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

(RESOLUTION NO. R3-2008-0002)

1) REMOVE THE SHELLFISH HARVESTING BENEFICAL USE FOR SOQUEL LAGOON
2) ADOPT TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SOQUEL LAGOON, SOQUEL CREEK, AND NOBLE GULCH

The California Regional Water Quality Control Board, Central Coast Region (hereinafter Central Coast Water Board) is the Lead Agency for evaluating the environmental impacts of the proposed amendment to the Water Quality Control Plan (Basin Plan) in the Central Coast Region. The proposed amendment includes: **1) removal of the shellfish harvesting beneficial use for Soquel Lagoon, and 2) adoption of the Total Maximum Daily Loads and an Implementation Plan for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch.**

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

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

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

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

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

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

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

The attached checklist and the staff report for the Pathogen TMDLs in the Soquel Lagoon, Soquel Creek, and Noble Gulch (hereinafter referred to as the Soquel Creek Watershed) and removal of the shellfish harvesting beneficial use, with responses to comments, and the resolution approving the amendments, fulfill the requirements of California Code of Regulations, section 3777, Subdivision (a), and the Central Coast Water Board's substantive CEQA obligations. In preparing these CEQA substitute documents, the Central Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a tier-one environmental review.

Any potential environmental impacts associated with implementation of the TMDLs based on the removal of the shellfish harvesting beneficial use depend upon the specific compliance projects selected by the responsible parties, many of whom are public agencies subject to their own CEQA obligations (See Pub. Res. Code § 21159.2.). If not properly mitigated at the project level, there could be adverse environmental impacts. The CEQA substitute documents identify broad mitigation approaches that should be considered at the project level.

Consistent with CEQA, the substitute documents do not engage in speculation or conjecture but rather consider the reasonably foreseeable feasible mitigation measures, and the reasonably foreseeable alternative means of compliance, which would avoid, eliminate, or reduce the identified impacts. The Central Coast Water Board recognizes that there may be project-level impacts that the local public agencies may determine are not feasible to mitigate. To the extent the alternatives, mitigation measures, or both, are not deemed feasible by those agencies, the necessity of implementing the federally required TMDLs and removing the water quality impairment from the Soquel Creek Watershed (an action required to achieve the national policy of the Clean Water Act) outweigh the unavoidable adverse environmental effects.

1. GENERAL ENVIRONMENTAL COMMENTS

The detailed environmental setting and authority for the proposed amendment that removes the shellfish harvesting beneficial use for Soquel Lagoon and incorporates Total Maximum Daily Loads and an Implementation Plan for Pathogens in the Soquel Creek Watershed is set forth in the detailed Project Report entitled, "Total Maximum Daily Loads for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch." The report identifies the environmental setting and need for the project.

The Central Coast Water Board has considered potential environmental impacts arising from the reasonably foreseeable means of compliance with the TMDLs, which includes the removal of the shellfish harvesting beneficial use in Soquel lagoon (Pub. Res. Code, §21159(a).). Many of these compliance approaches are already required under existing law. The elevated bacteria indicator densities and continued exceedance of water quality objectives are themselves adverse environmental impacts, as the recreational users of these waterbodies will remain at risk during the implementation period for the TMDLs. The TMDLs provide a program for addressing the adverse impacts of non-compliance with water quality objectives through a progressive reduction in the loading of bacteria to Soquel Lagoon, Soquel Creek, and Noble Gulch, and through a schedule that is reasonable and as short as practicable.

2. ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐	☐	☒
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. --Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial	☐	☐	☐	☒

pollutant concentrations?				
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within	☐	☐	☐	☒

one-quarter mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
VIII. HYDROLOGY AND WATER QUALITY -Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase	☐	☐	☐	☒

the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
IX. LAND USE AND PLANNING Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally –important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XI. NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards	☐	☐	☐	☒

established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒

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

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

3. ENVIRONMENTAL EVALUATION DISCUSSION

Central Coast Water Board staff found the following issues to have more than a "no impact" effect, as checked above in the checklist:

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:
(e) – Create objectionable odors affecting a substantial number of people?

Answer: Less than significant impact.

Central Coast Water Board staff determined that when sanitary collection system lines, dry weather diversions, or connections to private laterals are repaired, replaced, or installed, there may be a brief period of time when objectionable odors are released. Staff concluded this is a less than significant impact. Staff concluded that odor control devices such as vapor barriers and/or chemicals can be used to mitigate the impacts of potential odors.

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

Answer: Less than significant impact.

The Central Coast Water Board requires implementation of responsible parties who own property that may contain special-status species. There are twenty two special-status species in the Soquel Creek Watershed (personal Communication, Janine DeWald, Wildlife Biologist, Department of Fish and Game, September, 2007). Some of these species may live in habitats similar to those in areas where implementation is required.

The method responsible parties will choose to comply with implementation requirements is unknown to Central Coast Water Board staff because staff cannot require specific implementation strategies. Responsible parties may choose to comply by installing linear barriers to corral or exclude livestock, or other domestic animals. They may also create structures such as manure bunkers or berms to prevent livestock waste from entering surface waters. Responsible parties may also choose to create homeless person barriers and/or hire or install security surveillance, or they may replace or maintain sewer lateral and main line connections or create dry weather diversions. Additionally, responsible parties may create bioretention cells or grassy swales for low impact development. If land is disturbed as a result of these activities, staff concluded a less than significant impact on special-status species may result.

