

ATTACHMENT L

California Regional Water Quality Control Board - San Francisco Bay Region
General Waste Discharge Requirements

**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

**ADOPTION AND IMPLEMENTATION OF GENERAL WASTE DISCHARGE
REQUIREMENTS FOR CONFINED ANIMAL FACILITIES INCLUDING THE RE-
OPENING OF AN EXISTING DORMANT FACILITY**

PREPARED BY:

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SUMMARY

This summary provides a synopsis of the Initial Study and proposed Mitigated Negative Declaration (IS/MND), which have been prepared pursuant to the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines. The Lead Agency for the project, as defined by CEQA, is the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board).

Project Description

The proposed project consists of the San Francisco Bay Regional Water Quality Control Board (Water Board) adopting and implementing General Waste Discharge Requirements (General WDRs) for the management of process water, manure, and other organic materials at confined animal facilities (CAFs), including the application of such materials to land. The General WDRs may be used to regulate a variety of confined animal facility types within the Region.

The General WDRs includes new requirements for nutrient management, grazing management and water quality monitoring. Existing facilities, that are eligible for coverage under the General WDRs, are exempt from CEQA requirements as per Title 14 of the California Code of Regulations, section 15301. However, the scope of coverage in the General WDRs extends to former CAFs that, although currently dormant, may re-open at some point in the future. While this type of facility is not a newly constructed source, the inclusion of such operations in the General WDRs requires separate CEQA analysis, and is thus the focus of this Initial Study and Mitigated Negative Declaration (IS/MND). The General WDRs do not authorize expansions of facilities. Such facilities must demonstrate compliance with CEQA, prior to requesting General WDR coverage.

This project is consistent with the State Water Resources Control Board's *2004 Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) which requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDRs), through waivers of WDRs, or through prohibitions.

Project Objectives

The objectives of the proposed project are to establish General WDRs for CAFs, including any potential, future re-openings of existing dormant facilities, in order to adequately:

- Facilitate a streamlined, fair and consistent approach to regulating and permitting CAF operations located on existing dormant facilities;
- Improve and protect water quality;
- Benefit, enhance, restore and protect biological resources, including fish, wildlife, and rare and endangered species;
- Control and reduce sedimentation in surface waters and improve soil conservation;

- Control and reduce adverse groundwater impacts;
- Promote sustainable agriculture and grazing;
- Trap bacteria and other pathogens that cause waterborne illnesses in people; and
- Monitor water quality trends and changes within CAF watersheds.

Agency Determination

The re-opening of an existing dormant CAF may potentially have a significant effect on the environment. However, potential effects are mitigated by the strict eligibility criteria, discharge prohibitions, waste discharge specifications, monitoring and reporting requirements and other provisions of the General WDRs, such that no significant effects will occur. Existing facilities have up to four (4) years to complete all of the required management plans, while operators re-opening an existing dormant facility must complete these plans prior to start-up. In addition, operators must implement pond liner requirements for replaced or reconstructed retention ponds, which are more protective of groundwater quality than those for existing facility retention ponds.

Public Participation and Review

A public workshop was held on April 18, 2016, at the Natural Resource Conservation Service office in Petaluma, to present the draft documents, answer questions and obtain input from potentially regulated animal producers, local agencies, nearby residents, and other interested parties.

The 45-day public comment period for the proposed General WDRs begins on March 15, 2016. Comment letters must be received by 5:00 p.m. on Friday April 29, 2016. The proposed General WDRs, including this draft environmental document, will be available online beginning March 15, 2016 at:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/.

INITIAL STUDY / DRAFT MITIGATED NEGATIVE DECLARATION
pursuant to the California Environmental Quality Act, as amended

A. PROJECT DESCRIPTION

- 1. Project title:** Adoption and Implementation of General Waste Discharge Requirements for Confined Animal Facilities including the Re-opening of an Existing Dormant Facility

- 2. Lead agency name & address:** California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

- 3. Contact person & phone number:** Laurie Taul, Environmental Scientist
(510) 622-2508
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- 4. Project location:** San Francisco Bay Region

- 5. Project sponsor's name & address:** California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

- 6. General plan designation:** Not Applicable

- 7. Zoning:** Not Applicable

- 8. Description of project:**

The proposed project consists of the San Francisco Bay Regional Water Quality Control Board (Water Board) establishing General Waste Discharge Requirements (General WDRs) for the management of process water, manure, and other organic materials at confined animal facilities (CAFs), including the application of such materials to land. The proposed WDR will rescind and replace Order No. R2-2003-0093, General Waste Discharge Requirements for Confined Animal Facilities (2003 WDRs).

The General WDRs may be used to regulate currently operating CAFs within the San Francisco Bay region (the Region), as well as a small subset of facilities that may reopen within the footprint of a former CAF operation. Although approximately 20 percent of the cow dairies located in Marin and Sonoma counties have closed since 2003, there has been recent public inquiry and interest, mostly focused in Marin and Sonoma counties, in starting specialized CAF operations (such as grass-fed beef, milk for artisan cheeses, organic milk, etc.) with smaller and more diverse herds, in former, now shuttered dairy facilities. Reopened operations that utilize existing facilities, within the designed animal capacity, are the subject of this environmental analysis.

The General WDRs address the following:

- a) Various Total Maximum Daily Loads (TMDLs) recently adopted by the Water Board that identify CAFs as sources of pathogens, sediment, and nutrients to surface waters;
- b) Increased concerns about the collection and management of waste and its impacts to surface and groundwater; and
- c) The need for an efficient approach towards regulating re-opening facilities that are fully constructed but not operating (dormant).

The General WDRs contain conditions, requirements, and new criteria for facility planning, management, and monitoring for those facilities previously regulated by the 2003 WDRs. The General WDRs also broaden the scope of regulated facilities to include additional types of CAF facilities within impaired watersheds or elsewhere within the region should they be identified as posing a threat to water quality.

