CALIFORNIA ENVIRONMENTAL QUALITY ACT "SUBSTITUTE DOCUMENT" REPORT FOR BASIN PLAN AMENDMENT

(RESOLUTION NO. R3-2012-0002)

1) **ADOPT TOTAL MAXIMUM DAILY LOADS FOR FECAL INDICATOR BACTERIA IN THE SANTA MARIA RIVER WATERSHED**
2) **ADD THE SANTA MARIA RIVER WATERSHED (INCLUDING OSO FLACO CREEK SUBWATERSHED) TO THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION**

The California Regional Water Quality Control Board, Central Coast Region (hereinafter Central Coast Water Board) is the Lead Agency under the California Environmental Quality Act (CEQA) for evaluating the environmental impacts of the proposed amendment to the Water Quality Control Plan for the Central Coastal Region (Basin Plan). The proposed amendments are as follows: **(1) Adopt Total Maximum Daily Loads (TMDLs) for Fecal Indicator Bacteria in Santa Maria River Watershed, including Alamo Creek, Blosser Channel, Bradley Canyon Creek, Bradley Channel, Cuyama River, La Brea Creek, Little Oso Flaco Creek, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Oso Flaco Lake, Santa Maria River Estuary and Santa Maria River (herein Santa Maria River Watershed) and (2) Add the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the domestic animal waste discharge prohibition.**

The Secretary of Resources has certified the basin planning process as exempt from certain requirements of CEQA, including preparation of an initial study, negative declaration, and environmental impact report (California Code of Regulations, Title 14, section 15251(g)). As the proposed amendment to the Basin Plan is part of the basin planning process, the environmental information that Central Coast Water Board staff developed for and included with the amendment is considered a substitute to an initial study, negative declaration, and/or environmental impact report.

The "certified regulatory program" of the Central Coast Water Board must satisfy the substantive requirements of California Code of Regulations, Title 23, section 3777(a), which requires a written report that includes a description of the proposed activity (Attachment 2 of this Basin Plan Amendment Package), an alternatives analysis, and an identification of mitigation measures to minimize any significant adverse impacts. Section 3777(a) also requires the Central Coast Water Board to complete an environmental checklist as part of its substitute environmental documentation.

The Central Coast Water Board's substantive obligations when adopting performance standards such as TMDLs are described in Public Resources Code section 21159. Section 21159, which allows expedited environmental review for mandated projects, provides that an agency shall perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable

methods of compliance. The statute further requires that the environmental analysis include, at a minimum, all of the following:

(1) An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
(2) An analysis of reasonably foreseeable mitigation measures to lessen the adverse environmental impacts.
(3) An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation that would have less significant adverse impacts. (Pub. Resources Code, § 21159(a).)

Section 21159(c) requires that the Environmental Analysis take into account a reasonable range of:
(1) Environmental, economic, and technical factors,
(2) Population and geographic areas, and
(3) Specific sites.

A "reasonable range" does not require an examination of every site, but a reasonably representative sample of them. The statute specifically states that the section shall not require the agency to conduct a "project level analysis." (Pub. Res. Code § 21159(d).). Rather, a project level analysis must be performed by the local agencies that are required to implement the requirements of the TMDLs. (Pub. Res. Code § 21159.2.). Notably, the Central Coast Water Board is prohibited from specifying the manner of compliance with its regulations (Porter-Cologne Water Quality Control Act § 13360), and accordingly, the actual environmental impacts will necessarily depend upon the compliance strategy selected by the local agencies and other permittees.

The attached checklist and the staff report for the TMDLs for fecal indicator bacteria in the Santa Maria River Watershed and the Domestic Animal Waste Discharge Prohibition for the Santa Maria River Watershed**,** together with responses to comments and the resolution approving the amendment, fulfill the requirements of California Code of Regulations section 3777, Subdivision (a), and the Central Coast Water Board's substantive CEQA obligations. In preparing these CEQA substitute documents, the Central Coast Water Board considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a tier-one environmental review.

