

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY
P.O. BOX 100
SACRAMENTO, CA 95812-0100

INITIAL STUDY

I. Background

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|---------------------------|--|
| Project Title: | Wetland Area Protection Policy and Dredge and Fill Regulations |
| Project Proponent: | State Water Resources Control Board Division of Water Quality |
| Contact Person: | Bill Orme |
| General Plan Designation: | N/A (statewide) |
| Zoning: | N/A (statewide) |

California Environmental Quality Act (CEQA)

The State Water Resources Control Board (State Water Board) is the Lead Agency for compliance with the California Environmental Quality Act (CEQA; Public Resources Code, § 21000 et seq.) for the project. This Project is the adoption of a proposed Wetland Area Protection Policy and regulations governing the discharge of dredged or fill material into waters of the State (Project). CEQA and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) define the Lead Agency as “the public agency which has the principal responsibility for carrying out or approving a project.” As such, the State Water Board is responsible for the preparation of the environmental document for the Project.

The State Water Board and the Regional Water Quality Control Boards (Regional Water Boards; collectively, Water Boards) are the State agencies with primary responsibility for control of water quality. For more than three decades, and under the authority of the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), State regulation and policy have directed the Water Boards to protect all waters of the State, including wetlands. The federal government shares in these responsibilities for those waters of the State that are also designated as waters of the United States under the federal Clean Water Act. (33 U.S.C. § 1251 et seq.).

Program Level Analysis

This environmental evaluation is, by necessity, a program level analysis. In accordance with Public Resources Code section 21159(d), the State Water Board is not required to

conduct a project level analysis. The State Water Board cannot predict the attributes of the specific projects that will be undertaken to comply with the Policy. Thus, the environmental analysis set forth herein and in the final environmental document, including any response to comments, is a program level (i.e., macroscopic) analysis. This type of analysis is appropriate when analyzing the potential impacts associated with adopting a program or policy which is more general in nature and covers a large and diverse region. Consistent with CEQA, this Initial Study and subsequent environmental document does not engage in speculation or conjecture, but rather considers the reasonably foreseeable environmental impacts and the reasonably foreseeable feasible mitigation measures, which would avoid or reduce the identified impacts based on information developed before, during, and after the CEQA scoping process. Project level analysis will occur once projects are formulated and will be performed by the lead agency with primary responsibility for carrying out or approving a project.

Proponents of future actions requiring permits under this Project would need to apply to the appropriate Water Board for either a permit (Clean Water Act 401 water quality certification issued pursuant to 33 U.S.C § 1341) or waste discharge requirements (WDRs) issued pursuant to Wat. Code, § 13260, et seq. For clarity, any reference to future issuance of a permit or WDRs pursuant to the Project will refer to “permitting” or “permit.” The lead agency for the future action would be required to evaluate potential environmental impacts of that individual project at that time, in compliance with CEQA. The Water Boards require documentation of CEQA compliance prior to approval of a permit.

Project Purpose

This Project’s purpose is to protect all waters of the State as defined by Water Code section 13050, including wetland areas and waters of the United States from dredge and fill discharges. It includes a wetland definition and associated delineation methods, requirements applicable to discharges of dredged or fill material based on the United States Army Corps of Engineer’s (Corps) 404(b)(1) guidelines including the recent compensatory mitigation rule (hereinafter referred to as the 404(b)(1) Guidelines), and an assessment framework for collecting and reporting aquatic resource information.

This Project does not expand jurisdiction beyond the limits of the Porter-Cologne Water Quality Control Act (Porter-Cologne), but would rather provide: (1) consistent methods to define wetlands; (2) consistent regulatory mechanisms to implement dredge and fill activities; and (3) a consolidated approach for collecting and tracking aquatic resource monitoring data to better assess progress towards wetland protection. This Project complements the existing regulatory framework and is intended to fill the gaps currently caused by the separate federal and State regulations and programs by consolidating existing Water Board requirements in a coordinated framework. This Project does not, in and of itself, authorize specific construction, data collection or monitoring activities. It provides a statewide framework for regulating these ongoing activities.

Project Background

The State Water Board is considering this Project due to the diminishing jurisdiction of the federal government. Traditionally, California has heavily relied on the federal regulatory program under section 404 of the federal Clean Water Act to govern the discharge of dredged or fill material into waters of the State. This program is administered by the U.S. Environmental Protection Agency (USEPA) and the Corps. However, due to recent U.S. Supreme Court decisions, federal law and its application over waters of the U.S. have proven insufficient to protect the diverse array of California's wetlands. Therefore the State Water Board is considering adding provisions to the current State regulatory program for the discharge of dredged or fill material to be consistent with and complementary to the federal program in order to uniformly protect all waters of the State.

U.S. Supreme Court decisions, in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* and *Rapanos v. United States (Rapanos)*, have limited the scope of federal jurisdiction under the Clean Water Act, excluding many California wetlands from federal regulation, regardless of whether they otherwise meet the technical requirements of the federal wetland definition and the Corps' delineation manual. Consequently, many waters of the State [as defined by the Water Code, section 13050(e)] are excluded from federal jurisdiction and not protected by the federal Clean Water Act.

These waters of the State excluded from federal regulation include isolated wetlands such as vernal pools, playas, potholes, alpine wet meadows (NRC 1995, p. 155). A study by Comer et al. (2005) names more than 13 wetland ecological systems within California that occur in partial or total isolation from other water bodies, including Northern California Claypan and Volcanic Vernal Pools, South Coastal California Vernal Pools, Central Valley Alkali Sinks, and the California Mediterranean Alkali Marshes. Of all the regions in the country, the Pacific Coast region contains the largest number of at-risk species (15) that depend upon isolated wetlands for all or part of their life cycles, including ten species that are listed under the federal Endangered Species Act (FESA; 16 U.S.C. § 1531 et seq.). California has by far the largest number of at-risk plant species occurring within isolated wetlands (104) including 34 plant species listed under the FESA (Comer et al. 2005).

The urgency of this situation is reinforced due to the documented historic losses of these aquatic resources. The U.S. Fish and Wildlife Service (USFWS) estimate that 91 percent of historic wetland acreage in California has been lost, a greater percentage than in any other state in the nation (Dahl 1990). This loss represents an estimated 4.5 million acres of wetlands, along with their associated water quality functions and beneficial uses, statewide (Dahl 1990). The extent of wetland loss has varied by region of the state with significant losses occurring in the Central Valley and along the California coast (Coastal Commission 1994). Estimates suggest that historic losses of wetlands in the state have been significant across different wetland types, including

vernal pools, tidal marshes, and riverine wetlands (Keeley and Zedler 1998; RHJV 2004; Traut 2005).

Although some new wetlands have been created by human activities—often as a result of required compensatory mitigation for development impacts—many of these wetlands do not provide the same degree of functionality as do their natural counterparts. Ambrose et al. (2007) found that between 1991 and 2002, compensatory mitigation wetlands required by the Water Boards were on average of lower quality than natural wetlands in the state. Additionally, wetlands gained through mitigation and other human activities, such as diking and construction of agricultural ponds, may be of different types than those wetlands that they directly or indirectly replaced, leading to shifts in the distribution and types of wetland habitats.

These historic losses signal an urgent need to protect the remaining wetland resources in the state, as remnant wetlands in many watersheds provide the only extant sources of critical water quality functions, such as maintenance of plant and animal communities, pollutant filtration, and flood peak attenuation/flood water storage, in those areas (NRC 1995).

Statutory and Regulatory Background

This section identifies the current background by which discharges of dredged and fill material to waters of the State, including wetlands, are regulated.

Current Wetland Definitions and Delineation Methods

The Corps define wetlands as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” (33 C.F.R. § 328.3(b); 40 C.F.R. § 122.2.) The Corps provides guidelines for delineating wetlands, including those wetlands that may not exhibit common wetland indicators and are more problematic to identify in the Corps’ Wetland Delineation Manual (Corps, 1987) and two regional supplements: Arid West Region (Corps, 2008a) and Western Mountains, Valleys, and Coast Region (Corps, 2008b) (collectively referred to as 1987 Manual and Supplements). In conformance with the federal Clean Water Act section 401 water quality certification program, the Water Boards commonly use federal delineation methods to designate the boundaries or extent of waters not under federal jurisdiction. Table 1 shows the definitions contained in the various water quality control plans (Basin Plans) within California.

Table 1. Wetland Definitions/Descriptions Contained in Basin Plans

| Regional Water Board | Description |
|------------------------|---|
| North Coast (Region 1) | <ul style="list-style-type: none"> Recognizes that wetlands are frequently referred to under the following names (or classifications): saltwater marshes, freshwater marshes, open or closed brackish water marshes, |

Table 1. Wetland Definitions/Descriptions Contained in Basin Plans

| Regional Water Board | Description |
|------------------------------|--|
| | <p>swamps, mudflats, sandflats, unvegetated seasonal ponded areas, vegetated shallows, sloughs, wet meadows, fens, playa lakes, natural ponds, vernal pools, diked baylands, seasonal wetlands, and riparian woodlands.</p> <ul style="list-style-type: none"> • In general, relies on the federal Wetland Delineation Manual (Corps, 1987) for determining wetland areas subject to the Clean Water Act; where the USEPA and Corps guidelines disagree on the boundaries for federal jurisdictional wetlands, the Regional Board relies on wetlands delineation made by the USEPA. • Will determine the size and functions of the water at issue for areas Corps determines to be nonjurisdictional. • Approach towards regulation of constructed wetlands is to encourage protection of wetland benefits while supporting appropriate treatment uses. |
| San Francisco Bay (Region 2) | <ul style="list-style-type: none"> • Recognizes that wetlands frequently include areas commonly referred to as saltwater marshes, freshwater marshes, open or closed brackish water marshes, mudflats, sandflats, unvegetated seasonally ponded areas, vegetated shallows, sloughs, wet meadows, playa lakes, natural ponds, vernal pools, diked baylands, seasonal wetlands, floodplains, and riparian woodlands. • In general, relies on the federal Wetland Delineation Manual (Corps, 1987) for determining wetland areas subject to the Clean Water Act; where the USEPA and Corps guidelines disagree on the boundaries for federal jurisdictional wetlands, the Regional Board relies on wetlands delineation made by the USEPA. • In identifying wetlands considered waters of the United States, the Regional Board will consider such indicators as hydrology, hydrophytic plants, and/or hydric soils for the purpose of mapping and inventorying wetlands. • Relies on USEPA and Corps; identifies other wetlands based on the presence of wetland hydrology, hydric soils, and/or hydrophytic vegetation; uses USFWS for beneficial use identification. |
| Central Coast (Region 3) | <ul style="list-style-type: none"> • No wetland definitions or descriptions in Basin Plans |
| Los Angeles (Region 4) | <ul style="list-style-type: none"> • Wetlands include freshwater, estuarine, and saltwater marshes, swamps, mudflats, and riparian areas. • Recognizes the use of the federal wetland definition in the administration of the 404 program. • As some wetlands cannot be easily identified in southern California because of the hydrologic regime, Los Angeles Water Board identifies wetlands using indicators such as hydrology, presence of hydrophytic plants (plants adapted for growth in water), and/or hydric soils (soils saturated for a period of time during the growing season). <p>Updated Basin Plan based on an inventory and major regional wetland descriptions by Saint, et al. 1993.</p> |

