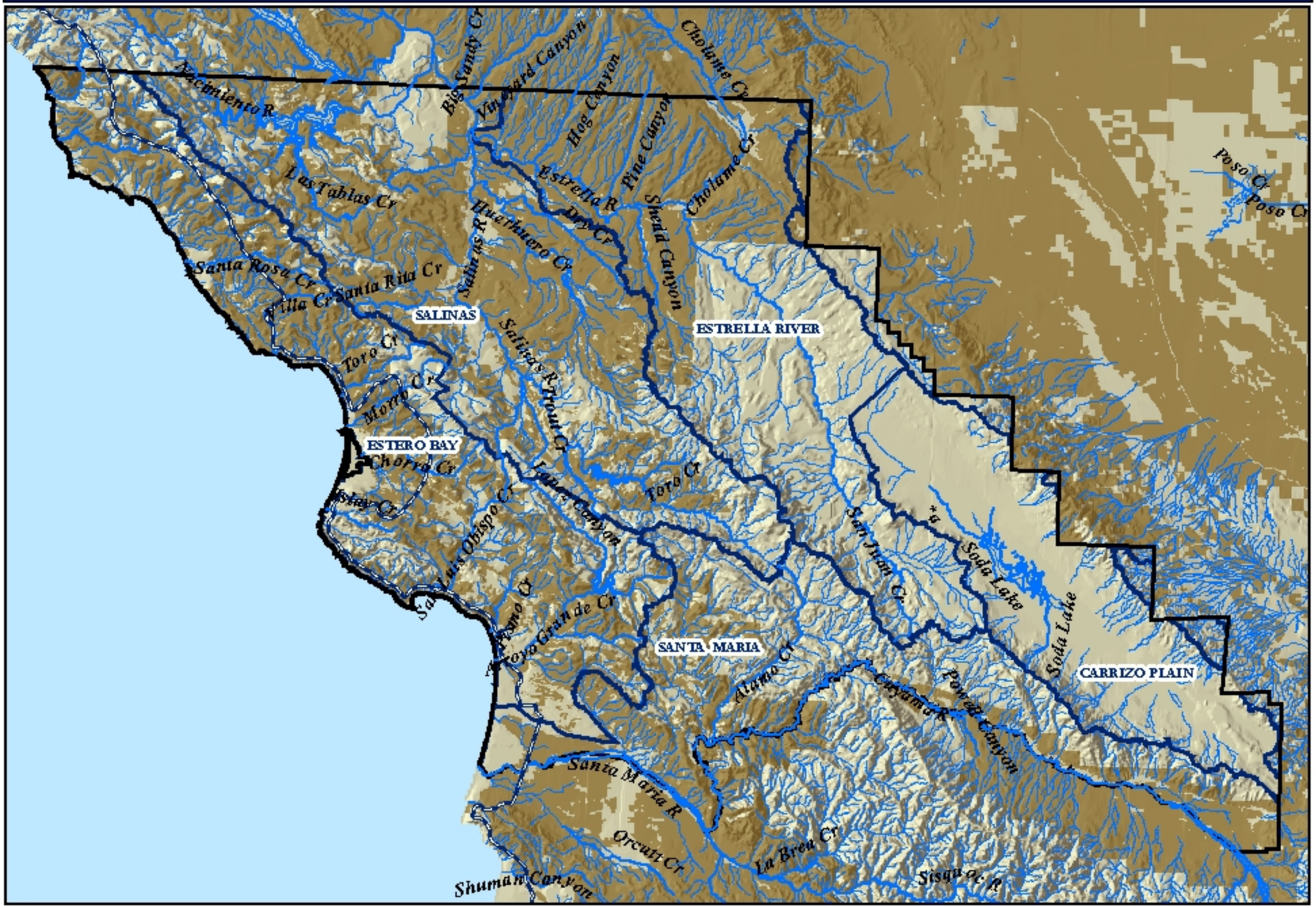
UPPER SALINAS–LAS TABLAS RESOURCE CONSERVATION DISTRICT Date

Attachment 7

San Luis Obispo County Partners In Restoration
Permit Coordination Program
Geographical Scope with Hydrologic Unit Watersheds

San Luis Obispo County Partners In Restoration, Permit Coordination Program

Geographic Scope



Appendix B

PIR Planning Process

And

Monitoring & Reporting Plan

San Luis Obispo County Partners In Restoration (PIR)
Permit Coordination Program Planning Process

The following documents will govern the process: PIR Program's Mitigated Negative Declaration (MND), PIR Permits, PIR Agreements, PIR Biological Opinions, NRCS's Field Office Technical Guide (FOTG), and PIR Manual (see page 51 of the MND regarding manual)

	PIR PROGRAM PLANNING STEP	**OTHER DOCUMENTS USED**	**PROCEDURES and RESULTS**
Step 1	**Initial Consultation**		Meet with the potential cooperator and Identify resource problems that need resolution.
Step 2	**Obtain approval of Cooperator Agreement Contract Determine Objectives & Benefits**	***Cooperator Agreement Contract***	Identify, agree on, and document the cooperator 's objectives, potential PIR program benefits and consistency and relevance to PIR program practices. Prepare Cooperator Agreement, review agreement with the landowner/land manager, and obtain signatures of the parties involved.
Step 3	**Inventory the Resources & Environmental Conditions of the potential project sites Conduct surveys as described in the Tiers and MND**	***Checklist of Resource Problems or Conditions***	The checklist, MND, PIR permits/agreements prompts the work to be conducted by the qualified inventory and survey team. Data research and surveys will be conducted as provided for and specified in the MND, PIR permits, agreements and other applicable resources.
Step 4	**Analyze resource and survey data**	***Site Specific Practices Effect Worksheet***	Conduct analysis of all of the resource problems, concerns and potential impacts during the inventory and surveys. The anticipated negative or positive effects of each of the PIR practices on each of the resource concerns are evaluated and summarized.
Step 5	**Formulate alternative solutions**	***Resource Management System (RMS) Guidesheet And Analysis*** **Identified in Step 4**	Groups of practices ('resource management systems') that result in a significant positive improvement in all resource problem categories will be identified. This process is also known as an "alternatives analysis." Alternatives will be evaluated against the results of Step 4. Only those alternatives that result in NO SIGNIFICANT IMPACTS will be pursued for consideration under the PIR program. The projects must be consistent with the MND and all of the limitations and conditions identified in the 18 practices and the Tiers.

Step 6	**Evaluate alternative solutions**	***Conservation Effects Worksheet***	NRCS and/or RCDs staff will assist the cooperator in selecting alternatives that minimize impacts and provide the most environmental benefit while meeting the PIR program's and cooperator's objectives. Determine all protection and mitigation measures that meet the requirements of the MND, PIR permits/agreements and prepare a preliminary list of conditions that satisfies the requirements of the MND and all agencies PIR permits and agreements.
Step 7	**Cooperator determines course of action, the practice(s) are designed according to the PIR program And the NRCS/RCDs approve the selected PIR practices and list of PIR permit conditions**	***Conservation Plan and Environmental Assessment Worksheet And all resources and documents prepared in Steps 1 through 6***	The optimal set of conservation practices are selected to maximize resource protection and enhancement. The final designs and specifications of the conservation practices will be prepared, which must be consistent with the MND, PIR permits/agreements, and Environmental Assessment Worksheet (Attachment 4). For agricultural properties, NRCS/RCDs, in cooperation with the landowner/land manager, will also prepare a conservation plan for approval by the cooperator. The final plans and specifications will be prepared and conditions will be identified. The permit conditions will need to be accepted by the landowner prior to approval by NRCS/RCD. After approval of the PIR Permit, pre-construction notifications will be submitted to agencies. Any responses from the agencies will be addressed as appropriate to meet the PIR program and agreements with those agencies. Projects will not be permitted to proceed to Step 8 until Steps 1 through 7 are satisfied and complete.
Step 8	**Cooperator implements plan**	**All items in Steps 1 through 7**	After all obligations contained in Steps 1 through 7 are completed the cooperator begins implementation of the practices with NRCS/RCDs oversight and technical support. Practices are implemented according to the MND, PIR permits/agreements. Regular monitoring will be conducted during implementation of the project to assure consistency and compliance with the conditions.
Step 9	**Evaluation of results of project**	**All documents identified herein**	After completion of the project, there will be an evaluation of the effectiveness of the project. Adjustments and corrections will be recommended and implemented as required. Reporting will be conducted according to the PIR program.

Coastal San Luis Resource Conservation District
&
Upper Salinas – Las Tablas Resource Conservation District

San Luis Obispo County Partners In Restoration
Permit Coordination Program
Mitigated Negative Declaration Monitoring and Reporting Plan
May 2009

1. Maintenance and Monitoring of Conservation Practices

All projects constructed under the Program are closely monitored during construction to ensure compliance with the project's design, environmental protection measures, and additional conditions. While maintenance of practices is the responsibility of the cooperator, the US-LTRCD/CSLRCD/NRCS will perform status reviews annually for all funded projects under the Program. The purpose of the status reviews is to determine if the conservation practices are functioning as planned.

Under the Program, US-LTRCD/CSLRCD/NRCS will monitor on-site compliance with the environmental protection and mitigation measures and agency-required conditions until installation of the practices is completed. The frequency of on site monitoring by US-LTRCD/CSLRCD/NRCS during construction will be determined by the complexity of the project and the sensitive resources present. Depending on the project type, there may be critical points in the construction activities where US-LTRCD/CSLRCD/NRCS staff will need to be on site to monitor implementation (for example, to ensure appropriate depths for trenching or compaction). In addition, in complying with the USFWS and NMFS biological opinions, the DFG streambed alteration agreement and other relevant permits and authorizations, the qualified individuals needed for monitoring at each work site will be present.

Following the initial installation of a project, US-LTRCD/CSLRCD/NRCS will continue monitoring at least annually until the project is functioning as planned, meeting design standards, complying with all conditions and mitigations and serving its intended purpose. Status reviews include an examination of the practices' current condition, a comparison of as-built against the original plan (including, but limited to, all plantings and other vegetative success), and recommendations for resolving any problems encountered during implementation of the practices.

2. Monitoring, Notification and Reporting

US-LTRCD/CSLRCD/NRCS will provide electronic pre-construction notification for each project to regulatory agencies with jurisdiction over project activities (hard-copy notification will be provided for agencies with such requirements). Notification will

include the following information: project location; the Tier the project falls under and why; project description and purpose/need (including environmental benefits expected); environmental setting (surrounding habitat, adjacent land uses); approved practices to be installed; project dimensions (length, width, volume of soil disturbance); and summary of any survey results.

Tier I projects may begin 10 working days after electronic notifications have been emailed, unless other timelines are required or specified by agencies. Additional time for project review is provided for Tier II, III and IV projects.

