STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

I. Background

PROJECT TITLE: Petition to Change Water Right Licenses 6556 and 10827 of Lucky Star Investment Group, LLC

PETITIONER: Lucky Star Investment Group, LLC

PETITIONER'S CONTACT PERSON: John Dvorsky (503) 227-5979

GENERAL PLAN USE DESIGNATION: Agriculture

ZONING: "PAD/CD" (Planned Agriculture District with a Coastal Development District)

Introduction

On January 4, 2012, Lucky Star Investment Group, LLC (Petitioner) submitted a Petition for Change for both Water Right Licenses 6556 and 10827 in order to move the Point of Diversion (POD) approximately 30 feet upstream along Frenchmans Creek within San Mateo County (Figure 1).

Water Right Licenses 6556 and 10827 were issued on April 16, 1962 and July 7, 1978, respectively, by the State Water Resources Control Board (State Water Board). Both licenses authorize the diversion of water from Frenchmans Creek to an offstream storage reservoir for irrigation of greenhouse crops. A summary of the licenses are outlined in Tables 1, 2, and 3 and illustrated in Figure 2. However, due to the nature of the current diversion facility in Frenchmans Creek, a significant amount of maintenance was required to address excessive sedimentation. In late 2009, the Petitioner initiated construction of a new intake diversion structure. The Department of Fish and Game (DFG), through enforcement action, forced the Petitioner to stop work because the Petitioner initiated construction without receiving the necessary permits. In response to the enforcement action, the Petitioner halted construction of the project and implemented temporary erosion control measures to stabilize the site.

Once the site was stabilized, the Petitioner worked with DFG to draft a Streambed Alteration Agreement (SAA) (Appendix A) to complete the project and implement mitigation to reduce environmental impacts. During this process, DFG staff initiated review under the California Environmental Quality Act (CEQA). During this review, it was determined by the State Water Board that the proposed change to the diversion facility would require petitions for change for the water right licenses. Consequently, the State Water Board assumed the role of CEQA lead agency for the project. Once the petitions are approved and amended water right licenses are issued, and any other conditions are met, work may resume for the new diversion facility.

FIGURE 1
Project Location and Point of Diversion (POD) watershed, overlain on Half Moon Bay and Montara Mountain USGS 7.5' topographic quadrangles.

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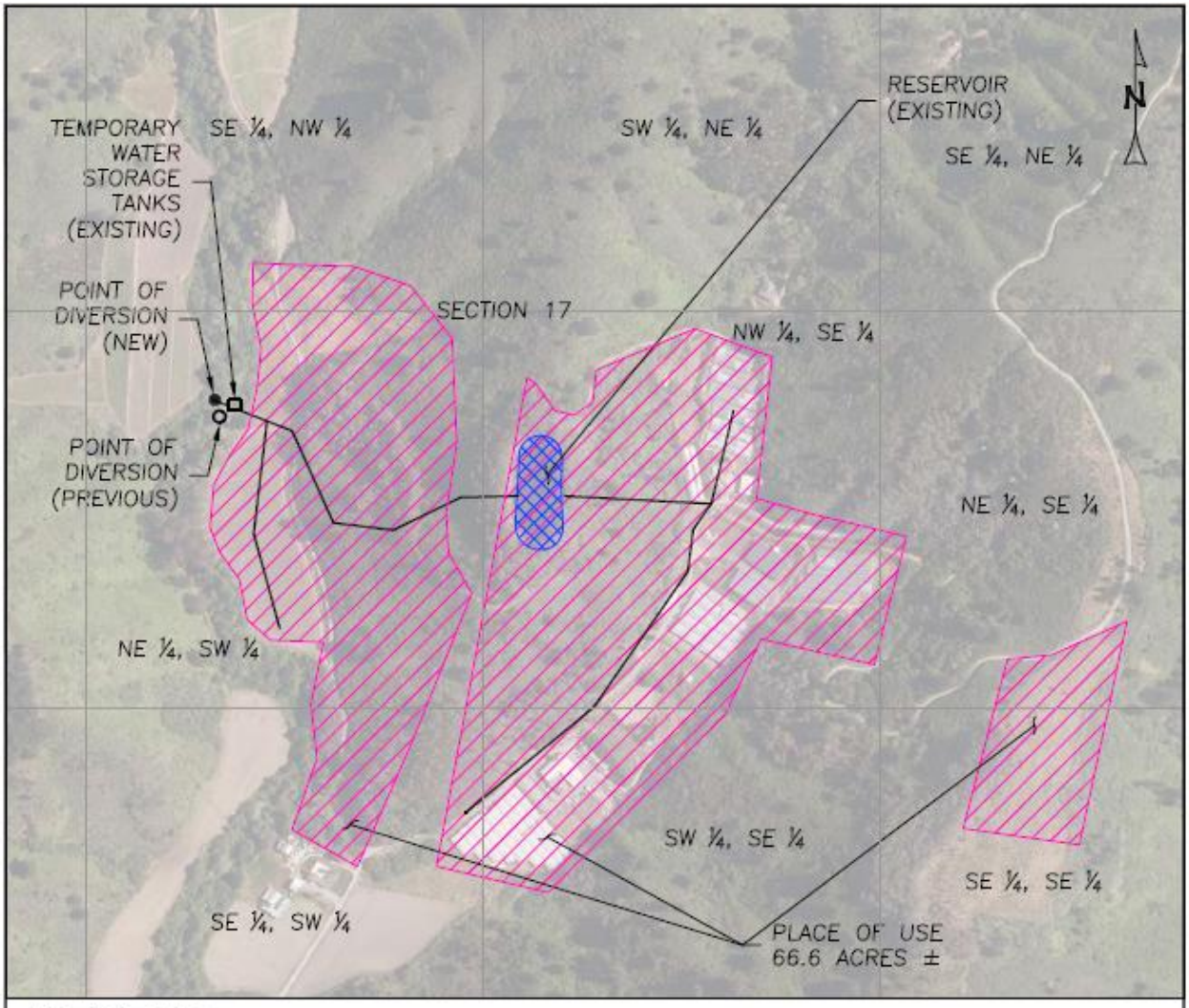