Table 1. Wetland Definitions/Descriptions Contained in Basin Plans

| Regional Water Board | Description |
|---------------------------|--|
| Central Valley (Region 5) | <ul style="list-style-type: none"> No wetland definitions or descriptions in Basin Plans |
| Lahontan (Region 6) | <ul style="list-style-type: none"> Wetlands are defined to include areas that are “inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (including) playa lakes, swamps, marshes, bogs and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds. Will determine site-specific boundaries of wetland areas on an as-needed basis using methods in the current federal Wetlands Delineation Manual (Corps, 1987). Uses primary and secondary indicators of hydrology, vegetation, and soils to identify “Stream Environment Zones” (includes wetlands) (Lake Tahoe Basin only). Recognizes that some constructed wetlands may be subject to water quality standards if recognized as waters of the U.S. |
| Colorado River (Region 7) | <ul style="list-style-type: none"> No wetland definitions or descriptions in Basin Plans |
| Santa Ana (Region 8) | <ul style="list-style-type: none"> Generally includes swamps, marshes, bogs, sloughs, mangroves, wet meadows, savannas, wet tundra, playa lakes and vernal pools. Generally have three characteristics: hydrophytic vegetation; hydric soils; and wetland hydrology. Specific boundaries of each wetland area are determined on an as-needed basis using the federal Wetland Delineation Manual (Corps 1987) or other accepted techniques. |
| San Diego (Region 9) | <ul style="list-style-type: none"> No wetland definitions or descriptions in Basin Plans |

The State Water Board, in its 2003 report to the Legislature (State Water Board, 2003), concluded that wetland areas provide the following values related to the beneficial uses of the waters: groundwater recharge; flood flow attenuation and damage protection; maintaining summer stream flows; water supply; shoreline stabilization; maintaining fresh and saltwater balance in estuaries; contact and noncontact water-related recreation; aesthetics; scientific education and study; livestock watering; sediment and pollutant removal; ecosystem support, including sequestering of carbon and cycling of nitrogen, sulfur, methane, and carbon dioxide; habitat for fish and other aquatic biota; habitat for waterfowl and other terrestrial wildlife; shellfish protection; stream bank stabilization; endangered species support; spawning and nursery habitat; nature study; and, consumptive and non-consumptive wildlife recreation.

Current Statutory and Regulatory Framework

Projects involving the discharge of dredged and fill material to waters of the State, including wetlands, must comply with a variety of federal and state procedural, analytical, and discharge limitation requirements. The National Environmental Policy

Act (NEPA; 42 U.S.C. § 4321 et seq.) requires environmental analysis of federal actions (e.g., Section 404 permitting decisions), including analysis of alternatives to the proposed action. Thus, the Corps evaluates alternatives to discharges of dredged and fill material to waters of the U.S., including wetlands, as part of the Clean Water Act section 404 program. In issuing nationwide permits (NWP) and regional general permits, the Corps performs this analysis for the permit as a whole. For individual section 404 permits, the Corps performs this analysis for the individual project. Although NEPA is only procedural and does not require federal agencies to select the least environmentally damaging alternative, federal regulations prevent the Corps from issuing a permit if there are less damaging alternatives available. (40 C.F.R. § 230.10(a))

At the state level, CEQA requires an initial study of projects undertaken by public agencies and private entities that may have a significant effect on the environment, a negative declaration for projects that mitigate impacts to less than significant, and/or an environmental impact report (EIR) that includes analysis of alternatives for projects with adverse effects that will not be mitigated to less than significant. Thus, a number of projects involving discharge of dredged or fill material to wetlands have analytical requirements likely to include evaluation of alternatives to the discharge. However, some activities are exempt from CEQA (e.g., emergency repairs to public services to maintain service, some commuter and regional transportation projects, and other activities).

Similarly, FESA and the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.), protect limited habitat for threatened and endangered species, including habitat provided by wetlands (including types unique to California) and riparian areas. Projects that may adversely affect such areas are subject to consultations with applicable federal and state agencies and any resulting requirements.

The federal and State frameworks of regulations, policies, and guidance specific to the permitting of discharges of dredged and fill material to waters, including wetlands, are shown in Tables 2 and 3, respectively. The tables include the key documents only, and are not intended to provide an exhaustive compilation. As such, the tables do not include all federal and state regulations that address or provide protection to wetlands. These frameworks include the federal and state authorities for issuing permits to protect water quality and beneficial uses of aquatic resources, requirements for permits that result in losses of wetlands habitat, and state certification of permit requirements for waters of the State that are written at the federal level.

Table 2: Federal Water Quality Framework for Dredge and Fill Discharges to Federal Waters, Including Wetlands

| Authority | Provisions and Requirements |
|--|--|
| Clean Water Act (1972) | <ul style="list-style-type: none"> • Prohibits the discharge of all pollutants without a valid permit. • Protects quality of waters of the United States, including wetlands. • Requires permits for discharge of dredge or fill material to waters of the United States (section 404). • Requires state water quality certification for all federal licenses and permits. |
| 404(b)(1) Guidelines (40 C.F.R. parts 230-233) | <ul style="list-style-type: none"> • Prohibits discharge of dredge or fill material if there is a practicable alternative that has less adverse impact on the aquatic environment and does not have other significant adverse environmental consequences. • Requires consideration of practicable alternatives, defined as activities that do not involve discharge of fill material into waters of the United States, or discharge at other locations. • Defines alternative as practicable if it is available and capable of being done considering cost, existing technology, and logistics in light of overall project purposes. • Prohibits discharges that will cause or contribute to significant degradation of the waters of the United States. • Requires consideration of cumulative and secondary effects on the aquatic ecosystem. |
| MOU between Dept. of Army and USEPA on the Determination of Mitigation under Clean Water Act Section 404(b)(1) Guidelines (1990) | <ul style="list-style-type: none"> • Provides guidance for USEPA and Corps in use of discretion in implementing Section 404(b)(1) guidelines in standard permits. • Sets policy of “avoid, minimize, compensate” sequence for impacts to wetlands. |
| Corps/USEPA Compensatory Mitigation Rule (April 10, 2008) | <ul style="list-style-type: none"> • Specifies requirements for mitigation when impacts are unavoidable; these requirements have been added to the 404(b)(1) Guidelines. |
| Corps Standard Operating Procedures (2009) | <ul style="list-style-type: none"> • Information for the Corps to consider in applying the 404(b)(1) Guidelines in issuing permits |
| Corps Wetlands Delineation Manual (Environmental Laboratory, 1987) | <ul style="list-style-type: none"> • General methods for delineating wetlands. |
| Corps Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (2008a) | <ul style="list-style-type: none"> • Identifies California-specific plants, hydric soils, and wetland hydrology indicators. |
| Corps Interim Regional Supplement to Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (2008b) | <ul style="list-style-type: none"> • Identifies California-specific plants, hydric soils, and wetland hydrology indicators. |

| Authority | Provisions and Requirements |
|--|--|
| <p><i>Solid Waste Agency of Northern Cook County v. U.S. Army</i> (2001) 531 U.S. 159</p> | <ul style="list-style-type: none"> • Certain “isolated” waters, including wetland and riparian areas, do not fall under Corps’ jurisdiction as waters of the United States |
| <p><i>Rapanos v. United States</i> (2006) 547 U.S. 715</p> | <ul style="list-style-type: none"> • Two tests to determine whether an adjacent wetland or waterbody is subject to federal Clean Water Act jurisdiction: (1) if there is a “relatively permanent, standing, or continuously flowing bodies of water” that are connected to traditional navigable waters, as well as wetlands with a continuous surface connection to such water bodies; and, (2) the Clean Water Act covers wetlands that “possess a ‘significant nexus’ to waters that are or were navigable in fact or that could reasonably be so made.” |
| <p><i>Corps Revised Guidance on Clean Water Act Jurisdiction Following the Supreme Court Decision in Rapanos v. U.S. and Carabell v. U.S.</i> (December 2, 2008)</p> | <ul style="list-style-type: none"> • Provides guidance on Clean Water Act and River and Harbors Act of 1899 jurisdiction following the <i>Rapanos</i> and <i>Carabell</i> decisions. |

MOU = Memorandum of Understanding

Table 3: State Water Quality Framework for Discharge of Waste to Waters of the State, Including Wetlands

| Authority | Provisions and Requirements |
|---|--|
| Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) | <ul style="list-style-type: none"> • Authorizes the Water Boards to regulate those activities and factors which may affect the quality of the waters of the state to attain the highest water quality which is reasonable. • Authorizes the Water Boards to adopt water quality control plans • Requires any person discharging waste, or proposing to discharge waste that could affect a water of the state to file a report of waste discharge (application for WDRs). • Authorizes the Water Boards to investigate the quality of the waters of the state by requiring persons who have discharged, are discharging, are suspected of discharging, or are proposing to discharge to furnish technical or monitoring reports. |
| California Wetlands Conservation Policy (1993) (Executive Order W-59-93) | <ul style="list-style-type: none"> • Establishes goal of ensuring no overall net loss of wetlands and achieving a long-term gain in the quantity, quality, and permanence of wetlands acreage and values. |
| State Water Board Water Quality Order No. 2004-0004 DWQ (2004) | <ul style="list-style-type: none"> • General WDRs for dredged or fill discharges of less than 0.2 acre or 400 linear feet or 50 cubic yards to waters of the state that are not waters of the United States. • Requires applicants to: avoid, minimize, and mitigate adverse impacts to wetlands. • Requires mitigation for unavoidable impacts; monitoring and reporting. |
| State Water Board General 401 Water Quality Certification Order of Corps NWP's (2007) | <ul style="list-style-type: none"> • Certifies Nationwide Permits 1, 4, 5, 6, 9, 10, 11, 20, 22, 24, 28, 32, 34, and 38 and finds that these activities are exempt from the requirements of CEQA. |
| Construction General Permit (NPDES Permit No. CAS000002) | <ul style="list-style-type: none"> • Requires applicants to implement best management practices for construction sites to control erosion and sedimentation such as limiting grading to the dry season, winterizing slopes, protecting storm drain inlets, and construction site good housekeeping. |
| Industrial Stormwater General Permit (NPDES Permit No. CAS000001) | <ul style="list-style-type: none"> • Requires applicants to implement best management practices for industrial sites to control erosion and sedimentation such as controlling runoff volumes, covering stockpiled materials, protecting storm drain inlets, and industrial site good housekeeping. |
| Storm Water NPDES Permit for Caltrans (NPDES Permit No. CAS000003) | <ul style="list-style-type: none"> • Requires Caltrans to implement best management practices to control pollutants in the stormwater runoff from its construction sites and maintenance facilities. |
| Municipal Stormwater NPDES Permit for Small Municipal Separate Storm Sewer Systems (NPDES Permit No. CAS000004) | <ul style="list-style-type: none"> • Requires applicants to reduce pollutants in stormwater runoff through public education and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post construction stormwater management, and pollution prevention/good housekeeping for municipal operations. |