We anticipate that a limited number of closed confined animal facilities, specifically dairies, may re-open as either dairies of similar size to the original operation, or as smaller, more specialized operations. The existing infrastructure of such facilities may include existing milking parlors, loafing barns, corrals, travel lanes and creek crossings, covered feed storage areas, and retention ponds for solid and liquid waste management. Operators may be required to replace, reconstruct, or make improvements to their waste management systems and/or general facility to ensure proper function and compliance with General WDRs' provisions to control sediment, pathogen, and nutrient discharges to surface and groundwater.

In order to be eligible for General WDRs coverage, those seeking to start-up a new CAF operation utilizing an existing dormant facility must comply with the following conditions:

- Prior to start-up, owner/operators must develop site-specific management plans applicable to each operation, in accordance with technical standards outlined in the General WDRs. Such plans include a Waste Management Plan for confined production areas, a Nutrient Management Plan for lands where manure products are applied, and a Grazing Management Plan for grazing lands totaling 50 acres or more.
- Prior to start-up, retention ponds must comply with Natural Resources Conservation Service (NRCS) Waste Storage Facility Code 313 including a maximum specific discharge (unit seepage rate) of 1×10^{-6} cm/sec. Such ponds may not be used until the Discharger submits a report verifying that the liner meets this requirement.
- Operations must not include more animals than the existing infrastructure is designed to accommodate. The Order does not authorize expansions of facilities. Such facilities must demonstrate compliance with CEQA and obtain separate waste discharge requirements.

In addition to eligibility requirements, newly re-opened CAFs will be subject to all provisions of the General WDRs. In general, these provisions require:

- That discharges of waste from confined animal facilities shall not cause surface water or groundwater to be further degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. The WDRs also requires monitoring of surface water and groundwater to demonstrate reduced impacts to surface water and groundwater upon compliance with the WDR requirements;

- Daily management and monitoring of waste management facilities and implementation of site-specific pollution prevention practices that result in the “best practicable treatment or control” of discharges; and
- All Dischargers to prepare and implement management plans for the facility’s production areas, retention ponds, land application areas and grazing lands, in accordance to specified technical standards.

9. Setting and surrounding land uses:

Bay Area land uses include a mix of residential, commercial, industrial, municipal, agriculture, and open space. The proposed project, adoption and implementation of General WDRs for CAFs, would potentially affect confined animal facilities located throughout the Bay Area. However, the focus of the environmental checklist analysis is on potential environmental impacts from confined animal facility operations that re-open within the footprint of a former facility, utilize former infrastructure, and are expected to be located in predominantly rural areas that are dominated by agriculture.

10. Other public agencies whose approval is required:

No other public agency approvals are required.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Less Than Significant With Mitigation” as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Greenhouse Gas Emissions
- Agriculture and Forest Resources
- Cultural Resources
- Hazards/Hazardous Materials
- Air Quality
- Geology/Soils
- Hydrology/Water Quality
- Land Use/Planning
- Population/Housing
- Transportation/Traffic
- Mineral Resources
- Public Services
- Utilities/Service Systems
- Noise
- Recreation
- Mandatory Findings of Significance

C. LEAD AGENCY DETERMINATION

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.

Signature
Bruce H. Wolfe, Executive Officer

Date

D. EVALUATION OF ENVIRONMENTAL EFFECTS

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 16 different broad environmental categories, such as air quality, cultural resources, land use, and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. Each question in the Checklist essentially requires a “yes” or “no” reply as to whether or not the project will have a potentially significant environmental impact of a certain type, and, following a Checklist table with all of the questions in each major environmental heading, citations, information and/or discussion that supports that determination. The Checklist table provides, in addition to a clear “yes” reply and a clear “no” reply, two possible “in-between” replies, including one that is equivalent to “yes, but with changes to the project that the proponent and the Lead Agency have agreed to, no”, and another “no” reply that requires a greater degree of discussion, supported by citations and analysis of existing conditions, threshold(s) of significance used and project effects than required for a simple “no” reply. Each possible answer to the questions in the Checklist, and the different type of discussion required is discussed below:

Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type described in the question.

Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.

Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

No Impact. Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be "No Impact" with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

ENVIRONMENTAL CHECKLIST:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

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

Background:

Newly re-opened CAFs that would be subject to the General WDRs would generally be located in rural areas. These lands are visible from roads and neighboring properties and may also be partially visible from open space areas. Ranchlands tend to consist of large open, grassland areas. Trees may be present, particularly along riparian corridors. Ranch structures typically include one or more residences, barns, equipment sheds, fences, watering and feeding areas, roads, and road crossings.

Discussion of Impacts:

a) Have a substantial adverse effect on a scenic vista.

Less than Significant Impact: CAFs that restart operations within an existing dormant CAF footprint would only be allowed to utilize the existing physical facilities and are prohibited from expanding their facilities. Minor alterations to an existing dormant CAF, in terms of repair and rehabilitation, including the installation of mechanical equipment to milk, contain, or process the milk product, are expected. The only physical change to the landscape would be the addition of animals. Therefore impacts to scenic vistas would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Less than Significant Impact: Permit compliance and pollution prevention actions associated with the General WDRs may affect land adjacent to designated State scenic highways; however these actions would typically be small in scale. Such compliance actions would not require the construction of new facilities, or changes to trees, rock outcroppings,

or historic buildings that could substantially damage scenic resources within these corridors. Therefore, the proposed project would not result in significant impacts to scenic resources.

c) Substantially degrade the existing visual character or quality of the site and its surroundings.

Less than Significant Impact: As described above, the General WDRs would be implemented on existing dormant and operating CAF facilities including grazing lands that are associated with the CAF, in rural areas. The visual character of the area is generally open and grassland is the dominant vegetation. The project could result in local changes in vegetation such as an increase in riparian vegetation and minor changes in topography to modify steep slopes or re-construct eroding roads. Implementation of waste management practices within the confined areas, nutrient management practices within the pasture lands and grazing management practices would generally result in small scale, temporary alteration in views and would not result in the degradation or change in the visual character of rangeland. Therefore, the impacts to scenic resources would be less than significant.