Any potential environmental impacts associated with implementation of the TMDLs depend upon the specific compliance projects selected by the responsible parties, many of whom are public agencies subject to their own CEQA obligations. (See Pub. Res. Code § 21159.2.) There could be adverse environmental impacts if the responsible parties do not properly mitigate the effects at the project level. The CEQA substitute documents identify broad mitigation approaches that should be considered at the project level. Consistent with CEQA, the substitute documents do not engage in speculation or conjecture but rather consider the reasonably foreseeable feasible mitigation measures, and the reasonably foreseeable alternative means of compliance, which would avoid, eliminate, or reduce the identified impacts. The Central Coast Water Board recognizes that there may be project-level impacts that the local public agencies may determine are not feasible to mitigate. To the extent the alternatives, mitigation measures, or both, are not deemed feasible by those agencies, the necessity of implementing the federally required TMDLs and removing the water quality impairment from the Santa Maria River

Watershed (an action required to achieve the national policy of the Clean Water Act) outweigh the unavoidable adverse environmental effects.

1. GENERAL ENVIRONMENTAL COMMENTS

The detailed environmental setting and authority for the proposed amendment, which incorporates Total Maximum Daily Loads and an Implementation Program for fecal indicator bacteria in Santa Maria River Watershed and adds the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the Domestic Animal Waste Discharge prohibition, is set forth in the detailed Project Report entitled, "Total Maximum Daily Load for Fecal Indicator Bacteria for the Santa Maria River Watershed, San Luis Obispo, Santa Barbara and Ventura Counties, California." The Project Report identifies the environmental setting and need for the project.

The Central Coast Water Board has considered potential environmental impacts arising from the reasonably foreseeable means of compliance with the TMDLs and compliance with the Domestic Animal Waste Discharge Prohibition for Santa Maria River Watershed (Pub. Res. Code, §21159(a).). Many of these compliance approaches are already required under existing law. The elevated bacteria indicator densities and continued exceedance of water quality objectives are themselves adverse environmental impacts, as the recreational users—both for contact recreation and for shellfish collection—of these waterbodies will remain at risk during the implementation period for the TMDLs. The TMDLs provide a program for addressing the adverse impacts of non-compliance with water quality objectives through a progressive reduction in the loading of bacteria to the Santa Maria River Watershed and a schedule that is reasonable and as short as practicable.

2. ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐		☒
II. **AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land**				

Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **--Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐		☒
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or	☐	☐	☒	☐

US Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
VII. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
VIII. HYDROLOGY AND WATER QUALITY -Would the project:				

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
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 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
IX. LAND USE AND PLANNING **Would the project:**				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community	☐	☐	☐	☒

conservation plan?				
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally – important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XI. NOISE **Would the project result in:**				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental	☐	☐	☐	☒

facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒
XIV. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:				

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
XVII. MANDATORY FINDINGS OF SIGNIFICANCE	☐	☐	☐	☒
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

3. ENVIRONMENTAL EVALUATION DISCUSSION

The Environmental Substitute Document must include an analysis of the reasonably foreseeable environmental impacts of the methods of compliance, and the reasonably foreseeable mitigation measures relating to those impacts.

A significant effect on the environment is defined in regulation as "*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant* (14 CCR section 15382)."

I. AESTHETICS -- Would the project:
(a) – Have a substantial adverse effect on a scenic vista?
Answer: No impact.

Responsible parties could choose one, all, or none of the following strategies to comply with required implementation. They may:

- install linear barriers to corral or exclude livestock or other domestic animals
- create structures such as manure bunkers or berms to prevent livestock waste from entering surface waters
- replace or maintain sewer lateral and main line connections
- install dry weather diversions
- create bioretention cells or grassy swales for low impact development.

Reasonably foreseeable implementation strategies may require largely underground, or low to the ground, structures to be developed or repaired. These structures would not block scenic vistas. Above ground structures such as fences also would not be at a scale large enough to block scenic vistas.

(b) – Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?
Answer: No impact.

Reasonably foreseeable implementation strategies (as described in **(a)** above) do not require the building of structures that would damage natural or human made resources to the extent that it would impede the scenic quality of the area.

(c) – Substantially degrade the existing visual character or quality of the site and its surroundings?
Answer: No impact.

Reasonably foreseeable implementation strategies (as described in **(a)** above) are not of such a nature as to degrade visual character since, as described above, most implementation strategies are carried out underground and those that are above ground are likely to be unobtrusive in their physical characteristics.

(d) – Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Answer: No impact.

Reasonably foreseeable implementation strategies are not of such a nature as to degrade visual character.