| Authority | Provisions and Requirements |
|--|--|
| Municipal Regional Stormwater NPDES Permit for Large Municipal Separate Storm Sewer Systems (NPDES Permit No. CAS612008) | <ul style="list-style-type: none"> Requires applicants to implement best management practices for stormwater runoff controls through public education and participation, illicit discharge detection and elimination, industrial site stormwater runoff control, construction site stormwater runoff control, post construction stormwater management, pollution prevention/good housekeeping for municipal operations, trash control, Total Maximum Daily Load (TMDL) implementation and monitoring. |
| California Department of Fish and Game Lake and Streambed Alteration Program (Fish & G. Code, § 1600 et seq.) | <ul style="list-style-type: none"> Requires notification for activities that substantially divert or obstruct the natural flow of any river, stream, or lake; change or use material from the bed, channel, or bank of, any river, stream, or lake; or deposit or disposal of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Requires a Lake and Streambed Alteration Agreement for activities that may affect fish and wildlife resources. |
| California Coastal Commission Local Coastal Program (LCP) Certification and Amendments (Pub. Resources Code, § 30500 et seq.) | <ul style="list-style-type: none"> Directs each of the 73 cities and counties lying wholly or partly within the coastal zone to prepare an LCP. Requires local jurisdictions containing wetlands to include regulatory policies in their LCP's to ensure consistency with the Coastal Act and the applicable Water Board's Basin Plan. |
| California Coastal Act (1987) (Pub. Resources Code, § 30000 et seq.) | <ul style="list-style-type: none"> Requires coastal development permit from California Coastal Commission for development within a wetland located in the coastal zone. |
| California Forest Practice Act (Pub. Resources Code, § 4511 et seq.); Forest Practice Rules (Cal. Code Regs., tit. 14, div. 1.5, chs. 4, 4.5, & 10.) | <ul style="list-style-type: none"> Requires a Timber Harvest Plan prepared by Registered Professional Foresters and identification of steps that will be taken to prevent damage to the environment for all commercial harvesting operations large and small; review by Water Board. Requires evaluation of potential for cumulative impacts from the effects of forest harvesting activity, including sediment transport. |
| California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) | <ul style="list-style-type: none"> Requires a project proponent to meet the goals and purposes of environmental review: information; participation; mitigation; and accountability. Requires evaluation of environmental impacts of projects proposed or approved by public agencies, mitigation of significant impacts where feasible, and evaluation of alternatives to mitigate significant impacts. |

Current Types of Activities Regulated

Table 4 shows the types of activities that account for known discharges of fill to federal waters in 2003 for California. In any given year, the project type accounting for the greatest discharge to federal waters will likely change. However, the general types of activities that result in discharges of fill which are subject to this Project are likely to be similar in the future.

Table 4. Discharges of Fill to Federal Waters in 2003 by Project Type in California

| Project Purpose | # Projects | # Fill Acres | % Fill Acres |
|------------------------------|-------------------|---------------------|---------------------|
| Channel flood control | 79 | 554 | 27% |
| Gravel extraction and mining | 14 | 381 | 18% |
| Restoration activities | 79 | 245 | 12% |
| Urban development | 206 | 238 | 12% |
| Dam construction and repair | 16 | 127 | 6% |
| Roads and highways | 184 | 107 | 5% |
| Utilities | 76 | 78 | 4% |
| Bridges and crossings | 107 | 77 | 4% |
| Channel stabilization | 119 | 60 | 3% |
| Boating and navigation | 130 | 55 | 3% |
| Mitigation activities | 14 | 47 | 2% |
| Recreational facilities | 30 | 36 | 2% |
| Other | 29 | 28 | 1% |
| Golf course | 5 | 11 | 1% |
| Diversion structures | 20 | 10 | 0% |
| Outfall structures | 60 | 4 | 0% |
| Aeronautics | 8 | 3 | 0% |
| Hydroelectric facility | 15 | 2 | 0% |
| Data collection | 14 | 2 | 0% |
| Agricultural | 8 | 1 | 0% |
| Beach enrichment | 3 | 0 | 0% |
| Unknown | 8 | 0 | 0% |
| Other Construction | 2 | 0 | 0% |
| Railroads | 1 | 0 | 0% |
| Total | 1,227 | 2,067 | 100% |

Source: State Water Board (2005).

State and Local Land Use Planning

Local agencies in California have primary responsibility for land use control and regulation within their areas of jurisdiction and, to a lesser extent, to areas within their “spheres of influence.” State planning and zoning law requires all California counties and incorporated cities to prepare, adopt, and implement a comprehensive general plan to guide the community’s growth and development. A general plan is a community’s basic vision and “blueprint” for the future, and typically provides policies in a many areas pertaining to conservation and development.

Under state planning law, a general plan is required to contain seven elements: land use, open space, transportation/circulation, housing, safety, noise, and conservation. A general plan may also include optional elements at the discretion of the local agency, such as an agricultural element or a recreation element. Water resources and use issues are typically addressed in a general plan in terms of natural resource values as well as an essential requirement for land use and development. The general plan is

commonly implemented through zoning and other local land use and development ordinances, which must be consistent with the general plan.

In reviewing and making decisions on applications for various land use entitlements and development projects, the local agency must typically make findings that the proposed activity (e.g., a conditional use permit or a subdivision of real property) is consistent with its general plan. If the decision is discretionary and the project could have an effect on the physical environment, then the county or city is also obligated to comply with the procedural and documentation requirements of CEQA. Among other considerations for analyzing the potential effects of projects on water resources, CEQA contains requirements for agencies to evaluate the potential effects of large projects on public water systems, in coordination with the water agency, to ensure that sufficient water supply is available before approving large subdivisions, commercial office buildings, industrial parks, and similar projects. Additionally, all state agencies, departments, and boards, in carrying out activities which affect water quality, are required to comply with state policies for water quality control, unless otherwise directed by statute.

Current Project Development

Statewide efforts to protect wetlands were first addressed through Executive Order W-59-93 (signed by Governor Pete Wilson on August 23, 1993) which adopted a policy framework to ensure “no net loss” of wetlands. Later, the State Water Board responded to the SWANCC decision by:

- issuing a January 25, 2001, legal memorandum confirming the Water Boards’ authority and responsibility to regulate discharges to “isolated” waters;
- submitting to the Legislature in April 2003 a report titled *Regulatory Steps Needed to Protect and Conserve Wetlands Not Subject to the Clean Water Act*; and,
- adopting on May 4, 2004, general waste discharge requirements for certain discharges to non-federal waters.

On June 24, 2004 the State Water Board Executive Director (C.Cantu) provided guidance to the Water Boards for protecting “isolated waters” in a document titled *Guidance For Regulation of Discharges to “Isolated” Waters*.

In following the recommendation of its 2003 report to the Legislature, the State Water Board adopted Resolution No. 2008-0026, on April 15, 2008. This resolution directed the State Water Board staff to form a Water Board development team (Development Team) to draft a Wetland and Riparian Area Protection Policy in three phases. The Development Team has considered and utilized relevant plans, policies, and technical documents including those adopted or being developed by the Regional Water Boards. The Development Team has and continues to coordinate with other State and federal agencies and interested stakeholders to ensure a high degree of public involvement and agency coordination throughout the development process for this Project as follows:

- April 2007, CEQA workshop for the proposed wetland and riparian area policy in Sacramento and Los Angeles.
- April 2008, State Water Board adopts Resolution No. 2008-0026;
- July 2008, Development Team updates State Water Board at public meeting;
- August 2008, two CEQA scoping meetings in Sacramento and Huntington Beach;
- September 2008, Development Team formed the Technical Advisory Team of eminent wetland scientists;
- December 2008, five stakeholder meetings and one stakeholder/tribal government meeting held in Sacramento;
- October 2009, Development Team updates State Water Board on Technical Advisory Team's proposed wetland definition; and,
- June-July 2010, six stakeholder meetings and one tribal government meeting held in Sacramento.

For details on these meetings and groups, see:
http://www.swrcb.ca.gov/water_issues/programs/cwa401/wrapp.shtml).

As directed by the State Water Board, the Wetland and Riparian Area Protection Policy is being implemented using a phased approach that will allow for necessary infrastructure and program development. The Project that is the subject of this Initial Study, is identified as and referred to in Resolution No. 2008-0026 as Phase 1 of the Wetland and Riparian Area Protection Policy. However, to avoid confusion, the current Phase 1 effort is now called the "Wetland Area Protection Policy and Dredge and Fill Regulations."

Work on Phases 2 and 3 will proceed either in parallel or in sequence, and will follow their own respective public participation procedures and State Water Board considerations. Phases 2 and 3 are not under consideration at this time and are not the subject of this Initial Study. Any discussion or comments of environmental effects concerning the other phases will not be considered at this time. State Water Board staff will provide opportunities for public review and comment while each phase of the policy is under development. In accordance with provisions of CEQA and the Administrative Procedures Act (Gov. Code, § 11340 et seq.), the State Water Board will consider each phase for adoption in a public process, with a public comment period and the requirement that staff provide written responses to comments submitted during the comment periods.

Project Description

This Project consists of two main components, these are: (1) a wetland area protection policy that includes a wetland definition based on the Corps' delineation methods and an assessment framework for collecting wetland data to monitor progress toward wetland protection and to evaluate program development; and, (2) necessary

adjustments to the existing dredge and fill regulations to implement the wetland delineation methods and foster clarity and consistency in the permitting process.

Wetland Area Definition and Delineation

This Project, as proposed, will define an area as wetland if, under normal circumstances, it:

1. Is saturated by ground water or inundated by shallow surface water for a duration sufficient to cause anaerobic conditions within the upper substrate;
2. Exhibits hydric substrate conditions indicative of such hydrology; and,
3. Either lacks vegetation or the vegetation is dominated by hydrophytes.

Wetland delineation would be performed using the Corps' 1987 Manual and Supplements as appropriate. The Water Boards would use the guidance provided by the 1987 Manual and Supplements to determine the presence of indicators of the three wetland characteristics in an area: hydrology, substrate, and vegetation. The technical methods would be applied in their entirety, except for where those methods do not apply to the State definition of wetland areas. For example, the Project definition uses the term "substrate" in place of term "soil" which is used in the Corps definition. Since many wetlands lack developed soils, the proposed Project delineation method would emphasize the presence of observed substrate conditions which would be a minor adjustment to the Corps delineation procedure. Another example is the case where an area lacks vegetation, but has the indicators for hydric substrate and wetland hydrology. The Corps address this situation in the Supplements with recommended delineation procedures for areas exhibiting "problematic hydrophytic vegetation". The latter procedures would be followed when delineating a wetland under the Project definition as well. However, the Project definition specifically identifies such areas as wetlands.

