

DRAFT Subsequent Environmental Impact Report

Draft Conditional Waiver
of
Waste Discharge Requirements
for
Discharges from Irrigated Lands,

Order No. R3-2011-0006



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November 19, 2010

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California Regional Water Quality Control Board

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DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FROM IRRIGATED LANDS, DRAFT ORDER NO. R3-2011-0006 November 19, 2010

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is the lead agency under the California Environmental Quality Act (CEQA) with respect to adoption of a Conditional Waiver of Waste Discharge Requirements for Irrigated Lands, Order No. R3-2011-0006 (2011 Agricultural Order). In 2004, the Central Coast Water Board adopted Order No. R3-2004-0117, conditionally waiving waste discharge requirements for discharges from irrigated lands (2004 Agricultural Order). At that time, the Board adopted a Negative Declaration under CEQA. In 2011, the Board will consider renewal of the 2004 Agricultural Order. In anticipation of renewing the 2004 Agricultural Order, staff completed a checklist and held scoping meetings. To support adoption of a renewed waiver, the staff prepared a draft Subsequent Environmental Impact Report (Draft SEIR) pursuant to CEQA Guidelines (Cal. Code Regs., tit 14, § 15162(a)(1.)) to evaluate potentially significant environmental effects that could result from revisions to the 2004 Agricultural Order. The staff issued a notice of preparation to the Office of Planning and Research and to each responsible and trustee agency in compliance with the CEQA Guidelines (Cal. Code Regs., tit.14 § 15082(a)(1). Concurrently with the public notice of the draft 2011 Agricultural Order, the Central Coast Water Board is providing notice and an opportunity to comment on this Draft SEIR. The Central Coast Water Board will use the 2004 Negative Declaration and this SEIR as the environmental analysis under CEQA for the proposed project, which is the renewal of the 2004 Agricultural Order with revisions.

Roger Briggs, Executive Officer

Date:

**DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FROM
IRRIGATED LANDS, DRAFT ORDER NO. R3-2011-0006
November 19, 2010**

Table of Contents

1.	Introduction	1
2.	Project Description	2
2.1.	Project Purpose	2
2.2.	Regulatory Requirements	2
2.3.	Project Location	2
2.4.	Description of the Project (Renewed Order)	3
3.	CEQA Authority for the Subsequent Environmental Impact Report	3
4.	Potential Impacts.....	7
4.1.	Agricultural Resources	8
4.1.1.	Introduction	8
4.1.2.	Williamson Act and Farmland Security Zone Contracts	10
4.1.3.	Analysis	11
4.2.	Biological Resources	14
4.2.1.	Introduction	14
4.2.2.	Endangered Species Act	15
4.2.3.	Analysis	17
4.3.	Mandatory Findings of Significance	23
5.	Discussion of Climate Change	24
6.	Discussion of “No Impacts” Finding.....	24
7.	Public Comments	25
8.	Alternatives	25
8.1.	No Project Alternative	26
8.2.	Renewing Existing 2004 Agricultural Order for Five Years	26
8.3.	Adoption of Waste Discharge Requirements or Prohibitions.....	26
8.4.	Alternatives Submitted by Agricultural Groups.....	26
8.4.1.	Alternative Proposed by the California Farm Bureau Federation.....	27
8.4.2.	Alternative Proposed by OSR Enterprises, Inc.	27
8.5.	Alternative Submitted by Environmental Defense Center, Monterey Coastkeeper, Ocean Conservancy, Santa Barbara Channelkeeper, SurfRider Foundation - Santa Barbara Chapter.....	27
9.	Cumulative Impacts.....	28
10.	Conclusions.....	28
11.	References	28

Table of Figures

Figure 1. Map showing project area (irrigated agricultural lands are shown in white within shaded areas within region 3 boundary). Irrigated agricultural lands are identified from prime, state and unique farmland, as identified by the Farmland Mapping and Monitoring Program (FMMP) dataset, 2008. 3

Table of Tables

Table 1. Changes in Environmental Checklist from 2004 Agricultural Order to the 2011 draft Agricultural Order. 7

Table 2. Threatened or endangered species that occur on irrigated agricultural lands within the Central Coast Region 18

List of Acronyms and Abbreviations

This report contains many acronyms and abbreviations. In general, staff wrote an acronym or abbreviation in parentheses following the first time a title or term was used. Staff wrote the acronym/abbreviation in place of that term from that point throughout this report. The following alphabetical list of acronyms/abbreviations used in this report is provided for the convenience of the reader:

2004 Agricultural Order	Conditional Waiver of Waste Discharge Requirements from Irrigated Lands, Order No. 2004-0117
2011 Agricultural Order	Conditional Waiver of Waste Discharge Requirements from Irrigated Lands, Order No. R3-2011-0006
CCAMP	Central Coast Ambient Monitoring Program
CDPH	California Department of Public Health
Central Coast Water Board	Central Coast Regional Water Quality Control Board
CEQA	California Environmental Quality Act
CMP	Cooperative Monitoring Program
CNDDDB	California Natural Diversity Data Base
CWC	California Water Code
DPR	Department of Pesticide Regulation
DWR	Department of Water Resources
FMMP	Farmland Mapping and Monitoring Program
MCL	Maximum Contaminant Level
MPA	Marine Protected Areas
MRP	Monitoring and Reporting Program
NTU	Nephelometric Turbidity Units
RCDMC	Resource Conservation District of Monterey County
SEIR	Subsequent Environmental Impact Report
UCCE	University of California Cooperative Extension

1. Introduction

In July 2004, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board or Board) adopted a Conditional Waiver of Waste Discharge Requirements from Irrigated Agricultural Lands (2004 Agricultural Order) for that Order. On July 8, 2010, the Board renewed the 2004 Agricultural Order without any substantive revisions. The Central Coast Water Board is proposing to renew the 2004 Waiver with revisions by the end of March of 2011. The proposed draft 2011 Agricultural Order is intended to clarify the 2004 Waiver and add some new conditions¹. Staff released a preliminary draft Agricultural Order in February 2010. Since February, staff has made additional revisions to the preliminary draft Agricultural Order and will release a revised proposed draft 2011 Agricultural Order on November 19, 2010. The Central Coast Water Board plans to consider adoption of a 2011 Agricultural Order at its March 17, 2011 meeting.

The Central Coast Water Board is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000 *et seq.*) for purposes of approval of the waiver of waste discharge requirements for discharges of waste from irrigated lands. In July 2004, the Board adopted a Negative Declaration² prior to adoption of the 2004 Agricultural Order. CEQA and the CEQA Guidelines state that when a Negative Declaration has been adopted for a project, no subsequent environmental impact report (SEIR) shall be prepared for the project unless the lead agency determines that, among other reasons, changes are being proposed in the project that could involve an increase in the severity of environmental effects identified in the Negative Declaration. (Cal. Code Regs., tit 14 § 15162(a)(1).)

The Central Coast Water Board staff held a CEQA scoping meeting on August 16, 2010 in order to receive input from the public on potentially significant environmental effects of the proposed project. Staff also accepted written comments up until August 27, 2010 in order to allow for comments from those that were unable to attend the meeting and/or for those who wished to submit additional comments. Members of the public and agencies provided comments regarding their views on significant environmental effects associated with compliance with the draft Agricultural Order.

Staff prepared an environmental checklist and considered the comments received at the August 16, 2010 scoping meeting, and comments submitted with respect to renewal of the Order. The comments did not identify any new environmental effects that had not already been addressed in the 2004 Negative Declaration evaluated all of the potential environmental effects that have been identified by staff or in comments received regarding renewal of the Order. Based on the comments received and the proposed revisions to the

¹ http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

² http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2004/july/item3/index.shtml (see attachment 1 for the Initial Study and Negative Declaration)

Order, staff identified two areas where there is a potential for an increase in the severity of environmental effects previously identified. These areas are the potential for more severe impacts on agricultural resources due to the potential for an increase in the use of vegetated buffer strips that could take some land out of direct agricultural use and on biological resources due to the potential for a reduction in water flows in surface waters. This SEIR evaluates those potential environmental effects. The SEIR concludes that the environmental effects associated with the proposed draft 2011 Agricultural Order may actually not be significant but that due to the uncertainty associated with evaluating the available information, the staff found that it is appropriate to provide this information to the public and to the Central Coast Water Board so that it can make an informed decision.

2. Project Description

2.1. *Project Purpose*

The purpose of this project is to renew the 2004 Agricultural Order with revised conditions. The proposed draft 2011 Agricultural Order (Order No. R3-2011-0006) would regulate discharges of waste from irrigated agricultural lands in a manner protective of water quality and consistent with the Porter-Cologne Water Quality Control Act (Wat. Code Div. 7) and associated plans and policies.

2.2. *Regulatory Requirements*

Discharges of waste from irrigated agricultural activities are subject to regulation under the California Water Code (CWC). CWC Section 13260 requires those persons discharging waste or proposing to discharge waste where it could impact the quality of waters of the state to submit a report of waste discharge (application) and obtain authorization from the Water Board for the discharge. Discharge authorization can be in the form of waste discharge requirements or a conditional waiver of waste discharge requirements. Historically, discharges from irrigated agricultural activities have been authorized by a conditional waiver of waste discharge requirements, most recently the 2004 Agricultural Order.

2.3. *Project Location*

The proposed draft 2011 Agricultural Order would continue to regulate discharges from agricultural lands throughout the Central Coast Region. The project area encompasses agricultural areas throughout the entire Central Coast Region; including all or portions of San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties (see **Error! Reference source not found..**)

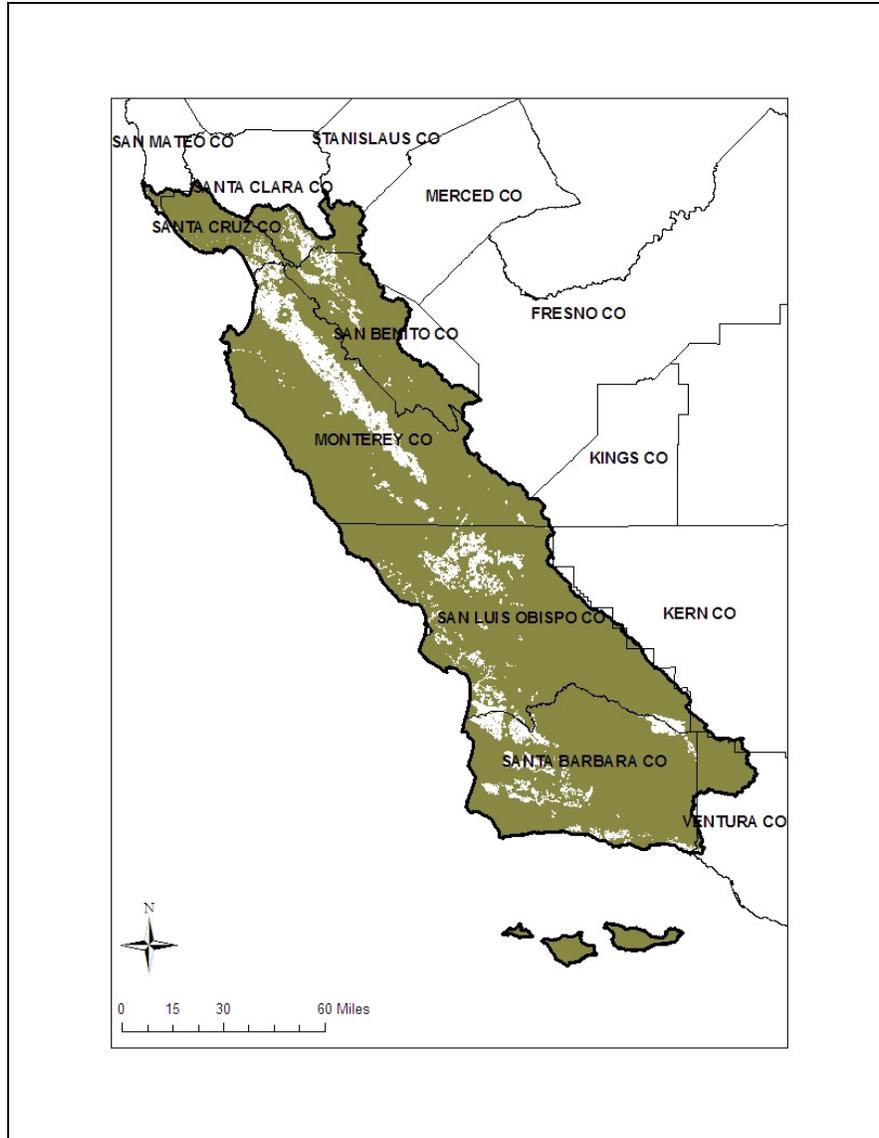


Figure 1. Map showing project area (irrigated agricultural lands are shown in white within shaded areas within region 3 boundary). Irrigated agricultural lands are identified from prime, state and unique farmland, as identified by the Farmland Mapping and Monitoring Program (FMMP) dataset, 2008.

2.4. Description of the Project (Renewed Order)

The proposed draft 2011 Agricultural Order groups farm operations, or dischargers, into three tiers, each tier distinguished by four criteria that indicate threat to water quality: size of farm operation, proximity to an impaired watercourse, use of chemicals of concern, and type of crops grown. Dischargers with the highest threat have the greatest amount of discharge control requirements, monitoring and reporting. Conversely,

dischargers with the lowest threat have the least amount of discharger control requirements, individual monitoring and reporting.