II. AGRICULTURE RESOURCES: --**Would the project:**
(a) – Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
(b) – Conflict with existing zoning for agricultural use, or a Williamson Act contract?
(c) – Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
Answer to all of the above questions having to do with Agricultural Resources: No impact.

Staff determined there are no reasonably foreseeable implementation strategies that require a change in zoning, conversion in land use nor do anything to interfere with a Williamson Act contract. Therefore staff determined there would be no impact in terms of Agricultural Resources.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:
(a) – Conflict with or obstruct implementation of the applicable air quality plan?
Answer: No impact.

(b) – Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
Answer: No impact.

(c) – Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
Answer: No impact.

(d) – Expose sensitive receptors to substantial pollutant concentrations?
Answer: No impact.

(e) – Create objectionable odors affecting a substantial number of people?
Answer: No Impact.

IV. BIOLOGICAL RESOURCES -- Would the project:
(a) – Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
Answer: Less than significant impact.

The Central Coast Water Board requires implementation by responsible parties who own property that may contain special-status species. There are 25 special-status species in the Santa Maria River Watershed [California Natural Diversity Database (CNDDB), accessed June 2008]. Some of these species may live in habitats similar to those in areas where implementation is required.

The responsible parties' methods of compliance with implementation requirements are unknown to Central Coast Water Board staff because the Water Board may not specify the manner of compliance with its orders. However, staff can evaluate the potential environmental impacts of reasonable methods of compliance. Livestock owners will likely first implement practices that do not disturb the landscape. For example, implementing parties could position feeding and watering areas away from riparian areas. Other methods may include installing linear barriers to corral or exclude livestock, or other domestic animals. They may also create structures such as manure bunkers or berms to prevent livestock waste from entering surface waters. Staff determined that barrier structures, manure bunkers and berms cover little surface area, and therefore create a low potential for environmental impact. Again, staff anticipates that landowners will first implement measures that do not disturb the landscape, as these methods may be less costly as well as result in less environmental impact. Parties responsible for wastewater collection may replace or maintain sewer lateral and main line connections or create dry weather diversions. Parties responsible for stormwater discharges may create bioretention cells or grassy swales for low impact development. It is likely, however, that parties responsible for stormwater discharges will begin implementation efforts by identifying and reducing fecal sources within the current stormwater system. If land is disturbed as a result of these activities, staff concluded a less than significant impact on special-status species may result as described below.

Construction activities for collection system maintenance may include removing soil/plant cover, and later replacing it. Implementing parties will first use investigative methods to determine where the system maintenance must occur, thereby minimizing soil/plant disturbance. Soil that is amended for creation of bioretention cells or other low impact development strategies, as well as collection system maintenance activities, will most likely occur in areas that are highly urbanized and, therefore, do not have special-status species. Identification and reduction of fecal sources in the current stormwater conveyance system might be accomplished through surveys and surveillance, and will likely not result in impacts to sensitive species and species of concern.

Staff determined it is likely that implementation activities will not occur simultaneously, thereby reducing impacts.

Staff concluded that landowners' methods of compliance may have impacts on special-status species, but these impacts will be less than significant. Also, staff determined that the benefit to water quality by these actions outweighs the less than significant impacts to special-status species.

(b) – Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?
Answer: Less than significant impact.

The Central Coast Water Board requires responsible parties who own property in riparian habitat within the Santa Maria River Watershed to comply with implementation requirements. The method responsible parties will choose to comply with implementation requirements is unknown to Central Coast Water Board staff because the Water Board may not specify the manner of compliance with its orders. However, staff can evaluate the potential environmental impacts of reasonable methods of compliance. Livestock owners will likely first implement practices that do not disturb the landscape. For example, implementing parties could position feeding and watering areas away from riparian areas. Other methods may include installing linear barriers to corral or exclude livestock, or other domestic animals. They may also create structures such as manure bunkers or berms to prevent livestock waste from entering surface waters. Staff determined that barrier structures, manure bunkers and berms cover little surface area, and therefore create a low potential for environmental impact. Furthermore, staff anticipates that landowners will first implement measures that do not disturb the landscape, as these methods may be less costly as well as result in less environmental impact. Parties responsible for wastewater collection may replace or maintain sewer lateral and main line connections or create dry weather diversions. Parties responsible for stormwater discharges may create bioretention cells or grassy swales for low impact development. It is likely, however, that parties responsible for stormwater discharges will begin implementation efforts by identifying and reducing fecal sources within the current stormwater system. If land is disturbed as a result of these activities, staff concluded a less than significant impact on riparian habitat may result.