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

No Impact. The project would not include any lighting or structures. Therefore it would have no impact to light and glare.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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? | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | X |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)? | X |
| d) Resulting in the loss of forest land or conversion of forest land to non-forest use? | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. | X |

Background:

The General WDRs calls for the implementation of waste, nutrient and grazing management practices and will result in the reduction of erosion, sedimentation and pathogens and in the improvement of water quality and the promotion of sustainable agriculture. Implementation of the General WDRs is consistent with most general plans for rural counties, such as Napa County's agricultural preservation goals and policies (Napa County General Plan) and Sonoma County's Policy and Goals for Reduction of Soil Erosion (Sonoma County General Plan) - i.e. that encourages and supports farms and ranches seeking to implement programs that increase the sustainability of resources, conserve energy, and protect water and soil (refer to Section X, Land Use and Planning).

Discussion of Impacts:

- 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.**

No Impact: The project will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract.**

No Impact: The project will not affect existing agricultural zoning or any aspect of a Williamson Act contract.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?**

No Impact: The project will not cause rezoning of forest land or timberland.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact: The project would not result in any direct loss of forest land.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.**

No Impact: The project would not result in conversion of Farmland to non-agricultural use.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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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? | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | X | |
| 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 that exceed quantitative thresholds for ozone precursors)? | | X | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | X | |
| e) Create objectionable odors affecting a substantial number of people? | | X | |

Background:

The San Francisco Bay Region is located in the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The Bay Area is currently designated as a nonattainment area for State and national ozone standards and as a nonattainment area for the State particulate matter (PM10 and PM2.5) standards. As required by federal and State air quality laws, the 2001 Bay Area Ozone Attainment Plan and the 2000 Bay Area Clean Air Plan have been prepared to address ozone nonattainment issues. In addition, the BAAQMD, in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), prepared the Bay Area 2005 Ozone Strategy. This report describes the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements and how to improve air quality in the region and reduce transport of air emissions to neighboring air basins. No PM10 plan has been prepared nor is one currently required under State air quality planning law.

Discussion of Impacts:

a) Conflict with or obstruct implementation of the applicable air quality plan.

No impact: A project would conflict with or obstruct implementation of the regional air quality plans if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in vehicle miles traveled. The growth assumptions used for the regional air quality plans are based upon the growth assumptions provided in local general plans. The re-opening of a few CAF facilities within the next 5 years would have a less than significant impact on any of the growth assumptions made in the preparation of the clean air plans (no new housing is proposed), and would not obstruct implementation of any of the proposed control measures contained in these plans.

Implementation of waste, nutrient and/or grazing management actions as required by the General WDRs would not result in new land uses that would generate a significant increase in traffic or other operational air emissions. Temporary increases in traffic could occur at individual CAFs during construction and installation of best management practices (BMPs) to comply with the requirements of the General WDRs, however, these impacts are expected to be limited in numbers and types of vehicles used, miles driven, duration, and air resultant emissions.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Less than significant impact: Reopening of an existing dormant CAF could result in minimal construction including minor alterations to existing structures or restoration or rehabilitation of deteriorated or damaged equipment to meet current standards of public health and safety. Compliance with the provisions of the General WDRs may, in certain circumstances (depending on animal type), require the preparation and implementation of waste, nutrient, and grazing management practices to control and reduce sediment, pathogens, and nutrient discharges to surface and groundwater. As such, some engine emissions from the temporary operation of construction vehicles and equipment used to comply with the provisions of the General WDRs would be both short-term and localized and not will 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 nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Less than significant impact: In accordance with BAAQMD CEQA Guidelines, for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact is based on an evaluation of the project's consistency with the local general plan. The local general plan must also be consistent with the regional air quality plan. The project would not result in, nor authorize, new land uses, and would therefore be consistent with the 2001 Bay Area Ozone Attainment Plan and the 2000 Bay Area Clean Air Plan. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant. This would be a less than significant impact.

d) Expose sensitive receptors to substantial pollutant concentrations.

Less than significant impact: CAF operations regulated by the General WDRs are located in rural areas, away from schools, hospitals, and other sensitive land uses. Residential uses in agriculturally-zoned districts are very low density, typically only a few residences on each of the parcels. Minor construction and/or earth moving undertaken to comply with the General WDRs could result in increases in particulates in the air in the immediate area of grading and construction but would not expose sensitive receptors, likely to be located substantial distances from ranchlands, to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people.

Less than significant impact: The BAAQMD defines public exposure to offensive odors as a potentially significant impact. In general, the types of land uses that pose potential odor problems include refineries, chemical plants, wastewater treatment plants, landfills, composting facilities, and transfer stations.

The operation and maintenance of any CAF involves the collection and management of manure and materials contacting manure, including storm water. Depending on the animal type, each facility utilizes site-specific management measures including, but not limited to, manure solids separators, anaerobic digestion, composting, manure wastewater spray irrigation, and/or spreading of manure solids in the fall for crop fertilization.

Residential uses in agriculturally-zoned districts are generally of very low density, consisting of only a few residences on each of the parcels. In areas where rural agriculture zone transitions to more dense residential zones, odors may be noticeable to more people than in typical rural areas; however, given that there are only a small number of closed facilities region-wide that may re-open, the potential for a re-opened facility to impact a substantial number of people, is low. The impact of the project with regard to odors is considered to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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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?

X

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

X

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?

X

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?

X

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

X

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?