For example, the proposed draft 2011 Agricultural Order proposes the following implementation and reporting requirements:

- Implement pesticide management practices to reduce toxicity in discharges so receiving waterbodies meet water quality standards;
- Implement nutrient management practices to eliminate or minimize nutrient and salt in discharges to surface water so receiving waterbodies meet water quality standards;
- Implement nutrient management practices to minimize fertilizer and nitrate loading to groundwater to meet nitrate loading targets ;
- Install and properly maintain back flow prevention devices for wells or pumps that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system;
- Implement erosion control and sediment management practices to reduce sediment in discharges so receiving water bodies meet water quality standards;
- Protect and manage existing aquatic habitat to prevent discharge of waste to waters of the State and protect the beneficial uses of these waters;
- Implement stormwater runoff and quality management practices.
- Develop, implement, and annually-update Farm Water Quality Management Plans.
- Submit an Annual Compliance Document (for higher threat dischargers) that includes individual discharge monitoring results, nitrate loading risk evaluation and, if nitrate loading risk is high, irrigation and nutrient management plan, verification of irrigation and nutrient management plan effectiveness.
- Submit a water quality buffer plan (for higher threat dischargers), if operations contain or are adjacent to a waterbody identified on the Clean Water Act Section 303(d) List of Impaired Waterbodies as impaired for temperature or turbidity.

Water Board staff developed this order to address the documented severe and widespread water quality problems in the Central Coast Region, predominately unsafe levels of nitrate in ground water used for drinking water and toxicity impairing communities of aquatic organisms.

This proposed draft 2011 Agricultural Order requires dischargers to implement practices or operational changes to reduce pollutant loading to waters of the State in the Central Coast Region. The proposed draft 2011 Agricultural Order requires more specific and measurable tracking and evaluation of effectiveness of practices and more comprehensive water quality monitoring (e.g., individual discharges and groundwater) than the current 2004 Agricultural Order. The proposed draft 2011 Agricultural Order itself and more descriptions of the requirements and changes from the current 2004 Agricultural Order can be found in the Draft Staff Report recommending the Draft Agricultural Order at:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml .

3. CEQA Authority for the Subsequent Environmental Impact Report

The California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, §15162, subd. (a)) specify that when an environmental impact report (EIR) or negative declaration has been prepared, no additional EIR shall be prepared except in these circumstances:

(1) if substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; or,

(2) if substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or

(3) if new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, becomes available.

This regulation applies if there is a modification of a previous project and the Central Coast Water Board determines, on the basis of substantial evidence in the light of the whole record, that one or more of the conditions identified above exists. In this case, the Central Coast Water Board is proposing to renew the 2004 Agricultural Order, which is the previous project, with clarifications and new conditions. The Central Coast Water Board staff reviewed the Negative Declaration prepared for the 2004 Agricultural Order, prepared a new environmental checklist considering proposed revisions to that Order, comments received during the scoping phase including alternatives proposed by interested persons, comments received from agencies, and other information provided in the record. Based on this information, staff determined that the proposed revisions to the 2004 Order could result in an increase in the severity of certain previously identified environmental effects. See Cal. Code Regs, tit. 14, §15162, subd. (a)(1). In particular, members of the public suggested that implementation of some of the proposed new conditions could result in removing land from agricultural use either to install riparian buffer strips or due to financial impacts that make farming not economical. Some public agencies suggested that implementation of some of the proposed new conditions could

result in reduced flows in surface water that could impact aquatic habitat. These environmental effects were previously evaluated in the Negative Declaration for the 2004 Agricultural Order and were found at that time not to be significant. **Error! Reference source not found.** provides a quick overview of the changes with regards to CEQA Environmental Checklist from the 2004 Agricultural Order to the proposed draft 2011 Agricultural Order. These items will be discussed in more detail in Section **Error! Reference source not found.**, **Error! Reference source not found.**. Specific changes proposed to be included in the proposed draft 2011 Agricultural Order can be found at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml .

Table 1. Changes in Environmental Checklist from 2004 Agricultural Order to the 2011 draft Agricultural Order.

CEQA Checklist Item	2004 Agricultural Order	2011 draft Agricultural Order
2. Agricultural 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?	Less than significant impact	Less than significant with mitigation
(c) Involve other changes in the exiting environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	Less than significant impact	Less than significant with mitigation
4. 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?	No impact	Potentially significant impact
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?	No impact	Potentially significant impact
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?	No impact	Potentially significant 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?	No impact	Potentially significant impact
17. 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?	No impact	Potentially significant impact

4. Potential Impacts

This section evaluates changes that could occur in the proposed draft 2011 Agricultural Order that could result in a change in the severity of potential environmental effects compared to those identified in the 2004 Negative Declaration with respect to agricultural resources, biological resources, and mandatory findings of significance.

The approval of the proposed draft 2011 Agricultural Order generally will not result in adverse environmental impacts as contemplated in CEQA. The 2004 Agricultural Order and the renewal of that Order require dischargers to take action to comply with water quality standards, protect beneficial uses, and prevent nuisance. As set forth in the 2004 Negative Declaration, the adoption of an agricultural order requiring compliance with water quality standards will improve the environment, not adversely impact the

environment. However, renewal of and revisions to the 2004 Agricultural Order could result in potentially significant adverse environmental impacts with respect to agricultural resources and biological resources. In particular, with respect to agricultural resources, farmland could be considered to be converted to non-farm uses due to new conditions, such as requiring buffers, or due to economic impacts that result in selling of farmland for other uses. With respect to biological resources, implementation of new management practices that minimize discharge of tailwater or other water from the fields could result in the reduction in flow of water in surface waters that could affect aquatic habitat, including endangered species habitat.

The revisions to the project may, in fact, not result in new more severe environmental impacts. The Water Board staff has not received any specific evidence by commenters and has little evidence in the record to demonstrate conclusively that the proposed draft 2011 Agricultural Order will result in significant adverse environmental effects on agricultural or biological resources. The Water Board staff expects that compliance with the proposed draft 2011 Agricultural Order will result in significant beneficial impacts on the environment. The Water Board must require compliance with water quality standards and consistency with its water quality control plan (Basin Plan). The existing 2004 Agricultural Order and the proposed draft 2011 Agricultural Order set forth conditions to achieve compliance with the water quality standards and the Basin Plan. Compliance with the conditions will result in environmental benefits. As set forth in Water Code section 13360, the Water Board may not specify the manner of compliance with orders of the Board; the discharger may comply with the order in any lawful manner. As a result, the Water Board can only speculate with respect to the extent there could be adverse environmental effects because it is not known with specificity what actions dischargers may take to comply. There is not sufficient information to determine the scope of any changes in environmental effects and any potential impacts are very speculative. In addition, even if all dischargers take the same actions, the adverse environmental impacts may be less than significant. For example, conversion of prime farmland, even if it occurs, may not result in more severe environmental effects depending on the nature of any new use. The use of vegetated buffer strips is expected to produce significant environmental benefits rather than adverse impacts and reduced discharges of water from farmland may not result in significant adverse environmental effects due to the nature of particular water body and or the reduction in discharge of pollutants associated with the reduce discharge of water.

Consistent with the goal of CEQA, this analysis provides information about the potential for adverse environmental effects to provide the Central Coast Water Board with sufficient information to make an informed decision.

4.1. Agricultural Resources

4.1.1. Introduction

This section describes agricultural land uses in the project area and identifies the potential environmental impacts on agricultural resources as a result of implementation of the proposed draft 2011 Agricultural Order. This evaluation focuses on potential impacts with regards to riparian habitat buffers strips but also discusses possible conversion of farmland due to increased costs associated with compliance with the proposed draft 2011 Agricultural Order. (See Appendix F of Draft Staff Report recommending the Draft Agricultural Order for cost info³.)

Agricultural lands within the Central Coast Region account for approximately 540,000 acres of land⁴, according to the State of California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP 2008). The FMMP identifies and maps important farmland throughout California. Farmland categories relevant to this project include:

- *Prime Farmland* is land with the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed in accordance with accepted farming methods. In addition, the land must have been used for irrigated agricultural production in the last 4 years to qualify as Prime Farmland.
- *Farmland of Statewide Importance* is land other than Prime Farmland that has a good combination of physical and chemical characteristics for the production of crops.
- *Unique Farmland* is land that does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, and that has been used for the production of specific high-economic value crops at some time during the two update cycles prior to the mapping date. This land is usually irrigated but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years prior to the mapping date.

Farmland that was *not* considered as part of this project was farmland of local importance because these lands are not irrigated and therefore not included in the Agricultural Order. Each County defines farmland of local importance slightly differently; however, all farm lands of local importance within the Central Coast Region are not irrigated.

- *Farmland of Local Importance* is land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. Each county defines local importance as follows:

³ http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

⁴ 539,284.17 acres according to FMMP 2008 (prime, state and unique farmland). This excludes farmland of local importance because these lands are not irrigated.

- Monterey - The Board of Supervisors determined that there will be no Farmland of Local Importance for Monterey County.
- San Benito - Land cultivated as dry cropland. Usual crops are wheat, barley, oats, safflower, and grain hay. Also, orchards affected by boron within the area specified in County Resolution Number 84-3.
- San Luis Obispo - Local Importance (L): areas of soils that meet all the characteristics of Prime or Statewide, with the exception of irrigation. Additional farmlands include dryland field crops of wheat, barley, oats, and safflower. Local Potential (LP): lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.
- San Mateo - Lands other than Prime, Statewide, or Unique that produce the following crops: oats, Christmas trees, pumpkins, dryland pasture, other grains, and haylands. These lands are not irrigated.
- Santa Barbara - All dryland farming areas and permanent pasture (if the soils were not eligible for either Prime or Statewide). Dryland farming includes various cereal grains (predominantly wheat, barley, and oats), sudan, and many varieties of beans. (Although beans can be high value crops the production areas are usually rotated with grain, hence the decision to include them under Local rather than Unique. Also, bean crop yields are highly influenced by climate, so there can be a wide variance in cash value.)
- Santa Clara - Small orchards and vineyards primarily in the foothill areas. Also land cultivated as dry cropland for grains and hay.
- Santa Cruz - Soils used for Christmas tree farms and nurseries, and that do not meet the definition for Prime, Statewide, or Unique.

Farmland within the Central Coast Region varies from county to county and includes a long list of many crops. Some of the largest income-producing crops include broccoli, lettuces, strawberries and grapes (Monterey County 2009 crop report).

4.1.2. Williamson Act and Farmland Security Zone Contracts

The California Land Conservation Act (Government Code Section 51200 et seq.) of 1965, commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners. The State of California has the following policies regarding public acquisition of and locating public improvements on lands in agricultural preserves and on lands under Williamson Act contracts (Government Code Sections 51290–51295).

(a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefore in agricultural preserves.

(b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.

(c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

Since 1998, another option in the Williamson Act Program has been established with the creation of Farmland Security Zone contracts. A Farmland Security Zone is an area created within an agricultural preserve by a board of supervisors upon the request of a landowner or group of landowners. Farmland Security Zone contracts offer landowners greater property tax reduction and have a minimum initial term of 20 years. Like Williamson Act contracts, Farmland Security Zone contracts renew annually unless a notice of nonrenewal is filed.

4.1.3. Analysis

According to the 2008 California Department of Conservation Report, California Farmland Conversion Report 2004-2006, farm lands in California are decreasing. All counties within the Central Coast region netted a loss in agricultural land during this period with the exception of Santa Clara County. The proposed draft 2011 Agricultural Order does not propose to take agricultural lands out of production. Rather, the draft Order requires growers to comply with the Water Code and the Basin Plan by reducing or eliminating discharges of toxic and other pollutants into surface and groundwater. If

growers do not reduce or eliminate these discharges of pollutants, significant adverse impacts on the beneficial uses of waters of the state, including farming, drinking water, and other uses, are expected to continue.

Consistent with Water Code section 13360, the proposed draft 2011 Agricultural Order does not specify the manner of compliance; dischargers may comply in any lawful manner. Some potential methods of compliance include: riparian habitat buffers and sedimentation basins, which are evaluated below.

Riparian Habitat Buffers

The proposed draft 2011 Agricultural Order would continue to require dischargers to implement management practices and take other actions to protect waters of the state. Riparian habitat buffers are one of the methods of compliance a discharger may use in order to comply with the proposed draft 2011 Agricultural Order. For the purposes of this project, a riparian habitat buffer is a vegetated area that helps to intercept pollutants of concern such as sediment, nutrients and pesticides so that they are not carried to a receiving water. Buffers often shade the receiving water. This can reduce the temperature of the receiving water and is environmentally beneficial for many species. Buffers can also stabilize banks that may be otherwise subject to erosion. Only dischargers posing the greatest threat to water quality (e.g., in Tier 3)⁵ and adjacent to or containing a waterbody impaired by turbidity, sediment or temperature, are required to implement practices, such as buffers, that could result in taking some land out of production.

Dischargers may choose to install riparian habitat buffer strips to comply with the Order, which could result in taking land out of crop production. In general, installing buffers is not expected to have an adverse environmental effect and should have an overall positive environmental impact because buffers will result in eliminating or reducing discharges of waste to waters of the state that have severely impacted the beneficial uses. As discussed further below and in Appendix F of Draft Staff Report recommending the Draft Agricultural Order⁵, if all growers chose to install buffer strips to comply with the Order, approximately 82 to 233 acres or 0.002 to 0.004% of the 540,000 acres of agricultural lands within the Region, would be taken out of production. Given the total number of acres farmed in the Central Coast Region, the impact on acres farmed is not cumulatively significant even if all 233 acres was converted to some other use. This estimate represents the acreage of land that would be taken out of production if *all* growers chose to install riparian habitat buffers and all of those buffers did not yield any agricultural products. The estimate may be less than this because of alternative means of compliance and/or mitigation. Staff does not anticipate agricultural lands being sold and converted to non-agricultural uses (e.g. urban development) as a result of compliance with the proposed draft 2011 Agricultural Order. See discussion below in "Conversion due to economic pressure" below. In addition, mitigation

⁵ See Draft Staff Report recommending the Draft Agricultural Order, Section 3.A. for an explanation of the various tiers. http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

measures are identified in this SEIR that would offset potential impacts of land being taken out of production.

