

**Public Announcement**

**Staff Workshop for Los Padres National Forest Road Repair Project (Project)  
Initial Study/Mitigated Negative Declaration (IS/MND)  
Substitution of Mitigation Measures**

**Meeting Date: November 17, 2014**

**Time: 11:00 a.m.**

**Location: In Sacramento -- Cal EPA – Room 1210**

**In Goleta – Web conference access available at Los Padres National Forest  
Conference Room**

- Directions, accessibility information, and teleconference information are provided at the end of this announcement.
- Individuals who require special accommodations, including real-time translation services, at any of the public meetings are should contact the designated staff person listed below.

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**NOTICE:** On September 25, 2014 the State Water Resources Control Board (State Water Board) issued a notice of intent to approve a mitigated negative declaration for the proposed Los Padres National Forest Road Repair Project (Project). The initial study and proposed mitigated negative declaration (IS/MND) were made available for public review on that date with the State Clearinghouse (SCH). SCH Number 2014091071 was assigned to the project.

As a result of the public review process for the proposed mitigated negative declaration, the State Water Board has concluded that certain mitigation measures identified in the mitigated negative declaration should be replaced by new measures determined to be equivalent or more effective in mitigating potential significant effects. Therefore, prior to adopting the MND and approving the project, the lead agency intends, in accordance with Section 15074.1 of the CEQA Guidelines, to substitute the existing mitigation measures with the proposed measures described below. These measures are equivalent to or more effective in mitigating potential significant effects of the proposed project and do not themselves cause any potential significant effect on the environment.

In accordance with Section 15074.1 of the CEQA Guidelines for the implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, sec. 15000 et seq.; hereafter, *Guidelines*), The State Water Board will hold a staff workshop on this matter, and prior to adopting the MND and approving the project will adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

**MEASURES TO BE DELETED:**

- Those parts of Mitigation Measure BR-4, *ERFO Site Specific Mitigation Measures* which address protection of Migratory Birds.
- Mitigation Measure BR-5, *Construction Timing*, which was intended to address potential impacts to migratory birds.

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**PROPOSED SUBSTITUTE MITIGATION MEASURES:** Proposed substitute mitigation measures to be added to the IS/MND for the proposed Project are presented below. Text to be deleted is ~~struck through~~. Substitute text is underlined. Note that mitigation measure BR-5 is deleted and replaced with Mitigation Measure BR-4a.

#### ***Mitigation Measure BR-4: ERFO Site Specific Mitigation Measures***

**Measure BR-4a:** For all sites discussed below where site specific mitigation measures for migratory birds, including least Bell's vireo and southwestern willow flycatcher are required, the following migratory bird mitigation measures (MBMMs) shall be implemented: Project sponsors shall ensure that suitable nesting sites for migratory nongame native bird species protected under the Federal Migratory Bird Treaty Act and/or trees with unoccupied raptor nests (large stick nests or cavities) may only be removed prior to February 1, or following the nesting season.

A survey to identify active raptor and other migratory nongame bird nests may be conducted by a qualified biologist at least two weeks before the start of construction at project sites from February 1st through August 31st. Any active non-raptor nests identified within the project area or within 300 feet of the project area may be marked with a 300-foot buffer, and the buffer area may need to be avoided by construction activities until a qualified biologist determines that the chicks have fledged. Active raptor nests within the project area or within 500 feet of the project area may be marked with a 500-foot buffer and the buffer avoided until a qualified biologist determines that the chicks have fledged. If the 300-foot buffer for non-raptor nests or 500-foot buffer for raptor nests cannot be avoided during construction of the project, the project sponsor may retain a qualified biologist to monitor the nests on a daily basis during construction to ensure that the nests do not fail as the result of noise generated by the construction. The biological monitor may be authorized to halt construction if the construction activities cause negative effects, such as the adults abandoning the nest or chicks falling from the nest.

- Beginning thirty days prior to the disturbance of suitable nesting habitat, the project sponsor may arrange for weekly bird surveys conducted by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in the habitat that is to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The last survey may be conducted no more than 3 days prior to the initiation of clearance/construction work.

If an active raptor nest is found within 500 feet of the project or nesting habitat for a protected native bird is found within 300 feet of the project a determination may be made by a qualified biologist in consultation with CDFG whether or not project construction work will impact the active nest or disrupt reproductive behavior.

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- If it is determined that construction will not impact an active nest or disrupt breeding behavior, construction will proceed without any restriction or mitigation measure. If it is determined that construction will impact an active raptor nest or disrupt reproductive behavior then avoidance is the only mitigation available. Construction may be delayed within 300 feet of such a nest (within 500 feet for raptor nests), until August 31 or as determined by CDFG, until the adults and/or young of the year are no longer reliant on the nest site for survival and when there is no evidence of a second attempt at nesting as determined by a qualified biologist. Limits of construction to avoid a nest may be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel may be instructed on the sensitivity of the area.