X

Background

Watersheds throughout the region support a wide diversity of plant and animal species, including a high number of special status species and sensitive natural communities. These communities include mixed evergreen forests, oak woodlands and savanna, native and nonnative grasslands, chaparral, and riparian scrub and woodland. Some watersheds provide habitat for several aquatic species of concern, including steelhead trout (*Oncorhynchus mykiss*), Chinook salmon (*Oncorhynchus tshawytscha*), and California freshwater shrimp (*Syncaris pacifica*).

It is possible that a re-opened CAF that is subject to the proposed General WDRs may be required to undertake specific projects to comply with the General WDRs. These projects may involve manure retention and management, land application of nutrients, minor earthmoving and/or construction, the installation of water wells and associated water routing piping and storage (tanks), property fencing, and rehabilitation of roads and animal crossings, that could potentially affect biological resources either directly or indirectly through habitat modifications.

Discussion of Impacts:

- 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 Wildlife or U.S. Fish and Wildlife Service?**

Less than significant impact: The General WDRs are designed to benefit, enhance, restore and protect biological resources, including fish, wildlife, and rare and endangered species. The potential for a re-opened facility to impact any species identified as a candidate, sensitive, or special status species is extremely low because the land has already been modified for CAF use, and the owners/operators will only be reconstructing and/or repairing existing facilities.

If, however, impacts to special status species and their habitats occur outside the Water Board's jurisdiction (e.g., in areas with no proximity or relation to waters of the state), then impacts must be addressed through other local, state, and federal programs. For example, for projects that fill Clean Water Act 404 wetlands, the Army Corps of Engineers explicitly conditions its permits to require that impacts to federally listed species be less than significant. Furthermore, the General WDRs do not authorize expansions of facilities nor the construction of new CAFs. New and expanded CAFs must demonstrate compliance with CEQA and obtain separate waste discharge requirements.

- 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.**

Less than significant impact with mitigation: As indicated in section IV a), above, the General WDRs are designed to benefit biological resources, particularly riparian habitat and other sensitive natural communities. Compliance projects proposed to comply with the General WDRs that involve grading or construction in the riparian corridor are subject to review and/or approval by the Water Board.

The Water Board will work with California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and proponents of specific compliance projects to come up with actions

that not only meet but further the General WDRs' requirements and goals, but also have minimal impacts.

Mitigation Measure IV-1:

Landowners shall apply for permits from the Water Board, USFWS, and/or CDFW for approval. These agencies will either:

- a. not approve compliance projects with significant adverse impacts on sensitive/special status species; or,
- b. require mitigation measures to reduce impacts to less-than-significant levels.

- 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.**

Less than significant impact with mitigation: Adverse impacts on wetlands would not be significant. Proposed waste, nutrient and/or grazing management actions/ projects that could have the potential to disturb wetlands would be subject to the Water Board's review and approval under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act. The Water Board must, consistent with its Basin Plan, require mitigation measures to avoid, minimize, and mitigate impacts to less-than-significant levels. As specified in the Basin Plan, the Water Board uses the USEPA Section 404(b)(1) Guidelines for dredge and fill material in determining the circumstances under which the filling of wetlands may be permitted. This policy requires that avoidance and minimization be emphasized and demonstrated prior to consideration of mitigation. Wetlands not subject to protection under Sections 404 and 401 of the CWA are still subject to regulation, and protection under the CWC.

Mitigation Measure IV-2:

Landowners shall apply for permits from the Water Board and/ US Army Corps of Engineers for approval. The permits will specify conditions to reduce impact to less than significant levels, including:

- a. Demonstrating that avoidance, minimization, and mitigation of impacts has occurred to the maximum extent practicable;
- b. for all potential projects where wetland losses would exceed 0.1 acres, responsible parties are required to provide compensatory mitigation at a ratio that is greater than or equal to 1:1 (as determined in consultation with the Water Board); and,
- c. For projects where wetland losses are less than 0.1 acre, on a case by case basis, the District Engineer and/or Water Board may require compensatory mitigation.

- 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.**

Less than significant impact with mitigation: Re-opening an existing dormant CAF operation under the General WDR provisions would not substantially interfere 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. Although projects could be proposed to comply with General WDRs that involve minor construction or earthmoving activities (e.g., fencing, road improvements, etc.), these projects involve only minor alteration, rehabilitation, or maintenance of pre-existing facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond what previously existed. The General WDRs do not authorize expansions of facilities, nor do they authorize the construction of new CAFs. New and expanded CAFs must demonstrate compliance with CEQA and obtain separate waste discharge requirements.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

No impact: Re-opening an existing dormant CAF and the implementation of General WDR provisions would be consistent with the goals of the TMDLs to retain riparian vegetation and would not conflict with local policies 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.

No impact. This project does not conflict with any adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional or state habitat conservation plan.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

X

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

X

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

X

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

X

Background:

Before the European settlement, the agricultural areas of our Region were inhabited by various indigenous tribes. Historic and archaeological remnants of these tribes include sacred sites, burial grounds, cemeteries, ceremonial sites, barns, farmsteads, and walls, among others.

To address effects on tribal cultural resources, specifically, the lead agency must also fulfill the requirements of Assembly Bill 52 (AB 52). AB 52 requires a lead agency to notify tribes traditionally and culturally affiliated with a project area of the details of the proposed project, provided the tribes have requested such notification (Pub. Res. Code § 21080.3.1(d)). If any of the notified tribes requests consultation, then the lead agency must consult with the tribe to discuss avoidance and mitigation of significant impacts to tribal cultural resources (Pub. Res. Code § 21080.3.2).

No tribes traditionally or culturally affiliated with the San Francisco Bay Region have requested to be notified of proposed projects in this area. Therefore, the notification and/or consultation requirements of AB 52 were not triggered, and the agency has satisfied its obligations under the statute.

Discussion of Impacts:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than Significant Impact: Implementation of the General WDRs for existing dormant facilities could involve minor grading, repair and reconstruction. This activity would generally

be small in scale, and would be limited to shallow excavation/grading for minor road repair/rehabilitation, and the installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing historical resources as defined by section 15064.5 of the CEQA guidelines. Therefore, impacts to historical resources would not be significant.