LEGEND

- PREVIOUS POINT OF DIVERSION
- EXISTING POINT OF DIVERSION
- EXISTING WATER STORAGE TANKS
- PIPELINE FROM POINT OF DIVERSION
- EXISTING RESERVOIR
- EXISTING PLACE OF USE
- PROJECTED PLSS BOUNDARY LINES (17S5W, SECTION 17, MDBM)

SCALE: 1"=500'
0 1"

DATE: 7/5/12
JOB NO.: 10-013

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LUCKY STAR INVESTMENTS, LLC.

FIGURE 2

PRELIMINARY
NOT FOR CONSTRUCTION

TABLE 1: WATER RIGHTS INFORMATION

License	Diversion	Diversion Amount (acre-feet)	Diversion Season	Purpose of Use	Place of Use (acres)
6556	Storage	9.16	January 1 to March 31	Irrigation	66.6
10827	Storage	1.5	January 1 to March 1	Irrigation	
Total Combined Diversion: Not to Exceed 10.66 afa					

TABLE 2: POINT OF DIVERSION

POD	Location	Within	Section	Township	Range	B & M
1	Frenchmans Creek Tributary to Pacific Ocean	NE ¼ of SW ¼	17	5S	5W	MD

TABLE 3: PLACE OF USE

Use Within	Section	Township	Range	B & M	Acres	Existing
NW ¼ of SE ¼	17	5S	5W	MD	30	Yes
SW ¼ of SE ¼					6	
NE ¼ of SW ¼					7	
SE ¼ of SW ¼					18	
SE ¼ of SE ¼					5.6	
				Total:	**66.6**	

Environmental Setting

Frenchmans Creek originates from Montara Mountain from an elevation of approximately 1,500 feet and flows south to the Pacific Ocean. The confluence of Frenchmans Creek and the Pacific Ocean is approximately 1.5 miles downstream from the project site. The creek is perennial and retains a natural configuration with a narrow but diverse riparian corridor in the upper reaches. Precipitation ranges from 42 inches within the upper reaches to approximately 26 inches on the coast. As Frenchmans Creek descends to Half Moon Bay, patches of coastal scrub habitat have been cleared for agricultural purposes and where it passes through agricultural areas the riparian corridor becomes increasingly sparse. In the lower reaches, native riparian trees have been replaced with exotic species such as eucalyptus.

Project Description

The project is located on the east bank of Frenchmans Creek on a parcel (APN 048-320-020) located at 37 K Frenchmans Creek Road, and can be found within the Half Moon Bay and Montara Mountain USGS 7.5 minute topographic quadrangles. The parcel is located immediately adjacent to the incorporated City of Half Moon Bay in an unincorporated area of San Mateo County. Access to the site is via farm roads, which are reached from an unpaved private road, accessed from Frenchmans Creek Road off Highway 1.