Documentation of compliance with applicable State and Federal laws pertaining to the protection of native birds shall be recorded and made available to the lead agency and USFWS upon request.

#### *Squaw Flat Road Site 6N16 – 1.7 milepost*

- To minimize potential effects to the least Bell's vireo and other migratory birds, implement Mitigation Measure 4a and all conditions of the Project BO .conduct work between October 1st to March 14th (Project BO, pg. 2).
- To protect least Bell's vireo and southwestern willow flycatcher, the terms and conditions in the Biological Opinion for Ongoing Activities Related to Transportation Facility.

#### *Squaw Flat Road Site 6N16 – 2.6 milepost*

- ERFO work should be conducted when there is no flowing water in the drainages to prevent sedimentation or other water quality effects to downstream areas (Steelhead BA).

#### *Colson Canyon Site 11N04.4 – 3.1 milepost*

- To minimize potential effects to the least Bell's vireo and other migratory birds, implement Mitigation Measure 4a and all conditions of the Project BO
- Work must be completed between September 15 and November 15 to minimize potential effects to the least Bell's vireo and CARLF, unless a biologist determines the creek at the project site is dry and there will be no change to riparian vegetation (Project BO, pg. 2).
- To protect least Bell's vireo and southwestern willow flycatcher, the terms and conditions in the Biological Opinion for Ongoing Activities Related to Transportation Facility Maintenance and Use (8-8-12-F-43) will be implemented when working near stream channels (Project BO, pg. 2). The terms and conditions are identified in Appendix E.
- ~~To reduce impact to migratory birds, conduct work from September 1st to April 30th where possible. If this cannot be done, then it is recommended that a wildlife biologist survey the project site within one week prior to the start of work.~~

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~~If active nests or nesting activity are found within 50 feet of the areas to be disturbed, these areas should be avoided until the young have left the nest (MTBA).~~

#### Big Caliente Road Site 5N16 – 1.2 milepost

- In advance of work activities coordinate with a qualified biologist to implement the project BO terms and conditions as listed in Appendix D (project BO, pg. 18-19).
- A biologist will survey sites for the presence of arroyo toads prior to the start of construction activities. Work crews will cease work immediately if any arroyo toads are detected within the project area, and the work will remain suspended until the USFS and U.S. Fish and Wildlife Service complete the appropriate level of consultation (Project BO, pg. 2).
- Implement the programmatic BO terms and conditions for arroyo toad, California red-legged frog (CARLF), and least Bell's vireo as listed in Appendix E when working near stream channels (Project BO, pp 2, 3, 6).
- Conduct project activities when no water is present in Agua Caliente Creek (Project BO, pg. 6).
- Work must be completed May 1 to October 31 (outside the rainy season) to protect CARLF (Project BO, pg. 6).
- To minimize potential effects to the least Bell's vireo and other migratory birds, implement Mitigation Measure 4a and all conditions of the Project BO
- ~~○ To reduce impact to migratory birds, where possible conduct work from September 1st to April 30th. If this cannot be done, then it is recommended that a wildlife biologist survey the project site within one week prior to the start of work. If active nests or nesting activity are found within 50 feet of the areas to be disturbed, these areas should be avoided until the young have left the nest (MTBA).~~
- Coordinate with Archaeologist (Steve Glabraith - SBRD) prior to implementing repair work. Nearby historic properties shall be flagged by Archaeologist prior to project implementation and those areas shall be avoided throughout the duration of the project.

#### Big Caliente Road Site 5N16 – 1.9 milepost

- In advance of work activities coordinate with a qualified biologist to implement the project BO Terms and Conditions as listed in Appendix D (Project BO, pp 18-19).
- Implement the programmatic BO terms and conditions for CARLF and least Bell's vireo as listed in Appendix E when working near stream channels (Project BO, pp 2, 6).
- Conduct project activities only during low stream flow conditions in Agua Caliente Creek (Project BO, pg. 6).
- Work must be completed May 1 to October 31 (outside the rainy season) (Project BO, pg. 6).
- To minimize potential effects to the least Bell's vireo and other migratory birds, implement Mitigation Measure 4a and all conditions of the Project BO
- ~~○ To reduce impact to migratory birds, where possible conduct work from September 1st to April 30th. If this cannot be done, then it is recommended that a wildlife biologist survey the project site within one week prior to the start of work.~~

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- ~~If active nests or nesting activity are found within 50 feet of the areas to be disturbed, these areas should be avoided until the young have left the nest (MTBA).~~
- Coordinate with Archaeologist (Steve Glabraith - SBRD) prior to implementing repair work. Nearby historic properties shall be flagged by Archaeologist prior to project implementation and those areas shall be avoided throughout the duration of the project.