As part of staff's analysis of agricultural resources, staff concluded that riparian habitat buffers have a *less than significant impact with mitigation*. Mitigation measures to make this potential impact less than significant include:

1. Dischargers could choose to install other practices besides buffers to insure turbidity, sediment and temperature water quality standards are met.
2. Dischargers could plant ground cover, berry bushes and/or fruit/nut bearing trees which would serve as both agricultural land as well as a buffer. The land would not be converted to a non-agricultural use because it would still generate economically viable produce, but would function as a buffer. This buffer containing agricultural land would need to meet the requirements of the Agricultural Order.
3. Dischargers could eliminate any activities that cause erosion, generate sediment, or otherwise may cause or contribute to exceedances of water quality standards for turbidity, sediment and temperature, near a waterbody so may not need to install a buffer.
4. Dischargers may choose to install a riparian habitat buffer and find that it decreases erosion on the farm and serves to help maintain soil and sediment on the farm (2000 Information Manual Riparian Vegetation Management for Pierce's Disease in North Coast California Vineyards).

Sedimentation Basins

Sedimentation basins are structures that receive run-off. These basins have the capability to settle out sediment. The water can either percolate into the ground - if they are unlined - or be used for another use. Dischargers may use sedimentation basins on their property as one of the means to comply with the proposed draft 2011 Agricultural Order.

Staff is unaware of how many growers may install sedimentation basins in order to comply with the proposed draft 2011 Agricultural Order. Staff does not anticipate the installation of sedimentation basins taking a large amount of land out of production and does not find this impact to be significant.

Conversion due to economic pressure

Interested persons have submitted comments with regards to the economic pressure the proposed draft 2011 Agricultural Order would place on them. These interested persons speculated that costs of complying with the proposed draft 2011 Agricultural Order may be so high, that a grower would be forced to sell their land. There was also speculation that the land sold may be converted to a non-agricultural use. They did not provide specific evidence that this would, in fact, occur. Staff acknowledges that increased costs associated with monitoring and other management measures may be difficult for many growers. However, staff does not conclude that the costs are going to be so high that it will force agriculture out of business. In addition, there are many

factors, other than costs of environmental compliance, that could result in growers going out of business or selling land, including competition from agriculture in other areas, increases in costs of fertilizers, pesticides and gasoline needed to run operations. There are many different things a grower can do to reduce their costs including, but not limited to:

1. Cooperative monitoring, which would reduce monitoring costs,
2. Eliminate or reduce discharge, which would place them in a lower cost bracket.
3. Convert to non-irrigated agriculture (dryland farming) or grazing, which would exclude the grower from this Order.
4. Growing different crops that generate sufficient revenue to stay in business.
5. Secure cost-sharing or grant-funded resources for conserving agriculture or implementing environmental compliance.

Many of these agricultural lands are in areas that are designated as agricultural lands through City and/or County ordinances. These ordinances typically protect agricultural resources and zoning. Additionally, many of these agricultural lands are in areas directly adjacent to a creek where the land would not be able to be developed into other land uses because of the proximity to a water body. Even if a grower succumbs to economic pressure and is forced to sell their land, the most likely possibility is that the land would be sold to another grower, which would result in a similar environmental impact.⁶ Specific local ordinances are not addressed in this SEIR.

While there may be some economic pressures associated with the proposed draft 2011 Agricultural Order, the effects should be manageable by using various methods of the growers choosing.

In conclusion, while the potential exists that a small percentage of agricultural land may be converted to buffers or sold for other uses; the effects are anticipated to be *less than significant with mitigation*.

4.2. *Biological Resources*

4.2.1. *Introduction*

This section describes potential impacts on vegetation and wildlife with respect to compliance with the proposed draft 2011 Agricultural Order. In general, staff finds that implementation of the Order will have a net positive impact on biological resources, including reduction of pollutants in receiving water and groundwater and overall habitat improvements.

One method of compliance with the draft Order includes reduction or elimination of tailwater, which could reduce surface water flow. Staff finds that a reduction or elimination of tailwater will have a net positive affect on the environment. While staff

⁶ 14 CCR section 15382 - 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.

finds reduction of tailwater will likely be a net positive environmental impact, there may be periods of time where some species could encounter potentially significant adverse environmental effects due to reduced flow. The following section addresses these potential impacts to species due to reduction of flow.

4.2.2. Endangered Species Act

Federal Endangered Species Act

The federal Endangered Species Act does not apply to the State, but this information is included because the Central Coast Water Board has received comments by federal agencies who are required to comply with this federal law. The Endangered Species Act (ESA) protects plant and animal species and their habitats identified by the US Fish and Wildlife Services and National Marine Fisheries (NMFs) as threatened or endangered. Endangered refers to species or subspecies that are in danger of extinction through all or a significant portion of their range. Threatened refers to species or subspecies that are likely to become endangered in the near future.

Section 7 – Endangered Species Act Consultation Process

Section 7 ESA consultation provides a means for authorizing take of listed species for actions by federal agencies. Federal agency actions include activities that are:

- On federal land,
- Conducted by a federal agency,
- Funded by a federal agency, or
- Authorized by a federal agency (including issuance of federal permits and licenses).

Under Section 7, the federal agency conducting, funding, or permitting an action (the federal lead agency) must, in consultation with USFWS or NMFs as appropriate, ensure that its proposed action will not jeopardize the continued existence of an endangered or threatened species, or destroy or adversely modify designated critical habitat. If a proposed project “may affect” a listed species or designated critical habitat, the lead agency is required to prepare a biological assessment evaluating the nature and severity of the expected effect. The biological assessment is prepared for the proposed action and is submitted to USFWS or NMFs to initiate consultation. In response to a biological assessment, USFWS or NMFs issues a biological opinion, with a determination that the proposed action either:

- May jeopardize the continued existence of one or more listed species (jeopardy finding) or result in the destruction or adverse modification of critical habitat (adverse modification finding), or
- Will not jeopardize the continued existence of any listed species (no jeopardy finding) or result in adverse modification of critical habitat (no adverse modification finding).

The biological opinion issued by USFWS or NMFs may stipulate discretionary “reasonable and prudent” conservation measures. If the proposed action would not jeopardize a listed species, USFWS or NMFs may issue an incidental take statement to authorize the proposed activity and may include appropriate measures to offset the impacts of take.

Section 9 – Endangered Species Act Prohibitions

Section 9 of the ESA prohibits the take of any fish or wildlife species listed under the ESA as endangered. Take of threatened species is also prohibited under Section 9, unless otherwise authorized by federal regulations. Take, as defined by the ESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (Section 3 of the ESA; 16 United States Code [USC] Section 1532[19]). Harm is defined by regulation as “any act that kills or injures the species, including significant habitat modification” (50 CFR 17.3 222.102). In addition, Section 9 prohibits removing, digging up, cutting, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction. Section 9 does not prohibit take of federally listed plants on sites not under federal jurisdiction. If the project may result in take prohibited by Section 9, this take would need to be authorized through ESA Sections 7 or 10 (providing for the issuance of “incidental take” permits).

California Endangered Species Act

The California Endangered Species Act generally parallels the main provisions of the Federal Endangered Species Act. The CESA (California Fish and Game Code [CFG] Sections 2050–2068) generally parallels the main provisions of the ESA (16 USC 1531–1544) and is administered by the California Department of Fish and Game (DFG). A state lead agency is required to consult with DFG to ensure that any action it undertakes is not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of essential habitat.

The CESA prohibits taking of listed species except as otherwise provided in state law. Unlike the ESA, the CESA applies the take prohibitions to species under petition for listing (state candidates) in addition to listed species.

Section 2081 of the CFGC expressly allows DFG to authorize the incidental take of endangered, threatened, and candidate species if all of the following conditions are met:

- The take is incidental to an otherwise lawful activity,
- The impacts of the authorized take are minimized and fully mitigated,
- Issuance of the permit will not jeopardize the continued existence of the species,
- The permit is consistent with any regulations adopted in accordance with Sections 2112 and 2114 (legislature-funded recovery strategy pilot programs in the affected area), and
- The applicant ensures that adequate funding is provided for implementing mitigation measures and monitoring compliance with these measures and their effectiveness.

The CESA provides that an incidental take permit obtained under the ESA may authorize the taking of the same species if it is listed under the CESA, with no further CESA authorization or approval required (CFGF Section 2080.1).

Regarding rare plant species, CESA defers to the California Native Plant Protection Act (CNPPA), which prohibits importing rare and endangered plants into California, taking rare and endangered plants, and selling rare and endangered plants. State-listed plants are protected mainly in cases where state agencies are involved in projects subject to CEQA. In these cases, plants listed as rare under the CNPPA are not protected under the CESA but can be protected under CEQA.

4.2.3. Analysis

Staff analyzed whether or not there were special status species (threatened or endangered) in the Central Coast Region in areas where there is irrigated agricultural land. See **Error! Reference source not found.** Staff used 2008 FMMP data along with 2008 California Natural Diversity Data Base (CNDDDB) and intersected the two layers in order to derive a list and area overlap of irrigated agricultural lands and special status species. The CNDDDB is a program that inventories the status and location of rare plants, animals and insects in California. Staff looked at plants, animals and insects that were listed as either threatened or endangered on both the state and federal level. There were 46 special status species in areas where there were irrigated agricultural lands. These special status species' habitats account for approximately 76,922 acres within irrigated agricultural lands, comprising 14% of the irrigated lands in the Central Coast Region. This overlay only counted the areas where special status species habitat areas directly overlaid irrigated agricultural land. The analysis did not take into account areas downstream from agriculture.

Table 2. Threatened or endangered species that occur on irrigated agricultural lands within the Central Coast Region

Common and Scientific Names	Federal Status	California Status	Geographic Distribution within irrigated agriculture
Bank swallow <i>Riparia riparia</i>	None	Threatened	Thompson Canyon, Moss Landing - <i>Monterey County</i> Moss Landing - <i>Santa Cruz County</i> Chittenden - <i>Santa Benito County</i>
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	Threatened	None	Mt. Madonna - <i>Santa Clara County</i>
Blunt-nosed leopard lizard <i>Gambelia sila</i>	Endangered	Endangered	Cuyama, Cuyama Peak - <i>Santa Barbara County</i> Cuyama, New Cuyama - <i>San Luis Obispo County</i>
California black rail <i>Laterallus jamaicensis coturniculus</i>	None	Threatened	Oceano - <i>San Luis Obispo County</i>
California clapper rail <i>Rallus longirostris obsoletus</i>	Endangered	Endangered	Prunedale - <i>Monterey County</i>
California condor <i>Gymnogyps californianus</i>	Endangered	Endangered	Ballinger Canyon - <i>Kern County</i>
California jewel-flower <i>Caulanthus californicus</i>	Endangered	Endangered	New Cuyama - <i>Santa Barbara County</i> Cuyama - <i>San Luis Obispo County</i>
California least tern <i>Sternula antillarum browni</i>	Endangered	Endangered	Oceano - <i>San Luis Obispo County</i>
California red-legged frog <i>Rana draytonii</i>	Threatened	None	Big Sur, Carmel Valley, Moss Landing, Natividad, Prunedale, Seaside - <i>Monterey County</i> Carpinteria, Foxen Canyon, Guadalupe, Lompoc, Los Alamos, Orcutt, Santa Maria, Sisquoc, Tajiguas, Twitchell Dam - <i>Santa Barbara County</i> Chittenden, Hollister, San Felipe, Tres Pinos - <i>San Benito County</i> Chittenden - <i>Santa Clara County</i> Ano Nuevo, Davenport, Santa Cruz, Watsonville West - <i>Santa Cruz County</i> Arroyo Grande NE, Cambria, Cayucos, Lopez Mtn., Morro Bay South, Oceano, Santa Margarita, Santa Maria, Tar Spring Ridge, Twitchell Dam - <i>San Luis Obispo County</i> Pigeon Point - <i>San Mateo County</i>
California tiger salamander <i>Ambystoma californiense</i>	Threatened	None	Gonzales, Moss Landing, Mt. Carmel, Natividad, Palo Escrito Peak, Prunedale, Rana Creek, Salinas - <i>Monterey County</i> Los Alamos, Orcutt, Santa Maria, Sisquoc, Twitchell Dam - <i>Santa Barbara County</i> Hollister, Paicines, San Felipe, San Juan Bautista, Tres Pinos - <i>San</i>

Common and Scientific Names	Federal Status	California Status	Geographic Distribution within irrigated agriculture
			<i>Benito County</i> Mt. Madonna, Mt. Sizer - <i>Santa Clara County</i> Watsonville West - <i>Santa Cruz County</i> San Luis Obispo - <i>San Luis Obispo County</i>
Coho salmon - central California coast ESU <i>Oncorhynchus kisutch</i>	Endangered	Endangered	Ano Nuevo, Davenport, Felton - <i>Santa Cruz County</i>
Gambel's water cress <i>Nasturtium gambelii</i>	Endangered	Threatened	Oceano - <i>San Luis Obispo County</i>
Gaviota tarplant <i>Deinandra increscens ssp. villosa</i>	Endangered	Endangered	Sacate - <i>Santa Barbara County</i>
Giant kangaroo rat <i>Dipodomys ingens</i>	Endangered	Endangered	Cuyama, New Cuyama, Taylor Canyon - <i>Santa Barbara County</i> Cuyama - <i>San Luis Obispo County</i>
La Graciosa thistle <i>Cirsium loncholepis</i>	Endangered	Threatened	Guadalupe, Point Sal, Sisquoc, Surf - <i>Santa Barbara County</i> Oceano - <i>San Luis Obispo County</i>
Least Bell's vireo <i>Vireo bellii pusillus</i>	Endangered	Endangered	Foxen Canyon, San Marcos Pass - <i>Santa Barbara County</i> Chittenden - <i>San Benito County</i> Chittenden - <i>Santa Clara County</i>
Marsh sandwort <i>Arenaria paludicola</i>	Endangered	Endangered	Oceano - <i>San Luis Obispo County</i>
Metcalf Canyon jewel-flower <i>Streptanthus albidus ssp. albidus</i>	Endangered	None	Gilroy, Mt. Sizer - <i>Santa Clara County</i>
Monterey spineflower <i>Chorizanthe pungens var. pungens</i>	Threatened	None	Espinosa Canyon, Marina, Moss Landing, Prunedale, Soledad, Watsonville East - <i>Monterey County</i> Loma Prieta, Moss Landing, Watsonville West - <i>Santa Cruz County</i> San Simeon - <i>San Luis Obispo County</i>
Morro Bay kangaroo rat <i>Dipodomys heermanni morroensis</i>	Endangered	Endangered	Morro Bay South - <i>San Luis Obispo County</i>
Nelson's antelope squirrel <i>Ammospermophilus nelsoni</i>	None	Threatened	Cuyama - <i>Santa Barbara County</i> Cuyama, Shandon - <i>San Luis Obispo County</i>
Nipomo Mesa lupine <i>Lupinus nipomensis</i>	Endangered	Endangered	Oceano - <i>San Luis Obispo County</i>
Pismo clarkia <i>Clarkia speciosa ssp. immaculata</i>	Endangered	Rare	Arroyo Grande NE - <i>San Luis Obispo County</i>
Robust spineflower <i>Chorizanthe robusta var. robusta</i>	Endangered	None	Salinas, Soledad - <i>Monterey County</i> Laurel - <i>Santa Cruz County</i>
San Francisco garter snake	Endangered	Endangered	Ano Nuevo, Franklin Point, Pigeon Point, San Gregorio - <i>San Mateo</i>