Staff determined that barrier structures, and manure bunkers and berms, cover little surface area in comparison to larger building pads. Construction activities for collection system maintenance may include removing soil/plant cover, but the soil/plant cover can be replaced. Staff also concluded that construction may also require creating holes for barrier posts or posts for surveillance cameras. In this case the soil/plant cover removed

may be moved elsewhere on site and not replaced into the hole; however plant cover that is removed can be replanted elsewhere on site. Soil that is amended for creation of a bioretention cells or other low impact development strategies will most likely occur in areas that are highly urbanized and do not have special-status species.

Staff also determined it is likely that implementation activities will not occur simultaneously, thereby reducing impacts. Additionally, staff noted that landowners may disturb the land on their properties, including building fences or other buildings for other reasons, regardless of Central Coast Water Board implementation requirements. Furthermore, staff concluded mitigation measures should be used to lessen the impacts. Staff concluded responsible parties should first consult with resource agencies such as the California Department of Fish and Game to determine if an impact on special-status species is likely to occur. If the agencies determine an impact is likely, they should advise responsible parties as to the best strategies to reduce impacts on these resources.

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

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

Answer: Less than significant impact.

The Central Coast Water Board requires implementation of responsible parties who own property in riparian habitat within the Soquel Creek Watershed. The method responsible parties will choose to comply with implementation requirements is unknown to Central Coast Water Board staff because staff cannot require specific implementation strategies. Responsible parties may choose to comply by installing linear barriers to corral or exclude livestock or other domestic animals, and constructing structures such as manure bunkers or berms to prevent livestock waste from entering surface waters. They may also choose to create homeless person barriers and/or hire or install security surveillance, or they may replace or maintain sewer lateral and main line connections or create dry weather diversions. Additionally, responsible parties may create bioretention cells or grassy swales for low impact development. If land is disturbed as a result of these activities, staff concluded a less than significant impact on riparian habitat may result.

Staff determined that barrier structures, and manure bunkers and berms, cover little surface area in comparison to larger building pads. Construction activities for collection system maintenance may include removing soil/plant cover, but the soil/plant cover can be replaced. Staff also concluded that construction may also require creating holes for barrier posts or posts for surveillance cameras. In this case the soil/plant cover removed may be moved elsewhere on site and not replaced into the hole; however plant cover that is removed can be replanted elsewhere on site. Soil that is amended for creation of

a bioretention cells or other Low Impact Development strategies will most likely occur in areas that are highly urbanized and do not have special status species.

Staff also determined it is likely that implementation activities will not occur simultaneously, thereby reducing impacts. Additionally, staff noted that landowners may disturb the land on their properties, including building fences or other buildings, for other reasons, regardless of Central Coast Water Board implementation requirements. Furthermore, staff concluded that the following mitigation measures can be employed to reduce impacts on riparian habitat or other sensitive natural communities: (1) Consult with a resource agency such as the California Department of Fish and Game or United States Army Corps of Engineers to determine the best location for construction; (2) Replace the same soil that is removed from a construction location; (3) Reserve the top seven to eight inches of removed soil in a separate location to be replaced on top of deeper replaced soil; (4) Develop a resource agency approved plan to replace any vegetation that is impacted.

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

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:
(f) – Otherwise substantially degrade water quality?

Answer: Less than significant impact.

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

When landowners build a fence or animal containment structure or perform collection line activities, there is the possibility of soil disturbance resulting in sediment discharge into surface waters. Staff determined this is also a less than significant impact because techniques such as shoring, piling, and soil stabilization can mitigate potential short term impacts due to of sediment discharge. Furthermore construction activities or general use of stables, paddocks, or corrals must be accompanied by an erosion control plan prepared pursuant to Section 16.22.060 of County Planning and Zoning Regulations. Therefore staff concluded that the amount of sediment released would be minimal, if any.

(h) – Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Answer: Less than significant impact.

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

XI. NOISE -- Would the project result in:
(d) – A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Answer: Less than significant impact.

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

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

Answer: Less than significant impact.

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

4. ALTERNATIVES ANALYSIS DISCUSSION

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

a. Preferred Alternative

The Preferred Alternative is the adoption of the proposed Total Maximum Daily Load for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch and removal of the shellfish harvesting beneficial use in Soquel Lagoon. Fecal coliform bacteria are used as indicators for the presence of pathogenic organisms. Pathogen indicator organism load is allocated to responsible parties and requires load reductions to achieve water column concentrations. Implementation of actions and monitoring will occur pursuant to terms of NPDES permits and/or Waste Discharge Requirements and/or local or federal agency environmental review and conditions, the Aptos-Soquel Subbasin Waste Discharge Prohibition, and monitoring and reporting requirements issued by the Central Coast Water Board Executive Officer through the Porter-Cologne Water Quality Control Act. Central Coast Water Board staff will conduct reviews to evaluate the success of implementation actions aimed at reducing loading to achieve the allocations. Implementation is required pursuant to existing regulatory mechanisms. A period of 13-years of implementation is the anticipated time required to achieve the allocations necessary to achieve the TMDLs. Staff determined that at the most, less than significant impacts could potentially occur as a result of this preferred alternative.

b. No Action Alternative

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

c. Alternative – Eliminate Activities Contributing to Discharge

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

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

Signature

5-1-08

Date