US-LTRCD/CSLRCD/NRCS will report the status of all projects to permitting agencies in the form of an annual post-construction report. The annual report will be due by April 30th of each year during the term of the Program. The report will include the following information: a list of participating landowners, project name or sponsoring organization; descriptions of each project purpose and area affected; improvements to water quality and/or biological resources; photo-documentation comparison of pre-construction and post-construction condition; monitor's observations and adjustments made to existing practices as result of monitoring; reseeding and revegetation efforts; and other pertinent information. The report will also include a review of the status of all previous habitat restorations that are being maintained.

In cooperation with US-LTRCD/CSLRCD/NRCS, participating regulatory agencies (at their discretion), may conduct a full evaluation/review of the Program's progress approximately midway through the first five-year period and again at the end of the first term. At those times, the agencies will have the opportunity to recommend changes to the practices or protection measures if they are not providing the level of protection or enhancements originally intended. The Regional Board will take the lead in organizing the Project reviews and be responsible for coordinating with US-LTRCD/ CSLRCD/NRCS relative to any proposed Program changes. The assessment will summarize the types of projects and conservation practices installed, and discuss the Program's successes and challenges, including the regulatory process. The compiled data will be utilized to provide the agencies with a general overview of the Program's effectiveness, as well as any opportunities for improvement in the succeeding terms.

3. COMPLIANCE AND NON-COMPLIANCE

Prior to implementation of the conservation practices, US-LTRCD/CSLRCD/NRCS shall notify the cooperator of the project's environmental protection and mitigation measures and all permit conditions through the signed cooperator agreement. If the work carried out is not consistent with NRCS' design standards and specifications, including the MND environmental protection and mitigation measures and permit conditions, US-LTRCD/CSLRCD/NRCS shall notify the cooperator and work directly with him or her to resolve the problem. In the unlikely event that a cooperator fails to conform and does

not correct the problem, US-LTRCD/CSLRCD/NRCS shall notify the cooperator that his or her activities are inconsistent with the Program or the cost-share contract and that the cooperator's actions are no longer covered by the Program's permits and agreements. Not later than five days after canceling a contract with a landowner, US-LTRCD /CSLRCD/NRCS will notify the regulatory agencies that the contract has been cancelled and will provide the reasons for cancellation.

Appendix C

Comment Letters on Draft MND
&
Responses to Comments

California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

March 24, 2009

Ms. Lisa Thompson
Sustainable Conservation
201 E. Angeleno Ave. #314
Burbank, CA 91502

Ms. Thompson:

INITIAL STUDY/DRAFT MITIGATED NEGATIVE DECLARATION, SAN LUIS OBISPO COUNTY PARTNERS IN RESTORATION PERMIT COORDINATION PROGRAM

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project proposes to develop a programmatic permit for a group of conservation and restoration projects on privately-owned, agriculturally zoned property in San Luis Obispo County.

The Water Board supports the development and implementation of a coordinated permit process for San Luis Obispo County. We support this effort financially and know there are environmental benefits to improved project implementation. We recognize the difficulties with this process and offer the following comments to improve implementation of the process:

1) During project design, Water Board staff encourages evaluation of watershed issues that may be impacting or are impacted by the proposed project.
2) Projects should seek to minimize disturbance and incorporate necessary actions into a project to achieve water quality and beneficial use protection and enhancement.
3) Project designs should consider long term maintenance concerns and improve project design/implementation to minimize maintenance.
4) Practices that require routine entry into riparian areas or water courses should be a component of a larger project, that when implemented, will reduce/eliminate the need for routine entry into riparian areas or water courses.

5) To support public review of the process, Water Board staff shall post all Tier 2, 3, and 4 projects proposed for implementation on the Water Board web page for the required 21-day notice period. This will allow all parties opportunity for direct comment to the Water Board regarding proposed projects.
6) To support public review of the process, Water Board staff shall post the permit coordination Annual Report.
7) Limited review of other permit coordination efforts shows increased project implementation when compared to areas that do not have permit coordination efforts.

Again, the Water Board supports the development and implementation of a coordinated permit process for San Luis Obispo County. Accelerated implementation of projects that protect and/or enhance water quality and associated beneficial uses is consistent with the Water Board's mission.

If you have questions, please contact Dominic Roques at (805) 542-4780 or Matt Thompson at (805) 549-31 59.

Sincerely,

M Thompson

for Roger W. Briggs
Executive Officer

Y:\CEQA\Comment Letters\San Luis Obispo County\2009\SLO Co Partners in Restoration.doc

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

April 1, 2009

Lisa Thompson
Sustainable Conservation
201 E Angeleno Av #314
Burbank, CA 91502

RE: Partners in Restoration Program – Mitigated Negative Declaration

Dear Lisa,

The County has reviewed the project description for the "San Luis Obispo County Partners in Restoration - Permit Coordination Program" and the associated environmental document. Based on the proposed project description, the County has determined that your project will not require any additional permits (land use permit or construction permit) from the County of San Luis Obispo if all projects are constructed and mitigated as described in the project description and environmental document.

It should be noted that this project is only applicable for the inland portion of the County. This project is not applicable within the coastal zone portion of the County and shall not be used for project within the coastal zone without the appropriate land use and/or construction permits.

If you have any additional questions regarding permit requirements associated with the proposed project, please feel free to contact me at (805) 788-2352 or mwilson@co.slo.ca.us.

Sincerely,

Murry Wilson
Environmental Resource Specialist

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242• WEBSITE: http://www.sloplanning.org

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, *Governor*
DONALD KOCH, *Director*

April 27, 2009

D.J. Funk
Upper Salinas-Las Tablas Resource
Conservation District
65 South Main Street, Suite 107
Templeton, California 93465

Julie Thomas
Coastal San Luis Resource
Conservation District
545 Main Street, Suite B
Morro Bay, California 93442

Subject: San Luis Obispo County Partners in Restoration
Permit Coordination Program Mitigated Negative Declaration (MND)
SCH No. 2009031101

Dear Mr. Funk and Ms. Thomas:

The Department of Fish and Game has reviewed the MND submitted by the Upper Salinas-Las Tablas and Coastal San Luis Resource Conservation Districts (RCDs) for the above permit coordination program (Program). The proposed Program would enable implementation of restoration projects designed to improve water quality and enhance fish and wildlife habitat in San Luis Obispo County. The Program includes 18 conservation practices which will be implemented as erosion control and habitat enhancement projects on the properties of voluntary Program participants or cooperators, as well as a tiered matrix of environmental protection measures. The Program area comprises the entire San Luis Obispo County.

The Department is encouraged that the RCDs are pursuing a program for the purpose of improving water quality and fish and wildlife habitat, and we would like to assist the RCDs in making this Program work. However, there are some process issues in need of resolution in order for the Program to move forward. The Department's Regional organization structure is such that responsibilities for streambed issues are in a different section than that for the California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA). Regrettably, the RCDs, the Natural Resources Conservation Service (NRCS), and their consultant, Lisa Thompson of Sustainable Conservation, perhaps got input only on those matters which apply to issuance of

Streambed Alteration Agreements. Our comments are offered to address the lack of prior input on CEQA and CESA issues, in an effort to improve the environmental document to meet both our needs, and increase the defensibility of the Program.

We recommend that the RCDs ensure that all projects which are implemented under this Program be "compliance enforceable." That could be accomplished if the measures which would avoid, minimize. or otherwise mitigate for potential impacts to sensitive resources were made conditions of project approval rather than elements of the Program; and the Program structured so that the RCDs were responsible parties under the various permits/agreements which authorize the work (such as Streambed Alteration Agreements and other permits including CESA permits). Additionally, despite the intent of the program to avoid and minimize impacts, the Department feels that there is not sufficient information in the MND to determine that all potential impacts have been mitigated to a level of less than significant, as required by CEQA. Finally, we are concerned that implementation of the Program could result in "take" of species listed under CESA, and that no mechanism is in place to ensure that project participants avoid effects on listed species or, alternatively, which would provide authorization for "take." "Take" of a listed species without authorization would be a violation of CESA.

Responsible Agency Authority: The Department has regulatory authority over projects that would require alterations to the bed, bank, or channel of a stream or lake, pursuant to Fish and Game Code Section 1600 et seq.; or projects which could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2050 et seq.. Because many of the Conservation Practices identified have the potential to require a Streambed Alteration Agreement, or "take" authorization under CESA (or both), the Department is a Responsible Agency for those actions which would require the Department to provide a subsequent approval.

California Endangered Species Act: If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

The MND states that Federal Biological Opinions (BO) will be requested from United States Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), and that a "qualified individual will ensure that all terms and conditions of the biological opinions...and the streambed agreement issued by DFG are implemented". Neither of

opinions...and the streambed agreement issued by DFG are implemented". Neither of these methods would convey "take" authorization for any State-listed species, which is typically done by way of an Incidental Take Permit issued pursuant to Fish and Game Code Section 2081(b) (CESA) (or under Section 2835, the Natural Communities Conservation Planning Act, which would not apply to this Program); or by way of a Consistency Determination from the Department based on a Federal BO pursuant to Fish and Game Code Section 2080.1. In order for the Department to issue a Consistency Determination, an application must be submitted to the Department, and the Department must be able to determine that the conditions required in the Federal incidental "take" statement are consistent with permit issuance criteria required by CESA. If the Department determines that the Federal statement/permit is not consistent with CESA, and "take" of a State-listed species could occur as a result of project implementation, the applicant must apply for a State Incidental Take Permit pursuant to section 2081(b) of the Fish and Game Code for incidental "take" coverage.

A Consistency Determination can be issued only for species that are listed under both the Federal Endangered Species Act (FESA) and CESA and cannot be applied to species that are listed only by the State or to any dually listed plant species. State-listed species potentially occurring in the Program area that are not also listed under FESA and/or addressed by the BOs include all State-listed plants, the Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). Any Program activity that could result in "take" of these species would require a separate State Incidental Take Permit for CESA compliance.

In addition, the California tiger salamander (CTS) is currently a Candidate for listing under CESA, and State law requires that the Department treat candidate species as if they were listed during the candidacy period, which would require that projects which may affect CTS have authorization for "take". There are currently regulations in place, pursuant to Fish and Game Code Section 2084, which allows the Fish and Game Commission to authorize "take" of CTS under specific conditions during the candidacy period, typically about one year. The adopted regulations include coverage for "take" of the species which would be authorized under FESA, for activities covered under Streambed Alteration Agreements, and for routine and ongoing agricultural activities. The Conservation Practices proposed would not be covered wholly under this regulation, unless all proposed activities are covered under a Federal BO; the Program includes areas which are partly or wholly outside of the jurisdiction of a Streambed Alteration Agreement, and activities which are not considered routine and ongoing agricultural activities. The 2084 regulations which were adopted for CTS would only apply during the candidacy period, and in any event would expire August 24, 2009.

In addition, the Environmental Protection Measures for listed species proposes (as one alternative) to "...assume presence of the (listed) species if representative habitat is present"; issuance of authorization under CESA requires that the extent of "take" is quantified, the impact of "take" characterized, and measures implemented which would minimize and fully mitigate that impact. That is not possible for species which are assumed to be present. Additionally, there are no such measures which have been identified for listed species, whether they are assumed or known to occur on the site. The CEQA document prepared for the Program should address potential Project-related impacts to these species and should include appropriate species-specific avoidance and minimization measures, as well as measures which would fully mitigated any residual impacts which could not be avoided and/or minimized.