The project intends to replace a previous intake system that was located approximately 30 feet downstream of the proposed intake. The previous intake consisted of a 5-foot wide by 8-foot deep by 25-foot long diversion channel dug into the east bank and terrace. Prior to the CEQA

baseline date, water was pumped directly from the trench through a 4-inch steel pipe to an above ground storage tank and from there to an offstream reservoir. The proposed intake intends to provide a more reliable diversion system that requires less frequent maintenance and thus less overall disturbance to the creek.

The work completed by the Petitioner prior to the stop work order from DFG included the following:

- A 20-foot long by 8-foot deep by 18-inch wide trench, was excavated into the terrace along the east bank, perpendicular to the channel.

- Three 48-inch diameter high-density polyethylene (HDPE) basins were placed vertically in the trench. Two of the basins are "settling tanks" into which water would be gravity fed from the creek through a 6-inch diameter PVC connecting pipe. The purpose of the basins is to remove suspended sediment before the water is gravity fed into the third tank, from which it would be pumped to storage tanks situated in an adjacent upland agricultural area. The trench was backfilled following placement of the settling basins and connecting pipes.

- Approximately 20 linear feet of riparian vegetation was cleared from the creek bank by hand (using shovels and other hand tools). A backhoe was used to excavate a 7 to 10 foot long by 18-inch wide trench in the east bank, extending from the first settlement tank into the creek bed. A 6-inch PVC water intake pipe was then installed before the trench was backfilled.

- With the use of hand tools, a 36-inch diameter HDPE catch basin was embedded 1.5 ft deep into the creek bed around the water intake pipe to protect it from high flows and debris. The trench was then backfilled, and erosion control measures were implemented.

The work which still needs to be completed by the Petitioner includes the following:

- The removal of the existing 36-inch circular HDPE catch basin from the streambed which involves a temporary excavation of the bank and streambed which would be completed with the use of a backhoe. The excavation would be approximately 5 feet in diameter and would extend to a depth of 4 feet below the streambed (approximately 3 cubic yards). The proposed 36-inch diameter circular HDPE diversion structure would be placed vertically in the area of excavation, with the top of the structure remaining exposed approximately 2 feet above the existing streambed elevation. Voids would then be backfilled and compacted with the excavated native streambed material, anchoring the structure in place. After the bypass flow elevation has been established, a notch would be cut in the HDPE, creating a weir opening at the appropriate elevation. An adjustable weir plate would be fit to the opening to allow the weir elevation to be adjusted to the bypass flow elevation in the event that the channel geometry changes over time.

- Installation of an agency-approved fish screen onto the intake diversion structure.

- Revegetation of the disturbed area by implementing long-term erosion control devices (i.e. straw wattles, erosion control fabric, silt fences, erosion control seed) would be installed. Willow stakes and sedge would be planted at the bank, above the Ordinary

High Water Mark, in order to provide some vegetative cover and additional hydraulic roughness. The project site would be seeded and planted with native species currently found within the Frenchmans Creek corridor.

Construction activities would be staged in the area along the east bank of the creek. An access path to the site already exists. Heavy construction equipment would be limited to a backhoe. All excavation/filling with the backhoe would be done from the top of bank; no heavy equipment would be required or allowed in the streambed. Temporary dewatering would be required to complete the project with minimal sedimentation to Frenchmans Creek. A sandbag coffer dam will be installed to isolate the work area from flowing water and a pump would be used, as necessary, to dewater the work area.

CEQA Baseline

The CEQA baseline for this project is considered to be the conditions that existed in November, 2009, before any construction activities began to replace the existing intake. This Initial Study/Mitigated Negative Declaration (IS/MND) assesses impacts involved with the already completed clearing, excavation, "settling tank" placement, as well as the proposed installation of an intake structure fitted with a protective fish screen, and the ongoing diversion of water from Frenchmans Creek.

TABLE 4: CEQA BASELINE AND PROJECT COMPONENTS

Existing Project Components at CEQA Baseline	CEQA Baseline Date	Project Components Evaluated in this IS/MND
• Offstream reservoir • Pipeline from POD to offstream reservoir • 66.6 acres of existing Place of Use	November 2009	• Removal of the existing catch basin and replacement with a new diversion fitted with fish screen • Removal of 20 linear feet of riparian vegetation from creek bank • Reestablish vegetation of disturbed area • 20-foot long by 8-foot deep by 18-inch wide trench • Three 48-inch "settling tanks" placed within trench

Responsible and Trustee Agencies

- U.S. Army Corps of Engineers (USACE) – Clean Water Act (CWA) Section 404 Compliance
- U.S. Fish and Wildlife Service (USFWS) – Federal Endangered Species Act (ESA) Compliance
- National Marine Fisheries Service (NMFS) – Federal ESA Compliance
- State Water Resources Control Board or San Francisco Bay Regional Water Quality Control Board (RWQCB) – CWA section 401 Water Quality Certification
- Department of Fish and Game (DFG) – Lake or Streambed Alteration Agreement

II. Environmental Impacts

The environmental factors checked below would be potentially affected by this project, involving at least one impact that would be a "potentially significant impact" if not mitigated as indicated by the checklist on the following pages. In the case of this project, all such impacts can be and will be mitigated to either avoid the impact or to reduce it to an insignificant level.