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

Less than Significant Impact: Implementation of the General WDRs for existing dormant facilities could involve minor grading, repair and reconstruction. This activity would generally be small in scale, and would be limited to shallow excavation for minor road repairs, grading, and installation of fence posts, etc. that would be installed in areas already disturbed by recent human activity, not at or in areas containing archaeological resources as defined by section 15064.5 of the CEQA guidelines (Determining the Significance of Impacts on Historical and Unique Archeological Resources). Therefore, impacts to archaeological resources would not be significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact: Implementation of the General WDRs for existing dormant facilities could involve minor grading and reconstruction. This activity would generally be small in scale and would likely occur in areas already disturbed by recent human activity, not in areas of known paleontological resource or areas containing unique geologic features. Therefore, the project would have less than significant paleontological impacts.

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

Less than Significant Impact: Implementation of the General WDRs for existing dormant facilities could involve minor grading and reconstruction. This activity would generally be small in scale and would likely occur in areas already disturbed by recent human activity, not at or in areas of human remains as defined by section 15064.5 of the CEQA Guidelines (Determining the Significance of Impacts on Historical and Unique Archeological Resources). Therefore, the project would not adversely affect human remains, and its impacts would be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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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: | | | X |
| 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. | | | X |
| ii) Strong seismic ground shaking? | | | X |
| iii) Seismic-related ground failure, including liquefaction? | | | X |
| iv) Landslides? | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? | | X | |
| 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? | | | X |
| 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? | | | X |
| 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? | | | X |

Background:

The San Francisco Bay Area is crossed by as many as eight major active fault lines that run through or adjacent to all nine Bay Area counties. The U.S. Geological Survey estimates a 62% probability

that at least one earthquake of magnitude 6.7 or greater will occur on a known or unknown San Francisco Bay region fault before 2032. After a century of study by geologists, many faults have been mapped in the region, but not all faults are apparent at the surface—some quakes occur on previously unknown faults.

Discussion of Impacts:

- 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 shaking?**
 - iii) **Seismic-related ground failure?**
 - iv) **Landslides?**

No impact: The project would not involve the construction of habitable structures; therefore, it would not result in any human safety risks related to fault rupture, seismic ground-shaking, ground failure, or landslides.

- b) **Result in substantial soil erosion or the loss of topsoil?**

Less than significant: Specific activities involving earthmoving or construction activities to comply with requirements of the General WDRs are reasonably foreseeable. Such activities would not result in substantial soil erosion or the loss of topsoil because they would involve minor alteration of existing structures, facilities, mechanical equipment, or topographic features.

One of the objectives of the General WDRs is to reduce erosion, not increase it, through managed grazing and maintenance of unpaved, farm roads. To meet the proposed General WDRs conditions, grazing areas devoid of vegetation would be managed and maintained to reduce overall soil erosion through rotational grazing and herd management. Small grading projects that would generally apply to routine maintenance would be subject to non-discretionary requirements of local agency grading ordinances.

- 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?**

No impact: The General WDRs could result in projects involving improvements to roads and creek crossings, and other projects located on unstable terrain. These projects would be designed to increase stability, both on-site and off-site, to reduce erosion and sedimentation. Grading would be designed to minimize any potential for landslides, 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?**

No impact. The project would not involve construction of buildings (as defined in the Uniform Building Code) or any habitable structures. Minor grading and construction could occur in areas with expansive soils, but this activity would not create a substantial risk 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?**

No impact: The project only applies to existing CAFs in operation and potential re-opening of existing dormant CAFs. Any septic tanks or alternative water disposal systems would generally be in place and are not permitted by the General WDRs.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

– Would the project:

- | | | | |
|--|---|--|---|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | X | | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | | | X |

Background:

In 2006, California passed the California Global Warming Solutions Act of 2006, which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide greenhouse gas (GHG) emissions are reduced to 1990 levels by 2020 (representing an approximate 25 percent reduction in emissions).

State law requires local agencies to analyze the environmental impact of GHG emissions under CEQA. The Natural Resources Agency adopted the CEQA Guidelines Amendments in 2009. The BAAQMD adopted CEQA thresholds for GHG emissions in the Bay Area in 2010. BAAQMD evaluates GHG through qualified climate actions plans.

Discussion of Impacts:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less than significant with mitigation. Re-opening an existing dormant CAF and the implementation of General WDR provisions would not result in changes in land use. Construction-related emissions associated with implementation of the General WDRs would be generated by operation of heavy equipment used to construct necessary erosion controls and watering facilities (e.g., ground water wells and piping). These construction-related emissions would be small, temporary in nature, and would not be concentrated in one location, and their total contribution to county-wide greenhouse gas emissions would be less than significant.

BAAQMD has not established greenhouse gas thresholds for construction activities but recommends best management practices to reduce potential impacts.

However, CAFs are regulated by Air District Regulation 2, Rule 10, and may require Air District permits, per Air District Regulation 2, Rule 1.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The project would not conflict with any State, BAAQMD, or county plan, policy or regulation adopted for the purpose of reducing the emissions of GHG and no impact would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VIII. 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? | | | X |
| 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? | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | X |
| 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? | | | X |
| 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? | | | X |
| 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? | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | X |
| 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? | | | X |

Background:

Current CAF operations in the Region currently have some amount of fencing along property borders, fencing to separate livestock paddocks, water troughs, etc., as well as other agricultural management practices implemented on-site.

Facility maintenance, retrofit, and/or improvements associated with implementing waste, nutrient and grazing management practices (e.g., installation of fencing, off-stream watering troughs, groundwater supply wells, and conveyance piping, retention ponds, irrigation, etc.) will not involve the use or transport of any hazardous materials, aside from fuels and lubricants used for construction and/or farm equipment.