Staff determined that barrier structures and manure bunkers and berms cover little surface area and therefore create a low potential for environmental impact. Furthermore, livestock owners will likely first implement practices that do not disturb the landscape to the degree that barrier structures, berms and bunkers do. For example, implementing parties could position feeding and watering areas away from riparian areas. The latter foreseeable means of compliance may be less costly as well as result in less environmental impact.

Construction activities for collection system maintenance may include removing soil/plant cover, and later replacing it. Implementing parties will first use investigative methods to determine where the system maintenance must occur, thereby minimizing soil/plant disturbance. Soil that is amended for creation of bioretention cells or other low impact development strategies, as well as collection system maintenance activities, will most likely occur in areas that are highly urbanized and, therefore, do not have significant riparian habitat or other sensitive natural communities. Identification and reduction of fecal sources in the current stormwater conveyance system might be accomplished through surveys and surveillance, and will likely not result in impacts to significant riparian habitat and sensitive natural communities.

Staff also determined it is likely that implementation activities will not occur simultaneously, thereby reducing impacts.

Staff determined the activities landowners choose for compliance may have impacts on riparian habitat, but these impacts will be less than significant. Also, staff determined that the benefit to water quality by these actions outweighs the less than significant impacts to riparian habitat and sensitive natural communities.

(c) – Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
Answer: No impact.

(d) – Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
Answer: No impact.

Reasonably foreseeable implementation strategies will not substantially interfere with migration of fish because implementation strategies are not required in the water of the Creeks. Also, reasonably foreseeable compliance would not be of a scale large, contiguous, or numerous enough to block migration or use of wildlife nursery sites.

(e) – Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
Answer: No impact.

(f) – Conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
Answer: No impact.

V. CULTURAL RESOURCES -- Would the project:
(a) –Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

(b) –Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

(c) –Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

(d) –Disturb any human remains, including those interred outside of formal cemeteries?

Answer to all of the above questions having to do with Cultural Resources: No Impact.

Staff concluded reasonably foreseeable implementation that occurs underground, if at all, will take place in areas that were already disturbed and contain sewer mains and/or other pipes, with a couple of exceptions. Implementation strategies that involve digging of a hole for a fence post to contain livestock may disturb previously unexcavated soil. However, the volume of soil excavated for post-holes is not significant and, therefore, does not pose a significant threat to cultural resources. Additionally, it is more probable that livestock owners will choose methods of compliance that are less costly than fencing a great length of ground, e.g. moving food and water sources away from riparian areas, which of course results in minimal excavation, if any. In the event cultural resources are discovered, staff does not expect a substantial adverse change in significance of the resources, destruction of unique cultural resources, or the disturbance of human remains. Staff based this conclusion on the small-scale operation of digging a new fence post hole, and because the fence post could be resited if cultural resources are found.

VI. GEOLOGY AND SOILS -- Would the project:

(a) – Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
ii. Strong seismic ground shaking
iii. Seismic-related ground failure, including liquefaction?
iv. Landslides?

Answer: No impact.

Staff determined that reasonably foreseeable implementation strategies will not have potential adverse effects as described above, due to the small scale of the projects. Although some implementation strategies could potentially occur below ground, they are not to such a depth or on such a slope, or at such a scale as to result in the conditions described in the questions.

(b) – Result in substantial soil erosion or the loss of topsoil?
Answer: No impact.

For implementation strategies that necessitate soil removal, staff expects topsoil to be replaced and erosion to be minimal. Because erosion is predicted to be minimal and not substantial staff reasoned there will be no impact.

(c) – Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
Answer: No impact.

Staff determined the reasonably foreseeable implementation strategies will not occur at such a scale as to cause soil instability, landslides, subsidence, liquefaction, or collapse.

(d) – Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
Answer: No impact.

Implementation of this project should not result in building new structures intended for human occupancy.

(e) – Have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of waste water?
Answer: No impact.