Wetland Area Tracking, Monitoring, and Assessment

This Project would direct the Water Boards to collaborate with other State and federal agencies and regional and local interests to develop standardized practices and methods in support of the California Wetlands and Riparian Assessment and Monitoring Program (WRAMP) adopted by the California Water Quality Monitoring Council in 2010 (see:

http://www.waterboards.ca.gov/mywaterquality/monitoring_council/docs/wramp_letter_release.pdf). The Water Boards would use these standardized practices and methods in all monitoring and assessment activities of surface waters required by permits, waste discharge waiver conditions, and discretionary financial assistance conditions. These provisions of the Project would apply more broadly to all waters of the State. It should be noted that the Project would not address riparian areas until Phase 3 is undertaken. Nevertheless, Phase 1 would require a "watershed approach" to mitigation planning. It would be expected that riparian areas would be included in any assessment of watershed resources.

The WRAMP framework recognizes different levels of information needs, define the monitoring objectives of each, and integrate the levels so that one supports the other. The methods and practices used for each level would be standardized statewide and adopted by all agencies involved in wetland and riparian area management. The following levels of information are incorporated into WRAMP:

- Level 1: Wetland and Riparian Area Inventory – provides a periodic assessment of the location and extent of the State’s wetlands and riparian areas
- Level 2: Rapid Assessment – evaluate the general condition of individual wetland and riparian areas and identify the factors that may limit their health
- Level 3: Intensive Site Assessment – develop quantitative data on the condition and function of a wetland or riparian area on a specific site.

WRAMP will also include Quality Assurance and Quality Control Plans (QA/QC) that meet Surface Water Ambient Monitoring Program QA/QC guidelines.

The Surface Water Ambient Monitoring Program Regional Data Centers (RDCs) are intended to provide data management services for all data necessary to track and assess wetland and riparian area resources. Scientifically credible Level 1-3 data will be stored including maps, images, text, and tabular records. A single Wetland Tracker internet portal to access all of the RDCs’ wetland and riparian area data is planned, to make this information readily available to the public. This portal is planned to be integrated with distributed networks such as the California Environmental Data Exchange Network (CEDEN) and cataloging monitoring metadata using systems such as the California Environmental Resources Evaluation System.

Permitting of Discharges of Dredged and Fill Material

This Project would specify the information needed to apply for a permit, how the Water Boards would make determinations in reviewing permit applications, and the nature of findings of compliance or non-compliance with this Project. These requirements would be based on the 404(b)(1) Guidelines that include the recently promulgated compensatory mitigation rule. Consistent with California’s Anti-degradation Policy (State Water Board Resolution No. 68-16 “Statement of Policy with Respect to Maintaining High Quality of Waters in California”) all discharges of waste would be regulated by the Water Boards to achieve the highest water quality consistent with the maximum benefit to the people of the State.

In general, the Water Boards would deny the issuance of a permit for discharge of dredge or fill material if:

- There is a practicable alternative to the proposed discharge which would have less adverse impact on water quality, so long as the alternative does not have other significant adverse consequences;– this alternative would be verified by the Water Boards, in coordination with the Corps, for federal waters, through the alternative analysis procedure; or if
- the proposed discharge would:

- cause or contribute to a violation of water quality objectives or other provision of any applicable Water Quality Control Plan;
- fail to fully comply with CEQA if applicable;
- jeopardize the continued existence of species listed as endangered, threatened, or candidate under CESA or FESA or would result in likelihood of the destruction or adverse modification of a critical habitat; or,
- violate any requirement to safeguard a specially protected aquatic site, such as a marine sanctuary, Area of Special Biological Significance, or other specially protected area designated by any public agency of the State or any subdivision thereof.

In implementing a proposed project, the Water Boards would consider potential direct, secondary (indirect), and cumulative adverse impacts of the proposed alternative on the physical, chemical, and biological characteristics of the aquatic ecosystem using a watershed approach. The proposed project would require that permit applicants take actions to first avoid discharges of dredged and fill material to waters of the State. If discharges are unavoidable, applicants would then take actions to minimize discharges and adverse impacts to water quality. For unavoidable impacts to wetlands, the applicant and the appropriate Water Board would develop compensatory mitigation requirements. Specifically, a proposed project would need to specify:

- Compensation techniques including restoration, establishment, enhancement, and preservation;
- Considerations for determining level of compensatory mitigation;
- Criteria for site selection and site buffers;
- Elements of a compensation plan; and,
- Permit mitigation conditions.

Areas and Activities Excluded From Project Requirements

The following areas and activities would be excluded from the requirements of the Project:

- Prior converted cropland. Prior converted cropland (PCC) refers to wetlands that were converted from a non-agricultural use to cropland prior to December 23, 1985.
- Constructed wetlands. A constructed wetland is an artificial wetland that is placed in an area where a wetland did not exist before, and which is specially engineered to obtain specific services, such as wastewater treatment, surface water drainage, or agricultural water supply. These “constructed” wetlands are valued for the services they provide and they are actively maintained to provide them. Owners or operators of constructed wetlands may be exempted from these regulations if they comply with applicable WDRs or waivers of WDRs.
- Activities that are described in Clean Water Act section 404(f)(1)(A)-(F). For those activities to remain exempt from this Project’s requirements, the activities

must comport all applicable guidance issued in connection with section 404(f) and are subject to the “recapture clause.” (33 U.S.C. § 1344(f)(2).)

Please note, even though a proposed project or activity is excluded from this Project’s requirements and a separate dredge and fill permit will not be required, the Water Boards may decide to regulate the proposed project or activity under other WDRs or waivers (e.g., existing Timber Harvest Waivers).

Environmental Setting

This Project affects all waters located within the state of California. California encompasses a variety of environmental conditions ranging from the Sierra Nevada to deserts (with a very large variation in between these two extremes) to the Pacific Ocean.

The Porter-Cologne Water Quality Control Act (Porter-Cologne) divides the State into nine different hydrologic regions. A brief description of each Region follows (see Attachment A for Regional Water Quality Control Board maps):

North Coast Regional Water Quality Control Board (Region 1)

The North Coast Region stretches from the Oregon border to Marin County. A land of wet coastal mountains and drier inland valleys, it accounts for 12 percent of the state’s land area, but 35 percent of its freshwater runoff. Its 340-mile-long coastline includes estuaries and environmentally sensitive areas protected by state law. Timber harvesting, agriculture, recreation and tourism are mainstays of the local economy.

San Francisco Bay Regional Water Quality Control Board (Region 2)

San Francisco Bay Region is home to more than 7 million people. Industries range from high- tech computer manufacturers in the Silicon Valley to oil refineries in Contra Costa County. The northern part of the region supports agriculture, such as the wine industry and dairies. Despite the region’s heavy urbanization, the Bay and its watersheds are home to diverse populations of fish and migratory birds.

Central Coast Regional Water Quality Control Board (Region 3)

The Central Coast Region extends from Santa Clara County south to northern Ventura County. The region has 378 miles of coastline, including Santa Cruz and the Monterey Peninsula, the agricultural Salinas and Santa Maria valleys, and the Santa Barbara coastal plain. Tourism, power and oil production, agriculture and related food processing activities are the major industries.

Los Angeles Regional Water Quality Control Board (Region 4)

The Los Angeles Region is the most densely populated in the state with 10 million residents. It encompasses all the coastal watersheds of Los Angeles and Ventura counties, along with portions of Kern and Santa Barbara counties. Land use varies considerably. In Ventura County, agriculture and open space exist alongside urban, residential and commercial areas. In northern Los Angeles County, open space is

steadily being transformed into residential communities. In southern Los Angeles County, land uses include urban, residential, commercial and industrial.

Central Valley Regional Water Quality Control Board (Region 5)

The Central Valley Region is the State's largest, encompassing 60,000 square miles, or about 40 percent of the State's total area. Thirty-eight of California's 58 counties are either completely or partially within the region's boundaries, formed by the crests of the Sierra Nevada on the east, the Coast Ranges and Klamath Mountains on the west, the Oregon border on the north, and the Tehachapi Mountains on the south. The Sacramento and San Joaquin rivers, and their tributaries, drain the major part of this large area through an inland Delta into San Francisco Bay. The Delta is the focal point of the state's two largest water conveyance projects, the State Water Project and the federal Central Valley Project. Together, the Sacramento and San Joaquin rivers and the Delta furnish over half of the state's water supply.

Lahontan Regional Water Quality Control Board (Region 6)

The Lahontan Region is named for a prehistoric lake that once covered much of the Great Basin. The region includes about 20 percent of California from the Oregon border south along the eastern crest of the Sierra Nevada through the northern Mojave Desert. Within this area are hundreds of lakes, streams and wetlands, including the nationally significant Lake Tahoe and Mono Lake. Tourism is the most important industry in the region, which also includes Death Valley National Park, the Mammoth Lakes area, and portions of the Mojave National Preserve. The region's southern cities are experiencing rapid population increases, ranking them within the top ten nationally.

Colorado River Basin Regional Water Quality Control Board (Region 7)

The Colorado River Basin Region covers California's most arid area. Despite its dry climate, the region contains two water bodies of state and national significance: the Colorado River and the Salton Sea. Water from the Colorado River irrigates more than 700,000 acres of productive farmland in the Imperial, Coachella, Bard, and Palo Verde valleys. The river also provides drinking water to several million people in California's southern coastal cities.

Santa Ana Regional Water Quality Control Board (Region 8)

The Santa Ana Region, which extends from the San Bernardino and San Gabriel mountains in the north and east to Newport Bay along the coast, continues to be one of the most rapidly growing areas of the state. While the region is geographically the smallest, at 2,800 square miles, it boasts one of the largest populations with almost 5 million people. This semi-arid region is known for its temperate climate and relatively low rainfall – about 15 inches per year.

San Diego Regional Water Quality Control Board (Region 9)

The San Diego Region stretches along 85 miles of scenic coastline from Laguna Beach to the Mexican Border and extends 50 miles inland to the crest of the coastal mountain range. In a mild coastal climate, the region's growing population enjoys many water-related activities; however, little precipitation falls within this semiarid region. About

90 percent of the region's water supply is imported from northern California and the Colorado River.

II. Environmental Impacts

The environmental impacts resulting from this Project are to some extent foreseeable, but the attributes of the specific implementation actions (e.g., location, size, scale, complexity, etc.) which drive environmental impacts are unknown. The Water Boards are prohibited from specifying the manner of compliance in its WDRs or other orders (Wat. Code, § 13360), and accordingly, the actual environmental impacts will necessarily depend upon the compliance strategy selected by the applicant. Therefore, until applicants who must comply with requirements of this Project propose specific future actions, many physical changes cannot be fully anticipated. As a result, this analysis considers the environmental impacts from the above-mentioned reasonably foreseeable methods of compliance with the requirements of this Project on a programmatic level. Each future action would be subject to environmental review under CEQA on a detailed, site-specific basis by the lead agency. If these environmental reviews identify significant environmental effects, the lead agency must either mitigate those effects to less than significant levels or adopt a statement of overriding considerations that provides reasons for approving the project despite the potential for significant environmental impacts.