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited, and the Department cannot authorize their "take." If the Programmatic Biological Opinion includes "take" (as defined by Section 86 of the Fish and Game Code) of fully protected species, the Department will be unable to issue a Consistency Determination for these species, and measures to demonstrate avoidance of "take" would be necessary to demonstrate compliance with State law. Fully protected species that are known to use the Program area and/or are indicated as potential to occur in the Program area in the MND would include (but are not necessarily limited to): blunt-nosed leopard lizard (*Gambelia sila*), California brown pelican (*Pelicanus occidentalis),* California condor (*Gymnogyps californianus*), golden eagle (*Aquila chrysaetos)*, white-tailed kite (*Elanus leucurus*), bald eagle (*Haliaeetus leucocephalus),* peregrine falcon (*Falco peregrinus anatum*), California black rail (*Laterallus jamaicensis coturniculus*), California clapper rail (*Rallus longirostris obsoletus*), California least tern *(Sterna antillarum browni)*, Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), and southern sea otter (*Enhydra lutris nereis*). The CEQA document prepared for the Program should address potential Project-related impacts to these species and should include appropriate species-specific avoidance and minimization measures.

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

Mature trees and shrubs within the Project area likely to provide nesting habitat for a variety of songbirds and raptors, and any unavoidable removal should occur during the non-breeding season (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Stream Alteration Agreement: The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Stream Alteration Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code.

Many of the Conservation Practices which are proposed under this Program would require a Streambed Alteration Agreement, the issuance of which is considered a CEQA project. The Department typically relies on the CEQA document prepared by the CEQA State Lead Agency (in this case the RCDs) to make CEQA findings. If the CEQA document is not sufficient for the Department's use, we would have to prepare a subsequent document, at the applicant's expense. For that reason, we would like to work with the RCDs to address the Department's concerns, in order to obviate the need for preparation of another document.

CEQA Compliance: The Department does not consider the information in the MND to be adequate to determine that all impacts have been mitigated to a level of "less than significant", as required by use of this document. No surveys have been done to determine if significant effects would result from implementation of the described Conservation Practices, and the Environmental Protection Measures are not sufficient to ensure that significant effects would not occur.

It should be noted that issuance of both an Incidental Take Permit and a Streambed Alteration Agreement are subject to CEQA review. The Department, as a Responsible Agency under CEQA, would consider the CEQA document prepared for the Project. The CEQA document should fully identify potential impacts to State-listed species, as well as any stream or riparian resources, and should provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of an Incidental Take Permit or a Streambed Alteration Agreement.

The Department recommends that the MND be withdrawn and that a revised MND or Environmental Impact Report be prepared and circulated for review. In the event that this does not occur, the Department may not be able to utilize the RCDs' CEQA document for permit issuance, which is a discretionary action under CEQA. This could result in significant delays in permit issuance.

Specific Comments

1.2 Project Basics, Overview, Page 5: The text indicates that if individual projects implemented under the Program utilize the described Conservation Practices and meet the criteria for the Program, individual landowners or organizations would "...be able to implement the work under the (Program's) guidelines without the need to seek individual permits. NRCS, CSLRCD and US-LTRCD retain discretionary authority over which practices are implemented under the (Program)." It should be noted that under existing agreements in the Department's Central Region, the RCDs and the Department have entered into a Memorandum of Understanding (MOU) which identifies practices which may be included under the Program, and establishes a process whereby the Department reviews and approves (or denies) individual projects, and issues individual Streambed Alteration Agreements for projects approved to come under the program. None of the existing MOUs apply to any project which would require "take" authorization under CESA. The MOU does not delegate permitting responsibility to the RCDs, and as such, the Department will continue to require that individual projects be submitted to the Department for review and approval, and subsequent issuance of any necessary permits.

1.2 Project Basics, Excluded Areas, Page 7: The MND identifies several areas or habitats such that projects which would affect those areas or habitats would be excluded. We recommend that this list be more comprehensive than proposed; any resource which would be considered sensitive under CEQA should be evaluated, and a determination made as to whether the implementation of the proposed practices would be a significant effect; those projects should then be excluded from the Program, or measures identified, on a project-specific basis, which would avoid, minimize, or otherwise mitigate all impacts to a level of less than significant. This list is also included in section 2.0 Project Location, and should be modified in both sections.

Other natural communities which occur in the Program area should be included on this list. Natural communities which have a high probability to occur in areas where the in-stream practices would be implemented includes (but is not limited to): vernal pools and vernal swales, alkali sink, serpentine seeps, various bog and marsh habitats, various riparian habitats including sycamore alluvial woodland, black cottonwood forest and woodland, Fremont cottonwood forest and woodland, and cottonwood-sycamore

woodland. Upland communities could also be affected, and the list should include all natural communities (which would include wetland, riparian and/or uplands types) which the Department's Natural Diversity Data Base (NDDB) considers to be of high priority. That list can be viewed at http://www.dfg.ca.gov/biogeodata/vegcamp/pdfs/natcomlist.pdf. Measures must be identified which would address potential impacts to sensitive natural communities so that potential impacts are mitigated to a level of less than significant. In addition, the recognition of these habitat types often takes specialized training and the Department is concerned that the staff or contractors engaged to conduct these surveys be properly qualified.

Discussions with Lisa Thompson of Sustainable Conservation, who represents the RCDs, indicated that it is not the intention of the Program to conduct any projects which may affect listed and/or fully protected species; if that is the case, that class of resources should be added to the list on Page 7 and again in Section 2.0.

1.3 Conservation Practices, Pages 7-28: Some of the proposed conservation practices listed in Table 1 could have potential secondary impacts that should be addressed in the CEQA document. The Table should be reviewed, and additional conditions added to address indirect impacts. For example:

Seeding, planting and other revegetation activities: The species planted could have a detrimental effect on biological resources if non-native exotics are used, or the resulting community is dominated by one species essentially creating a monoculture, at the expense of diverse riparian or upland habitat.

Fencing: While fencing is important in some areas to reduce or eliminate cattle- or human-related impacts to riparian areas, the presence of certain types of fencing could inhibit wildlife movement and reduce foraging opportunities for non-target species. Fencing design should minimize adverse affects on wildlife.

Avoidable wildlife impacts from erosion control mesh products: Due to this Project site's extensive creek interface, the Department requests that erosion control and landscaping specifications allow only natural-fiber, biodegradable meshes and coir rolls. "Photodegradable" and other plastic mesh products have been found to persist in the environment, ensnaring and killing terrestrial wildlife, including herpetofauna. Plastic mesh erosion control products would likely cause unanticipated, avoidable impacts and potential "take" of listed and unlisted species, including fish.

Wildlife friendly water developments: Practices which would develop irrigation systems or off-stream water troughs have the potential to be a hazard to wildlife without appropriate measures to prevent entrainment and allow for escape; these need avoidance and minimization measures included.

1.4 Planning and Design (Pages 29-30): The planning process as laid out in Table 2 includes Step 3, Inventory of Resources, which, as detailed in Attachment 3, would address sensitive resources by way of a checklist. The checklist does not appear to have an item in the list which would address sensitive natural communities; additionally, the checklist appears to rely on client interviews and Rarefind, a database and search tool operated by the Department. It should be noted that Rarefind, as well as the Department's NDDB, rely on information provided voluntarily to us and does not include any information in areas which have not been surveyed; those databases are best conditioned by the old adage "absence of evidence is not evidence of absence". We believe that each project evaluation should be supported by biological surveys, done by qualified individuals at the appropriate time of year, to determine presence or absence of sensitive resources on the project site. Surveys should be done to Department standards; we are happy to work with the RCDs to identify the level and type of surveys required; plant survey guidelines can be found on the Departments website at http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/guideplt.pdf.

CEQA caselaw has determined that surveys cannot be deferred until a later date, unless there are specific provisions to avoid all impacts to those resources, or a process to identify measures which may be implemented to minimize and mitigate any significant effects. Any "take" of species which are State-listed would, as previously noted, require a permit from the Department. Because the surveys would not be done until a later date, the Department requests that we review the biological reports, and determine their adequacy and whether mitigations would be required for specific potentially significant effects. This is particularly important for any project which would have potential effects to a CESA species or fully protected species, even if the Program is modified to exclude projects which would affect such species.

1.5 Environmental Protection Measures: This section utilizes Table 3 to lay out the tiered approach to applying identified Environmental Protection Measures. Surveys and Monitoring requirements are laid out for Tier I (and subsequent tiers) on pages 41-42 of Table 3, and it appears that Tier III is intended to address projects which have sensitive resources on the project site. The proposed survey requirements are that NRCS/RCD personnel will conduct a "reconnaissance-level survey to evaluate whether characteristic habitat for listed species ... in the proposed work area". The Department considers such surveys to be predictive in nature, and does not accept these, particularly if it is intended to serve as the basis for a negative finding, i.e., a determination that no special status species are present. Additionally, the scope of target resources which should be addressed for surveys should be broadened to address those which are required to be addressed under CEQA, including species which are sensitive and/or State- or Federally listed under FESA or CESA as well as sensitive natural communities. Finally, we are concerned that surveys be done according to recommended protocols, at the appropriate time of year, and by knowledgeable individuals.

Tier III identifies that if habitat for listed species is found in a project area, a "pre-construction survey" will be completed to determine if species or habitat will be disturbed by project activities. Typically "pre-construction surveys" are done less than 30 days prior to construction taking place, and for many species, this would not allow detection of those species if they were present. In lieu of doing actual surveys, Tier III, page 42, specifies that the species could be "assumed to be present if representative habitat is present". Again, this is predictive in nature, and not an approach that we would endorse; additionally, for State-listed species it would put the project into the situation of requiring permits for "take," where such authorization may not actually be required if appropriate surveys were conducted and listed species were not detected.

Table 3 identifies (in several places, including pages 33, 40, 41, 42, 43, 44 and 45) that terms and conditions in the streambed agreement that relate to State-listed species would be required to be implemented. It should be noted that "take" of State-listed species cannot be conveyed via a Streambed Alteration Agreement; for projects such as this, it is authorized by way of Incidental Take Authorization issued, pursuant to CESA. This language should be revised to clearly state that should State-listed and/or fully protected species be identified on the project site, the project would require "take" authorization and/or clearly identify measures which would be implemented to preclude "take." Additionally, the Department's Central Region organizational structure places responsibility for implementation of the Department's statutory and regulatory responsibilities for CEQA and CESA within a different section than the section which implements the Department's responsibilities pursuant to 1600 et seq.; we trust the NRCS and RCDs are now aware of that functional difference, and when working on projects which are under consideration for inclusion in the Program, consult with the appropriate personnel within the Department depending on the nature of their request.