Common and Scientific Names	Federal Status	California Status	Geographic Distribution within irrigated agriculture
<i>Thamnophis sirtalis tetrataenia</i>			County
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	Endangered	Threatened	Bradley, Espinosa Canyon, Greenfield, Hames Valley, Paraiso Springs, Pinalito Canyon, San Ardo, San Lucas, Soledad, Tierra Redonda Mountain - <i>Monterey County</i> Cuyama, Cuyama Peak, New Cuyama - <i>Santa Barbara County</i> Hollister, Paicines, Three Sisters, Tres Pinos - <i>San Benito County</i> Cuyama, Paso Robles, Shandon, Shedd Canyon - <i>San Luis Obispo County</i>
San Joaquin woollythreads <i>Monolopia congdonii</i>	Endangered	None	Fox Mountain - <i>Santa Barbara County</i> Cuyama - <i>San Luis Obispo County</i>
San Luis Obispo fountain thistle <i>Cirsium fontinale var. obispoense</i>	Endangered	Endangered	Pebblestone Shut-in - <i>San Luis Obispo County</i>
Sand gilia <i>Gilia tenuiflora ssp. arenaria</i>	Endangered	Threatened	Marina, Moss Landing, Salinas - <i>Monterey County</i>
Santa Cruz long-toed salamander <i>Ambystoma macrodactylum croceum</i>	Endangered	Endangered	Moss Landing, Prunedale - <i>Monterey County</i> Watsonville West - <i>Santa Cruz County</i>
Santa Cruz tarplant <i>Holocarpha macradenia</i>	Threatened	Endangered	Soquel, Watsonville East, Watsonville West - <i>Santa Cruz County</i>
Santa Cruz wallflower <i>Erysimum teretifolium</i>	Endangered	Endangered	Davenport - <i>Santa Cruz County</i>
Seaside bird's-beak <i>Cordylanthus rigidus ssp. littoralis</i>	None	Endangered	Moss Landing - <i>Monterey County</i> Lompoc Hills, Los Alamos, Santa Rosa Hills - <i>Santa Barbara County</i>
Smith's blue butterfly <i>Euphilotes enoptes smithi</i>	Endangered	None	Seaside - <i>Monterey County</i>
Southern steelhead - southern California ESU <i>Oncorhynchus mykiss irideus</i>	Endangered	None	Santa Rosa Hills - <i>Santa Barbara County</i> Cayucos - <i>San Luis Obispo County</i>
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	Endangered	Endangered	Solvang - <i>Santa Barbara County</i>
Steelhead - Central California Coast ESU <i>Oncorhynchus mykiss irideus</i>	Threatened	None	Ano Nuevo, Davenport, Felton, Laurel, Santa Cruz - <i>Santa Cruz County</i>
Steelhead - south/central California coast ESU <i>Oncorhynchus mykiss irideus</i>	Threatened	None	Carmel Valley, Junipero Serra Peak - <i>Monterey County</i> Chittenden, Mt. Madonna - <i>Santa Clara County</i> Loma Prieta - <i>Santa Cruz County</i> Arroyo Grande NE, Cambria, Morro Bay North, Morro Bay South,

Common and Scientific Names	Federal Status	California Status	Geographic Distribution within irrigated agriculture
			Pismo Beach - <i>San Luis Obispo County</i>
Tidewater goby <i>Eucyclogobius newberryi</i>	Endangered	None	Marina, Moss Landing - <i>Monterey County</i> Carpinteria, Dos Pueblos Canyon, Sacate, Tajiguas - <i>Santa Barbara County</i> Ano Nuevo, Davenport, Moss Landing, Santa Cruz - <i>Santa Cruz County</i> Cambria, Cayucos, Morro Bay South, Pismo Beach - <i>San Luis Obispo County</i>
Two-fork clover <i>Trifolium amoenum</i>	Endangered	None	Gilroy - <i>Santa Clara County</i>
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	Threatened	None	Paso Robles, Pismo Beach - <i>San Luis Obispo County</i>
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	Threatened	None	Marina, Moss Landing - <i>Monterey County</i> Moss Landing, Santa Cruz - <i>Santa Cruz County</i> Oceano - <i>San Luis Obispo County</i> Ano Nuevo - <i>San Mateo County</i>
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	Candidate	Endangered	Paicines - <i>Santa Barbara County</i>
White-rayed pentachaeta <i>Pentachaeta bellidiflora</i>	Endangered	Endangered	Felton - <i>Santa Cruz County</i>
Yadon's rein orchid <i>Piperia yadonii</i>	Endangered	None	Prunedale, Seaside - <i>Monterey County</i>
Zayante band-winged grasshopper <i>Trimerotropis infantilis</i>	Endangered	None	Felton - <i>Santa Cruz County</i>

Although there are 46 special status species that were identified, it is likely that many of them will not be affected if some of the growers choose to eliminate discharge (e.g. California condor, Western yellow-billed cuckoo). Some of the species that may be affected by reduced flow include: California red-legged frog, Gambel's water cress, La Graciosa thistle, least bell's vireo, marsh sandwort, seaside bird's beak, southern steelhead - southern California, steelhead - Central California Coast, steelhead - south/central California coast, southwestern willow flycatcher, and the tidewater goby. These species were singled out as potentially being affected because of their water requirements either for habitat and/or reproductive purposes.

Reduced flow may have the *potential* to significantly impact these species. Specific data to support this position were not found. However staff used best professional judgment as well as solicited professional opinions from US Fish and Wildlife Service and the California Department of Parks (State Parks) regarding the issue of impact. Both US Fish and Wildlife Service and State Parks opined that there may be potentially adverse effects. US Fish and Wildlife acknowledged that there are a range of possibilities. Reduced flow may benefit native species in the long run, making it harder for invasive species to survive. Reduced flows would likely allow the hydrology to go back to a more natural state and would likely be a benefit; however, it could have negative effects. Those potential negative effects are dependant on many variables including where the flow is reduced, by how much and at what times of the year. State Parks' position was similar. State Parks discussed that there would likely be an adjustment period. They suggested further hydrological analysis in these areas where there are special status species with certain water requirements. Additionally, State Parks suggested mitigation measures such as phasing in implementation of requirements in some areas and adjusting them on a watershed basis.

Irrigated agriculture (and dams and urban development) has modified the Central Coast's natural hydrology. In places where there used to be no water, there is water year round. Plants and animals are opportunistic and will respond to changing environments, including the creation of a new surface water. Currently, many plants and animals are found near agricultural tail water and/or tile drains. Plants and animals were accustomed to the Mediterranean climate in which there was rain in the fall, winter and early spring and there was usually little rainfall late spring, summer and early fall. These plants and animals were accustomed to many of the streams drying up during this dry season and flowing in the wet season. Reducing flow in these agricultural drainages is likely to mimic historic flow regimes.

While there are many plants and animals that are found on irrigated agricultural lands or directly adjacent or downstream, there still may be some negative effects on these organisms because of the high occurrence of water and sediment toxicity associated with agricultural discharges. Additionally, while the plants and animals may be present, excessive levels of pesticides, nutrients and sediment are not desirable for a healthy environment. Consequently, while the species are present because of the discharged

water, continuing to discharge water of low quality is not an environmentally desirable situation.

Staff has data indicating that water flow in surface waters is already being reduced in the Central Coast Region (CCAMP data), potentially due to compliance with the 2004 Agricultural Order, but has no data regarding how this is affecting special status species.

The potential exists for improved base flow conditions in the event that tailwater is allowed to percolate to groundwater, rather than being discharged to surface waterbodies where it is quickly transported downstream. The potential for improved base flow conditions also exists in the event that growers reduce groundwater pumping in an effort to reduce tailwater discharge to surface waterbodies. Consequently, reduced or elimination of tailwater does not necessarily equate to elimination of flow. Furthermore, what flow would be available will be of higher quality, and therefore have a higher potential of supporting desirable habitat, particularly native species.

The Negative Declaration for the 2004 Agricultural Order addressed the issue of the potential for reduced flow and found no impact. Due to comments from federal and state agencies about the potential adverse environmental impacts due to low flows, this issue was reevaluated. There is still insufficient and inconsistent information to conclude whether there will be adverse environmental effects, but there could be some adverse impacts if all dischargers reduced flow. It is more likely that such impacts would be short term, but as described herein, reduced flows could be offset by increased recharge, higher quality of the discharges, and other beneficial impacts of compliance.

This SEIR concludes that compliance with the changed proposed in the draft 2011 Agricultural Order could result in reduction in surface water flows that could in turn result in potentially significant adverse environmental effects on biological resources that would be more severe than identified in the Negative Declaration for the 2004 Agricultural Order. Because the Water Board may not specify the manner of compliance with the Order, it must speculate on the extent of the potential impact and relied on information from the state and federal wildlife agencies. The impact, therefore, may not actually be significant, but this SEIR was prepared to provide sufficient information for the Central Coast Water Board to make an informed decision.

4.3. *Mandatory Findings of Significance*

CEQA guidelines set forth certain mandatory findings of significance. If the project has the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or substantially reduce the number

or restrict the range of an endangered, rare or threatened species, the lead agency must make a mandatory finding of significance and complete an EIR.⁷

Because of the reason explained in Section **Error! Reference source not found.** Biological Resources, staff recommends changing Mandatory Findings of Significance from *no impact* to *potentially significant impact*.

5. Discussion of Climate Change

Climate change was not addressed in the 2004 Agricultural Order because it was not on the 2004 CEQA Environmental Checklist. Staff finds that the proposed draft 2011 Agricultural Order will have “no impact” with regards to climate change. Staff includes the finding of no impact in this SEIR because climate change was not addressed in 2004.

Staff does not anticipate that implementation of the proposed draft 2011 Agricultural Order will result in the emission of more greenhouse gases. On the contrary, staff anticipates that the inclusion of riparian buffers will increase the amount of more permanent vegetation, which can act as a carbon sink and therefore help aid in reducing effects of global warming. However, the amount of additional vegetation will likely be small and will net a slightly positive effect.

With regards to additional trips for monitoring, staff does not anticipate these additional trips will contribute greatly to greenhouse gases because the additional monitoring required will not necessarily increase the number or frequency of trips significantly. An individual farm could combine trips associated with their own monitoring requirements and a group of adjacent farms could combine monitoring into fewer trips. In these ways, the farms could minimize fuel use and maximize efficiency.

With regards to energy use, if growers begin pumping less groundwater, energy usage may be reduced and therefore a reduction in emissions may be recognized. Again, staff acknowledges that this contribution may be small, but it would be a positive impact rather than negative.

Overall, staff concludes that there will be no impact on climate change with regards to compliance with the proposed 2011 Agricultural Order.

6. Discussion of “No Impacts” Finding

This SEIR addresses only those impacts found to be potentially more severe than previously identified in the 2004 Negative Declaration. See attached 2004 Negative Declaration for discussion of no impacts.

⁷ 14 Cal. Code Regs section 15065, subd. (a)(1).

7. Public and Agency Comments

7.1. Agency Comments

On October 14, 2010 the Central Coast Water Board issued a notice of preparation to the Office of Planning and Research and to each responsible and trustee agency in compliance with the CEQA Guidelines (Cal. Code Regs., tit.14 § 15082(a)(1).) The Board received comments from the California State Lands Commission (CSLC).

The CSLC described the scope of its jurisdiction and authority with respect to tidal and submerged lands, and beds of navigable rivers, sloughs, and lakes and that such lands are subject to the Public Trust. The State Lands Commission explained that the Public Trust is a sovereign public property right held by the state or its delegated trustee for the benefit of all the people. The State Lands Commission expressed its concern that alternatives to the waiver (e.g., if the waiver were to lapse or include less stringent conditions) would have a significant adverse impact on biological resources, water quality, recreation, humans, and environmental justice, including cumulative impacts. As described in the Section 8. Alternatives, of this SEIR, the alternative of allowing the 2004 Agricultural Order lapse or an alternative of including less stringent conditions would not be appropriate for consideration because they would not result in compliance with the Water Code.

7.2. Public Comments.

On November 19, 2010 concurrently with the public notice of the proposed draft 2011 Agricultural Order, the Central Coast Water Board provided notice and an opportunity to comment on this Draft SEIR.

[NOTE TO READER: This is a placeholder for staff to add responses to public comments during the public comment period and prior to consideration of a draft Order by the Central Coast Water Board.]