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

Any item noted on the following Checklist as “less than significant” or “less than significant with mitigation” is discussed at the end of the Checklist section. In some cases, items that are noted as “no impact” are also discussed when it is necessary to explain why no impact will occur for a particular item. Where no corresponding discussion is provided for an item noted as “no impact”, this indicates it is either very clear that no impact will be generated and no discussion is required or that the issue is not applicable to the project. There are no items in the Checklist noted as “potentially significant impact”.

Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion

The project will not directly impact any public scenic resources, as designated in the County's General Plan (1986), or obstruct any public views of these visual resources. The project site is not visible from any publicly accessible locations, nor does it create a new source of substantial light or glare.

Impacts and Mitigation

a) through d) No impacts. The project will have no impact on scenic vistas, and will not damage or degrade any existing visual character or quality of the site. No new sources of light or glare will be created. No mitigation is necessary.

2. AGRICULTURE AND FORESTRY RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined as Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest land?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion for forest land to non-forest use?				X

Discussion

The purpose of the proposed intake and diversion is to continue the current orchid operation and irrigate a new cherry orchard. No farmland or timberland will be converted to non-agricultural or non-forestry uses.

Impacts and Mitigation

a) through e) No impacts. The project does not involve converting farmland to non-agricultural use or forest land to non-forest use, and does not conflict with zoning for agricultural or forestry uses. The project will not impact Williamson Act contracts. No mitigation is necessary.

3. AIR QUALITY -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion

San Mateo County is located within the San Francisco Bay Air Basin, and is managed under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Currently the BAAQMD is designated as in nonattainment for the federal and state standards for ground level ozone and PM2.5 and State standards for PM10. The Ozone Strategy Plan is a roadmap showing how the San Francisco Bay Area Air Basin will achieve compliance with the state 1-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The 2010 Bay Area Clean Air Plan (CAP) was prepared in order to update the 2005 Ozone Strategy Plan.

Previous construction activities for the proposed project after the CEQA baseline date is not considered to have resulted in a substantial increase of emissions, due to the short duration of activities and small scale of the project. The remaining construction activities may require the short-term use of mechanized equipment, but emission potential is not considered to be significant due to the small scale of the project. There are no known sensitive receptors in the vicinity of the project area. During operation of the proposed project, water would be passively diverted to the settling tanks and conveyed to the existing storage tanks and reservoir using a proposed 1-horsepower pump to be installed in the existing settling tank. The pump will only run during the winter diversion season when the bypass flow has been met, and is not expected to significantly contribute to a considerable net increase of any criteria pollutant.

Impacts and Mitigation

a), b), d), and e) No impact. The project will not obstruct or violate air quality standards in the area. The project does not involve releasing pollutants or creating objectionable orders. No sensitive receptors are near the project site. No mitigation is necessary.

c) Less than significant impact. The proposed project is a small temporary construction project, and does not involve the construction of new infrastructure that would result in a significant long-term increase in air-emissions, and therefore would not conflict with any air quality plan, violate air quality standards, or expose sensitive receptors to pollutants or odors. No mitigation is necessary.

4. BIOLOGICAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion

A biological resources assessment was conducted for the project site with site visits on December 3, 2009 and August 20, 2010, after the settling tanks and intake system had been installed. A Biological Resources Report (BRA) was completed in September 2010 to classify the vegetation communities and provide an inventory of special status (i.e., threatened, endangered, candidate, species of concern, etc.) plant and wildlife species observed, those with the potential to occur, and suitable habitat present at the project site. A complete list of all the special status species is included as Appendix B however, only the species with the potential to

occur onsite are discussed below. The information provided below summaries the results from the BRA.

Plant Communities

Within the project vicinity narrow bands of agricultural field lie on either side of the creek outside of a sparse riparian corridor. Beyond the agricultural fields lies coastal scrub habitat. Riparian vegetation at the project site extends from 25 to 50 feet from top of bank outward on each side of the creek. As applicable to DFG's California Wildlife Habitat Relationships System (CWHR), the habitat at the water intake project site can best be described as valley foothill riparian. The immediate adjacent uplands are classified as Orchard/Vineyard, and the habitat beyond that is classified as coastal scrub. The project site does not extend into the coastal scrub habitat and the project will not have an impact on coastal scrub habitat.