With respect to reasonably foreseeable mitigation measures, the following analysis identifies mitigation measures that could be used to eliminate or reduce the identified potential environmental impacts. Some of the identified mitigation measures are self-implementing and do not have to be imposed (e.g., air and noise impacts would be mitigated to less than significant levels through air quality standards and local noise ordinances that automatically apply). Other identified mitigation measures will be imposed by the Water Boards as part of their statutory mandates to protect water quality and beneficial uses (e.g., geology and soil and hydrology and water quality impacts). Other identified mitigation measures will have to be incorporated at the future action stage to ensure that impacts remain at less than significant levels either by the lead agency, responsible agencies, or other public agency (including the Water Boards) with jurisdiction over the project. Public agencies that have to approve future actions would be expected to incorporate any applicable mitigation measures identified herein that are within their authorities.

It should be noted that "mitigation" as used in CEQA is different from "compensatory mitigation," with regards to dredge and fill permitting. For example, under CEQA, an adverse impact to the environment with regard to noise might be mitigated by complying with a local ordinance that prohibits noise above a certain decibel level. "Compensatory mitigation," on the other hand, refers to the replacement of wetland area, functions, and beneficial uses through creation or restoration as part of a permitting action for a 401 water quality certification or waste discharge requirements. Mitigation under CEQA does include the concept of compensatory mitigation but also encompasses the avoidance and minimization of impacts.

The Development Team has conducted a preliminary review of the known information on potential environmental impacts that may occur as a result of implementing the proposed Project.

The environmental factors checked below could be potentially affected by this Project. See the checklist on the following pages for more details.

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Public Health Vectors |

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 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.

Prepared By:

 Bill Orme
 Chief of the 401 Certification and Wetlands Unit

 Date

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

1. AESTHETICS.

Would the project:

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

Adoption of this Project in itself will not cause direct impacts to aesthetic resources. Implementation of this Project could, however, cause an adverse effect on aesthetics. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on aesthetics depending on the type of specific future project and its proposed location.

- a-c) The purpose of this Project is to protect beneficial uses of the waters of the State, including wetlands, through the equitable and consistent regulation of dredge and fill activities. In so doing, and inasmuch as aquatic resources add to the scenic vista, the implementation of this Project is to be expected to contribute to overall aesthetics. Further, the restoration/enhancement of existing wetlands and/or creation of additional wetlands that could occur as a result of this Project would generally result in beneficial impacts to scenic vistas, scenic resources, and the visual character of surrounding areas. Increased wetland area would create low-lying open space which favors expansive viewsheds.

However, other types of future actions that would be required to comply with this Project could be located near or within the viewshed of a scenic vista which may result in temporary impacts. The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed areas, such as a scenic vista of a rural town and surrounding agricultural lands. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

There is a vast array of potential future actions that could be subject to this Project (e.g., shopping malls, subdivisions, transmission lines, wind farms, etc.) These projects would be subject to a separate, project-level CEQA analysis by the appropriate lead agency. Site-specific evaluation of visual impacts would be conducted as part of future project-level CEQA environmental review and appropriate mitigation measures would be developed and implemented in accordance with local state and federal laws and regulations. Local planning agencies typically regulate impacts to scenic vistas through local general plans and policies. Mitigation measures may be required by local agencies during review of specific projects.

These measures typically include minimizing the removal of existing vegetation, ensuring grading/modification of internal roads is minimized, painting or otherwise visually treating buildings and other structures to blend with the surroundings, and erosion prevention to avoid stark, bare-graded slopes.

Future actions subject to this Project may also result in short-term construction-related visual impacts, may result in changes to scenic vistas or scenic resources, or may degrade the existing visual character or quality of a site or its surroundings. Most of the reasonably foreseeable aesthetic impacts related to these actions would be localized and short-term, lasting only during and shortly after construction, until new vegetation has been established. Future permits issued by the Water Boards would include conditions of approval to ensure successful re-vegetation of wetlands or other waters of the state, the employment of standard construction Best Management Practices (BMPs), and prohibit storing construction equipment on public streets to prevent adverse visual impacts. Therefore, impacts related to the implementation of this Project would be reduced to a less than significant level through mitigation required by the project-level CEQA analysis.

- d) Future actions subject to this Project could create new sources of light or glare, depending on the type of project being proposed. As stated above, these projects would be subject to project-level CEQA review, and any potential impacts and mitigation would be identified during that process.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

2. AGRICULTURAL AND FOREST RESOURCES.

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to agricultural and forest resources. Implementation of this Project could cause an adverse effect on agricultural and forest resources. Specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on agricultural and forest resources, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland) according to the State Farmland Mapping and Monitoring Program. Some of these future actions may be considered an accessory use to agricultural lands (i.e., roads, structures, ditches, powerlines, and wind turbines). However, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- b) Future actions subject to this Project could conflict with existing agricultural zoning or a Williamson Act contract. Future actions conflicting with existing agricultural zoning would be required to seek amendments to local agricultural zoning ordinances to allow the future action use. However, future actions conflicting with a Williamson Act contract would not meet the requirements of this Project.

- c) Future actions subject to this Project could conflict with, 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). However, all future actions would be required to meet all federal, state and local laws, including local zoning ordinances. These future actions would be analyzed on a case-by-case basis under CEQA.
- d) Future actions subject to this Project could be located on forest land, and could involve the conversion of forest land to non-forest uses. However, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- e) Future actions subject to this Project could cause other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. For example, future actions may create infrastructure that would promote future urbanization of rural farm and forest land. However, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

3. AIR QUALITY.

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to air quality. Implementation of this Project could, however, cause an adverse effect on air quality. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on air quality, depending on the type of project and its proposed location.

- a) Future actions subject to this Project may be a potentially significant source of air pollutants and therefore could conflict with or obstruct implementation of applicable air quality plans or regulations. These future actions would be required to undergo independent project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- b) Future actions subject to this Project may involve construction activities that could generate short-term emissions of fugitive dust (PM10) and involve the use of equipment that would emit ozone precursors (i.e., reactive organic gasses [ROG] and nitrogen oxides, or NOx). Increased emissions of PM10, ROG, and NOx could contribute to existing non-attainment conditions and interfere with achieving the projected attainment standards. However, these impacts would be temporary in nature.

Future actions subject to this Project may be a potentially significant source of air pollutants and cause a violation of air quality standards. These projects would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures are required to be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

- c) It is likely that some children, the elderly, and those suffering from respiratory problems may reside in the vicinity of construction activities regulated by this Project, which may result in a potentially significant impact. Construction activities related to the implementation of this Project could generate dust and equipment exhaust emissions for the brief period of construction. However, due to local winds, limited construction period, restriction of public access to the construction site, and minor emissions at the project site, harmful exposure is not expected. Future actions subject to this Project may expose sensitive receptors to substantial pollutant concentrations. Future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- d) Future actions subject to this Project may result in a cumulatively considerable net increase of any criteria pollutant. Future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

- e) Future actions subject to this Project could result in the generation of objectionable odors. These projects would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

4. BIOLOGICAL RESOURCES.

Would the project:

| | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation project or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to biological resources. Implementation of this Project could, however, cause an adverse effect on biological resources. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on biological resources, depending on the type of project and its proposed location.

- a-c) It is reasonably foreseeable that future actions subject to this Project will impact wetlands, riparian areas or other sensitive habitats. This Project is intended to ensure the protection of special status species and sensitive habitat, including

riparian and wetland areas, by requiring consultation with DFG and USFWS. Future actions will be subject to CESA and FESA, and would be required to protect beneficial uses associated with aquatic ecosystems, including associated fish and wildlife habitat. This Project would establish procedures to ensure that impacts would be avoided, minimized, and mitigated.

- d) This Project is intended to protect resident and transient wildlife associated with the aquatic ecosystem, recognizing that the discharge of dredge or fill material into aquatic areas can result in the loss or change of breeding and nesting areas, escape cover, habitat connectivity, and local food sources. This Project would establish procedures to ensure that impacts would be avoided, minimized, and mitigated.
- e-f) As this Project is intended to afford protection to aquatic organisms and other wildlife and their habitat, future actions taken in accordance with this Project will be required not to conflict with any local policies or ordinances protecting biological resources. In addition, these actions will be required not to conflict with any habitat conservation plans or natural community conservation plans.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| | | | | |

5. CULTURAL RESOURCES.

Would the project:

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

Adoption of this Project in itself is not expected to cause direct impacts to cultural resources. Implementation of this Project could, however, cause an adverse effect on cultural resources. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on cultural resources, depending on the type of project and its proposed location.

- a-c) Implementation of this Project, as well as specific projects which fall under the jurisdiction of the Water Boards, will be required to comply with Public Resource Code section 21159. This is expected to ensure that the implementation of any necessary site specific actions to avoid, minimize and mitigate any impacts to significant historical, archaeological, and paleontological resources or site, or

unique geological features. All future actions must comply with the CEQA process and requirements for tribal consultation provided by Senate Bill 18 (SB 18) (Stats 2004, Ch 905) and Government Code section 65352. SB 18 refers to “places, features, and objects” as described in Public Resource Code sections 5097.9 and 5097.993. Required actions involving construction already include a thorough search of records, published literature, and databases, to avoid and minimize potential impacts to identified cultural resources.

- d) In the event that avoidance is infeasible, the future project proponent will be required to follow Native American Heritage Commission’s mandate for Native American Human Burials and Skeletal Remains, in partnership with affected tribe(s), in order to adequately provide for recovering scientifically consequential information from the site. A report of the excavation and data will be filed with the California Historical Resources Regional Information Center (COHP, 2001). In the event that ground disturbances uncover previously undiscovered or documented resources, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains. (Health & Saf. Code, § 7050.5; Pub. Resources Code, § 5097.9 et seq.)

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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6. GEOLOGY and SOILS.

Would the project:

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| 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 in 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 & Geology Special Publication 42. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to geology and soils. Implementation of this Project may increase the risks associated with geology and the risk of soil erosion. Specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on geology and soils, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could expose people or structures to adverse effects, including the risk of loss, injury, or death from potential geologic, seismic, and soil impacts. These future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and, if warranted mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- b) Future actions may involve earthmoving and construction activities (grading and re-contouring). This Project is intended to ensure specific site analysis and the incorporation of appropriate design measures for avoidance of erosion and

sediment disposition. Additional protection will be provided by the National Pollutant Discharge Elimination System (NPDES) Storm Water Construction General Permit (Construction General Permit) for disturbances greater than one acre and the implementation of the associated Storm Water Pollution Prevention Plan.