8. Alternatives

The CEQA Guidelines require the agency to identify a reasonable range of alternatives that could feasibly accomplish the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. As set forth in this SEIR, the staff has identified the possibility of more severe adverse environmental impacts with respect to agricultural and biological resources. The following alternatives have been considered:

8.1. No Project Alternative

The “No Project” alternative would consist of letting the 2004 Agricultural Order lapse and not renewing it. This alternative is not appropriate for consideration because it would not result in compliance with the Water Code in the short term. In the long term it would require each discharger, that is, each owner and/or operator of irrigated lands that discharge waste that could impact the quality of waters of the state, to submit a report of waste discharge to the Water Board and seek waste discharge requirements. That would not meet the project objectives to provide a general conditional waiver that is more efficient and effective in obtaining compliance with the Water Code.

8.2. Renewing Existing 2004 Agricultural Order for Five Years

This alternative would consist of adopting the current 2004 Agricultural Order with no substantive changes. This alternative would also not meet the project objectives to provide clarification of the 2004 Order and new conditions to provide for more effective protection of water quality. The Negative Declaration for the 2004 Order evaluated the environmental effects of that Order so further evaluation of that alternative is not required in this SEIR. The potentially significant adverse environmental effects are evaluated in Section 4 of this SEIR.

8.3. Adoption of Waste Discharge Requirements or Prohibitions

This alternative would consist of adoption of waste discharge requirements, either individual or general, requiring each discharger to be covered. This alternative would be based on a different provision of the Water Code (Section 13260 rather than 13269) but would include compliance requirements essentially the same as the conditions of the 2004 Agricultural Order or the proposed 2011 Agricultural Order. Therefore, it is not necessary to further discuss this alternative since the environmental effects would be essentially the same as a waiver of waste discharge requirements.

8.4. Alternatives Submitted by Agricultural Groups

The Central Coast Water Board received two proposals from agricultural interests identified as “alternatives” to the proposed 2011 Agricultural Order; the California Farm Bureau Federation and OSR Enterprises. These “alternatives” consist primarily of proposals similar to the 2004 Agricultural Order. These alternatives are discussed in Appendix I of the Draft Staff Report recommending the Draft Agricultural Order.⁸ Because these alternatives are similar to the 2004 Order, further environmental review is not required because the environmental analysis required under CEQA was included in the 2004 Negative Declaration. If the Water Board receives additional alternatives, it will revise this SEIR as necessary.

⁸ http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

8.4.1. Alternative Proposed by the California Farm Bureau Federation

The California Farm Bureau Federation submitted a conceptual proposal for revision of the 2004 Agricultural Waiver to the Central Coast Water Board April 1, 2010⁹. The Farm Bureau hopes that the Central Coast Water Board will proceed with development of a long-term program rather than conditional waivers limited to five-year terms. The proposal focused on six key points: 1) the Farm Plan, 2) Implementation Practices, 3) Education, 4) Monitoring, 5) Groundwater, and 6) Land Use Regulations.

With regards to CEQA, the alternative proposed by the California Farm Bureau Federation is similar in concept to the 2004 Order. Therefore no new environmental review is required. With respect to moving towards a long-term program instead of conditional waivers, staff evaluated many different options to address discharge from irrigated agriculture (e.g., Waste Discharge Requirements, Basin Plan amendment) and determined that continuing with Conditional Waivers provided the most flexibility and efficiency for both the Water Board and the dischargers.

8.4.2. Alternative Proposed by OSR Enterprises, Inc.

Price, Postel and Parma - the law firm representing OSR Enterprises, Inc. - submitted a proposal for recommendations for an agricultural order on March 31, 2010¹⁰. In summary, the "alternative" submitted uses the 2004 Agricultural Order as its baseline, supports Farm Plans being maintained onsite (not at the Water Board), supports confidentiality of sampling results, wants Water Board to defer to Department of Pesticides authority for dealing with pesticide application and supports cooperative monitoring and education.

With regards to CEQA, the alternative proposed by OSR Enterprises, Inc. is similar in concept to the 2004 Order. Therefore no new environmental review is required.

8.5. Alternative Submitted by Environmental Defense Center, Monterey Coastkeeper, Ocean Conservancy, Santa Barbara Channelkeeper, SurfRider Foundation - Santa Barbara Chapter

The Central Coast Water Board received a proposal from environmental interest groups (Environmental Defense Center, Monterey Coastkeeper, Ocean Conservancy and Santa Barbara Channelkeeper on April 1, 2010¹¹. identified as an "alternative" to the proposed 2011 Agricultural Order. In general, this letter describes support for the February 2010 preliminary draft Agricultural Order and offers some additional

⁹ Please see http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/Alt1.pdf for this alternative.

¹⁰ Please see http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/alt2.pdf for this alternative.

¹¹ Please see http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/docs/ag_order/Alt%203.pdf for this alternative.

suggestions to make the Draft Order even more protective of water quality. Support for the proposed draft Agricultural Order includes clear standards and timelines, inclusion of riparian habitat buffers, individual discharge characterization monitoring and provisions related to groundwater monitoring. Some of those suggestions to improve the Order include: collecting dissolved oxygen measurements at dawn, dischargers to submit complete data to the Water Board and in a “useful format,” stormwater protections should be stronger, and the Order should be better enforced. Specific changes to the draft proposed Order begin on pg. 7 of the submittal.

With regards to CEQA, the alternative proposed by Environmental Defense Center, Monterey Coastkeeper, Ocean Conservancy and Santa Barbara Channelkeeper is similar in concept to the draft 2011 Order. This alternative is discussed in Appendix I of the Draft Staff Report recommending the Draft Agricultural Order.¹² Therefore the environmental review is similar to the environmental review evaluated within this draft SEIR.

9. Cumulative Impacts

The lead agency is required to discuss cumulative impacts if the project has possible environmental effects that are individually limited but cumulatively considerable¹³. This draft SEIR evaluated the worst case scenarios with respect to agricultural and biological resources as discussed in **Error! Reference source not found., Section Error! Reference source not found.**. In other words, staff evaluated impacts on agricultural resources based on every discharger installing a riparian habitat buffer. Additionally, staff evaluated potential impacts on biological resources based on every discharger eliminating their discharge. Staff does not anticipate that every discharger will install a riparian habitat buffer nor will every discharger choose to eliminate their discharge. Therefore, **Error! Reference source not found., section Error! Reference source not found.** already addressed cumulative impacts resulting from all dischargers installing buffers and eliminating discharge by evaluating impacts cumulatively rather than individually.

10. Conclusions

As described in this SEIR and the Central Coast Water Board’s record for this project, agricultural activities in the Central Coast Region have result in significant adverse environmental impacts due to the discharge of sediment, pesticides, nutrients, and other wastes. The approval of the project – to renew the 2004 Agricultural Order with revisions – will result in substantial beneficial environmental and public health benefits by reducing the discharges of waste to waters of the state and protecting aquatic habitat. The Negative Declaration prepared for the 2004 Agricultural Order did not identify any significant adverse environmental effects. In preparing revisions to the

¹² http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

¹³ CEQA section 21083(b)(2)

2004 Agricultural Order and in considering comments received from the public and agencies, staff identified that compliance with revisions to the proposed draft 2011 Agricultural Order would generally not result in new impacts or impacts that are more severe than previously identified. There could be the potential for an increase in the severity of impacts on agricultural and biological resources as described in this SEIR.

The CEQA Guidelines specify that the lead agency shall not prepare a subsequent environmental impact report unless it determines on the basis of substantial evidence in the light of the whole record that there would be a substantial increase in the severity of previously identified significant effects. (Cal. Code. Regs, tit. 14 §15162(a)(1).) Members of the public and public agencies have suggested that there could be an increase in the severity of previously identified significant effects, so the Central Coast Water Board staff prepared this draft SEIR to evaluate the potential effects. This SEIR concludes that there is not sufficient evidence in the record to conclude whether in fact the potential effects would be more severe than under the 2004 Agricultural Order. Even if the effects could be more severe, they can be mitigated due to actions by dischargers. The adoption of the proposed draft 2011 Agricultural Order or some other alternative with the same or similar conditions is necessary to assure compliance with the Porter-Cologne Water Quality Control Act and associated plans, such as the Central Coast Water Board's Basin Plan and the State Water Resources Control Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program.

11. References

California Department of Conservation Report, 2008, *California Farmland Conversion Report 2004-2006*, Appendix A, http://www.conservation.ca.gov/dlrp/fmmp/pubs/2004-2006/Pages/FMMP_2004-2006_FCR.aspx (November 2, 2010).

California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), 2008 GIS data, <http://www.consrv.ca.gov/dlrp/FMMP/Pages/Index.aspx> (November 2, 2010).

Central Coast Water Board, Central Coast Ambient Monitoring Program (CCAMP) data on flow reduction, http://www.ccamp.info/2010/view_data.php (November 2, 2010).

Department of Fish and Game, California Natural Diversity Data Base (CNDDDB), GIS data, <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp> (June 2008).

Monterey County, *2009 Crop Report*, http://www.co.monterey.ca.us/ag/2009_CropReport.htm (November 2, 2010).

http://www.cnr.berkeley.edu/xylella/control/PDNorthCoast/manual_section_iv.pdf
The Pierce's Disease/Riparian Habitat Workgroup. 2000. Information Manual Riparian Vegetation Management for Pierce's Disease in North Coast California Vineyards. 9/1/2000.

INITIAL STUDY and
Negative Declaration
For
Conditional Waiver of
Waste Discharge Requirements for
Discharges from Irrigated Lands

Central Coast Regional Water Quality Control Board

Prepared by:

Central Coast Regional Water Quality Control Board
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July 2004

Table of Contents

Project Information Form	4
Environmental Factors List.....	6
Determination	6
1 Initial Study.....	8
1.1 Project Purpose	8
1.2 Location	8
1.3 Background.....	8
1.4 Project Description.....	13
1.5 Environmental Setting	17
2 Environmental Significance Checklist.....	19
2.1 Aesthetics.....	19
2.2 Agriculture Resources.....	19
2.3 Air Quality	20
2.4 Biological Resources	20
2.5 Cultural Resources	21
2.6 Geology and Soils.....	21
2.7 Hazards and Hazardous Materials	22
2.8 Hydrology and Water Quality.....	23
2.9 Land Use and Planning	24
2.10 Mineral Resources	24
2.11 Noise	25
2.12 Population and Housing.....	25
2.13 Public Services.....	26
2.14 Recreation	26
2.15 Transportation/Traffic.....	26
2.16 Utilities and Service Systems.....	27
2.17 Mandatory Findings of Significance.....	28
3 Thresholds of Significance	29
Discussion of Environmental Impacts	29
2.1 Aesthetics.....	29
2.2 Agricultural Resources	29
2.3 Air Quality	31
2.4 Biological Resources	31
2.5 Cultural Resources	31
2.6 Geology and Soils.....	32
2.7 Hazards and Hazardous Materials	32
2.8 Hydrology and Water Quality.....	32
2.9 Land Use and Planning	32
2.10 Mineral Resources	33
2.11 Noise	33
2.12 Population and Housing.....	33
2.13 Public Services.....	33
2.14 Recreation	33
2.15 Transportation/Traffic.....	33

2.16 Utilities and Service Systems 33
2.17 Mandatory Findings of Significance..... 34
Public Participation and Agency Consultation 35
References..... 35

Attachments

1. Draft Order titled “Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands”
2. Draft Monitoring and Reporting Program titled “Monitoring and Reporting Program No. R3-2004-XXXX for Dischargers Enrolled under Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands”

Project Information Form

Central Coast Regional Water Quality Control Board

Draft Negative Declaration

- 1. Project title:** Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands
- 2. Lead agency name and address:** Central Coast Regional Water Quality Control Board
895 Aerovista Place
San Luis Obispo, CA 93401
- 3. Contact person and phone number:** Alison Jones, Environmental Scientist
(805) 542-4646
- 4. Project location:** Central Coast Region
- 5. Project sponsor's name and address:** Not applicable
- 6. General plan designation:** Not applicable
- 7. Zoning:** Not applicable

8. Description of project: Section 13269 of the California Water Code (CWC) authorizes the Central Coast Regional Water Quality Control Board (Regional Board) to waive waste discharge requirements (WDRs) for a specific discharge or specific type of discharge if the waiver is in the public interest. The waiver must be conditional and may be terminated at any time. The Regional Board may also waive the requirement to submit a report of waste discharge. In 1999, Senate Bill 390 amended CWC Section 13269. CWC Section 13269 specifies that waivers in effect on January 1, 2000, terminate on January 1, 2003, but may be renewed following a hearing. Waivers may only be adopted for a maximum of five years.

The Regional Board proposes to adopt a conditional waiver of WDRs for discharges from irrigated lands, including tailwater, subsurface drainage, and stormwater runoff, and to waive the requirement to submit reports of waste discharge. Irrigated lands include nurseries and soil-floored greenhouses as well as lands planted to row crops, vineyards, tree crops, and field crops. This waiver would be in effect for five years beginning July 8, 2004.

The conditions of the proposed waiver would require all owners and operators of irrigated lands in the Central Coast Region to: 1) enroll with the Regional Board by submitting a Notice of Intent, 2) complete fifteen hours of water quality education, 3) develop a farm water quality management plan that addresses, at a minimum, erosion control, irrigation management, nutrient management and pesticide management, 4) implement management practices in accordance with the farm plan, and 5) conduct individual monitoring or participate in a cooperative monitoring program.

This waiver would set forth two categories of waivers of Waste Discharge Requirements. One category (Tier 1) applies to dischargers who have already completed the education and farm plan development requirements and have begun to implement management practices for their operations. The other category (Tier 2) applies to dischargers who have not yet completed all the requirements for a Tier 1 waiver. Tier 2 waivers would be renewable annually for up to three years.

The conditions of the waiver include timely completion of education and plan development requirements, implementation and reporting of management practices designed to protect water quality, and compliance with all requirements of applicable water quality control plans.

The goal of the waiver program is to manage discharges from irrigated lands to ensure that such discharges do not cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the California Water Code and do not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard.

Details of the proposed waiver conditions are contained in the attached draft order (*Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*).