Staff did not conclude that septic systems are causing exceedance of water quality objectives for the TMDL. However, if during the implementation phase staff determined that septic system failure was causing exceedances, a reasonably foreseeable implementation strategy would include siting a new onsite system or siting an alternative system. The siting process will indicate the appropriate location for the septic or

alternate systems. Properly sited locations have soils that adequately support the waste-water disposal. New onsite systems are subject to state and/or local permitting requirements, and must be in compliance with requirements that are intended to be protective of water quality and prevent nuisance. Because the reasonably foreseeable implementation strategies include maintaining or providing alternate septic systems, they would not result in soils incapable of supporting these systems. Furthermore, staff concluded that other reasonably foreseeable implementation strategies should not result in jeopardizing soil for the use of septic or alternate systems.

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

Staff determined that there are no reasonably foreseeable methods of compliance that use or produce hazardous waste, or that would generate hazardous conditions. Therefore staff determined there would be no impact in terms of Hazards and Hazardous Materials.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:
(a) – Violate any water quality standards or waste discharge requirements?
Answer: Less than significant impact.

When replacing or repairing sanitary collection system lines or private laterals or constructing dry weather diversions, staff determined it is possible that sewage could be released. Staff determined this would result in a less than significant impact on the potential for violation of water quality standards or waste discharge requirements for the following reasons. Mitigation measures such as containment structures and absorption materials are available to reduce transfer of these substances. Staff also concluded that the individuals performing these repairs will be working under conditions that avoid such spills.

(b) – Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
(c) – Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
(d) – Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Parties responsible for stormwater discharges may create bioretention cells or grassy swales for low impact development. It is likely, however, that parties responsible for stormwater discharges will begin implementation efforts by identifying and reducing fecal sources within the current stormwater system. These implementation activities will likely not affect hydrology.

(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?
Answer to above questions **(b)** through **(e)** having to do with Hydrology and Water Quality**:** No impact.

Staff concluded that reasonably foreseeable implementation strategies that could be developed would cause improved water quality and should not substantially degrade water quality, violate water quality standards, deplete groundwater supplies, alter drainage patters, or increase runoff.

(f) – Otherwise substantially degrade water quality?
Answer: Less than significant impact.

When replacing or repairing sanitary collection system lines, or constructing dry weather diversions, staff determined it is possible that sewage or gasoline/oil from earth moving or construction machinery may be released. Staff determined this would result in a less than significant impact on water quality for the following reasons. Mitigation measures such as containment structures, absorption materials, and drip pans are available to reduce transfer of these substances. Also, staff surmised that the individuals performing these repairs will be working under conditions to avoid such spills. Therefore, staff concluded that the amount of sewage or gasoline/oil released to surface waters would be minimal, if any.

When landowners build a fence or animal containment structure or perform collection line activities, there is the possibility of soil disturbance resulting in sediment discharge into surface waters. Staff determined this is also a less than significant impact because techniques such as shoring, piling, and soil stabilization can mitigate potential short-term impacts due to sediment discharge. Therefore staff concluded that the amount of sediment released would be minimal, if any.

(g) – Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
Answer: No impact.

Reasonably foreseeable implementation strategies should be developed to improve water quality and should not substantially increase the chances of risk of loss, injury, or death involving flooding, or increase the chance of tsunami or mudflow. Also, no housing should be developed as a result of the implementation strategies therefore none will be placed within a 100-year flood hazard area.

(h) – Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
Answer: Less than significant impact.

Staff surmised that there is a possibility of construction of a fence or animal containment structure barrier in the 100-year flood plain. However, because some of these structures, such as fences, are open (lacking a solid surface); staff determined the structures are expected to have a less than significant impact on flow. Furthermore, staff concluded that fences or containment structures that are properly sited and designed in order to not impede flood flows can mitigate the impacts of these structures.

(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?
Answer: No impact. See (g) above.

IX. LAND USE AND PLANNING-- Would the project:
(a) – Physically divide an established community?
Answer: No impact.

The reasonable foreseeable methods of compliance include providing livestock feed and watering areas away from surface waters, identification and reducing loading of fecal sources in stormwater, and identifying and rectifying maintenance issues in wastewater collection systems. Staff determined that the reasonably foreseeable methods of compliance should not divide a community because they are individual in nature and will not be at a large enough (community-sized) scale.

(b) – Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
Answer: No impact.