Furthermore, groundwater supply well placement, installation and construction is permitted and regulated by the local agencies. Applications are reviewed for setback distances, proximity to Hazmat sites, and proposed use.

Discussion of Impacts:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

No impact: This project would not affect the transportation or potential release of hazardous materials, nor create a significant public safety or environmental hazard beyond any hazards currently in existence. General WDR implementation actions would not interfere with any emergency response plans or emergency evacuation plans and would not affect the potential for wild-land fires.

- 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?**

No Impact: Refer to response to Item VIII a), above.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No Impact: Refer to response to Item VIII a), above.

- 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?**

No Impact: Refer to response to Item VIII a), above.

- 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?**

No Impact: Refer to response to Item VIII a), above.

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?

No Impact: Refer to response to Item VIII a), above.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: Refer to response to Item VIII a), above.

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?

No Impact: Refer to response to Item VIII a), above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER

QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

X

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

X

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?

X

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?

X

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

X

f) Otherwise substantially degrade water quality?

X

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?

X

h) Place within a 100-year flood hazard

area structures which would impede or redirect flood flows?	X
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?	X
j) Inundation by seiche, tsunami, or mudflow?	X

Discussion of Impacts:

a) Violate any water quality standards or waste discharge requirements?

Less than significant with mitigation: Re-opening an existing dormant CAF and the implementation of General WDR provisions would implement recently-adopted TMDLs and the Basin Plan, which articulates applicable water quality standards; therefore, if in compliance with General WDRs, CAF operation would not violate standards or waste discharge requirements. Specifically, prior to start-up, owner/operators must develop site-specific management plans applicable to each operation, in accordance with technical standards outlined in the General WDRs. Such plans include a Waste Management Plan for confined production areas, a Nutrient Management Plan for lands where manure products are applied, and a Grazing Management Plan for grazing lands totaling 50 acres or more.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less than significant impact: Implementation of improved waste, nutrient and/or grazing management practices may include installation of off-stream livestock groundwater supply wells, watering troughs, installation of water distribution conveyance piping, etc. Providing off-stream livestock water supply is an important best management practice for protecting riparian corridors from erosion and pathogen impacts resulting from animals entering surface waters.

Groundwater supply well placement, installation and construction is permitted and regulated by the local agencies. Applications are routinely reviewed for setback distances, and proposed use. Given these required county approvals, the project would not include projects that would interfere with local groundwater recharge and supply.

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 that would result in substantial erosion or siltation on- or off-site?

Less than significant impact with mitigation Specific projects involving earthmoving or construction activities to comply with General WDR requirements could affect existing drainages patterns and are reasonably foreseeable.

Specific projects to comply with General WDR requirements must comply with standard permit conditions in the U.S. Army Corps of Engineers' Nationwide Permit Nos. 13 (Bank Stabilization) and 27 (Stream and Wetland Restoration Activities). U.S. Army Corps of Engineers' final approval and issuance of a permit is only valid with Clean Water Act 401 certification of the proposed activity, which is made by the Water Board. Section 401 requires the Water Board to certify that such projects comply with water quality standards, and as such, Section 401 certifications often include conditions that are more stringent than the federal requirements.

Mitigation Measure IX-1:

During earthmoving and construction, landowners must implement best management practices as feasible during all construction activities, including the following:

- a. Use proper slope grading, temporary/permanent seeding or mulching, erosion control blankets, fiber rolls, etc. and other methods to prevent the movement of soils;
 - b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); and,
 - c. Replant vegetation in disturbed areas as quickly as possible.
- 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?**

Less than significant impact: As stated in the previous response, this project could involve earthmoving that could affect existing drainage patterns. Furthermore, compliance with General WDRs could contribute to increases in the amount of riparian vegetation in stream channels and thus enhance habitat conditions. These actions should reduce flooding hazards.

Specific projects involving earthmoving or construction activities to comply with General WDRs would be designed to avoid and minimize the alteration of the course of a stream or river, and to reduce the rate or amount of surface runoff. Specific compliance projects involving stream or creek work would be subject to the review and/or approval of the Water Board, which would require implementation of routine and standard erosion control best management practices and proper construction site management. In addition, construction projects over one acre in size would require a general construction National Pollutant Discharge Elimination System permit and implementation of a storm water pollution prevention plan. Actions under taken to comply with the General WDRs would not substantially increase impervious surfaces, or peak flow releases from dams in any part of the watershed.

Also as noted above, specific projects to comply with General WDR requirements must comply with standard permit conditions in the U.S. Army Corps of Engineers' Nationwide Permit Nos. 13 (Bank Stabilization) and 27 (Stream and Wetland Restoration Activities). U.S. Army Corps of Engineers' final approval and issuance of a permit is only valid with Clean Water Act 401 certification of the proposed activity, which is made by the Water Board. Section 401 requires the Water Board to certify that such projects comply with water quality standards, and as such, Section 401 certifications often include conditions that are more stringent than the federal requirements.

- 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?**

No impact: Actions undertaken to comply with the General WDRs are, by design, intended to reduce erosion from upland land uses, as needed to reduce fine sediment inputs from hillslopes to channels and channel erosion. Therefore, compliance with the General WDRs would not increase the rate or amount of runoff or exceed the capacity of storm water drainage system.

- f) **Otherwise substantially degrade water quality?**

Less than significant impact with mitigation: The General WDRs require that discharges of waste from CAFs shall not cause surface water or groundwater to be further degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. Monitoring of surface water is required of all confined animal facilities subject to the Order. For confined animal facilities that utilize waste ponds, monitoring of groundwater is an additional requirement. Monitoring of surface water and groundwater is intended to demonstrate compliance with the Order.

In addition, prior to start-up, owner/operators must develop site-specific management plans applicable to each operation, in accordance with technical standards outlined in the General WDRs. Such plans include a Waste Management Plan for confined production areas, a Nutrient Management Plan for lands where manure products are applied, and a Grazing Management Plan for grazing lands totaling 50 acres or more.