- c-e) Future actions subject to this Project would be required to evaluate site-specific risk factors and undertake appropriate geologic, geotechnical and soil investigations to avoid and minimize potential geotechnical risks. Risk factors include slope steepness, strength of geologic materials, characteristics of bedding planes, joints, faults, vegetation, surface water conditions, and groundwater conditions. Avoidance of potential impacts will be required or otherwise mitigated by a variety of measures, including identification of geotechnical and soil types, avoidance of areas with unsuitable soils or steep slopes, compliance with design and installation specifications regulations, and building codes.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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7. GREENHOUSE GAS EMISSIONS –

Would the project:

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, project or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to greenhouse gas emissions. Implementation of this Project may increase the risks associated with greenhouse gas emissions. Specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on greenhouse gas emissions, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. For example, the construction activities associated with potential future actions such as housing developments and stream restoration activities may indirectly generate temporary greenhouse gas emissions due to exhaust from equipment and vehicles used during construction. These impacts would be relatively small and could be mitigated by using construction and maintenance vehicles with lower-emission engines. These impacts and others related to future actions would be required to undergo independent CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will

be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

Implementation of this Project may result some reductions in GHGs through wetland establishment, restoration, enhancement and preservation. Wetlands sequester carbon from the atmosphere through plant photosynthesis and also by trapping sediments. The carbon is then held in the living vegetation, as well as the litter, soil, and sediments that build up over many years, even thousands of years in some cases. How much is stored depends on many factors such as wetland type and size, vegetation, soil depth, pH and other factors. Wetlands also release carbon during natural seasonal changes, and more drastically, from destructive natural or anthropogenic events. Thus wetlands become an important factor when considering GHG emissions. Normally, they function as carbon sinks, but when converted or destroyed, the advantage is lost and carbon is released adding to atmospheric loading.

- b) Future actions subject to this Project could conflict with an applicable plan, project, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. However, this Project will be consistent with State Water Board Resolution No. 2008-0030 which directs Water Board staffs to "require...climate change considerations, in all future policies, guidelines, and regulatory actions." Also, this Project is intended to conform with the goals of Assembly Bill (AB) 32 (Stats. 2005, ch. 488). AB 32 requires that GHG emissions be reduced to 1990 levels by 2020. This requirement only relates to anthropogenic sources of GHGs. Therefore, these types of impacts and others related to future actions would be required to undergo independent CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with any agency plan, project or regulation related to reducing the emissions of GHGs.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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8. HAZARDS and HAZARDOUS MATERIALS.

Would the project:

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|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or to the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not in itself create hazards and hazardous materials. Implementation of this Project may increase the risks associated with hazards and hazardous materials. Specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts related to hazards and hazardous materials, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. For example, future actions may include use of vehicles and heavy equipment that involve the use and transport of hazardous materials such as oil

and gasoline during construction. However, any potential risks of exposure would be small, especially with proper handling and storage procedures. Future actions would be required to undergo project-specific CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

- b) Future actions subject to this Project could result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, no impacts to the public or the environment are anticipated. Hazardous materials or substances may be present during construction activities of future actions subject to this Project, but potential risks of exposure would be small, especially with proper handling and storage procedures. Furthermore, compliance with the requirements of California Occupational Health and Safety Administration (CalOSHA) and local safety regulations would help prevent any worksite accidents or accidents involving the release of hazardous materials into the environment that could harm the public, nearby residents, and sensitive receptors such as schools. In addition, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- c) Future actions subject to this Project could lead to hazardous emissions or result in the handling of hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. For example, there is the possibility that hazardous materials (e.g., oil and gasoline) may be present at a site during the construction phases of a future project within ¼ mile of an existing school. It is not possible to know the location of future projects, their proximity to schools, or to evaluate impacts at this time. However, any potential risks of exposure are expected to be small, especially with proper handling and storage procedures. In addition, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- d) Future actions may occur in proximity to former industrial sites that have been identified as potential hazardous materials sites. Impacts to hazardous materials impacts could occur during construction if future actions were to occur in areas where former industrial uses could have resulted in contamination of soil and/or groundwater. However, project proponents would be required to comply with all applicable local, state, and federal regulations pertaining to hazardous materials.

Future actions that would be subject to this Project would be subject to project-level CEQA review as well as regulatory oversight for soils and groundwater cleanup. It is not possible to evaluate the impacts of specific projects at this time. However, typical mitigation measure for contaminated soil could include: installation of

fencing and signage to keep people out of high risk areas; development of a site safety plan for construction workers; proper handling, storage and disposal of hazardous materials; and appropriate on-site treatment and isolation of high risk areas. Typical mitigation measures for contaminated groundwater include: pump and treat systems; proper collection and disposal of extracted groundwater; and properly sealing abandoned wells.

- e-f) Future actions could be located within an area subject to an existing airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, or within the vicinity of a private airstrip, resulting in a safety hazard for people residing or working in the project area. Such future actions could potentially be in conflict of a local Airport Land Use Compatibility Plan (ALUCP), or with guidance provided by Federal Aviation Regulations Part 77 and California Public Utilities Code Sections 21670-21679.5.

Future actions subject to this Project could create artificial attractors for birds and thus contribute to the hazard of bird strikes. Land uses that may become artificial attractors include: golf courses with water hazards; drainage detention and retention basins; wetlands created as mitigation measures or for other purposes; landscaping, other water features including ponds; wildlife refuges; and agriculture, especially cereal grains.

Additional hazards to aviation could potentially be created by a diverse range of future actions that would be subject to this Project (see *California Airport Land Use Planning Handbook*; California Department of Transportation – Division of Aeronautics, Chapter 9, January 2002). Examples of these additional hazards include smoke from prescribed burning and the planting of trees which may eventually grow to heights that interfere with landings and takeoffs at airports.

However, project proponents will be required to consult with appropriate local Airport Land Use Commission, or other appropriate aviation transportation agencies and officials when the siting, design, operation and maintenance of activities may entail features known to have the potential for impacts to aviation, or when a proposed project might occur within an existing ALUCP, or when located within 10,000 feet of a runway used by turbine-powered aircraft or 5,000 feet of other runways. In particular, compliance would be required with Public Resources Code, 21096, which states:

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the

environmental impact report as the report relates to airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Results of these consultations and compliance with these existing regulations would guide approval decisions regarding these future actions undertaken in compliance with requirements of this Project, including denial of permits and inclusion of special conditions in permits for the maintenance of aviation safety. As a result, the potential impacts relating to hazards to aviation in permitted activities would be less than significant, with mitigation included.

For future actions that would be subject to this Project, compliance with the pertinent aviation safety plans and regulations discussed above would be the subject of project-level CEQA review.

- g) Future actions subject to this Project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. However, these future actions would be required to undergo independent CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- h) Future actions subject to this Project could increase wetland and riparian vegetation communities, which could provide fuel and possibly increase the risk of wildfires. However, future actions undertaken in compliance with requirements of this Project in wildland areas, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, would include site specific requirements to limit risk of fire, such as construction BMPs, and, where applicable, protective measures required by the California Forest Practice Rules (California Code of Regulations, Title 14, Section 895.1 et seq.). On National Forest lands, management measures identified in US Forest Service Best Management Practices guidance manuals, as well as the requirements of other policies and plans (e.g. Northwest Forest Plan) would result in fire prevention compliance.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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9. HYDROLOGY and WATER QUALITY.

Would the project:

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of 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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to hydrology and water quality. Implementation of this Project could, however, cause an adverse effect on hydrology and water quality. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on hydrology and water quality, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could result in alterations to wetlands and other water bodies. Although it possible for future actions to violate water quality standards or waste discharge requirements, future actions will be required to meet water quality standards specified in applicable Basin Plans. Future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts to water quality and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

- b) Future actions subject to this Project could result in changes to surface and groundwater flow and interactions. However, it is expected that future actions should as a whole maintain groundwater recharge and groundwater supplies by protecting and enhancing waters of the State through requirements of this Project. For example, protecting stream and wetlands would recharge alluvial aquifers during periods of high precipitation or flow. While these vegetation communities constantly remove water from the soil, the root channels and biopores of stream and wetland system vegetation also increase the percolation rates of soils to allow for efficient infiltration and drainage, which would typically result in a net increase in groundwater recharge. However, some individual future actions undertaken in compliance with requirements of this Project could have effects on groundwater supplies and groundwater recharge. Future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.

- c) Future actions subject to this Project could result changes to drainage patterns. Future actions could be associated with activities such as restoration activities, housing developments, and many other categories of activities, involving earthmoving and construction activities which could affect existing drainage patterns and result in short-term, limited erosion and siltation on- or off-site. However, this Project for dredge and fill activities would require avoidance as the preferred option, then minimization, and finally mitigation as the last option for any unavoidable impacts to waters of the State. Future actions would be subject to the review and/or authorization by the Water Boards and would be required to implement routine and standard erosion control management measures such as silt fencing, straw waddles, and other erosion management measures to contain stormwater runoff and reduce erosion potential. In addition, construction activities involving disturbance of one acre or more would require enrollment in the General Construction Permit and implementation of the associated Storm Water Pollution Prevention Plan. Proponents of future dredge and fill actions taken in compliance with the requirements of this Project would be prohibited from substantially altering the existing drainage pattern of the site or area in a manner that would cause significant and long-term erosion, siltation or flooding.

- d) Future actions subject to this Project may involve construction and earthmoving activities that may affect existing drainage patterns and result in limited flooding on- or off-site. However, requirements of this Project would support the protection of existing drainage pattern of the site and also encourage the incorporation measures to mitigate the surface runoff impacts of future actions such as low impact development (LID). LID is an approach to site design and stormwater management that seeks to maintain the site's pre-development runoff rates and volumes. LID includes specific techniques, tools and materials to control the amount of impervious surface, increase infiltration, improve water quality by reducing runoff from developed sites, and reduce costly infrastructure. Future actions that may increase flooding would be subject to Water Board review and/or authorization and the Water Boards, in the course of implementing the future action under requirements of this Project, would ensure that applicants incorporate project hydraulic modeling, siting, and planning so as not to adversely affect flooding on- or off-site while meeting the performance standards discussed above. The requirements of this Project will have an overall benefit by reducing watershed-level flooding.
- e) Future actions subject to this Project would ensure that stormwater runoff and erosion control measures will not result in increased storm runoff and related stream bed or bank erosion. Therefore, it is reasonably foreseeable that future actions would not increase the rate or amount of runoff or exceed the capacity of stormwater drainage systems. In addition, construction activities involving disturbance of one acre or more would require enrollment in the General Construction Permit and implementation of the associated Storm Water Pollution Prevention Plan.
- f) Future actions subject to this Project are expected to maintain existing stream and wetland system functions and improve water quality. However, future actions taken to restore these systems could also increase the likelihood of methylmercury production and subsequent biological exposure to mercury. Certain heavy metals (including mercury, selenium, and chromium) have accumulated at wetland sites in the state (e.g., San Francisco Bay baylands) as a result of past land uses. Future dredge and fill actions in these areas may contribute substantially to methylmercury production and subsequent biological exposure to mercury. Bioaccumulation of mercury in fish is a major human health risk concern.