#### Rose Valley Lake Road Site 6N31F – 0.2 milepost

- ERFO work should be conducted when there is no flowing water in the drainages to prevent sedimentation or other water quality effects to downstream areas (Steelhead BA).

#### **~~Mitigation Measure BR-5: Construction Timing.~~**

~~Conduct work from September 1st to April 30th where possible to reduce impact to migratory birds (MBTA).~~

These measures will provide additional protection for migratory birds. Proposed changes to the initial study to effect these changes are presented in the next section of this notice.

**STAFF WORKSHOP  
LOCATION AND TELECONFERENCE INFORMATION  
PROVIDED BELOW**

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### Staff Workshop for Los Padres National Forest Road Repair Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND) Substitution of Mitigation Measures

#### LOCATION INFORMATION

##### Staff Workshop Location Directions

State Water Resources Control Board  
California Environmental Protection Agency (CalEPA) Building  
1001 I Street  
Sacramento, CA 95814

Visitors must check-in at the reception area to receive a day pass to the building.

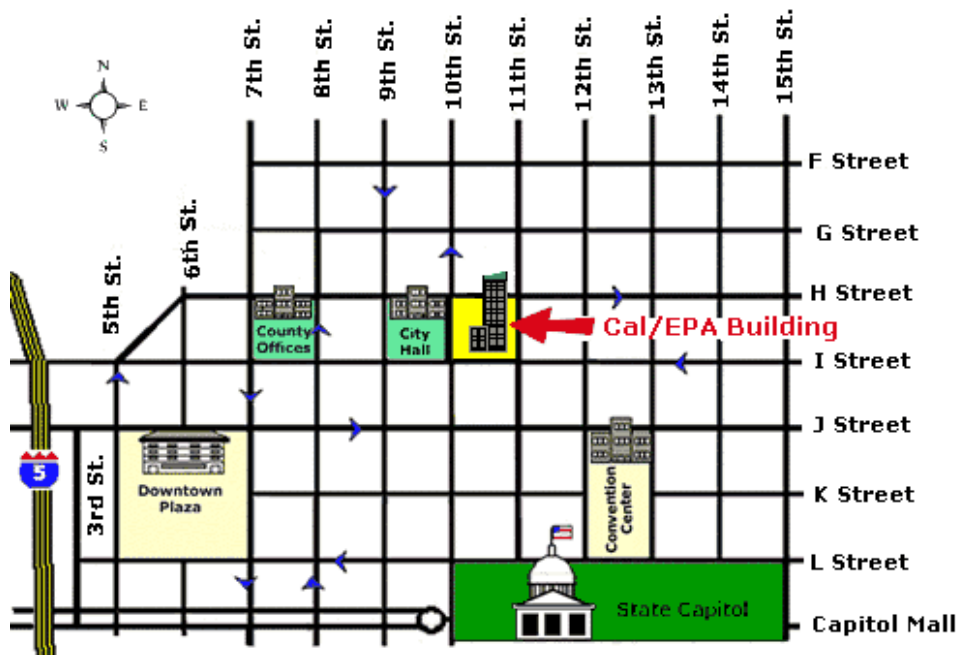
##### Directions:

From Interstate Highway 5 in Sacramento

- Take the J Street exit
- Take J Street east to 11<sup>th</sup> and turn left
- Go one block and turn left on I Street
- Cal/EPA headquarters building will be on your right.

##### Parking

- *Metered parking* (1, 2, and 10-hour meters) is available in the vicinity of the CalEPA building.
- *Parking garages and lots:* The closest lot is across from the building on 10<sup>th</sup> and I Street (\$15/day), enter on 10<sup>th</sup> or 11<sup>th</sup>. Parking also available between H and I on 14<sup>th</sup> St., and at many other public and private parking facilities around the downtown area.



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#### **WEBEX SATELLITE LOCATION**

Available only at Los Padres National Forest Supervisors Office Conference Room, 6755 Hollister Ave, Goleta, CA 93117. Free accessible parking available on site. For assistance with directions, call: (805) 968-6640

#### ***From Highway 101 North (heading north from Santa Barbara):***

- 1) In Goleta, take the Los Carneros Road exit.
- 2) Turn left on Los Carneros Road.
- 3) Go 0.78 miles on Los Carneros, then turn right on Hollister Avenue
- 4) Go 0.3 miles on Hollister Road, then turn left at "Cabrillo Business Park" sign (before Kmart).