- 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?**

No impact: Re-opening an existing dormant CAF and the implementation of General WDR provisions would not require the construction of new housing.

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

No impact: Re-opening an existing dormant CAF and the implementation of General WDR provisions would not result in construction of new structures that could impede or redirect flood flows within a 100-year flood hazard zone.

- 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?**

No impact: Re-opening an existing dormant CAF and the implementation of General WDR provisions would not result in construction or modification of dams or levees or activities that would expose people to significant damage from dam or levee failure and no adverse impacts would occur.

- j) **Inundation by seiche, tsunami, or mudflow?**

No impact: Re-opening an existing dormant CAF and the implementation of General WDR provisions would occur upstream of the tidally influenced stream channel and would not be subject to substantial risks due to inundation by seiche, tsunami, or mudflow, and no impact would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -

Would the project:

- | | |
|---|---|
| a) Physically divide an established community? | X |
| 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? | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | X |

Background:

Compliance with the General WDRs on existing dormant facilities would potentially affect areas currently zoned for agriculture throughout the Region, however we expect the majority of any facilities would be located in Marin and Sonoma counties (the predominant location of closed dairy sites). Local zoning ordinances generally stipulate requirements for agricultural land uses, including livestock production and grazing. However, since the scope of coverage for the General WDRs is limited to existing CAFs and existing dormant facilities, the location and land use for each should have already been approved under any local programs or policies.

Discussion of Impacts:

a) Physically divide an established community?

No impact. The project would be located on agriculture lands in rural areas and would not change land use or alter an established community. Therefore it would not 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?

No Impact. The project would not affect land use designations or uses and therefore would not conflict with any zoning ordinances.

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

No impact. The project would not conflict with any Habitat Conservation Plans or natural community plans.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XI. 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? | X |
| 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? | X |

Background:

The California Surface Mining and Reclamation Act of 1975 (SMARA) required identification of mineral resources in California. SMARA maps identify and classify mineral resources as to their relative value for extraction.

Discussion of Impacts:

- 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?**

No impact: Compliance actions driven by the General WDRs may include earthmoving (i.e., excavation), groundwater supply well and conveyance piping installation, and construction (e.g., fence installation, improvement of livestock crossing, etc.). These actions would be relatively small in scale and would not result in the loss of availability or physically preclude future mining activities from occurring.

- 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?**

No Impact: Refer to response to Item XI (a), above.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XII. 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? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| 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? | | | | X |
| 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? | | | | X |

Background:

Existing dormant CAFs that would be subject to the general WDRs are located in rural areas and tend to consist of large, open, grassland areas. These land uses are generally located away from schools, hospitals, and other sensitive land uses. Residential uses in agriculturally zoning districts are very low density; typically only a few residences on each of the large grazing land parcels. Minor maintenance and/or construction activity undertaken to comply with the General WDRs, or the use of typical farm equipment/machinery, could result in temporary increases in ambient noise levels in the immediate area; but, would not expose sensitive receptors, likely to be located substantial distances from ranchlands and from harmful levels of noise.

Discussion of Impacts:

- 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?**

No Impact: The project could involve general maintenance, earthmoving and construction related to compliance projects and/or daily activities, generally small in scale, but could temporarily generate noise. Any facility operating under the General WDRs would have to be consistent with local agency noise standards.

- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Less than Significant Impact: The project could involve earthmoving and construction. Construction would generally be small in scale, and in rural areas where the potential for exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels is less than significant. Any proposed facility enrolled under the General WDRs would be required to comply with their respective county standards to keep noise levels to less than significant levels. Therefore, compliance actions or daily activities driven by the General WDRs will not result in substantial noise, and its impacts would be less than significant.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

No Impact: The project would not cause any permanent increase in ambient noise levels. Any noise would be short-term in nature.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less than Significant Impact: Existing dormant CAFs may require that minor maintenance and/or construction activities be undertaken to comply with the General WDRs. Those activities will most likely utilize common/typical farm equipment/machinery. These activities would generally be small in scale, but could generate temporary noise. Noise generating activities would, however have to comply with their respective county standards to keep noise levels to less than significant levels. Therefore, the project will not result in substantial noise, and its impacts would be less than significant.

- 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?**

No impact: The project would not cause any permanent increase in ambient noise levels, including aircraft noise. Therefore, it would not expose people living within and area subject to an airport land use plan to excessive noise and thus, no impact would occur.

- 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?**

No impact: The project would not cause any permanent increase in ambient noise levels, including aircraft noise. Therefore, it would not expose people living in the vicinity of a private strip to excessive noise and thus, no impact would occur.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIII. 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)? | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | X |

Background

The re-opening of existing dormant CAFs will take place in areas where the dominant land is rural/agricultural. Ranch structures typically include one or more residences, barns, equipment sheds, fences, watering and feeding areas, roads and road crossings.

Discussion of Impacts

- 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)?**

No Impact: The project will not affect population growth in the Region. It will not induce growth through such means as constructing new housing or businesses, or by extending roads or infrastructure. The project will not displace any existing housing or any people that would need replacement housing.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No impact: The project will not induce growth through such means as constructing new housing or businesses, or by extending roads or infrastructure.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No impact: The project will not displace any existing housing or any people that would need replacement housing.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIV. 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?	X
Police protection?	X
Schools?	X
Parks?	X
Other public facilities	X

Background:

Compliance with the General WDRs on existing dormant facilities could potentially affect areas currently zoned for agriculture throughout the Region. However, since the scope of coverage for the General WDRs is limited to existing CAFs and existing dormant facilities, the public services for these areas are already established. Re-opening an existing dormant CAF will require a limited number of additional people on a property, but not more than the current public services could accommodate.