9. Surrounding land uses and settings: The project encompasses approximately 600,000 acres of irrigated agricultural lands in the Central Coast Region, and includes the irrigated lands in the Pajaro, Salinas, Santa Maria, and Santa Ynez River watersheds as well as several smaller coastal streams. Although agriculture (irrigated lands and rangeland) is the dominant land use throughout the Central Coast Region, many watersheds have mixed uses, where agricultural lands are interspersed with rural residential, suburban and urban areas. Salinas, the Region's largest city, has a population of more than 100,000, and lies surrounded by agricultural lands at the base of the watershed of the Salinas River, which drains to Monterey Bay National Marine Sanctuary. The Central Coast Regional Water Quality Control Board has jurisdiction over all of the watersheds listed above, which all drain to the Pacific Ocean. The region includes all or part of the following counties: San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara and Venture.

10. Other public agencies whose approval is required: None

Environmental Factors List

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental resource categories identified below are analyzed herein to determine whether the Proposed Project would result in adverse impacts to any of these resources. None of the categories below are checked because the Proposed Project is not expected to result in “significant or potentially significant impacts” to any of these resources.

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

Determination

The Central Coast Regional Water Quality Control Board has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An environmental impact report is not required pursuant to the California Environmental Quality Act of 1970 (CEQA). This environmental review process and negative declaration is done in accordance with CEQA (PRC 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et. Seq.)

Based on the findings of the Initial Study, the project would not:

- Degrade the quality of the environment, substantially reduce the habitat of 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 California history or prehistory.
- Achieve short-term, to the disadvantage of long-term, environmental goals.
- Have impacts that are individually limited, but cumulatively considerable.
- Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

On the basis of this initial evaluation:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that 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.
- I find that although the Proposed Project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

No potentially significant impacts were identified.

Signature

Date

Printed Name

Organization

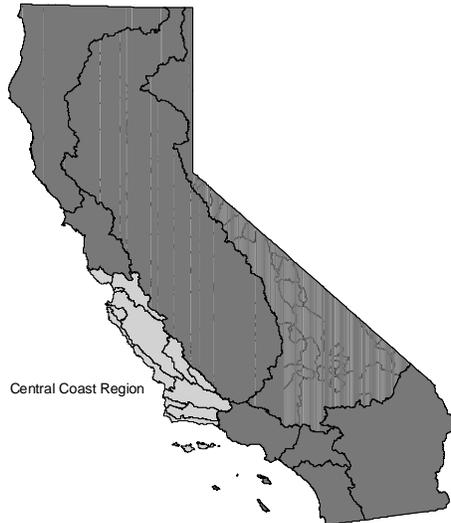
1 Initial Study

1.1 Project Purpose

The purpose of the project is to adopt an Order approving a “Conditional Waiver of Waste Discharge Requirement for Discharges from Irrigated Lands” (Waiver). (See attached Order and Waiver) that would regulate the discharge of waste from irrigated lands, including commercial nurseries and soil-floored greenhouses, consistent with the California Water Code and other goals, policies and objectives of the State of California.

1.2 Location

The Waiver applies to all of the irrigated land within the jurisdiction of the Central Coast Regional Water Quality Control Board.



1.3 Background

Regulatory Requirements

Although discharges that constitute “agricultural return flows” are exempt from regulation through the National Pollutant Discharge Elimination System (NPDES) permit program of the federal Clean Water Act, they are not exempt from the California Water Code. Any discharge from irrigated agricultural activities to surface water or to land, that impacts or threatens to impact water quality, is subject to regulation under Porter-Cologne Water Quality Control Act.

CWC Section 13260 requires persons who are discharging or who propose to discharge waste where it could impact the quality of waters of the State to submit a Report of Waste Discharge. The Regional Board uses the Report of Waste Discharge in preparing Waste Discharge Requirements that regulate the discharges of waste in compliance with the CWC and other applicable laws and regulations. The purpose of this regulatory program is to protect the beneficial uses of the waters of the State.

CWC Section 13269 authorizes the Regional Board to waive Waste Discharge Requirements for a specific discharge or specific type of discharge if the waiver is in the public interest. The waiver must be conditional and may be terminated at any time. The Regional Board may also waive the requirement to submit a Report of Waste Discharge. In 1999, Senate Bill 390 amended CWC Section 13269. CWC Section 13269 now specifies that all waivers in effect on January 1, 2000, were terminated on January 1, 2003, unless renewed following a hearing. All waivers must be reviewed and renewed or revised at least every five years.

In 1983, the Regional Board approved a list of categories of discharge for which waste discharge requirements could be waived, including discharge of irrigation return flows (tailwater) and non-NPDES stormwater runoff. When waivers for discharges from irrigated agriculture were adopted in 1983, little was known about the potential impacts of irrigation tail water and other runoff or the magnitude of groundwater impacts from the use of inorganic fertilizers. Regional Board regulatory effort at that time was largely focused on addressing point source discharges such as wastewater treatment plants and industrial dischargers, and cleanups from spills and leaks. Even though the waiver policy included agricultural tail water as appropriate for waivers, the Regional Board did not issue individual formal waivers for these discharges. The 1983 waivers pertaining to irrigated agriculture were not renewed before January 1, 2003, and have now terminated.

In 1987, Section 319 was added to the Clean Water Act to address nonpoint source pollution, and subsequently the State of California adopted its Nonpoint Source Program in 1988. Although staff resources were extremely limited, the Regional Board began to work with agriculture through the Nonpoint Source (NPS) Program and later the State's Watershed Management Initiative. Since the inception of the NPS program, the Regional Board's emphasis in working with agriculture has been on encouraging proactive efforts to address water quality concerns, and supporting such cooperative partnerships as Monterey Bay National Marine Sanctuary's Plan for Agriculture. The Regional Board has directed grant funding toward increasing educational outreach, and has encouraged efforts toward self-determined compliance with water quality regulations through promotion of ranch and farm water quality management planning short courses throughout the region.

The State's NPS Plan identifies waivers (Tier 2, "Regulatory Encouragement") as an appropriate regulatory tool available to protect water quality from NPS pollution, recognizing the challenges involved in regulating a large number of individual dischargers.

Agriculture in the Central Coast Region

Irrigated agriculture in the Central Coast Region comprises approximately 600,000 acres and more than 100 different crops. There are about 2500 agricultural operations in the region that would be enrolled under this program. Operations range in size from less than ten acres to more than 2000; however, approximately two-thirds of all operations are less than fifty acres. About one-third are less than ten acres. Fewer than 200 operations (less than 8%) exceed 2000 acres. Major crops include vegetable crops (such as lettuce, broccoli, cauliflower, celery, cabbage and spinach), fruits (such as strawberries and wine grapes), cut flowers, and potted plants. Other crops include mushrooms, artichokes, raspberries, asparagus, carrots, onions, snap peas, and many more.

Agriculture is concentrated in several major drainages, including the Salinas Valley and upper Salinas watershed, the Pajaro Valley, the lower Santa Maria River, the Santa Ynez

Valley and the Santa Barbara coastal area, as well as in numerous small drainages throughout the region.

A number of factors make agriculture in the Central Coast region unique. In general, farming is on a smaller scale than in the Central or Imperial Valleys. The Central Coast climate is unique in California and comprises a “niche” in the agricultural industry that distinguishes Central Coast farm products from other areas. The majority of operations are less than 50 acres. There are no large irrigation districts since most operations use groundwater as their water source. Many properties have been held in families for generations and are leased out rather than sold. The area is considered highly desirable, and growth pressures drive up the price of agricultural rents. There is a mixture of owned and leased lands and many operators own some ranches and lease others. Leases can be either short or long term (one year or more than five years), resulting in varying incentive by lease-holders to implement water quality protection.

Crop prices are primarily controlled by the existing market structure. Consolidation in the food industry has resulted in a smaller group of buyers, giving corporate retailers more bargaining power. In addition, local farmers often compete with products from other countries, where the costs of production may be substantially less. The result is that growers often have little control over the price they are paid even though the costs of producing and delivering products continues to rise. Additionally, issues of food safety are increasingly dictating practices growers must use in order to sell crops, and some recommended food safety practices may run counter to water quality protection practices. Because of these and other factors, the agricultural industry is extremely sensitive to cost increases and management practice requirements.

Existing Water Quality in Agricultural Areas

Information available to the Regional Board, including information used in identifying impaired water bodies within the Region in accordance with Clean Water Act section 303(d), indicates that irrigation return water and storm water runoff from irrigated lands contains waste that has impacted water quality in the waters of the State within the Region.

Over the past five years, the Regional Board’s Central Coast Ambient Monitoring Program (CCAMP) has provided information to characterize water quality, support waterbody beneficial use determinations, support waterbody listings for impairment, and to evaluate regional priorities. Under CCAMP, the Region has been divided into five rotational monitoring areas, based on hydrologic units such as the Pajaro River, Salinas River and Santa Maria River. Each rotational area is monitored once every five years. CCAMP performs tributary-based, in-stream monitoring at fixed sites throughout the rotational area on a monthly basis. The same sites are monitored again during the next rotational cycle.

CCAMP data, as well as other data sources, have shown that waterbodies in areas of intensive agriculture often have high levels of nutrients. For example, nitrate in some surface waters is present at levels far in excess of the drinking water standard of 10 mg/L as N (nitrogen). Persistent toxicity has also been documented in some areas of intensive agricultural operations, with its cause being traced to currently applied pesticides. Many surface waterbodies are on the Clean Water Act Section 303(d) list of impaired waters for pollutants associated with agricultural activities, and are scheduled for development of Total Maximum Daily Loads. Of the region’s 178 currently listed waterbodies, about 75 designate agriculture as a potential source. In addition, many groundwater basins underlying agricultural areas in

the Central Coast Region show elevated nitrate concentrations, in some cases well over the drinking water standard.

Existing Efforts by the Agricultural Industry to Address Water Quality Issues

The Central Coast Region has benefited from the proactive approach taken by several segments of the agricultural industry. Notable examples include the Agricultural Water Quality Program of the Coalition of Central Coast County Farm Bureaus (Farm Bureau Coalition) and efforts to promote sustainable wine growing practices by the Central Coast Vineyard Team and the Central Coast Winegrowers Association. Efforts are also underway to promote sustainable practices by Spanish-speaking farmers through the Rural Development Center and the Agricultural Land-Based Training Association (ALBA) in Monterey County.

The Farm Bureau Coalition has been working to address agricultural water quality impacts in areas that drain to the Monterey Bay National Marine Sanctuary, which represents approximately two-thirds of the region. This is a broadly supported cooperative effort that is implementing the Sanctuary's Plan for Agriculture and Rural Lands. The Sanctuary Plan was developed in cooperation with the California State Farm Bureau Federation and the Coalition of Central Coast County Farm Bureaus, the Regional Board and numerous other partners, including University of California Cooperative Extension, the Natural Resource Conservation Service and local Resource Conservation Districts.

Key components of the Sanctuary Plan implementation strategy include formation of grower working groups, and development and implementation of farm water quality management plans. Technical assistance is provided by Farm Bureau watershed coordinators active in each county, as well as all of the other partners listed above. Farm Bureau watershed coordinators provide the Regional Board with annual reports summarizing practice implementation and self-monitoring results by grower watershed working groups.

A small but significant (and increasing) percentage of growers on the Central Coast are participating in the Farm Bureau Coalition's program. As of March 2004, there were 17 active grower watershed working groups and another 17 in the process of organizing. The Regional Board estimates that active participants represent approximately 10% of operations in the region. Participants are often industry leaders who have chosen to be proactive in addressing water quality concerns.

In 1999, the University of California Cooperative Education and the Natural Resources Conservation Service developed and piloted a Farm Water Quality Planning short course in the Central Coast, to provide farmers with the information and resources needed to address water quality issues on their farms. The course provides farmers with information on water quality management practices for irrigation, pesticides, nutrients, and erosion control. Course participants are able to complete a farm water quality management plan by the end of the 15-hour course. In 2001, UC Cooperative Extension and the Farm Bureau Coalition teamed up to offer the short course to members of grower working groups that are implementing the Sanctuary Plan for Agriculture. As of May 2004, more than 500 Central Coast farmers will have completed the course. Funding to support farm water quality planning has come from a variety of sources, including a current Clean Water Act Section 319(h) grant from the Regional Board. The Regional Board has been closely involved in the development of the short course. Regional Board staff, along with UC Cooperative Extension, NRCS, local Resource Conservation Districts, California Department of Fish and Game and others, participate in teaching the classes.

Another industry-led effort has been underway for several years to promote sustainable practices by wine grape growers. There are approximately 100,000 acres of grapes in the Central Coast, representing about 16% of the irrigated croplands in the region. Many of the growers have undertaken an evaluation process to assess irrigation, nutrient management, pest management, and erosion control practices through the Positive Point System developed by the Central Coast Vineyard Team (CCVT). CCVT estimates that approximately 75-100 operations have completed the Positive Point System evaluations and are using them to evaluate management practices and identify opportunities for improvement.

Agricultural Advisory Panel Recommendations

In beginning to develop a replacement for the old waivers, Regional Board staff held a number of informal discussions with several agricultural and environmental groups throughout the Region. After hearing comments during several such meetings, staff concluded that the interests of all concerned would be best served by face-to-face meetings among all parties. The Central Coast Region is relatively small, at least compared to the Central Valley Region, California's other major agricultural Region. This feature made it feasible to convene an advisory group of agricultural and environmental representatives from across the Region. Participants included the Ocean Conservancy, the Central Coast Coalition of County Farm Bureaus, Monterey County Farm Bureau, Jefferson Farms, Santa Cruz County Farm Bureau, San Benito County Farm Bureau, the Environmental Center of San Luis Obispo (ECOSLO), the Environmental Defense Center, Monterey Bay National Marine Sanctuary, the Agricultural Land-Based Training Association (ALBA), the Central Coast Winegrowers Association, San Luis Obispo County Farm Bureau and Cattlemen's Association, Santa Barbara County Farm Bureau, Grower Shipper Vegetable Association of Santa Barbara, and Santa Barbara Channel Keeper. Several other organizations that were contacted felt that their interests were adequately represented but expressed a desire to be kept informed.