1.6 Additional Protective Measures for Listed Species, including Biological Resources, Table 4 Endangered and Threatened Plant and Animal Species Potentially Occurring in the Program Area, Page 48-50: The table incorrectly lists a number of animal species which are California Species of Concern (CSC) as Candidate; and lists the California tiger salamander (*Ambystoma californiense*) as having no State status (it is a Candidate). Many fully protected species are either not on the list or not designated as such. In addition, plant species which are sensitive but which are not State- or Federally listed are not included on the Table 4, though such species would need to be addressed in the CEQA document (CEQA Guidelines Section 15380). Finally, a number of species are marked with an asterisk to denote those which are "likely to be encountered". There does not seem to be a rationale for species to be marked or not marked, and a number of species which could occur are not marked; in addition, this appears to be predictive in nature, and we recommend that you do away with this designation. Table 4 should be amended, or additional tables constructed, to address these deficiencies.

1.7 Compliance and 1.8 Procedures for Non-Compliance: These sections state that the NRCS and RCDs will be Project sponsors and have responsibility for administering the Program, but individual landowners will be ultimately responsible for complying with conditions of the programmatic permits. It further states that NRCS and the RCDs cannot act in a regulatory capacity and notify permitting agencies of non-compliance with permit conditions. It should be noted that the Federal BOs will be completed as a consultation between FWS and NMFS and NRCS; and the MOU regarding the Program's permitting under 1600 et seq. is executed between the Department and the RCDs. Given these agreements, it is reasonable to assume that the NRCS and the RCDs do have an affirmative responsibility for compliance.

If the NRCS and RCDs handle all aspects of project planning, procure permits and administer implementation of individual projects, they are the entities which would have knowledge of any non-compliance issues. It follows that it is unreasonable to assign responsibility for correction of non-compliance issues to the Department (among other agencies including the Regional Water Quality Control Board, FWS, NMFS and the Army Corps of Engineers), assuming that the latter agencies may or may not ever know about non-compliance issues. We would like the NRCS and RCDs to acknowledge their affirmative role and responsibilities in compliance, and amend the procedures for non-compliance to include notification of the Department when a project under the Program is not in compliance, and the NRCS or RCDs are not able to bring the landowner into compliance within a specified time period. That notice will take the form of a phone call, with a written notice within five days of canceling a contract with the landowner. The notification to the Department will provide, in addition to the landowner's contact information, the reason(s) why the contract was cancelled.

In addition, the Department may wish to conduct review of the Program more frequently than midway and at the end of the five-year permit term and reserves the right to cancel our agreement (in addition to the option to not renew the agreement for an additional five years) for either non-performance by the NRCS or RCDs or for frequent or particularly egregious non-compliance issues.

2.0 Project Location: Please see our comments with regard to Section 1.2, page 7; both sections should be modified to address our comments.

Checklist: The Initial Study checklist for Biological Resources (Section 3.4 of the Checklist) indicated that virtually every class of potential impacts to biological resources could have potentially significant impacts, but which would be less than significant with mitigation. The text, however, does not identify any mitigation which would be implemented to lessen potentially significant effects. There are many measures, which are characterized largely as "protection measures", which could serve as mitigation for identified potential impacts. We recommend that the section (and possibly other

sections in the Initial Study) be re-formatted to indicate that these would be mitigations measures which would be implemented as conditions of the Program. The section should specify that these mitigation measures are required conditions of Program implementation. This will also facilitate development of the required Mitigation Monitoring and Reporting Table.

Thank you for the opportunity to review and comment on the MND for the Partners in Restoration Permit Coordination Program. The Department recognizes the Program's potential to improve water quality and fish and wildlife habitat within San Luis Obispo County and is willing to work with the RCDs to develop a mutually agreeable permit coordination program. We think that the proposed program will be substantially improved and related permitting or environmental review components will be more efficient and less subject to challenge if the permit coordination program is revised to address our comments. Toward that end, we would like to assist with revising the environmental document and to provide the foundation for a successful program which would also meet our respective needs. If you have any questions regarding these comments please contact Deborah Hillyard, Staff Environmental Scientist, at (805) 772-4318.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

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RCD
Conserving Resources
Providing Service Since 1951

Upper Salinas-Las Tablas Resource Conservation District

65 Main Street, Suite 107, Templeton, CA 93465 / (805) 434-0396 ext. 4 / fax 434-0284

April 30, 2009

Jeffrey Single, Regional Manager
California Department of Fish and Game
1234 East Shaw Avenue
Fresno, CA 93710

RE: Partners in Restoration, Permit Coordination Program, San Luis Obispo County

Dear Dr. Single,

We are in receipt of your April 27, 2009 letter. Thank you for taking the time to respond to the Mitigated Negative Declaration for the Partners in Restoration (PIR), Permit Coordination Program. We are carefully reviewing your letter and we will respond to your comments within a few days. I welcome your input. All of your ideas will be considered.

On a separate item, I want to assure you that all of the permit agencies had been asked to participate in the planning of the PIR Program in San Luis Obispo County. The PIR Program for San Luis Obispo County was developed as a collaborative effort of many individuals. Staff from the two Resource Conservation Districts, USDA Natural Resources Conservation Service, Sustainable Conservation, Regional Water Quality Control Board, County of San Luis Obispo Planning and Building Department and, more recently, California Department of Fish and Game 1600 permits division, have spent countless hours crafting a PIR Program that specifically identifies solutions to address the natural resources in San Luis Obispo County.

During the past three years, the program development team put in thousands of hours in the development of the PIR Program and defining measures to assure CEQA compliance. Among those intimately involved in the development of our PIR Program include the following staff persons: Lisa Thompson, Sustainable Conservation, Margy Lindquist, NRCS District Conservationist, Cheryl Zelus, NRCS Conservationist, Susan Litteral, NRCS Engineer, Mark Barnett, NRCS Engineer, Dominic Roques, Central Coast Regional Water Quality Control Board, Howard Kolb, Central Coast Regional Water Quality Control Board, Mike Hill, California Department of Fish and Game (since August 2008), Ellen Carroll, Environmental Coordinator for San Luis Obispo County Planning and Building Department, Murry Wilson, San Luis Obispo County Planning Department, Julie Thomas, Coastal San Luis Resource Conservation District, Deborah Barker, Coastal San Luis Resource Conservation District, Donald Funk, Upper Salinas-Las Tablas Resource, Shayna Bailey, Upper Salinas-Las Tablas Resource Conservation District, and others. This effort involved a considerable amount of participation and collaboration by all of these persons.

The program development team listed above reviewed other successful PIR Permit Coordination Programs throughout California. However, the PIR Program proposed for San Luis Obispo County is unique in its approach to addressing conservation practices and solving environmental problems.

All permit agencies, including Army Corps, US Fish and Wildlife Service, NOAA National Marine Fisheries Service, California Coastal Commission, Central Coast Regional Water Quality Control Board, California Department of Fish and Game, San Luis Obispo County Planning and Building Department were invited to become involved in the development of the SLO County PIR Program from the very beginning of the preparation of the PIR Program. From the outset three years ago, all permit agencies, including the California Department of Fish and Game, have had an equal opportunity to become intimately involved in the development of the program. Most of the permit agencies took advantage of that opportunity and worked closely on the development of the Program. While the Department of Fish and Game didn't decide to participate in the beginning, it did begin to take an active interest last summer. We are very glad that the Department decided to become involved last year.

I want to assure you that the PIR Program is a carefully conceived plan to encourage and develop resource conservation practices throughout the County. I am glad that you have taken the time to become involved in assisting us in the creation of the best possible program.

If you have any questions, please feel free to contact me.

Sincerely,

Donald J. Funk
Executive Director

CC Chuck Pritchard, Board President
Lisa Thompson, Suscon

Partners in Restoration, A Joint-Collaborative Project

The Upper Salinas-Las Tablas and Coastal San Luis Resource Conservation Districts

May 11, 2009

Jeffrey Single, Regional Manager
California Department of Fish and Game
1234 East Shaw Avenue
Fresno, CA 93710

RE: Partners in Restoration, Permit Coordination Program, San Luis Obispo County
Response to comment letter on Program description and Mitigated Negative Declaration

Dear Dr. Single,

We write this letter in response to your April 27, 2009 letter. Again, the two Resource Conservation Districts of San Luis Obispo County appreciate your comments on the Mitigated Negative Declaration for the Partners in Restoration (PIR), Permit Coordination Program. Our technical team of staff from the USDA Natural Resources Conservation Service, the two RCDs and our consultant, Sustainable Conservation analyzed the comments that you made in your letter and prepared the detailed responses contained in the attachment to this letter.

After reviewing your comments, we found several items that needed additional clarification in the MND and the description of the eighteen Program Practices. We describe those changes in the attachment. While these changes provide better specificity to the program description and conditions, we do not believe any of the changes to be a "substantial revision" as defined under Title 14, California Code of Regulations, Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act, Section 15073.5.

As stated in Mr. Donald J. Funk's letter of April 30th, the staff from our two Resource Conservation Districts, USDA Natural Resources Conservation Service and Sustainable Conservation prepared the PIR Program description and the Mitigated Negative Declaration, with input from the Regional Water Quality Control Board, County of San Luis Obispo Planning and Building Department and California Department of Fish and Game. This was truly a significant collaborative effort taking three years and countless discussions with the various regulatory agencies.

We also want to correct a statement that you make in the second paragraph of your letter. DFG was informed about every step of the development of the PIR Program. DFG was contacted very early in the process and the agency had three primary representatives that were assigned by your agency to work with us on the Program development. DFG first assigned Deborah Hillyard to be your representative. She attended a Regulatory Agency Roundtable Meeting held at the Central Coast Regional Water Quality Control Board office on June 27, 2006. At that meeting in 2006, NRCS and

Sustainable Conservation staff presented the general parameters of the program and explained the need to have cooperation from all of the regulatory agencies. Ms. Hillyard was DFG's designated representative until the re-organization of DFG. She was sent the complete program description in February 2007 and we solicited her comments and any recommendations for changes. All of the practices were described in detail in the materials that we gave to Ms. Hillyard. The major elements of the Program, including the tiering descriptions, were distributed to Ms. Hillyard for her review and comment.

After a reorganization of DFG, Julie Means was assigned to replace Ms. Hillyard as the DFG representative working on the PIR Program in April 2007. The PIR Program was then delegated to Mike Hill in August 2008. Over the three years of the Program development, we have incorporated the suggestions and recommendations that we received from Ms. Hillyard, Ms. Means and Mr. Hill. Also, both the CEQA Review and 1600 divisions of DFG were invited to attend the March 2, 2009 public workshop meeting at which the Preliminary Draft of the MND was presented. Mr. Hill attended that workshop.

In your letter, the majority of the issues concerned the distinction between "take" for Federal or State listed species. We hope that our response clarifies that both were included in the MND. There were a number of small items that were not included or clearly stated and we have made minor edits to address your important comments.