Discussion of Impacts:

- a) **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 following public services:**
 - i) **Fire protection**
 - ii) **Police protection**
 - iii) **Schools**
 - iv) **Parks**
 - v) **Other public services**

No Impact: The project will not result in adverse impact on fire protection or police services or on schools and parks since this project is not growth-inducing, nor does it involve the construction of substantial new government facilities or the need for physically-altered government facilities. The project would not affect service ratios, response times, or other performance objectives for any public services.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. 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? | X |
| 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? | X |

Background:

The California Department of Parks and Recreation, local park and/open space districts, municipalities, and other private parties own and operation numerous park and recreational facilities in the counties. These facilities provide a variety of outdoor recreational, educational, and sporting opportunities for local residents, Bay Area residents, and visitors for around the world. The ranchlands surrounding these parks and the many vineyards are an integral part of the rural agricultural and open space experience.

Discussion of Impacts:

- 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?**

No Impact: The project would affect only existing dormant CAFs and associated pasture/crop lands and would have no effect on existing neighborhood and regional parks or other recreational facilities, and no impacts would occur.

- 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?**

No Impact: Refer to response to Item XV a), above.

XVI. TRANSPORTATION/TRAFFIC - - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exceed the capacity of the existing circulation system, based on applicable measures of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures and other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Background:

Compliance with the General WDRs on existing dormant facilities would potentially affect areas currently zoned for agriculture throughout the Region. However, since the scope of coverage for the General WDRs is limited to existing CAF and existing dormant facilities, there would be no substantial increase in traffic or traffic related hazards associated with the re-opening a facility.

Discussion of Impacts:

- a) **Exceed the capacity of the existing circulation system, based on applicable measures of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

No Impact: The project could result in minor construction that would require the use of heavy equipment and trucks to move soil, logs, or other materials needed for road, and/or stream crossings. Any increase in traffic would be temporary and would be limited to local areas in the vicinity of individual projects and would not create substantial traffic in relation to the existing load and capacity of existing street systems.

- b) **Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures and other standards established by the county congestion management agency for designated roads or highways?**

No Impact: See response to Item XVI a), above. Levels of service would be unchanged.

- 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?**

No impact: The proposed project would not result in increased air travel or otherwise affect air travel.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

No impact: Although private roads may require erosion control treatment, the project does not include construction of new roads and no new hazards will exist due to the design or engineering of the road network. No road design or construction hazards would occur.

- e) **Result in inadequate emergency access?**

No Impact: The project would result in grading and erosion control actions on unpaved roads that are not typically used for emergency access. Therefore, the project would not result in inadequate emergency access and on impacts would occur.

- f) **Result in inadequate parking capacity?**

No Impact: Because the project would be located on private ranches, it would not affect parking demand or supply, and no impacts would occur.

- g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

No impact. Because the project would not generate ongoing motor vehicle trips, it would not conflict with adopted policies, plans, or programs supporting alternative transportation.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | |
|---|--|--|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | X |
| 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? | | | X |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | X |
| 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? | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | X |

Discussion of Impacts:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact: The project would implement the Basin Plan, which is the basis for wastewater treatment requirements to improve water quality and the environment in the Bay Area; therefore, the General WDRs would be consistent with such requirements.

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?

No Impact: The project does not include changes to wastewater treatment facilities and no impacts would occur.

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact: The project would not include construction of new or expanded stormwater drainage facilities and no impacts would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact: Since the project is for existing dormant CAFs, water supplies have already been established.

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?

No Impact: See response to Item XVII d), above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. The project would not substantially affect municipal solid waste generation or landfill capacities and no impacts would occur.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. See response to Item XVII d), above.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVIII. 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?

X

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)?

X

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

X

Discussion of Impacts:

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?

Less than significant impact with mitigation: Although it appears that a relatively few existing dormant CAFs may re-open in the near future, there is an increased risk for animal wastes to enter surface and ground waters. In order to be eligible for General WDR coverage, those seeking to start-up/revive an existing dormant CAF operation utilizing an existing facility must comply with the following conditions:

- Prior to start-up, owner/operators must develop site-specific management plans applicable to each operation, in accordance with technical standards outlined in

the General WDRs. Such plans include a Waste Management Plan for confined production areas, a Nutrient Management Plan for lands where manure products are applied, and a Grazing Management Plan for grazing lands totaling 50 acres or more.

- Prior to start-up, retention ponds must comply with Natural Resources Conservation Service (NRCS) Waste Storage Facility Code 313 including a maximum specific discharge (unit seepage rate) of 1×10^{-6} cm/sec. Such ponds may not be used until the Discharger submits a report verifying that the liner meets this requirement.
- Operations must not include more animals than the existing infrastructure is designed to accommodate. The General WDRs do not authorize expansions of facilities. Such facilities must demonstrate compliance with CEQA and obtain separate waste discharge requirements.

In addition to eligibility requirements, existing dormant CAFs will be subject to all provisions of the General WDRs. In general, these provisions require:

- That discharges of waste from CAFs shall not cause surface water or groundwater to be further degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance. The WDRs also requires monitoring of surface water and groundwater to demonstrate reduced impacts to surface water and groundwater upon compliance with the WDR requirements;
- Daily management and monitoring of waste management facilities and implementation of site-specific pollution prevention practices that result in the “best practicable treatment or control” of discharges; and
- All Dischargers to prepare and implement management plans for the facility’s production areas, retention ponds, land application areas and grazing lands, in accordance to specified technical standards.

As discussed in this study, the addition of these few facilities would result in indirect, less than significant impacts.

- 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)?**

Less than significant impact: Refer to response to Item XVIII a), above.

- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

No impact: The project would not cause any substantial adverse effects to human beings, either directly or indirectly. General WDRs are intended to benefit human beings through implementation of actions designed to protect surface and groundwater, enhance fish populations, aesthetic attributes, recreational opportunities, and contribute to a reduction in property damage in and/or nearby to stream channels in the Region.

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