Panel meetings were conducted as facilitated discussion sessions. The group adopted ground rules and spent time hearing about the interests and concerns of each of the participants. In this way, a foundation of understanding was built that allowed the participants to discuss ideas and propose solutions in a respectful environment. At the second meeting, the panel agreed on a mission statement, which reads, "The goal of the panel is to assist staff in developing recommendations to the Regional Board for a replacement to the expired waivers that will be protective of water quality, the viability of Central Coast agriculture, and comply with state law."

All panel recommendations were developed by consensus. Although the panel did not have consensus on all aspects of the proposed program, considerable progress was made during the year of panel meetings. The input provided by the panel has been very valuable in helping staff develop the proposed Waiver program. Perhaps even more importantly, a foundation has been laid for future communication between the agricultural and environmental communities across the Central Coast Region, as well as with the Regional Board.

Among the recommendations of the panel are the education and farm water quality plan development requirements, management practice implementation and reporting through a checklist format, and the tiered structure of the waivers, which offer reduced reporting requirements for those meeting all the requirements by the enrollment deadline. The panel also recommends that monitoring focus on currently applied agricultural constituents, make use of existing monitoring resources wherever possible, and be structured on a regionwide, cooperative basis rather than on individual discharge monitoring.

Program Implementation Costs

The Regional Board has attempted to consider costs to both the Regional Board and the regulated community in developing the conditional waivers. Anticipated program implementation costs to the agricultural community include potential fees, management practice implementation, monitoring costs and costs for education. Costs to the Regional Board include staff time for program development, outreach to the regulated community, submittal review, program oversight and enforcement.

The Regional Board has endeavored to develop a cost-effective approach to water quality protection, by focusing on management practice implementation and by developing a regionalized monitoring option that will focus monitoring resources on currently applied agricultural constituents and concentrate monitoring in areas where data already indicates problems associated with agricultural activities. Primary focus during the first waiver cycle will be on performance requirements and use of water quality information to adjust practice implementation. To reduce administrative costs, staff is exploring such data management options as direct monitoring data submittals, web-based enrollment and practice reporting, and coordination with pesticide use reporting.

1.4 Project Description

The Regional Board proposes to adopt a conditional waiver of waste discharge requirements and a waiver of the requirement to submit a report of waste discharge for discharges of waste from irrigated lands. Irrigated lands are lands where water is applied for producing crops and, for the purpose of this program, include, but are not limited to, land planted to row, vineyard, field and tree crops as well as commercial nurseries, nursery stock production and greenhouse operations with soil floors that are not currently operating under Waste Discharge Requirements (WDRs). Fully contained greenhouse operations (those that have no groundwater discharge due to impervious floors) are not covered under this Conditional Waiver and must either eliminate all surface water discharges or apply for Waste Discharge Requirements.

Discharges include surface discharges (also known as irrigation return flows or tailwater), subsurface drainage generated by installing drainage systems to lower the water table below irrigated lands (also known as tile drains), discharges to groundwater, and storm water runoff flowing from irrigated lands. These discharges can contain wastes that could affect the quality of waters of the state.

Discharger means the owner and/or operator of irrigated cropland on or from which there are discharges of waste that could affect the quality of any surface water or groundwater.

Tiered Waiver Structure

Two categories of conditional waivers are proposed, in acknowledgement that a significant number of farmers in the Central Coast Region have already begun to actively address water quality protection by obtaining water quality education, developing farm plans or completing practice assessment tools, and changing their practices to protect and improve water quality.

Tier 1(five-year) waivers are intended for those dischargers that have already completed a minimum of fifteen hours of farm water quality training, have completed farm water quality plans, and have begun the process of implementing management practices to protect water

quality. Tier 1 waivers are valid for five years or the length of time remaining in the five-year waiver cycle.

Tier 2 (one-year) waivers are intended for those dischargers that cannot meet all requirements of Tier 1 by the enrollment deadline of December 1, 2004. Tier 2 waivers are renewable annually for a maximum of three years. A discharger may move from Tier 2 to Tier 1 at any time during the three year period. Tier 2 dischargers that have not met all requirements for a Tier 1 waiver by the end of three years may be required to apply for waste discharge requirements unless they can demonstrate progress toward meeting Tier 1 requirements as well as extenuating circumstances, such as lack of available training classes, that prevented them from meeting all requirements within the allotted time period.

Tiered conditional waivers will provide increased regulatory oversight and focus attention on those dischargers that have not begun to address water quality issues, while allowing those dischargers that are already working toward full compliance with water quality objectives to devote their time and resources to implementing management practices. The time schedule will allow a limited amount of time to meet requirements for education and planning, and allow time for implementation and adjustment of management practices. Dischargers will report current and planned management practice implementation upon enrollment and during the five-year waiver cycle through annual or biennial reports. Waste discharge requirements and enforcement will be reserved for non-compliant dischargers, or if water quality does not improve.

Enrollment

All applicants will be required to submit the following information as part of their Notice of Intent (NOI) to enroll:

- Completed application form
- Copy of map of operation (map should be the same as the one submitted to the County Agricultural Commissioner for Pesticide Use Reporting, or equivalent)
- Completed management practice checklist/self assessment form
- Certificates of attendance at Regional Board-approved farm water quality education courses, if applicable
- Statement of farm water quality plan completion, if applicable
- Election for cooperative or individual monitoring

Waiver Conditions

All waiver holders will be required to meet the following conditions:

1. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050.
2. The Discharger must comply with all requirements of applicable water quality control plans.
3. The Discharger shall not cause or contribute to exceedances of any Regional, State, or Federal numeric or narrative water quality standard.
4. Wastewaters percolated into groundwater shall be of such quality at the point where they enter the ground so as to assure the protection of all actual or designated beneficial uses of all groundwaters of the basin.

5. Wastes discharged to groundwater shall be free of toxic substances in excess of maximum contaminant levels (MCLs) for primary and secondary drinking water standards established by the United States Environmental Protection Agency or California Department of Health Services, whichever is more stringent; taste, odor, or color producing substances; and nitrogenous compounds in quantities which could result in a groundwater nitrate concentration (as NO₃) above 45 mg/l.
6. The Discharger shall comply with each applicable Total Maximum Daily Load (TMDL), including any plan of implementation for the TMDL, commencing with the effective date or other date for compliance stated in the TMDL. If an applicable TMDL does not contain an effective date or compliance date, the Discharger shall commence compliance with the TMDL's implementation plan no later than twelve months after USEPA approves the TMDL.
7. The Discharger shall allow Regional Board staff reasonable access onto the subject property (the source of runoff and percolating water) whenever requested by Regional Board staff for the purpose of performing inspections and conducting monitoring, including sample collection, measuring, and photographing to determine compliance with conditions of the waiver.
8. The Discharger shall comply with applicable time schedules.
9. This Conditional Waiver does not authorize the discharge of any waste not specifically regulated under this Order. Waste specifically regulated under this Order includes: earthen materials, including soil, silt, sand, clay, rock; inorganic materials including metals, salts, boron, selenium, potassium, nitrogen, phosphorus, etc.; and organic materials such as pesticides that enter or threaten to enter into waters of the state. Examples of waste not specifically regulated under this Order include hazardous materials, and human wastes.
10. Objectionable odors due to the storage of wastewater and/or stormwater shall not be perceivable beyond the limits of the property owned or operated by the Discharger.

Water Quality Monitoring

Water quality monitoring is a requirement of the waiver program. Dischargers will be required to elect a monitoring option during enrollment. They may choose individual monitoring or join a cooperative agricultural water quality monitoring program. The cooperative monitoring program will focus on currently applied agricultural constituents and is designed to provide information on in-stream water quality and detect trends over time. The cooperative monitoring option is proposed as an efficient way to determine the effectiveness of the waiver program at a reasonable cost, as well as to manage large amounts of monitoring data and ensure data quality.

Cooperative monitoring represents a watershed-based approach to meeting monitoring requirements. Fifty sites will be selected throughout the agricultural areas of the region, on main stems of rivers and on tributaries entering the rivers. These sites will be monitored on a regular basis, to see whether implementation of management practices as the result of adoption of the waiver is improving water quality. Sites will be selected in areas where the Regional Board's Central Coast Ambient Monitoring Program and other data have identified water quality problems from nutrients and other constituents that are likely attributable to irrigated agriculture. The cooperative monitoring program allows dischargers to pool resources in order to accomplish required monitoring at a lower cost than individual monitoring. Costs will be distributed based on a number of factors, including type and quantity of discharge, which will be determined by an Agricultural Monitoring Committee working with the Regional Board. The cooperative monitoring approach will also allow for additional resources, such as grant funds, to be utilized to reduce costs to dischargers.

Broad objectives of the cooperative monitoring program are to:

Short Term Objectives

- Assess status of water quality and associated beneficial uses in agricultural areas
- Identify problem areas associated with agricultural activities, where Basin Plan objectives are not met or where beneficial uses are impaired
- Conduct focused monitoring to further characterize problem areas and to better understand sources of impairment.
- Provide feedback to growers in problem areas; require additional monitoring and reporting as necessary to address problems

Long Term Objective

- Track changes in water quality and beneficial use support over time.

The focus of the cooperative monitoring program is on beneficial use protection and waterbody health as opposed to individual discharge (effluent) monitoring. Most of the major creeks and rivers of the Central Coast have designated beneficial uses that include cold and warm water fish habitat, agriculture, wildlife habitat, commercial and recreational fishing, and municipal and domestic supply. Other beneficial uses may also apply. Waterbodies which are not specifically identified in the Basin Plan also have designated beneficial uses, including municipal and domestic supply, recreation, and aquatic life (either for cold or warm water, whichever is applicable).

Impairment to beneficial uses in surface waters may result from conditions including nitrate concentrations which exceed the drinking water standard, toxic chemicals which exceed levels which are safe for human consumption or which cause toxicity or alterations in aquatic community structure, excessive buildup of salts to levels which create problems for irrigation and other uses, low dissolved oxygen levels which are harmful to aquatic life, and algal growth which may cause nuisance or otherwise impair beneficial uses. Some of these impairments are readily assessed through exceedance of numeric criteria. Others are assessed through narrative criteria (e.g. causing nuisance); in these cases a “weight of evidence” approach is desirable, where multiple measures of impairment are employed to determine if narrative objectives are met.

Assessing Program Effectiveness

The Regional Board will use a variety of tools to evaluate the overall effectiveness of the waiver program. Tasks and milestones will include enrollment levels in the two tiers, levels of farm water quality plan completion, levels and types of management practice implementation, and submittals of required reports according to the time schedule established in the waiver order. It is expected that most dischargers will have completed farm water quality plans and be implementing management practices by the end of the first waiver cycle (five years).

Water quality monitoring will be used in conjunction with management practice implementation to determine progress toward meeting waiver conditions. The cooperative monitoring program is designed to detect trends and allow the Regional Board to determine whether water quality is improving. Monitoring program milestones include establishment of a cooperative monitoring entity, development of a Quality Assurance Project Plan,

monitoring program enrollment levels and establishing adequate funding, and submittal of monitoring reports according to the time schedule established in the waiver order.

Staff will review progress on an on-going basis. At the end of the first waiver cycle, the program will be evaluated and revised as necessary as part of the waiver review process.

1.5 *Environmental Setting*

The project encompasses all of the irrigated land in the Central Coast Region, including the Salinas River, Pajaro River, Santa Maria River, and Santa Ynez River Basins, and smaller coastal streams. Agricultural production is a major land use in the Central Coast Region, with more the 600,000 acres of irrigated agriculture and more than 100 different crops produced.

The Central Coast Regional Water Quality Control Board has jurisdiction over a 300-mile long by 40-mile wide section of the State's central coast. Its geographic area encompasses all of Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara Counties as well as the southern one-third of Santa Clara County, and small portions of San Mateo, Kern, and Ventura Counties. Included in the region are urban areas such as the Monterey Peninsula and the Santa Barbara coastal plain, prime agricultural lands in the Pajaro, Salinas, and Santa Maria, Valleys, National Forest lands, extremely wet areas like the Santa Cruz mountains, and arid areas like the Carrizo Plain. Some physical characteristics of the Region are listed below:

CENTRAL COAST REGION¹¹

<u>CHARACTERISTICS</u>	<u>NUMBER</u>	<u>MEASURE</u>
Area of Region	11,274 square miles	
Streams	Unknown	2,360 miles
Lakes	99	25,040 acres
Ground Water Basins	53	3,559 square miles
Mainland Coast -	378 miles	
Wetlands and Estuaries	59	8,387 acres
Areas of Special Biological Significance	9	235,825 acres

Topographic features are dominated by a rugged seacoast and three parallel ranges of the Southern Coast Mountains. Ridges and peaks of these mountains, the Diablo, Gabilan, and Santa Lucia Ranges, reach to 5,800 feet. Between these ranges are the broad valleys of the San Benito and Salinas Rivers. These Southern Coast Ranges abut the west to east trending

¹ Water Quality Assessment for Water Years 1986 and 1987, Water Quality Monitoring Report No. 88-1 Water Quality, Division of Water Quality, State Water Resources Control Board, July, 1988.

Santa Ynez Mountains of the Transverse Ranges that parallel the southern exposed terraces of the Santa Barbara Coast.

The trend of the mountain ranges, relative to onshore air mass movement, imparts a marked climatic contrast between seacoast, exposed summits, and interior basins. Variations in terrain, climate, and vegetation account for a multitude of different landscapes. Seacliffs, sea stacks, white beaches, cypress groves, and redwood forests along the coastal strand contrast with the dry interior landscape of small sagebrush, short grass, and low chaparral.

2 Environmental Significance Checklist

This Environmental Checklist has been prepared in compliance with the requirements of CEQA relating to certified regulatory programs.