Along with our partners, NRCS and Sustainable Conservation, we look forward to meeting with you. We will also see you when you attend the meeting of the two RCDs on the evening of May 14th. We appreciate your interest and trust that the measures being presented in this letter will answer your questions. We want to have a long-term on-going positive relationship with DFG. We have worked hard over the years to obtain the respect and trust of the regulatory agencies within San Luis Obispo County.

If you have any questions, please feel free to contact us.

Sincerely,

Neil Havlik
CSL RCD Board President

Chuck Pritchard
US-LT RCD Board President

CC Lisa Thompson, Sustainable Conservation
Donald J. Funk, US-LT RCD
Julie Thomas, CSL RCD
Margy Lindquist, NRCS

Response to California Department of Fish and Game Comment Letter
San Luis Obispo County Partners in Restoration
Permit Coordination Program
May 11. 2009
ATTACHMENT TO LETTER TO JEFFREY SINGLE

(updated May 13th)

Response to comments contained in letter dated April 27, 2009:

Paragraph 3 All measures of the Program designed to minimize, mitigate, or avoid are conditions for participation in the Program as stated throughout the MND including page 68. Also, as stated throughout the MND, including pages 7, 8, 30, 32, 53 if an applicant refuses to agree to these conditions and/or the project does not comply with the Program, the applicant and respective project will be prohibited from participating in the Program.

These measures will also be stated as specific conditions that shall be adhered to under the proposed Memorandum of Understanding (MOU) with the Department of Fish and Game (DFG). Every participant shall sign the Cooperator Agreement (Attachment 6 of the MND), as a condition of participation in the program. RCDs and NRCS will be responsible agencies to ensure compliance with the Program and referring violations to the appropriate regulatory agency as explained in the MND beginning on page 50, section 1.7 Compliance, and continues through page 52, section 1.8 Procedures for Non-Compliance. While we have not experienced violations during the implementation of the Morro Bay PIR Perm Coordination Program and do not anticipate violations with this Program, we will of course notify all appropriate regulatory agencies in the event of the violations. The reason for the violation will be provided to the agencies. Participating landowners are well aware of our commitment to insist upon full compliance with the program (see amended Attachment 6, Cooperator Agreement).

The MND attempts to address all known or foreseeable measures to prevent "take." Additional clarifications are addressed later in this letter.

Every project will be conditioned to prevent "take." This new language has been added to the amended "Cooperator Agreement attached to this letter.

The paragraph regarding "take" on page 75 is included in the draft MND to explain "take" according to Federal ESA. The USFWS and NMFS are requiring that the NRCS obtain incidental take authorization under the permit coordination program even though "take" will not be allowed whatsoever within this program. We realize this poses a concern for DFG and would like to clarify that despite the requirement that we obtain federal take authorization, "take" of any state sensitive/listed species will not be authorized under this Program.

The mechanisms in place for all projects under this Program to ensure project participants avoid effects on sensitive/listed species includes, but are not limited to; reconnaissance surveys (see pages 41, 42, and 67 in the MND). These surveys include, for example, searching the California Natural Diversity Data Base (CNDDB), reviewing reports of other projects conducted in nearby areas, and visiting potential project sites to determine if suitable habitat exists for species. Additionally, detailed pre-project surveys will be required for all individual projects and would

be conducted by a qualified biologist or professional at the appropriate period. In the case of CNPS listed plants, for example, on-the-ground floristic surveys will be conducted during the appropriate blooming period to determine presence of any such species. Appropriate protocols established by the DFG, USFWS, and other agencies for the presence of burrowing owls, California red-legged frogs, and other sensitive/listed species will also be required. The document states that a qualified biologist or professional will strictly adhere to all agreed-upon survey protocols for all state sensitive/listed species (see pages 41, 42, 43, 65, 67). (Note also that any project in Tier III or IV under the Program would require detailed surveys to be conducted by a qualified biologist or professional approved by USFWS, NMFS and/or DFG as stated throughout the document.) Should sensitive/listed species or CNPS plants be found, then avoidance and minimization measures will be implemented to prevent "take" of such species (see page 65 in the MND). These practices are/will be listed in the conditions of the MOU between the RCD and DFG (see pages 48 and 65) and have been added to the Cooperator Agreement form attached to this letter. Again, if any project would result in "take" of a state sensitive/listed species, that project would be prohibited from participating in the program.

As also explained in the MND on pages 31, 32, 33, 42, 48, 63, and 78, if a sensitive/listed species or habitat is present, the project automatically moves to Tier III. Tier III projects will be surveyed by qualified experts approved by DFG, NMFS or USFWS as stated in the MND on pages 41, 42, 43 and 65. When sensitive/listed species habitat is present, species are assumed to be present. All conditions concerning sensitive/listed species apply to any plant or animal that qualifies under CEQA Section 15380 regarding endangered, rare or threatened species. (added 05-13-09)

Additionally, for projects to qualify under the Program, the project shall result in an environmental benefit for wildlife, native plants, water, and/or soil. Environmental benefits are described for each of the 18 conservation practices (projects) covered by the Program and found on pages 9 through 27 in the MND. (added 05-13-09)

Moreover, pursuant to the provisions stated on page 45, 46, 51, and 68, agencies will be notified of all projects pre-construction and agency staff has the final authority to determine whether individual projects may be included in or excluded from the program. Agency staff would be able to conduct a site visit as well.

Paragraph 4 We realize impacts on a state sensitive/listed species would require state "take" authorization, but any project that would impact state sensitive/listed species would not be eligible for participation in this program and would require individual permits. "Take" would cause a significant adverse impact, which the Program strictly prohibits. Significant adverse impacts are not authorized for any project covered by the Program (see pages 30, 63 and 72). Therefore we will not be seeking "take" authorization for any projects in the Program. We are only seeking a MOU for conducting streambed alteration activities under the Program.

Paragraph 5 Program projects will not result in "take," see above. Impacts are avoided for sensitive/listed species (see pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75).

Paragraphs 6, 7 & 8 As stated previously, NRCS is required to obtain an incidental take permit from federal regulatory agencies (NMFS and USFWS) for the Program. A condition of this Program is that there will be no "take" of state sensitive/listed species. Because the NRCS is

partnering with the RCDs, and the RCDs will be utilizing the NRCS's planning and other resources as required by the Program, we are required to have federal take coverage. However, as is stated throughout the MND, individual projects that may result in take of a state sensitive/listed species will be prohibited from this Program and will be required to obtain their own authorizations and permits.

Paragraph 9 If a sensitive/listed species is assumed to be present, measures stated on pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75 to avoid that species will be included as enforceable conditions under the MOU with DFG and the MND. If "take" would likely occur due to project activities, then that project would not be eligible or allowed to participate in the program.

Paragraph 10 Project specific surveys, as stated throughout the MND including pages 33, 39 through 43, 46, 63, 65 through 68, and 75 and clarified above, will be conducted to determine the presence of any fully protected or other sensitive/listed species. As stated on pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75 if any such species are determined to be present, measures will be implemented to minimize, mitigate, or avoid impacts to those species. If any impacts cannot be implemented to a less than significant level or if "take" of such species would occur as a result of the project, then that project would NOT be eligible or allowed to participate in the program. As stated on page 75 of the MND, no take of Fully Protected species (listed under the California Endangered Species Act) would occur under this Project.

As directed by DFG, we utilized DFG's California Natural Diversity Database (CNDDB) to identify species. See attached amended Table 4. We realize species occurrence and designations change over time and will update the table on a biannual basis.

Paragraph 11 & 12 If construction is scheduled to occur during the nesting season of February 15 to August 1, preconstruction surveys, as stated throughout the MND, shall be conducted by a qualified biologist to determine the presence of nesting birds, including ground-nesting birds, in the project area (see pages 41, 42 and 65). Work will be timed to avoid disturbing breeding birds in native habitat; projects that could affect breeding birds will generally begin after August 1 (see page 43). In addition, the following statement will be added to pages 42 and 65 of the MND. If active nests of raptors or any listed/sensitive bird species are found to be present, construction within 100 yards of the active nests shall be delayed until the qualified biologist determines that the young have fledged. If active nests of other species are found to be present, construction within 25 yards of these active nests shall be delayed until the qualified biologist determines that the young have fledged." As stated above, if any project would result in "take" of a state sensitive/listed species, that project would be prohibited from participating in the program.

Paragraph 13 & 14 We understand DFG's regulatory authority and have been working extensively with DFG and other regulatory agencies including the RWQCB, CCC, SLO County, ACOE, NMFS and USFWS to ensure a solid CEQA document.

Paragraph 15 We realize surveys have not been performed but we will incorporate pre-construction surveys as a crucial part of the program as stated above and throughout the MND. Please see (response to pp 3). If surveys show the project would potentially result in "take," and

the project cannot be redesigned to avoid this risk the project will be prohibited from participation in the Program.

Paragraph 16 As stated in the MND on pages 33, 39 through 43, 46, 63, 65 through 68, and 75, on-the-ground preconstruction project surveys will be used to determine the presence of species. If listed species are found to be present then avoidance, minimization and protection measures described in the MND incorporated into the MOU with DFG, and will be followed to avoid impacts and take of a species (see pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75 in the MND). If take is likely or unavoidable the project will be prohibited from the Program. Therefore, we believe the project impacts are less than significant. If an impact is possible, DFG will be consulted prior to implementation of the project under the Program. NMFS and USFWS will also be consulted. The measures identified in the MND are protection measures that will avoid and minimize potential impacts to sensitive/listed species. These measures will be incorporated as required project conditions in the MOU with DFG and RCDs/NRCS and every participant in the Program shall be required to strictly adhere to these mandatory conditions.

Moreover, as stated on pages 5, 30, 31, 33, 42, 45, 46, 47, 51, 52, 66, and 68 in the MND, the Program requires monitoring and reporting for all projects under the Program. Additionally, we anticipate the MOU with DFG will contain provisions for a monitoring and reporting program.

Paragraph 17 The Program does not result in significant impacts (see above), thus the preparation of an EIR is not an appropriate environmental document to comply with CEQA. The text in this letter will be added as an Addendum to the MND according to CEQA Guidelines.

Paragraph 18 As stated on page 5, the Program will allow individuals to participate under coverage provided by permits and authorizations issued to the RCDs/NRCS. In the case of DFG, we anticipate this coverage would be in the form of a MOU between the DFG and RCDs/NRCS whereby the RCDs/NRCS would submit individual projects for consideration. The DFG would retain final authority for approval or denial of a project's participation in the Program. Again, a project requiring "take" authorization from DFG will not be allowed to participate in this Program.