Staff determined the reasonably foreseeable compliance measures are small-scale and should not conflict with land use, policy, or regulation of an agency with jurisdiction over the project, adopted for mitigation purposes. All locations in which implementation would take place already have designated land uses which would not change.

(c) – Conflict with any applicable habitat conservation plan or natural community conservation plan?
Answer: No impact.

Staff determined that reasonably foreseeable implementation strategies should not conflict with any applicable habitat conservation plan or natural community conservation plan.

X. MINERAL RESOURCES -- Would the project:
(a) – Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

(b) – Result in the loss of availability of a locally –important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
Answer to all of the above questions having to do with Mineral Resources**:** No impact.

Staff concluded that there are no locally known valuable mineral sources in the region and therefore important mineral recovery sites should not be lost. Furthermore, reasonable foreseeable implementation measures should not preclude the mining of mineral resources.

XI. NOISE -- Would the project result in:
(a) – Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Answer: No impact.

The magnitude and duration of noise caused by reasonably foreseeable compliance measures is unknown and speculative. Staff determined the required activities that may result in an increase in noise will take place regardless of the requirements of the implementation plan. Staff concluded these types of activities (digging for replacement or repair of sewer lines, etc.) should be in compliance with the local general plan and/or noise ordinance, e.g., time of day activity occurs, level of truck idle, etc.

(b) – Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
Answer: No impact.

The magnitude and duration of groundborne vibrations and noise levels caused by reasonably foreseeable compliance measures is unknown and speculative. Staff determined the required activities that may result in an increase in noise will take place regardless of the requirements of the implementation plan. Staff concluded these types of activities (replacement, repair of sewer lines, etc.) should be in compliance with the local general plan and/or noise ordinance, e.g., time of day activity occurs, level of truck idle, etc.

(c) – A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
Answer: No impact.

Staff concluded increased noise levels due to compliance measures will not be permanent.

(d) – A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
Answer: Less than significant impact.

During construction of animal structures or repair of collection system lines/laterals, installation of dry weather diversions or installation of low impact development strategies, staff concluded there may be a brief period when the noise level is increased due to earth moving or construction machinery. Noise may also increase as a result of an increase in traffic due to work on collection system lines under roadways. Staff concluded this is a less than significant impact for the following reasons. Temporary noise impacts can be mitigated by implementing noise abatement procedures, for example, standard construction techniques such as sound barriers, mufflers, and restricted hours of operation. Appropriate mitigation measures should be evaluated when specific projects are determined.

(e) – For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
Answer: No impact.

Staff concluded reasonably foreseeable compliance measures will not result in excessive noise levels.

(f) – For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
Answer: No impact.

Staff concluded reasonably foreseeable compliance measures will not result in excessive noise levels.

XII. POPULATION AND HOUSING -- Would the project:
(a) – Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
(b) – Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
(c) – Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
Answer to all of the above questions having to do with Population and Housing: No impact.

Staff determined the reasonably foreseeable implementation strategies should not induce substantial population growth. The reasonably foreseeable implementation strategies do not include construction of new houses or businesses, or extension of roads or introduction of infrastructure, nor would they indirectly instigate such. There also should be no need to displace existing housing. The reasonable foreseeable methods of compliance include providing livestock feed and watering areas away from surface waters, identification and reducing loading of fecal sources in stormwater, and identifying and rectifying maintenance issues in wastewater collection systems.

Therefore staff determined there would be no impact in terms of Population and Housing.

XIII. PUBLIC SERVICES
(a) – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
Fire protection?
Police protection?
Schools?
Parks?
Other public facilities?

Answer to all of the above questions having to do with Public Services: No impact.

Staff determined there are no reasonably foreseeable implementation strategies whose construction would cause environmental impacts when maintaining acceptable service ratios and response times. Reasonably foreseeable implementation strategies should not impede services. Staff concluded that if roadways must be excavated for collection system maintenance, for example, access to and through that roadway for emergency vehicles should be maintained. Fences, if installed, will likely be constructed in areas that are not currently used as access for fire or police protection or that are not part of a park or school. If a fence is constructed at a park, it would likely surround the park and not impede its use as a park. Therefore staff determined there would be no impact in terms of Public Services.

XIV. RECREATION:
(a) – Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

(b) – Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Answer to both of the above questions having to do with Recreation: No impact.