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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2.1 Aesthetics

Would the Project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.2 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 Department 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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2.3 Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control the 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.4 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 regulators, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.5 Cultural Resources

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource of site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.6 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
iii) Seismic-related ground failure,, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.7 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.8 Hydrology and Water Quality

Would the Project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which results in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.9 Land Use and Planning

Would the Project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.10 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.11 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.12 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.13 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.14 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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2.15 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 to roads, or congestion at intersections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exceed, either individually or cumulatively, a level of service standard established by the

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.16 Utilities and Service Systems

Would the Project?

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2.17 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 of restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 probably future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3 Thresholds of Significance

For the purposes of making impact determinations, potential impacts were determined to be significant if the Proposed Project would result in changes in environmental condition that would, either directly or indirectly, cause a substantial loss of habitat, substantial conversion of prime agricultural lands, or substantial degradation of water quality or other resources.

Discussion of Environmental Impacts

The analysis of potential environmental impacts is based on possible changes in irrigation management methods and other approaches to controlling agricultural discharges taken in response to the proposed Conditional Waiver of Waste Discharge Requirements for irrigated agriculture. The proposed project will result in more widespread implementation of management practices for irrigation management, erosion control, pesticide management and nutrient management. Potential impacts to biological, agricultural and water resources are discussed below, but are generally found to be of no significance.

2.1 Aesthetics

None of the potential practices described above would alter any scenic vistas, damage scenic resources, degrade the visual character of any site, or adversely affect day or nighttime views.

2.2 Agricultural Resources

The purpose of the Conditional Waiver is to increase the use of management practices that will protect water quality. In some cases, the water quality benefits of a practice are well documented, but in other cases, the effectiveness of a given practice, especially in coastal California crops, is not known. Regional Board has in the past, and will continue, to support research into the effectiveness of various practices. However, there are currently many practices available to growers which will have a beneficial impact on water quality by reducing erosion, improving irrigation efficiency to reduce the amount of water entering state waters from agricultural lands, and reducing the total amount of fertilizer and pesticides applied to crops. The following is a list of typical practices often recommended by University of California Cooperative Extension, Resource Conservation Districts and USDA's Natural Resources Conservation Service to protect water quality by reducing erosion, reducing the amount of fertilizer or pesticides applied, or preventing such constituents from entering waterways or groundwater. Many of these practices may actually improve agricultural resources by reducing the loss of topsoil or improving soil quality, and are likely to be implemented on a more widespread basis than currently, as a result of implementation of the Conditional Waiver:

- Vegetating roads to reduce erosion (cost-benefit analysis available from UCCE; net benefit in representative case due to reduced maintenance costs)
- Planning row arrangements to reduce runoff and erosion (cost-benefit analysis available from UCCE; net benefit in representative case)
- Underground outlet to transport water to bottom of steep slope and reduce erosion (cost-benefit analysis available from UCCE; initial outlay offset by increased yield within about 3 years)
- Tailwater recovery to eliminate surface water discharges of tailwater
- Vegetating waterways (ditches, drainage swales) (cost-benefit analysis available from UCCE; net cost in first year, little cost thereafter)
- Water and sediment control basins (cost-benefit analysis available from UCCE; net cost due to installation cost plus loss of acreage)
- Cover crops to reduce erosion during the rainy season and improve soil quality
- Filter strips (vegetation planted between crops and waterways to remove sediment and other pollutants)
- Hedgerow (a “living fence” of trees and shrubs planted around a field to attract beneficial insects, reduce erosion, stabilize banks and provide wildlife with food and cover)
- Irrigation water management to control the volume, frequency, and application rate of irrigation water in order to optimize the use of water, reduce erosion and decrease pollution of surface and groundwater
- Nutrient management to supply plant nutrients in the right amounts and at the right times to optimize crop yields and minimize loss of nutrients to surface and groundwater by developing a crop nitrogen budget
- Pest management practices to reduce pesticide applications by monitoring pest populations, promoting beneficial insects and other Integrated Pest Management techniques

Conservation practices that could affect the amount of land used for producing crops include vegetating farm roads, installing vegetated filter strips along creeks and at the ends of field rows, planting cover crops, and installing sediment detention basins. The Regional Board has reviewed the potential cost of some commonly used practices that might be employed by growers. Practices vary widely in both their initial installation costs and in long-term costs associated with maintenance and reduced cropping area. In some cases practices can result in improved productivity that will offset costs associated with taking some land out of production for conservation practices. Some practices, such as improved irrigation efficiency and nutrient management, can result in cost savings over time.

The practices described above, or other potential strategies that could be pursued by growers, are unlikely to lead to a conversion of prime agricultural farmland to other uses. Although some land may be vegetated for erosion control rather than planted to crops, the overall land use is still agricultural.

Growers have a wide range of options available to minimize or eliminate water quality impacts. Based on the range of options available, growers should be able to choose an

approach appropriate to their crops and fields that will minimize cost and allow them to continue farming. The availability of federal and state government funds for environmental conservation, as well as settlement funds (e.g. USDA's Environmental Quality Incentives Program, Proposition 40 and 50 funds, and PG&E and Guadalupe settlement funds) should allow growers to offset some of their costs, if they choose an approach that requires a greater capital investment.

2.3 Air Quality

Implementation of some alternative pest management strategies could lead to a reduction in aerial drift, and therefore an improvement in air quality.

2.4 Biological Resources

The proposed Conditional Waiver is designed to improve water quality through the widespread implementation of on-farm management practices that will reduce the amount of sediment, pesticides and nutrients entering the region's waterbodies. Growers must identify practices to address sediment, nutrients, pesticides, and irrigation efficiency in their farm water quality management plans. The goal of the associated monitoring program is to assess beneficial use protection in the agricultural areas of the region. Increased regulation of agriculture through the Conditional Waiver program will reduce impacts to biological resources by reducing exposure to agricultural pollutants.

It is possible that greatly improved irrigation efficiency in some areas will result in reduced flows during the summer. However, many Central Coast streams and rivers would not flow during the summer under natural conditions, and reductions in summer flows will not affect migration and spawning of fish, which are adapted to such hydrologic regimes. Reduced withdrawals of water for irrigation uses in some locations will allow surface and groundwater flows to return to, or more closely approximate, natural flows and will either cause no impact or improve habitat by allowing it to return to a natural state. Improved irrigation efficiency will generally improve habitat conditions for migration and spawning of fish, because of the low overall water quality of irrigation return flow. It is not expected that the Conditional Waiver will result in significant loss of habitat for threatened or endangered species. Practices such as vegetated waterways, hedgerows, and riparian restoration will likely result in increased habitat for many species.

2.5 Cultural Resources

Implementation of the proposed Conditional Waiver is not likely to affect cultural resources. None of the potential practices that growers might implement are likely to change the significance of any historical or archaeological resource, destroy a unique paleontological resource or geologic feature, or disturb any human remains.

2.6 Geology and Soils

Implementation of the proposed Conditional Waiver will not affect the geology of the region and will not expose people to additional geologic hazards. Growers may plant cover crops or buffer strips to increase soil infiltration and reduce runoff, which will likely reduce soil erosion.

2.7 Hazards and Hazardous Materials

The Department of Pesticide Regulation examines hazards posed by pesticides to workers and the public during its regulatory process. Each product is evaluated for potential hazards and any conditions necessary for the safe use of the material are required on the label or in specific regulations. Some of these requirements include use of protective clothing and respirators, use of a closed system for mixing and loading, or special training requirements for workers applying the pesticide. Implementation of the Conditional Waiver should not result in any increased exposure to hazards or hazardous material and may reduce exposure as growers implement pest management techniques that reduce applications in order to minimize potential runoff.

2.8 Hydrology and Water Quality

None of the management practices implemented to reduce discharges of agricultural constituents are likely to result in changes in drainage patterns that would increase erosion or siltation, increase the rate or amount of surface runoff, increase the risk of flooding, contribute to increases in storm water runoff that would exceed the capacity of stormwater drainage systems, or increase the chance of inundation by seiche, tsunami, or mudflow. Management practices will be implemented with the aim of improving water quality by reducing the amount of nutrients and pesticides applied to and/or discharging from agricultural lands. The requirement for all agricultural operations to have a farm plan is intended to ensure that operations are aware of the potential impacts of various practices and to ensure that reducing surface water discharges does not result in increasing groundwater discharges. Growers are required to have nutrient management plans to address both surface and groundwater impacts.

If dischargers elect to implement practices such as sediment detention basins, which could potentially fail and cause downstream problems, the management practices must meet local design standards. Practices designed to slow stormwater runoff and increase filtration by maintaining vegetation may increase recharge and increase stream flow in some areas. Improved irrigation efficiency will also reduce pumping and may reduce overdraft and seawater intrusion in some areas.

2.9 Land Use and Planning

Implementation of the proposed Conditional Waiver should not result in any changes in land use or planning. See discussion of Agricultural Resources, Section 9.4.2, above.

2.10 Mineral Resources

The effect of the proposed Conditional Waiver should be limited to land currently under agricultural production, and there should be no impact to mineral resources.

2.11 Noise

The proposed Conditional Waiver should have no impact on noise in the project area.

2.12 Population and Housing

The proposed Conditional Waiver will likely result in changes in on-farm management practices. Those changes in practices would not directly or indirectly induce population growth in the area, displace existing housing, or displace people. The proposed Conditional Waiver should not have an impact on population and housing.

2.13 Public Services

The proposed Conditional Waiver will not have an impact on public services.

2.14 Recreation

There should be no increase in use of parks or recreational facilities or the need for new or expanded recreational facilities as a result of this proposed Conditional Waiver.

2.15 Transportation/Traffic

The proposed Conditional Waiver will not have an impact on transportation/traffic.

2.16 Utilities and Service Systems

The proposed Conditional Waiver will likely result in changes in on-farm management practices. No wastewater treatment requirements for runoff from agricultural lands have been established by the Regional Water Quality Control Boards. The proposed Conditional Waiver should not result in changes in wastewater treatment requirements.

The proposed Conditional Waiver does not require and should not result in the construction or expansion of new storm water drainage facilities. The most feasible practices for the control of discharges from farms are on-field practices. It is unlikely that alterations in storm drainage facilities would be an effective means of reducing runoff from agricultural areas.

The proposed Conditional Waiver should not result in significant changes in water supply. One of the potential alternative practices that could be used by growers would be the use of cover crops to increase infiltration and reduce surface runoff of water, which may contain contaminants. The use of cover crops may require additional irrigation water, but may also result in reduced evaporation from soil surfaces, resulting in no or

little net change in irrigation water needs. Improved irrigation efficiency, one of the principle means of reducing agricultural discharges, will likely result in water savings.

The proposed Conditional Waiver should not require any changes in wastewater treatment services. The potential practices that could be applied by growers should not result in any changes in the generation of solid waste and therefore should not impact landfill capacity. The potential practices that could be applied by growers should not result in any changes in the generation of solid waste and therefore should not affect compliance with federal, state, or local statutes and regulations related to solid waste.

2.17 Mandatory Findings of Significance

The Conditional Waiver is designed to reduce discharges of agricultural pollutants and improve water quality. The Conditional Waiver does not require or allow any changes in practices that could degrade the quality of the environment or have environmental effects that could cause substantial indirect or direct adverse effects on human beings.

The proposed Conditional Waiver represents the establishment of a comprehensive program to address the impacts of agricultural discharges throughout the Central Coast Region. There are no probable future changes in Regional Board programs that would lead to cumulatively significant impacts when combined with likely impacts from the proposed Conditional Waiver.

Public Participation and Agency Consultation

Interested parties, agencies and the public have been consulted throughout the development of the proposed Conditional Waiver. Regional Board staff met with, or contacted by phone or email, agricultural industry representatives, environmental groups and local entities such as county Resource Conservation Districts and Agricultural Commissioners. The Agricultural Advisory Committee, made up of agricultural and environmental representatives, met for a year to assist staff in developing the program. Staff has consulted with the Department of Pesticide Regulation, University of California Cooperative Extension, and USDA Natural Resources Conservation Service. In addition, the Board held three public workshops at locations throughout the region to hear public testimony prior to completing the draft proposed Conditional Waiver and Initial Study.

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**RESOLUTION NO. R3-2004-0118
APPROVING AN INITIAL STUDY
AND
ADOPTING A NEGATIVE DECLARATION
FOR
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (Regional Board), proposes to adopt Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands; and

WHEREAS, the Regional Board is the lead agency for this project under the California Environmental Quality Act and has conducted an Initial Study in accordance with title 14, California Code of Regulations, Section 15063, entitled *Guidelines for the Implementation of the California Environmental Quality Act*; and

WHEREAS, copies of the Initial Study and proposed Negative Declaration were submitted to the State Clearinghouse on March 23, 2004, and to the Clerks of Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, and Ventura counties, and transmitted to or made available to all agencies and persons known to be interested in these matters and the public notice provided exceeded the legal requirements for such notice; and

WHEREAS, the Regional Board accepted comments for 60 days and has considered all comments; and

WHEREAS, the Regional Board considered all testimony and evidence at a public hearing held on July 8, 2004, in San Luis Obispo, California, and good cause was found to approve the Initial Study and adopt a Negative Declaration; and

WHEREAS, based on the Initial Study, Negative Declaration, and the entire administrative record, the Regional Board finds that adoption of the proposed Waiver has no potential to adversely impact the environment; and

WHEREAS, the Regional Board finds, based on the draft Negative Declaration, including the Initial Study and hearing record, that adoption of the proposed Waiver will not individually or cumulatively have an adverse effect on wildlife, as defined in Fish and Game Code §711.2, or the habitat on which wildlife resources depend;

THEREFORE BE IT RESOLVED, that:

1. The Initial Study is approved and the Negative Declaration for the *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands* is adopted.

2. The record before the Regional Board contains no substantial evidence that a fair argument has been made that the project may have a significant effect on the environment.
3. The Executive Officer, or designee, is authorized to sign and submit a Certificate of Fee Exemption pursuant to California Code of Regulations, Title 14, Section 753.5(c).

I, ROGER W. BRIGGS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Cost Region, on July 9, 2004.


FOR ROGER W. BRIGGS, Executive Officer