Paragraph 19 & 20 The MND, on pages 7 and 53, identifies areas and habitats that would be excluded under this program, which include but are not limited to, vernal pools, lands and submerged areas under direct jurisdiction of the California Coastal Commission (such as estuaries, harbors and bays), ocean coastline and beaches, and , any area site that does not comply with all associated practice conditions, limitations and mitigation measures of the Program. In addition, page 60 of the MND identifies many sensitive communities characteristic of SLO County. Projects that might occur in these or other sensitive communities (including those listed on page 64) would be evaluated to determine their overall effect or possible impacts on sensitive/listed species, including the potential loss of habitat. Moreover, avoidance measures as stated on page 64 shall be required. Any project that might occur in such habitats/communities and that would have significant impacts on state sensitive/listed species or those communities would be excluded from the Program. Again, the DFG will be able to review proposed projects and conduct site visits if necessary, and the DFG will have adequate opportunity (which will be incorporated into the MOU) to review projects and can prohibit such projects from participation under the Program. Qualified biologist or professionals would determine the existence of such habitats.

Additionally, all work will occur in already disturbed or degraded areas to improve habitat, water quality and the natural condition.

Paragraph 21 As indicated throughout the MND, it is true that the intent of the Program is not to negatively affect or result in "take" of sensitive/listed or fully protected species. If a project would adversely affect or result in "take" of a state sensitive/listed or fully protected species, that project will be prohibited from participating in the Program.

Paragraph 22-26 The Program is to enhance wildlife habitat and avoid direct and secondary adverse impacts to sensitive/listed species as stated throughout the MND. With respect to the examples provided in the DFG's letter and as explained in the MND to clarify:

The document, on page 20, 22, 26, 34, 35, 64, 68 and 71, 72, 73 and 74 , states that a mix of appropriate native vegetation species shall be used for seeding and revegetation activities. As stated on page 35, 64, 65, 70 and 73 if necessary to quickly establish ground cover for erosion and sediment control, sterile barley may be used in addition to native species. Non-natives used will not persist past the first year of establishment. In no case would non-native vegetation species be used by themselves for vegetation purposes.

Any improvements would be "wildlife friendly" and would be installed so that it does not block migration corridors, inhibit wildlife movement or reduce forging opportunities for wildlife.

The document states that any rolled erosion control products (RECP) such as erosion mats shall contain only biodegradable products. Plastic, nylon, and other synthetic fibers shall not be used unless it can be demonstrated that they totally biodegrade. See pages 58 and 67. (Most erosion control products are not entirely made of natural products. However, these products will biodegrade with no residual netting.)

The following language is proposed to be added: Water developments that have the potential to trap wildlife shall contain escape structures or other appropriate mechanisms. Note that NRCS Standard 614 "Watering Facility: Design the watering facility to provide adequate safe access and escape opportunities.. Incorporate escape features such as ramps out of the watering facility..."

Paragraph 27 Contrary to what is stated in DFG's letter, the planning process does not rely solely on the Checklist, client interviews, or Rarefind. As stated on page 30 of the MND, the Checklist is one tool used to help ensure a complete assessment of the properties and their potential impacts on soil, water, air, plant, animal, and human considerations. Other tools that would be used include reconnaissance level surveys and site specific surveys (see above and page 30 and 67 of the MND). As stated on page 41, 42 and 67, all such surveys shall be conducted by a qualified biologist or professional and would adhere to all appropriate and agreed upon protocol and standards.

Paragraph 28 As stated in the MND on page 45, 46 and 68, project descriptions for all projects participating in the Program will be provided to DFG as part of the MOU and biological reports will be available as requested by DFG.

Paragraph 29 & 30 We will absolutely not consider the absence of a species during a reconnaissance level survey to be the basis of a negative finding. Only detailed site specific

surveys conducted by qualified individuals during the appropriate time of year and following survey protocols would be used for any such determination (see pages 33, 39 through 43, 46, 63, 65 through 68, and 75 in the MND). Again, if any project would result in "take" of a state sensitive/listed species, that project would be prohibited from participating in the program.

Paragraph 31 As stated earlier, we understand and do not question DFG's regulatory authority. Again, if any project would result in "take" of a state sensitive/listed species, that project would be prohibited from participating in the program.

Paragraph 32 As directed by DFG, We utilized DFG's California Natural Diversity Database (CNDDB), as well as USFWS data, and made the corrections identified as necessary to Table 4. See attached amended Table 4. Again, if any project would result in "take" of a sensitive/listed species, that project would be prohibited from participating in the program.

Paragraph 33 & 34 As stated above, RCDs and NRCS will be responsible agencies to ensure compliance with the Program and will refer violations that occur as a result of the implementation of the PIR Program to the appropriate regulatory agency. Also, as stated throughout the MND, including pages 7, 8, 30, 32, 53 if an applicant refuses to agree to these conditions and/or the project does not comply with the Program, the applicant and respective project will be prohibited from participating in the Program. These measures will also be stated as specific conditions that shall be adhered to under the proposed Memorandum of Agreement (MOU) with the Department of Fish and Game (DFG). Every participant shall sign the Cooperator Agreement (Attachment 6 of the MND), as a condition of participation in the program. RCDs and NRCS will be responsible agencies to ensure compliance with the Program and referring violations to the appropriate regulatory agency as explained in the MND beginning on page 50, section 1.7 Compliance, and continues through page 52, section 1.8 Procedures for Non-Compliance. Notification to the regulatory agencies of non-compliance is explained on page 52 of the MND and states a written notice will be submitted to the regulatory agencies within 5 days. The reason for the non-compliance will be included. The NRCS and RCDs will also notify DFG by phone (see amended Attachment 6, Cooperator Agreement).

While we have not experienced violations during the implementation of the Morro Bay PIR Perm Coordination Program and do not anticipate violations with this Program, we will of course notify all appropriate regulatory agencies in the event of the violations. The reason for the violation will be provided to the agencies. Participating landowners are well aware of our commitment to insist upon full compliance with the program (see amended Attachment 6, Cooperator Agreement).

Paragraph 35 Review of the Program's success with DFG projects and cancelation shall be outlined in the MOU with DFG.

Paragraph 36 Please see our response to paragraphs 19 and 20 above.

Paragraph 37 All descriptive measures in the MND are conditions of the project covered by the Program. The conditions, protection measures and limitations described throughout the entire MND are innately built into the Program and are requirements for projects to be implemented under the Program and will be conditions of each project. Also, see the amended Cooperator Agreement.

Attachment 6
COOPERATOR AGREEMENT

TERMS OF ASSISTANCE AND NOTIFICATION REGARDING PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS UNDER THE SAN LUIS OBISPO COUNTY PARTNERS IN RESTORATION PERMIT COORDINATION PROGRAM

Between the United States Department of Agriculture, Natural Resources Conservation Service, the Coastal San Luis Resource Conservation District, and the Following Cooperator

Landowner: _____ Address: _____

_____ Zip: _____

Property Location: _____

(Assessor Parcel Number, street address, or narrative description; see attached map)

USDA Tract #:_____ Photo No:_____ Quad Sheet: _____

Acres:_____ Major Land Use:_____

(Row Crops, Orchard, Nursery, Range, Woodland, etc.)

Included Conservation Practices:

Access Road Improvements	Irrigation System/Tailwater Recovery	Sediment Basin
Channel Stabilization	Limited Vegetation Removal to Minimize Erosion	Stream Bank Protection
Critical Area Planting	Pipeline	Stream Crossing
Diversion	Pond Improvement	Stream Habitat Improvement/ Management
Filter Strip	Restoration/Management of Declining Habitats	Structure for Water Control
Grade Stabilization Structure		Underground Outlet
Grassed Waterway		

The project shall provide an environmental benefit for wildlife, native plants, water, and/or soil. Specifically, the project: _____

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and Coastal San Luis Resource Conservation District (CSLRCD) for the San Luis Obispo County Partners In Restoration (PIR) Permit Coordination Program, referred to hereinafter as the "**Program**," and the following landowner (or organization), referred to hereinafter as the "**Cooperator**":

I. THE PROGRAM AGREES TO AUTHORIZE PROJECTS AND FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE TO:

1. Help solve conservation problems;
2. Assist in the design, installation, maintenance, and monitoring of appropriate conservation practices;
3. Offer the Cooperator the coverage of multiple permits that provide for the design, installation, maintenance, and monitoring of specified conservation practices under the Program as issued by the public agencies including: United States Fish and Wildlife Service; United States National Marine Fisheries Service; United States Department of the Army, Corps of Engineers; California Department of Fish and Game; California Regional Water Quality Control Board, Central Coast Region; San Luis Obispo County Planning and Development; and
4. Provide the Cooperator with information and support from qualified Program staff to answer questions regarding the procedures for the design, installation, maintenance, and monitoring of the conservation practices and specific protection measures to be followed to avoid or minimize the impacts of projects to sensitive natural resources and water quality.

II. THE COOPERATOR AGREES TO:

1. Fully conform to the procedures for the design, installation, maintenance, and monitoring for the service life of the conservation practices as developed by the Program with the aforementioned public agencies under their various permitting authorities. The specific procedures are documented in the attached site-specific *Project Plan & Specifications* provided by the NRCS and CSLRCD;
2. Allow the NRCS, CSLRCD and aforementioned public agencies on site with proper notice to inspect work conducted under the Program;
3. Allow the NRCS and CSLRCD to include information about the project status and benefits in an annual report

provided to the aforementioned agencies;

4. No language in any part of this agreement will reflect an initiation by CSLRCD for regulatory action; and
5. To the best of the landowner's knowledge, this project is taking place on the property (within the property lines of the property) described in this agreement.

III. AGREED THAT:

1. The Program assumes no responsibility for the legal establishment of any property acreages, boundary lines, or water rights;
2. It is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. However, the *Project Plan and Specifications* developed under the Program implemented under this agreement provide the Cooperator with coverage for the following permits:

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for listed plant and animal species, issued by the United States Fish and Wildlife Service, Ventura, CA.

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for south-central California and southern California steelhead, issued by the United States National Marine Fisheries Service, Long Beach, CA.

❑ Agreement for procedures to use existing Nationwide Permits and/or Regional General Permits in compliance with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, Los Angeles, CA.

❑ Programmatic Certification of the Nationwide Permits under Section 401 of the Clean Water Act issued by the California Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.

❑ Master Streambed Alteration Agreement in compliance with Section 1600 *et. seq.* of the Fish and Game Code, issued by the California Department of Fish and Game, Fresno, CA.

❑ Master Permit issued by the County of San Luis Obispo - complies with the Federal Coastal Zone Management Act, the San Luis Obispo County Local Coastal Program (in conjunction with the California Coastal Commission), the California Environmental Quality Act, and the county Grading Control Ordinances.

❑ Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.