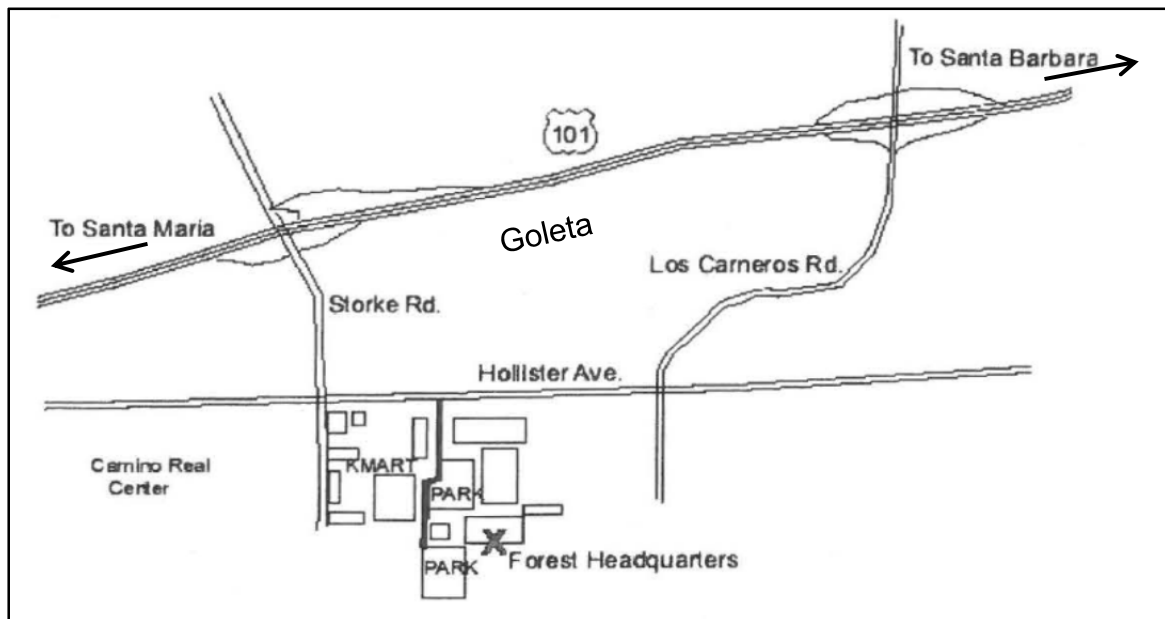
*Note: No National Forest Service sign is at the driveway due to construction.*

- 5) Follow the driveway to the large rear parking lot.
- 6) The Forest Service entrance is in the middle of the building by the fountain.

#### ***From Highway 101 South (heading south from Santa Maria):***

- 1) In Goleta, take the Storke/Glen Annie exit.
- 2) Turn right on Storke Rd.
- 3) Go 0.3 miles on Storke, then turn left on Hollister Ave.
- 4) Go 0.2 miles on Hollister Ave., then turn right at the "Cabrillo Business Park" sign (after Kmart). *Note: No National Forest Service sign is at the driveway due to construction.*

- 5) Follow the driveway to the large rear parking lot.
- 6) The Forest Service entrance is in the middle of the building by the fountain.



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#### **FOR TELEPHONE OR WEBEX ACCESS (no live video):**

- *Audio/voice available via the toll-free telephone number listed below.*

*Call-in toll-free number (Verizon): 1-866-876-1505  
[Alternate call-in number (Verizon): 1-203-480-4223]  
Attendee access code: 7513989*

- *Webex available at any computer or device with internet access. Attendees do not need to access the webex link to use the telephone access. To register for this webex meeting, Go to:*

<https://waterboards.webex.com/waterboards/j.php?RGID=r1c7a32150df8ca8d8a3fbd17afdbd4b>

- Meeting password: lpnfceqa

To view in other time zones or languages, please click the link:

<https://waterboards.webex.com/waterboards/j.php?RGID=r02df94863da9ef1c9358d3aa831a3598>

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For assistance

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1. Go to <https://waterboards.webex.com/waterboards/mc>
  2. On the left navigation bar, click "Support".
- OR contact Cliff Harvey as shown below.

*Individuals who require special accommodations, including real-time translation services, at any of the public meetings are should contact the designated staff person listed below as soon as possible.*

#### **FOR MORE INFORMATION:**

If you have any questions regarding this notice or the announced meeting, please contact

Cliff Harvey, Environmental Scientist  
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State Water Resources Control Board  
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