Staff determined that reasonably foreseeable implementation measures do not include the construction of recreational facilities nor do they increase population in the area; therefore, they will not increase use of existing recreational facilities. Thus, staff determined that there will be no impact in terms of recreation.

XV. TRANSPORTATION/TRAFFIC -- Would the project:
(a) – Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
Answer: Less than significant impact.

Staff concluded that during construction, there may be a brief period when traffic congestion will increase due to the need to access collection system lines located in roadways. Staff determined that potential impacts would be less than significant because potential impacts could be reduced by limiting or restricting hours of construction so as to avoid peak traffic times and by providing temporary traffic signals and flagging to facilitate traffic movement.

(b) – Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
Answer: No impact.

Changes in traffic due to activities to install implementation measures should not exceed the service standard level established by the county as these types of activities currently occur and the County's level of service standard should allow for the activities.

(c) – Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
Answer: No impact.

Staff concluded there should be no change in air traffic patterns due to the reasonably foreseeable implementation strategies, because the strategies in no way either increase or decrease air traffic and structures should not be tall enough to have an affect on the flight of an airplane.

(d) – Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
Answer: No impact.

Traffic hazards will not substantially increase, as the activities necessary for carrying out the implementation strategies are currently taking place. Therefore design features coming as a result of the activities would exist regardless of these activities.

(e) – Result in inadequate emergency access?
Answer: No impact.

Staff determined reasonably foreseeable implementation strategies should not impede emergency access. Staff concluded that if roadways must be excavated for collection system maintenance, for example, access to and through that roadway for emergency vehicles should be maintained. Fences will likely be constructed in areas that are not currently used as access for fire or police protection or that are not part of a park or school.

(f) – Result in inadequate parking capacity?
Answer: Less than significant impact.

Staff surmised that a parking lot could potentially be blocked due to implementation strategy construction, particularly construction occurring in roadways. However, the magnitude of the blockage is speculative at best; therefore, staff determined this is a less than significant impact.

(g) – Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
Answer: Less than significant impact.

Staff surmised that alternate transportation infrastructure could potentially be blocked due to implementation strategy construction, particularly construction occurring in roadways and in urban areas. However, the magnitude of the blockage is speculative at best; therefore, staff determined this is a less than significant impact.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:
(a) – Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
Answer: No impact.

Staff concluded reasonably foreseeable compliance measures would be within all wastewater treatment requirements of the Central Coast Water Board because any compliance measure having to do with a treatment facility would be permitted by the Central Coast Water 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?
Answer: No Impact.

Staff concluded that the reasonably foreseeable compliance measures would not require construction or expansion of new wastewater treatment facilities. Therefore staff determined at this time there would be no impact.

(c) – Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Answer: No impact.

Staff determined that because potential strategies to ameliorate the effects of stormwater are many and staff does not know what strategy will be chosen, it is difficult to determine the severity of impacts. However, because stormwater infrastructure is already in place, staff does not anticipate that large-scale construction will occur. There may be the need to install dry-weather diversions or modify existing drainage infrastructure. Staff expects these activities will not result in a significant environmental effect. Also, stormwater discharges are typically subject to Water Board permitting requirements that require protection of water quality and prevention of nuisance.

(d) – Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
Answer: No impact.

Staff determined that reasonably foreseeable implementation strategies should not require an increase in water supply.

(e) – Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
Answer: No impact.

Should connection to an existing wastewater treatment plant be necessary, consultation with the treatment plant will determine if capacity is adequate. If capacity is not adequate, the parties needing wastewater treatment should develop an alternate plan for treatment of their wastewater.

(f) – Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
Answer: No impact.

Staff determined reasonably foreseeable implementation strategies should not require solid waste disposal.

(g) – Comply with federal, state, and local statutes and regulations related to solid waste?
Answer: No impact.

Staff determined reasonably foreseeable implementation strategies should not require solid waste disposal.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE
(a) – Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
Answer: Less than significant impact.

The Central Coast Water Board requires implementation by responsible parties who own property that may contain special-status species. There are approximately 25 state and federally listed endangered, threatened, or rare species of animals and plants in the Santa Maria River Watershed project area based on a screening-level review of the Department of Fish and Game California Natural Diversity Database, accessed June 2008. Some of these species may live in habitats similar to those in areas where implementation is required.