3. It is the responsibility of the Cooperator to ensure that work carried out on site is consistent with the terms and conditions of the permits checked in #2 above as specifically indicated in the project-specific *Project Plan & Specifications* provided to the Cooperator by the NRCS and CSLRCD.
4. Cooperator agrees to fully conform with the conditions of the permits and requirements in the PIR Program's Mitigated Negative Declaration (MND). Mitigation measures identified in the MND will be conditions of the project. All descriptive measures in the MND are conditions of the project covered by the Program. If work on site is not carried out consistent with the procedures for the design, installation, maintenance, and monitoring of the conservation practices covered by the permits checked in #2 above, the Program shall notify the Cooperator in writing and work directly with the Cooperator to resolve the problem. If the problem cannot be resolved, the Program shall notify the Cooperator that this Agreement and other applicable contracts are cancelled and that the Cooperator's actions are no longer covered by this Agreement and other contracts. The Program shall notify the aforementioned permitting agencies that the Cooperator's Agreement and/or contracts have been cancelled including the reasons for non-compliance. The permitting agencies may contact the Cooperator at their discretion to ascertain the reason for Agreement/contract cancellation. The Program shall have no further responsibility to enforce the conditions of the permits checked in #2 above and shall not be held responsible as the permittee. The Cooperator shall be responsible for all violations and will have to individually obtain all necessary permits, and comply with all laws and ordinances that apply to their work.
5. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

_____ _____

COOPERATOR Date

_____ _____

USDA NATURAL RESOURCES CONSERVATION SERVICE Date

_____ _____

COASTAL SAN LUIS RESOURCE CONSERVATION DISTRICT Date

Attachment 6
COOPERATOR AGREEMENT

TERMS OF ASSISTANCE AND NOTIFICATION REGARDING PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS UNDER THE SAN LUIS OBISPO COUNTY PARTNERS IN RESTORATION PERMIT COORDINATION PROGRAM

Between the United States Department of Agriculture, Natural Resources Conservation Service, the Upper Salinas – Las Tablas Resource Conservation District, and the Following Cooperator

Landowner: _____ Address: _____

_____ Zip: _____

Property Location: _____

(Assessor Parcel Number, street address, or narrative description; see attached map)

USDA Tract #:_____ Photo No:_____ Quad Sheet: _____

Acres:_____ Major Land Use:_____

(Row Crops, Orchard, Nursery, Range, Woodland, etc.)

Included Conservation Practices:

Access Road Improvements	Irrigation System/Tailwater Recovery	Sediment Basin
Channel Stabilization	Limited Vegetation Removal to Minimize Erosion	Stream Bank Protection
Critical Area Planting	Pipeline	Stream Crossing
Diversion	Pond Improvement	Stream Habitat Improvement/ Management
Filter Strip	Restoration/Management of Declining Habitats	Structure for Water Control
Grade Stabilization Structure		Underground Outlet
Grassed Waterway		

The project shall provide an environmental benefit for wildlife, native plants, water, and/or soil. Specifically, the project: _____

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and Upper Salinas – Las Tablas Resource Conservation District (USLTRCD) for the San Luis Obispo County Partners In Restoration (PIR) Permit Coordination Program, referred to hereinafter as the "**Program**," and the following landowner (or organization), referred to hereinafter as the "**Cooperator**":

I. THE PROGRAM AGREES TO AUTHORIZE PROJECTS AND FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE TO:

1. Help solve conservation problems;
2. Assist in the design, installation, maintenance, and monitoring of appropriate conservation practices;
3. Offer the Cooperator the coverage of multiple permits that provide for the design, installation, maintenance, and monitoring of specified conservation practices under the Program as issued by the public agencies including: United States Fish and Wildlife Service; United States National Marine Fisheries Service; United States Department of the Army, Corps of Engineers; California Department of Fish and Game; California Regional Water Quality Control Board, Central Coast Region; San Luis Obispo County Planning and Development; and
4. Provide the Cooperator with information and support from qualified Program staff to answer questions regarding the procedures for the design, installation, maintenance, and monitoring of the conservation practices and specific protection measures to be followed to avoid or minimize the impacts of projects to sensitive natural resources and water quality.

II. THE COOPERATOR AGREES TO:

1. Fully conform to the procedures for the design, installation, maintenance, and monitoring for the service life of the conservation practices as developed by the Program with the aforementioned public agencies under their various permitting authorities. The specific procedures are documented in the attached site-specific *Project Plan & Specifications* provided by the NRCS and USLTRCD;
2. Allow the NRCS, USLTRCD, and aforementioned public agencies on site with proper notice to inspect work conducted under the Program;
3. Allow the NRCS and USLTRCD to include information about the project status and benefits in an annual

report provided to the aforementioned agencies;

4. No language in any part of this agreement will reflect an initiation by CSLRCD and/or USLTRCD for regulatory action; and
5. To the best of the landowner's knowledge, this project is taking place on the property (within the property lines of the property) described in this agreement.

III. AGREED THAT:

1. The Program assumes no responsibility for the legal establishment of any property acreages, boundary lines, or water rights;
2. It is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. However, the *Project Plan and Specifications* developed under the Program implemented under this agreement provide the Cooperator with coverage for the following permits:

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for listed plant and animal species, issued by the United States Fish and Wildlife Service, Ventura, CA.

❑ Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for southern California steelhead, issued by the United States National Marine Fisheries Service, Long Beach, CA.

❑ Agreement for procedures to use existing Nationwide Permits and/or Regional General Permits in compliance with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, Los Angeles, CA.

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❑ Master Permit issued by the County of San Luis Obispo - complies with the Federal Coastal Zone Management Act, the San Luis Obispo County Local Coastal Program (in conjunction with the California Coastal Commission), the California Environmental Quality Act, and the county Grading Control Ordinances.

❑ Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.

3. It is the responsibility of the Cooperator to ensure that work carried out on site is consistent with the terms and conditions of the permits checked in #2 above as specifically indicated in the project-specific *Project Plan & Specifications* provided to the Cooperator by the NRCS and USLTRCD.
4. Cooperator agrees to fully conform with the conditions of the permits and requirements in the PIR Program's Mitigated Negative Declaration (MND). Mitigation measures identified in the MND will be conditions of the project. All descriptive measures in the MND are conditions of the project covered by the Program. If work on site is not carried out consistent with the procedures for the design, installation, maintenance, and monitoring of the conservation practices covered by the permits checked in #2 above, the Program shall notify the Cooperator in writing and work directly with the Cooperator to resolve the problem. If the problem cannot be resolved, the Program shall notify the Cooperator that this Agreement and other applicable contracts are cancelled and that the Cooperator's actions are no longer covered by this Agreement and other contracts. The Program shall notify the aforementioned permitting agencies that the Cooperator's Agreement and/or contracts have been cancelled including the reasons for non-compliance. The permitting agencies may contact the Cooperator at their discretion to ascertain the reason for Agreement/contract cancellation. The Program shall have no further responsibility to enforce the conditions of the permits checked in #2 above and shall not be held responsible as the permittee. The Cooperator shall be responsible for all violations and will have to individually obtain all necessary permits, and comply with all laws and ordinances that apply to their work.
5. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

_____ _____

COOPERATOR Date

_____ _____

USDA NATURAL RESOURCES CONSERVATION SERVICE Date

_____ _____

UPPER SALINAS–LAS TABLAS RESOURCE CONSERVATION DISTRICT Date

Table 4. Federal and State Listed Threatened, Endangered, Candidate, and Fully Protected Species

Common Name *Scientific Name*	**Federal**	**State**
FLOWERING PLANTS		
Beach Spectaclepod *Dithyrea maritima*	NA	Threatened
California jewelflower* *Caulanthus californicus*	Endangered	Endangered
California seablite Suaeda californica	Endangered	NA
Camatta canyon amole *Chlorogalum*	Threatened	NA
Chorro creek bog thistle *Cirsium fontinale var. obispoense*	Endangered	Endangered
Gambel's watercress* *Rorippa gambellii*	Endangered	Threatened
Hearst's manzanita *Arctostaphylos hookeri ssp. hearstiorum*	NA	Endangered
Indian knob mountainbalm *Erodictyon altissimum*	Endangered	Endangered
La Graciosa thistle* *Cirsium loncholepis*	Endangered	Threatened
Marsh sandwort *Arenaria paludicola*	Endangered	Endangered
Monterey spineflower *Chorizanthe pungens var. pungens*	Threatened	NA
Morro manzanita *Arctostaphylos morroensis*	Threatened	NA
Nipomo mesa lupine *Lupinus nipomensis*	Endangered	Endangered
Parish's checkerbloom *Sidalcea hickmanii parishii*	Candidate	NA
Pismo clarkia* *Clarkia speciosa var. immaculate*	Endangered	NA
Purple amole *Chloragalum pupureum var . purpureum*	Threatened	NA
Salt marsh bird's-beak *Cordylanthus maritimus maritimus*	Endangered	Endangered
San Joaquin wooly-threads* *Lembertia congdonii*	Endangered	NA
Surf thistle *Cirsium rhothophilum*	NA	Threatened
INVERTEBRATES		
Morro shoulderband snail* *Helminthoglypta walkeriana*	Endangered	NA
Longhorn fairy shrimp* *Branchinecta longiantenna*	Endangered	NA

Common Name ***Scientific Name***	**Federal**	**State**
Smith's blue butterfly *Euphiotes enoptes smithi*	Endangered	NA
Vernal pool fairy shrimp* *Branchinecta lynchi*	Threatened	NA
FISH		
Arroyo chub *Gila orcuttii*	NA	Candidate
Southern California steelhead* *Oncorhynchus mykiss*	Endangered	Candidate
South/central California coast steelhead* *Oncorhynchus mykiss*	Threatened	NA
Tidewater goby* *Eucyclogobius newberryi*	Endangered	NA
AMPHIBIANS		
Arroyo southwestern toad* *Bufo microscaphus californicus*	Endangered	NA
California red-legged frog* *Rana aurora draytonii*	Threatened	NA
California tiger salamander* *Ambystoma californiense*	Threatened	Candidate
REPTILES		
Black legless lizard *Anniella pulchra nigra*	NA	Candidate
Blunt-nosed leopard lizard* *Gambelia silus*	Endangered	Endangered, fully protected
Southwestern pond turtle* *Actinemys marmorata pallida*	NA	Candidate
Two-striped garter snake* *Thamnophis hammondii*	NA	Candidate
BIRDS		
Bald eagle* *Haliaeetus leucocephalus*	Threatened	Endangered, fully protected
Black swift *Cypseloides niger*	NA	Candidate
Brown pelican* *Pelicanus occidentalis*	Endangered	Endangered, fully protected
Burrowing owl *Athene cunicularia*	NA	Candidate
California condor* *Gymnogyps californianus*	Endangered	Endangered, fully protected
California black rail *Laterallus jamaicensis coturniculu*	NA	Threatened, fully protected
California clapper rail *Rallus longirostris obsoletus*	Endangered	Endangered, fully protected
California least tern	Endangered	Endangered, fully protected

Common Name ***Scientific Name***	**Federal**	**State**
Sterna antillarum browni		
Golden Eagle *Aquila chrysaetos*		fully protected
Least Bell's vireo* *Vireo belli pusillus*	Endangered	Endangered
Peregrine falcon *Falco peregrinus anatum*		Fully protected
Tricolored blackbird* *Agelaius tricolor*	NA	Candidate
Western snowy plover* *Charadrius alexandrinus nivosus*	Threatened	Candidate
Western yellow-billed cuckoo *Coccyzus americanus occidentalis*	Candidate	Endangered
White tailed kite *Elanus leucurus*		fully protected
MAMMALS		
Big free-tailed bat *Nyctinomops macrotis*	NA	Candidate
Giant kangaroo rat* *Dipodomys ingens*	Endangered	Endangered
Morro Bay kangaroo rat *Dipodomys heermanni morroensis*	Endangered	Endangered fully protected
San Joaquin kit fox* *Vulpes macrotis mutica*	Endangered	Threatened
San Joaquin/Nelson's antelope squirrel *Ammospermiphilus nelsoni*	NA	Threatened
Southern sea otter *Enhydra lutris nereis*	Threatened	fully protected
Tipton kangaroo rat *Dipodomys nitratoides nitratoides*	Endangered	Endangered

ENVIRONMENT IN THE PUBLIC INTEREST

EPI-Center, 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384

San Luis Obispo **COASTKEEPER®**

April 26, 2009

Alison Jones, Watershed Coordinator
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

VIA Email: ajones@rb3.swrcb.ca.gov

Subject: Review of Mitigated Negative Declaration / Upper Salinas-Las Tablas Resources Conservation District (SCH 2009031101)

Dear Ms Jones,

According to the State Clearing House web site the Regional Board has been asked to review a proposed MND for programmatic permits for conservation projects anticipated by the Upper Salinas-Las Tablas Resources Conservation District. I am writing to urge the Board Staff to direct production of an Environmental Impact Report instead of the proposed MND for this proposal.