Mercury adsorbed onto sediment particles can be transformed through natural processes into toxic methylmercury. The concentration of methylmercury is dependent on numerous variables, including: redox potential, salinity, pH, vegetation, sulfur (including sulfate derived from gypsum layers in pond bottoms), dissolved organic carbon, nitrogen, and seasonal variations in each of the identified variables. Factors contributing to the high methylmercury production in wetlands include limited circulation which can result in increases in temperature and residence time and may lead to hypoxic (low dissolved oxygen) water

conditions and seasonal wetland wetting and drying. Wetlands and streams in proximity to agricultural areas may have elevated nutrient levels further contributing to conditions that enhance methylmercury production. Also, natural accretion processes in salt marshes continually supply fresh layers of mercury contaminated sediments that release mercury in a form that can become biologically available to mercury-methylating bacteria and subsequently bioaccumulate in the food chain.

Future actions undertaken in compliance with the requirements of this Project in watersheds with an approved mercury TMDL (e.g., Sacramento-San Joaquin River Delta Estuary Mercury TMDL, San Francisco Bay Mercury TMDL) will be required to comply with any specified methylmercury waste load allocations or requirements to participate in control studies, or implement site-specific study plans, that evaluate practices to minimize methylmercury discharges. For all other actions that may involve methylmercury production, the Water Boards are expected to require monitoring and implementation of methylmercury controls as feasible to ensure that impacts remain less than significant.

Monitoring can provide information about the methylmercury control methods' potential benefits and adverse impacts to humans, wildlife, and the environment. Analysis of mercury data collected from future actions may be used to determine appropriate triggers to implement controls. If triggers are exceeded, then adaptive management actions will be implemented to avoid significant impacts. Potential mitigation measures to minimize methylmercury production include restricting flow, regulating wetting and drying cycles, pre-flood up, rerouting tailwater from seasonal ponds to permanent ponds, rerouting tailwater from seasonal ponds into agricultural fields, mowing, disking, herbicides, grazing, irrigation, and various particle settling methods (i.e., settling ponds in fields and use of permanent ponds or toe drains).

Remediation actions could require the disposal of mercury-contaminated soils, but such waste streams would be generated for a limited, short-term duration. The California Department of Toxic Substances Control oversees hazardous waste handling and disposal. The U.S. Department of Transportation specifies requirements for hazardous materials transportation. Proper handling in accordance with relevant state and federal laws and regulations would minimize hazards to the public or the environment and the potential for accidents or upsets. When approving future actions undertaken in compliance with requirements of this Project that may involve the disposal of mercury-contaminated soils, the Water Boards will include appropriate requirements to ensure compliance with these disposal laws. This is expected to ensure that hazardous waste transport and disposal would not create a significant public or environmental hazard and that impacts would be less than significant.

- g-h) Future actions subject to this Project could result in the construction of housing within the 100-year flood hazard zone and future actions could result in

construction of structures that would impede or redirect flood flows within a 100-year flood hazard zone. However, these actions will be subject to project-level CEQA review and authorization and will be required to adhere to federal, State and local laws pertaining to floodplain protection.

- i) Future actions subject to this Project could pose flooding hazards. All engineering aspects of these future actions would be the subject of project-level CEQA and regulatory processes and would be evaluated thoroughly at that time. Compliance with all applicable federal, State and local laws regarding levee and dam integrity and safety would be required by the requirements of this Project.
- j) Future actions subject to this Project could potentially expose people or structures to a risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow. Future actions would be the subject of project-level CEQA and regulatory processes and would be evaluated thoroughly at that time. Compliance with all applicable federal, State and local laws regarding levee and dam integrity and safety would be required by the requirements of this Project.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| | | | | |

10. LAND USE AND PLANNING.

Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, project, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Adoption of this Project in itself will not cause direct impacts to land use and planning. Implementation of this Project could, however, cause an adverse effect on land use and planning. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on land use and planning, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could entail activities that would physically divide an established community, but such circumstances would occur only pursuant to project-level CEQA and regulatory processes.

- b) This Project is intended to protect and restore wetland systems functions and improve water quality through the regulation of dredge and fill discharges. Therefore, it is unlikely this Project would conflict with any applicable land use plan, project, or regulation of an agency with jurisdiction over future actions (including, but not limited to any general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. This Project will require compliance with applicable land use plans, policies, and regulations by agencies with jurisdiction over future dredge and fill actions. It is expected that this Project will improve coordination of dredge and fill permitting with such plans by requiring analysis of future project effects on watershed functions.

- c) Future project subject to this Project will not conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan unless approved by the Water Boards and other reviewing agencies with jurisdiction over the action. The Project will increase the requirements for activities impacting waters of the State which may indirectly result in changes to land use and development patterns and result in a trend towards development in upland areas; however, it would be speculative to attempt to ascertain such possible development patterns and their impacts, including their compliance with conservation plans. When specific activities are proposed, development in these upland areas would have to be reviewed for compliance with Habitat Conservation Plans or Natural Community Conservation Plans. It is expected that the Project will improve coordination of dredge and fill actions with such plans by requiring analysis of environmental effects on watershed functions.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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11. MINERAL RESOURCES.

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Adoption of this Project in itself will not cause direct impacts to mineral resources. Implementation of this Project could, however, cause an adverse effect on mineral resources. Furthermore, specific projects which fall under the jurisdiction of the Water

Boards could have potentially significant impacts on mineral resources, depending on the type of project and its proposed location.

- a-b) Future actions related to mineral resource extraction that fall under the jurisdiction of the Water Boards will be required to first avoid and then minimize impacts to stream and wetland systems sources (e.g., aggregate, sand, and gravel). Compensatory mitigation will be required for any unavoidable significant impacts. The extent to which these requirements may result in the loss of mineral resources that would be of future value to residents of the State or result in the loss of resource recovery sites is unknown. Some mineral extraction proposals would inherently pose a conflict between the competing goals of wetland, stream and watershed protection and the recovery of economically important mineral resources.

As future mineral extraction activities are proposed, they will be subject to project-level environmental review. The Water Boards expect to work with all appropriate agencies, such as the California Department of Conservation (the primary agency with regard to mineral resource protection), to ensure that water quality is fully considered along with mineral resources in the environmental review process.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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12. NOISE.

Would the project result in:

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

Adoption of this Project in itself will not cause direct impacts to noise. Implementation of this Project could, however, cause an adverse effect on noise. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts related to noise, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could expose persons to, or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Future actions would be required to undergo project-level CEQA review, and applicable and appropriate mitigation measures would be evaluated when specific details of activities are determined, depending upon proximity of construction activities to receptors..

Noise generating operations would have to comply with local county noise standards for thresholds for exterior noise during the daytime and nighttime. In addition, increased noise levels could be mitigated by implementing commonly used noise abatement procedures, such as sound barriers, mufflers, and limiting construction activities to times when these activities have lower impact, such as periods when there are fewer people near the construction area.

- b) Future actions subject to this Project may involve earthmoving and construction activities which could result in minor temporary ground-borne vibration or noise. Any future actions would be required to comply with county standards for thresholds for exterior noise during the daytime and nighttime.
- c) Future actions subject to this Project could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. However, any future dredge and fill action would be required to comply with local agencies noise ordinance or noise standard established in the applicable local general plan. Furthermore, future actions would be required to undergo project-level CEQA review, at which time the potential for adverse impacts and appropriate mitigation measures will be analyzed and implemented in accordance with a variety of local, state, and federal requirements.
- d) Future actions subject to this Project may involve large developments and earthmoving and construction activities which could result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the site above levels existing without the future projects. Noise generating operations would have to comply with local county noise standards for thresholds for exterior noise during the daytime and nighttime. In addition, increased noise levels could be mitigated by implementing commonly used noise abatement procedures, such as sound barriers, mufflers, and limiting construction and maintenance activities to times when these activities have lower impact, such as periods when there are fewer people near the construction area. Applicable and appropriate mitigation measures would be evaluated during project-level environmental review.
- e-f) Future actions subject to this Project could be located within an airport land use plan or within two miles of a public airport or public use airport or result in any permanent increase in ambient noise levels and exposing people residing in or working in the project area to excessive noise levels. Noise generating operations would have to comply with local county noise standards for thresholds for exterior noise during the daytime and nighttime. In addition, increased noise levels could be mitigated by implementing commonly used noise abatement procedures, such as sound barriers, mufflers, and limiting construction and maintenance activities to times when these activities have lower impact, such as periods when there are fewer people near the construction area. Applicable and appropriate mitigation measures would be evaluated during project-level environmental review.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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13. POPULATION AND HOUSING.

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to population and housing. Implementation of this Project could, however, cause an adverse effect on population and housing. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on population and housing, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). All future actions would be subject to project-level CEQA and regulatory processes on an individual basis.
- b-c) Future actions subject to this Project could displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. It is also possible that some housing or populations of people might be displaced as a result of activities permitted under the project. These activities would be subject to environmental review under CEQA and a more detailed project level analysis would be conducted by the lead agency for each project and any impacts would be required to mitigate to less than significant levels through a variety of local, state, and federal requirements.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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14. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of 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:

- | | | | | |
|-----------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to public services. Implementation of this Project could, however, cause an adverse effect on public services. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on public services, depending on the type of project and its proposed location.

- a-d) Future actions subject to this Project could result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact, in order to maintain acceptable service ratios, response times or other performance objectives for public services such as fire protection, police protection, schools, and parks. For all future projects, the Project requirements will promote first avoidance and then minimization of all adverse environmental impacts. Further, the project requirements would insure that with Basin Plan requirements were met and that adequate mitigation is required for significant unavoidable environmental impacts. In addition, any future actions undertaken in compliance of project requirements would be subject to separate CEQA and regulatory processes on an individual basis.

Future actions could result in temporary road closures during construction and affect traffic patterns near construction sites and potentially affect fire and police response times; however, any such impacts would be minor and not significantly affect long-term service ratios, response times, or other performance objectives for public services. Moreover, construction activities would be required to comply with applicable building, safety, and fire prevention regulations and codes. Project proponents would notify local emergency service providers of

construction activities and any planned road closures and would insure coordination with local providers to establish alternative routes and appropriate signage. Most local jurisdictions have in place established procedures to ensure safe passage of emergency vehicles during periods of road maintenance, construction, or other attention to physical infrastructure. Any construction activity would be temporary and subject to applicable building and safety codes and permits.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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15. RECREATION.

Would the project:

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|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to recreation. Implementation of this Project could, however, cause an adverse effect on recreation. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on recreation, depending on the type of project and its proposed location.