The method responsible parties will choose to comply with implementation requirements is unknown to Water Board staff because the Water Board may not specify the manner of compliance.

Staff determined it is likely that implementation activities will not occur simultaneously, thereby reducing impacts. Additionally, staff noted that landowners may disturb the land on their properties, including building fences or other buildings for other reasons, regardless of Water Board implementation requirements. Furthermore, staff concluded that where implementation activities are subject to state or local approval, such approvals would be subject to CEQA review. Staff concluded responsible parties should

first consult with resource agencies such as the California Department of Fish and Game to determine if an impact on special-status species is likely to occur. If the agencies determine an impact is likely, they should advise responsible parties as to the best strategies to reduce impacts on these resources.

Further, this TMDL does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code section 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. section 1531 to 1544). If a "take" will result from any act addressed in this TMDL, the applicant shall obtain authorization for the take prior to construction or operation of the project. The applicant shall be responsible for meeting all requirements of the applicable Endangered Species Act for any project associated with this TMDL.

Staff determined the landowners' methods of compliance may have impacts on special-status species, but these impacts will be less than significant. Staff determined the landowners' methods of compliance may have impacts on riparian habitat, but these impacts will be less than significant.

(b) – Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
Answer: No impact.

Staff concluded that due to the benign nature of the reasonably foreseeable compliance measures and the insignificance of permanent changes to the environment, such as fences, there should be no cumulative considerable impacts. Staff is developing three other TMDLs for nutrients, pesticides, and salts in the Santa Maria Watershed. These three TMDLs will be implemented with management practices that are different than management practices associated with fecal indicator bacteria. Because these management practices are not similar, they will not act synergistically and therefore, staff does not anticipate any cumulative impacts.

(c) – Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
Answer: No impact.

Staff concluded that due to the benign nature of the reasonably foreseeable compliance measures and because the compliance measures should help human beings experience better health (through potentially reduced numbers of health violations) there should be no substantial adverse effects on human beings

4. ALTERNATIVES ANALYSIS DISCUSSION

The following section discusses the preferred alternative (i.e., adoption of these proposed Total Maximum Daily Loads and basin plan prohibitions), a No Action alternative, and other alternatives.

a. Preferred Alternative

The Preferred Alternative is adoption of Total Maximum Daily Loads (TMDLs) for fecal indicator bacteria in Santa Maria River Watershed, and adding the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the Domestic Animal Waste Discharge Prohibition. Fecal indicator bacteria are used as indicators for the presence of pathogenic organisms. Pathogen indicator organism load is allocated to responsible parties and requires load reductions to achieve water column concentrations. Implementation of actions and monitoring will occur pursuant to terms of NPDES or WDR permits and/or local or federal agency environmental review and conditions; the Santa Maria River Waste Discharge Prohibitions (domestic animal waste); and monitoring and reporting requirements issued by the Central Coast Water Board Executive Officer through the California Water Code. Central Coast Water Board staff will conduct reviews to evaluate the success of implementation actions aimed at reducing loading to achieve the allocations. Implementation is required pursuant to existing regulatory mechanisms and/or authority. A period of 15 years of implementation is the anticipated time required to achieve the allocations necessary to achieve the TMDLs. Staff determined that at the most, less than significant impacts could potentially occur as a result of this preferred alternative.

b. No Action Alternative

The Central Coast Water Board will not require implementation or monitoring. Assuming the responsible parties do not take action on their own, water quality will remain poor and the TMDLs will not be achieved. Furthermore, beneficial uses in the Santa Maria River Watershed will continue to go unprotected.

c. Alternative – Eliminate Activities Contributing to Discharge

Require responsible parties to be in compliance with the TMDLs. Responsible parties would eliminate all activities that contribute to discharge. It is difficult to estimate the level of impact since staff does not know what methods parties would choose to comply. However, staff concluded responsible parties may choose to:
(1) eliminate their use of sewer lines/laterals and install decomposing toilets and gray water systems instead.
(2) relocate their homes, or
(3) sell or move their farm animals/livestock.

Staff concluded it is highly unlikely that responsible parties will choose these methods of compliance as they may represent a financial hardship. Also, moving to a new location/watershed may represent family, school, and employment disruption in addition to financial hardship.

_____
Signature

_____
Date