San Luis Obispo **COASTKEEPER®**, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with agencies and official responsible for enforcing water quality, watershed protection, and environmental regulations on the California Central Coast. SLO Coastkeeper and our 800 central coast supporters generally encourage the work of local RCD's, however the lack of public information describing this proposal raises concerns that approval of the proposed MND will likely not be appropriate.

Our specific concerns include, but are not limited to the following:

1. It appears that no surveys consistent with Central Coast Board permit requirements for in-stream work likely to occur will be done.
2. It is unclear if surveys (if any) will provide more than reconnaissance level evaluation.
3. Is likely in-stream and adjacent projects are likely to result in significant undisclosed environmental impacts better addressed through an Environmental Impact Report.
4. Fails to identify and provide adequate mitigation consistent with Regional Board permit regulations, practices, and policies.

I respectfully urge that your Office provide substantive comment redirecting the Upper Salinas-Las Tablas Resources Conservation District to initiate an EIR to supports the proposed project.

Sincerely,

Gordon Hensley,
San Luis Obispo **COASTKEEPER**®

Lisa Thompson

From: Dominic Roques [Droques@waterboards.ca.gov]
Sent: Tuesday, April 28, 2009 2:28 PM
To: G.R. Hensley
Cc: Lisa Thompson; Alison Jones; Howard Kolb; Jon Rohrbough ; Lisa McCann; Tamara Presser
Subject: Re: Review of MND

Attachments: 26531 - 03-24-2009 - DROQUES - SURFACE WATER BODY ALTERATIONS - SAN LUISO OBISPO COUNTY PARTNERS IN RESTORATION.pdf; 09.04.26 RCD.MND.RWQCB3.PDF


26531 - 03-24-2009 ...


09.04.26 .MND.RWQCB3.PDF

Gordon:

We support the project. In fact we used grant funds for a consultant, Sustainable Conservation, to develop these Partners in Restoration programs with the permitting agencies, and the RCDs and NRCS in Santa Barbara County, SLO County, and San Benito County. These programs result in better land management and much needed environmental restoration projects because they, 1) encourage landowners to conduct restoration work and improved practices by reducing the burden of permitting, and 2) are technically guided by NRCS under their Planning Process.

Our staff were deeply involved in crafting the conditions under which the NRCS practices could be authorized by a Water Board CWA 401 Certification (the Upper Salinas/Las Tablas RCD has not submitted its application yet).

I encourage you to contact the RCD or Lisa Thompson at Sustainable Conservation (copied here, 818 392-8351) to express your specific concerns with the program.

Attached is the letter we prepared as a comment on the MND. I'm also including your letter to us for Lisa Thompson's benefit.

Thanks,

Dominic Roques, PG
****
****
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
http://www.waterboards.ca.gov/centralcoast/
tel: (805) 542-4780
fax: (805) 788-3562

>>> "G.R. Hensley" <g.r.hensley@sbcglobal.net> 4/27/2009 7:19 AM >>>
Allison,

According to the State Clearing House web site your office has been asked to review an MND proposed by the Upper Salinas-Las Tablas Resources Conservation District.

Attached is my request urging production of an Environmental Impact Report instead of the proposed MND.

Thanks,

Gordon

Gordon R. Hensley, San Luis Obispo COASTKEEPER® Environment in the Public Interest EPI-Center, 1013 Monterey St., Suite 202 San Luis Obispo, CA 93401

Ph: 805-781-9932

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RCD
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Upper Salinas-Las Tablas Resource Conservation District

65 Main Street, Suite 107, Templeton, CA 93465 / (805) 434-0396 ext. 4 / fax 434-0284

May 14, 2009

Gordon Hensley
San Luis Obispo Coastkeeper
1013 Monterey Street, Suite 202
San Luis Obispo, CA 93401

RE: Partners in Restoration, Permit Coordination Program, San Luis Obispo County
Response to comment letter on Program description and Mitigated Negative Declaration

Dear Mr. Hensley,
We write this letter in response to your April 26, 2009 letter. The two Resource Conservation Districts of San Luis Obispo County, Sustainable Conservation and USDA Natural Resources Conservation Service, partners in the PIR Program, appreciate your comments on the Mitigated Negative Declaration for the Partners in Restoration (PIR), Permit Coordination Program. Our technical team of staff from the USDA Natural Resources Conservation Service, the two RCDs and our consultant, Sustainable Conservation analyzed the comments that you made in your letter.

All measures of the Program (designed to minimize, mitigate, or avoid impacts) are conditions for participation in the Program as stated throughout the MND including page 68. Also, as stated throughout the MND, including pages 7, 8, 30, 32, 53, if an applicant refuses to agree to these conditions and/or the project does not comply with the Program, the applicant and respective project will be prohibited from participating in the Program.

The mechanisms in place for all projects under this Program to ensure project participants avoid effects on sensitive/listed species include, but are not limited to; reconnaissance surveys (see pages 41, 42, and 67 in the MND). These surveys include, for example, searching the California Natural Diversity Data Base (CNDDB), reviewing reports of other projects conducted in nearby areas, and visiting potential project sites to determine if suitable habitat exists for species. Additionally, detailed pre-project surveys will be required for all individual projects and would be conducted by a qualified biologist or professional at the appropriate period. In the case of CNPS listed plants, for example, on-the-ground floristic surveys will be conducted during the appropriate blooming period to determine presence of any such species. Appropriate protocols established by the DFG, USFWS, and other agencies for the presence of burrowing owls, California red-legged frogs, and other sensitive/listed species will also be required. The document states that a qualified biologist or professional will strictly adhere to all agreed-upon survey protocols for all state sensitive/listed species (see pages 41, 42, 43, 65, 67). (Note also that any project in Tier III or IV under the Program would require detailed surveys to be conducted by a qualified biologist or professional approved by USFWS, NMFS and/or DFG as stated throughout the document.)

Should sensitive/listed species or CNPS plants be found, then avoidance and minimization measures will be implemented to prevent "take" of such species (see page 65 in the MND). These practices are/will be listed in the conditions of the MOU between the RCD and DFG (see pages 48 and 65) and have been added to the Cooperator Agreement form.

Project specific surveys, as stated throughout the MND including pages 33, 39 through 43, 46, 63, 65 through 68, and 75, will be conducted to determine the presence of any fully protected or other sensitive/listed species. As stated on pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75 if any such species are determined to be present, measures will be implemented to minimize, mitigate, or avoid impacts to those species. If any impacts cannot be implemented to a less than significant level or if "take" of state sensitive/listed species would occur as a result of the project, then that project would NOT be eligible or allowed to participate in the program. As stated on page 75 of the MND, no take of Fully Protected species (listed under the California Endangered Species Act) would occur under this Project.

If a sensitive/listed species is assumed to be present, measures stated on pages 14, 23, 43, 44, 46, 63 through 70, 74, and 75 to avoid that species will be included as enforceable conditions under the MOU with DFG and the MND.

As also explained in the MND on pages 31, 32, 33, 42, 48, 63, and 78, if a sensitive/listed species or habitat is present, the project automatically moves to Tier III. Tier III projects will be surveyed by qualified experts approved by DFG, NMFS or USFWS as stated in the MND on pages 41, 42, 43 and 65. When sensitive/listed species habitat is present, species are assumed to be present. All conditions concerning sensitive/listed species apply to any plant or animal that qualifies under CEQA Section 15380 regarding endangered, rare or threatened species.

Additionally, for projects to qualify under the Program, the project shall result in an environmental benefit for wildlife, native plants, water, and/or soil. Environmental benefits are described for each of the 18 conservation practices (projects) covered by the Program and found on pages 9 through 27 in the MND.

The MND, on pages 7 and 53, identifies areas and habitats that would be excluded under this program, which include but are not limited to, vernal pools, lands and submerged areas under direct jurisdiction of the California Coastal Commission (such as estuaries, harbors and bays), ocean coastline and beaches, and, any area site that does not comply with all associated practice conditions, limitations and mitigation measures of the Program. In addition, page 60 of the MND identifies many sensitive communities characteristic of SLO County. Projects that might occur in these or other sensitive communities (including those listed on page 64) would be evaluated to determine their overall effect or possible impacts on sensitive/listed species, including the potential loss of habitat. Moreover, avoidance measures as stated on page 64 shall be required. Any project that might occur in such habitats/communities and that would have significant impacts on state sensitive/listed species or those communities would be excluded from the Program. Again, the DFG will be able to review proposed projects and conduct site visits if necessary, and the DFG will have adequate opportunity (which will be incorporated into the MOU) to review projects and can prohibit such projects from participation under the Program. Qualified biologist or professionals would determine the existence of such habitats.

The Program does not result in significant impacts, thus the preparation of an EIR is not an appropriate environmental document to comply with CEQA.

Moreover, pursuant to the provisions stated on page 45, 46, 51, and 68, agencies will be notified of all projects pre-construction and agency staff has the final authority to determine whether individual projects may be included in or excluded from the program. Agency staff would be able to conduct a site visit as well.

In the case of DFG, we anticipate this coverage would be in the form of a MOU between the DFG and RCDs/NRCS whereby the RCDs/NRCS will notify DFG of projects, allowing DFG to comment on those projects as they deem necessary...

All descriptive measures in the MND will be conditions of the project covered by the Program. The conditions, protection measures and limitations described throughout the entire MND are innately built into the Program and are requirements for projects to be implemented under the Program and will be conditions of each project.

If you have any questions, please feel free to contact us.

Sincerely,

Donald J. Funk
Executive Director, USLT RCD

CC Lisa Thompson, Sustainable Conservation
Chuck Pritchard, US-LT RCD
Neil Havlik, CSL RCD
Margy Lindquist, NRCS