- a-b) Future actions subject to this Project could result in increase use of or require the construction or expansion of recreational facilities which could result in adverse physical effects on the facilities and/or environment. Future actions could also result in temporary closure of roads or trails during construction in portions of neighborhood and/or regional parks. These short-term closures could result in increased visitors to other portions of parks or, perhaps, to other park or open space destinations in the vicinity.

The project requirements may also create new recreational opportunities and result in an increase those activities associated with stream and wetland systems (e.g., kayaking, rafting, fishing, swimming, wading, birding, etc.). Any potential changes in recreational use patterns are expected to cause less than significant impacts on the environment and would not result in substantial physical deterioration of park or recreation facilities. In addition, any future actions

undertaken in compliance with Project requirements would be subject to separate CEQA and regulatory processes on an individual basis.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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16. TRANSPORTATION / TRAFFIC.

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan project, 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts on transportation. Implementation of this Project could, however, cause an adverse effect on transportation. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on transportation, depending on the type of project and its proposed location.

- a-b) Future actions subject to this Project may include construction activities that could cause an increase in traffic. Potential temporary impacts could be reduced by identifying the routes that construction vehicles would use to access the site,

restricting the hours of construction traffic, determining traffic controls and detours, and by providing temporary traffic signals and flagging to facilitate traffic movement. Future actions could also potentially permanently exceed the capacity of the existing circulation system or conflict with an applicable congestion management program. Any future actions would be subject to project-level CEQA and regulatory processes at which time potential for adverse impacts and appropriate mitigation measures would be required to be analyzed and implemented in accordance with a variety of local, state and federal requirements.

- c) Future actions subject to this Project could 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. Such activities could potentially be in conflict of a local Airport Land Use Compatibility Plan (ALUCP), or with guidance provided by Federal Aviation Administration Regulations, title 14, part 77 of the Code of Federal Regulations and California Public Utilities Code sections 21670-21679.5.

Approved future actions could create artificial attractors for birds and thus contribute to the hazard of bird strikes. Land uses that may become artificial attractors include: golf courses with water hazards; drainage detention and retention basins; wetlands created as mitigation measures or for other purposes; landscaping, particularly water features; wildlife refuges; and agriculture, especially cereal grains.

Many other potential hazards to aviation can be created by future actions (see *California Airport Land Use Planning Handbook*; California Department of Transportation – Division of Aeronautics, Chapter 9, January 2002). Examples of these other hazards include smoke from prescribed burning and the planting of trees which may eventually grow to heights that interfere with landings and takeoffs at airports.

However, future actions will require consultation with appropriate local Airport Land Use Commissions, or other appropriate aviation transportation agencies and officials when the siting, design, operation and maintenance of activities may entail features known to have the potential for impacts to aviation, or when a proposed project might occur within an existing ALUCP, or when located within 10,000 feet of a runway used by turbine-powered aircraft or 5,000 feet of other runways. In particular, compliance would be required with Public Resources Code, section 21096, which states:

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall

be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

Results of these consultations and compliance with these existing regulations would guide approval of future actions, including special conditions in permits for the maintenance of aviation safety. As a result, the potential impacts relating to hazards to aviation would be less than significant, with mitigation incorporated.

- d-e) Future actions subject to this Project could result in a substantial increase in hazards due to a design feature or incompatible uses, or result in inadequate emergency access. However, any future actions undertaken in compliance with project requirements would be subject to separate CEQA and a detailed analysis would be required of transportation impacts subject to a variety of local, state and federal requirements.

During construction activities, future actions could result in temporary delays in response time of fire and police vehicles due to road closure/traffic congestion. Given the small scale and temporary nature of these activities, it is not expected to result in inadequate emergency access. Moreover, any construction activities would be subject to applicable building and safety and fire prevention regulations and codes to maintain response times and emergency access. Potential impacts could be reduced by identifying the routes that construction vehicles would use to access the site, restricting the hours of construction traffic, determining traffic controls and detours, and by providing temporary traffic signals and flagging to facilitate traffic movement.

- f) Future actions subject to this Project could conflict with adopted policies, plans, or programs supporting alternative transportation. However, these future actions would be required to undergo independent CEQA review, at which time the potential for adverse impact related to conflicts with adopted policies, plans, or programs supporting alternative transportation would be analyzed and appropriate mitigation measures implemented.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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17. UTILITIES AND SERVICE SYSTEMS.

Would the project:

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|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts on utilities and service systems. Implementation of this Project could, however, cause an adverse effect on utilities and service systems. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on utilities and service systems, depending on the type of project and its proposed location.

- a) Future actions subject to this Project could result in exceedance of Water Boards' wastewater treatment requirements, such as the addition of large housing developments or public facilities to an area with wastewater treatment at full capacity. However, these future actions would be subject to environmental review under CEQA and a more detailed project-level analysis would be

conducted by the lead agency for each project and any impacts would be subject to Basin Plan requirements as well as a variety of local, state, and federal laws.

- b) Future actions subject to this Project could 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 impacts. However, these future actions would be subject to environmental review under CEQA and a more detailed project level analysis would be conducted by the lead agency for each project and any impacts would be subject to Basin Plan requirements as well as a variety of local, state, and federal laws.
- c) Future actions subject to this Project could result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts. However, these future actions would be subject to environmental review under CEQA and a more detailed project-level analysis would be conducted by the lead agency for each project and any impacts would be subject to Basin Plan requirements as well as a variety of local, state, and federal laws. Overall, this Project is expected to protect and restore watershed hydrologic processes, including streams and wetlands, which will enhance natural drainage and flood water storage. This should help alleviate constructing new storm water drainage facilities in future development projects.
- d) Future actions subject to this Project may not have sufficient water supplies available and may require new or expanded entitlements. However, these future actions would be subject to project-level CEQA review, including mandatory demonstration of adequate water supply to serve new development. For large projects with high water demand, a project-level analysis would be conducted by the lead agency and water supply impacts and mitigation measures would be developed in accordance with all applicable local, state, and federal laws and regulations.
- e) Future actions subject to this Project could generate new population or otherwise create wastewater and, therefore could result in an increase in the need for wastewater treatment beyond the capacity of a wastewater treatment provider. However, any future actions would be subject to project-level CEQA review by the lead agency for each project and any impacts to wastewater treatment capacity would be subject to Water Board requirements and to applicable local, state, and federal laws and regulations.
- f) Future actions subject to this Project could be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs. However, these future actions would be subject to environmental review under CEQA and a more detailed project level analysis would be conducted by the lead agency for each project and any impacts would be subject to Basin Plan requirements as well as a variety of local, state, and federal laws.

- g) Future actions subject to this Project could result in non-compliance with federal, state, and local statutes and regulations related to solid waste. However, these future actions would be subject to environmental review under CEQA and a more detailed project level analysis would be conducted by the lead agency for each project and any impacts would be subject to Basin Plan requirements as well as a variety of local, state, and federal laws.

| Issues (and Supporting Information Sources): | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
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18. PUBLIC HEALTH AND VECTOR CONTROL.

Vector Control -- The analysis for a project must consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. (State CEQA Guidelines, § 15063(f).) To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies in their determination of environmental impacts.

Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Increase the potential exposure of the public to disease vectors (i.e., mosquitoes, ticks, and rats)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adoption of this Project in itself will not cause direct impacts to public health and vector control. Implementation of this Project could, however, cause an adverse effect on public health and vector control. Furthermore, specific projects which fall under the jurisdiction of the Water Boards could have potentially significant impacts on public health and vector control, depending on the type of project and its proposed location.

- a-b) Future actions subject to this Project could increase vector and pest populations and reproduction. For example, storm water runoff to vegetated systems, constructed wetlands, and natural riparian areas, floodplains and wetlands can develop areas of pooled standing water that may increase the likelihood of mosquito breeding. The Water Boards recognize that the ponding of standing water is a natural process that supports stream and wetland system functions, but that benefit must be evaluated in the context of allowing for active vector

control. These concerns may also arise in activities which restore existing wetlands.

In this regard, there are two areas of potential impact are: (1) creation of new physical habitat for new vector populations, and (2) use of pesticides to control these vectors. Each of these is discussed below.

It is recognized by vector control agencies that not all pooling areas will be favorable for mosquito breeding. Therefore risk assessment is a critical first step. Vector control agencies assess and map breeding habitat and track changes in population sizes, assess disease risk, and determine nuisance levels. Threats to human health vary temporally and spatially, so they must be determined by local vector control agencies. Thresholds for treatment actions may be species-specific and reflect the potential significance of a particular species or group of species known to be important in the transmission of a disease. In some locations where mosquito populations are at low levels or removed from human population centers, passive techniques such as warning the public and restricting access to the areas may be all that is necessary. Where threats to public health are a concern, then other remedies that incorporate accepted principles of integrated pest management should be employed as required by vector control agencies.

Local and regional mosquito abatement district or vector control district have jurisdiction to regulate and may require a wide range of mitigation measures for vector and pest control (e.g., site maintenance and frequent site inspections; netting can be installed over areas to mitigate vector production; proper site design can prevent accidental vector production; the construction and maintenance of appropriate drainage slopes; and the introduction of mosquito larvae eating fish) to mitigate the impact of additional wetland area. The Project requirements insure compliance with state, county, and local vector control laws, regulations, and ordinances. Appropriate vector control agencies and personnel would be consulted in the design and planning of activities occurring in streams, wetlands, floodplains, detention basins, or any location where standing water might breed vectors.

Pesticides are frequently used by vector management agencies to control vectors. When pesticides are applied to wetlands they can adversely affect water quality. The State Water Boards and California Department of Pesticide Regulation (DPR) have established mitigation measures to reduce these impacts. The state's pesticide regulations provide special procedures for vector control agencies operating under cooperative agreements (e.g., Food and Agricultural Code Section 11408(e)). The application of pesticides by vector control agencies is regulated by a special arrangement among the California Department of Health Services, DPR, County Agricultural Commissioners, and local and regional vector control agencies. USEPA has established water quality criteria in California for priority pollutants in the National Toxics Rule and the

California Toxics Rule (CTR). The CTR criteria are also water quality standards. The statewide NPDES General Permit No. CAG990004 addresses the application of pesticides to treatment areas (i.e., area that is treated for vector control) for the control of vectors and NPDES General Permit No. CAG90005 addresses pesticide applications for aquatic weed control. Although these permits have expired, they remain in effect. In the near future, the State Water Board will consider adopting three new NPDES permits to regulate pesticide spray applications, vector control, and aquatic animal invasive species control. The permits will require residual chemicals produced by the application of aquatic pesticides to natural water bodies to meet applicable CTR criteria and State or Regional Water Boards' water quality objectives outside the treatment area any time after pesticide application has started and inside the treatment area after completion of the action. To protect all designated beneficial uses of the receiving water, the most protective (lowest) and appropriate CTR criteria and/or water quality objective in the Regional Basin Plans for a particular water body must be met. These mitigation measures would reduce impacts from pesticides that may be applied to control vectors associated with future actions subject to this Project.

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