Valley Foothill Riparian

Valley and foothill riparian communities are found adjacent to rivers and streams. Riparian vegetation consists of one or more species of deciduous trees, shrubs, and herbs that grow on the banks of most streams, lakes, and springs (Holland and Keil 1995). Riparian vegetation provides wildlife habitat in the form of food, shelter, and breeding sites. Tree canopies shade aquatic habitat and lower water temperatures which is necessary for salmonid spawning and rearing.

Examples of typical riparian vegetation in vegetated valley foothill riparian habitat include coast live oak (*Quercus agrifolia*), valley oak (*Q. lobata*), buckeye (*Aesculus californica*); understory plants such as snowberry (*Symphoricarpos albus*) and poison oak; and grasses such as purple needlegrass (*Nassella pulchra*) and California fescue (*Festuca californica*).

The dominant tree species at the project site is white alder (*Alnus rhombifolia*), typically a sub-canopy tree in riparian woodlands. Willows ranging from emergent to mature are interspersed throughout the corridor. The understory is comprised of a mix of native plants such as wild cucumber, mugwort, poison oak, elk clover, California blackberry, and a few species of ferns and non-native plants such as wild radish, sow thistle, and Queen Anne's lace. A large patch of mature camellia shrubs is situated in the project area on the southeast bank of the creek. According to the landowner, the camellias were harvested by the previous owner for cut flower sales.

Deciduous Orchard

The CWHR scheme describes deciduous orchards in California as typically open single species tree dominated habitats. Deciduous orchards in California are usually found on flat alluvial soils in the valley floors, in rolling foothill areas, and sometimes on relatively steep slopes (DFG 2009). These orchards include trees, such as, almonds, apples, apricots, cherries, figs, nectarines, peaches, pears, pecans, pistachios, plums, pomegranates, prunes and walnuts (DFG 2009). Depending on the tree species and age, mature tree heights can range from 10 to 60 feet. Deciduous orchards are planted in linear rows with spacing to allow intensive management including the spraying of pesticides or herbicides, to facilitate irrigation, pruning, and fruit harvesting. Unless a deciduous orchard has been abandoned, as trees become old, damaged, or diseased they are usually replaced in order to continue productivity. In managed orchards, most tree species are replaced at approximately 20 to 40 years old (DFG 2009). The understory in deciduous orchards most often contains herbaceous non-native annual plant species comprised of grasses such as soft chess, annual ryegrass, wild oats, red brome, red

fescue, barnyard grass, among others (DFG 2009). Forbs commonly found include wild mustard, fiddleneck, and filaree.

Deciduous orchards can provide shelter for wildlife species during hot summer months but provide much less cover from rain and cold during the winter months when leaves have dropped (DFG 2009). Examples of wildlife reported to commonly feed on nuts include northern flicker, scrub jay, American crown, plain titmouse, Brewer's blackbird, house finch, gray squirrel and California ground squirrel. Some other orchard crops such as apples, cherries, figs, pears and prunes are also eaten by these same species plus others such as band-tailed pigeon, western bluebird, American robin, varied thrush, northern mockingbird, cedar waxwing, yellow-rumped warbler, black-headed grosbeak, Bullock's oriole, western gray squirrel, coyote, raccoon, and mule-deer (DFG 2009). Deciduous orchards are unlikely to provide suitable habitat for rare plants due long to disturbed soil conditions, long term herbicide use, and the predominance of exotic species that successfully out-compete native vegetation for resources such as space, nutrients and water.

Until recently the agricultural field upland of the creek was fallow. Numerous cherry trees were planted within the past year in rows typical of a managed orchard. Other vegetation in the orchard area included plant species common to routinely disturbed areas such as scarlet pimpernel, dandelion, plantain, mustard, wild radish, thistle, and spurge.

Special Status Wildlife Species
The BRA lists several special status wildlife species that have the potential to occur at the project site (CNDDB, 2010):

- Steelhead salmon (*Oncorhynchus mykiss irideus*), federally threatened
- California red-legged frog (*Rana aurora draytonii*), federally threatened
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), federally endangered
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), state species of special concern
- Pallid bat (*Antrozous pallidus*), state species of special concern

Steelhead (*Oncorhynchus mykiss irideus*)
Steelhead in Frenchmans Creek are included by the National Marine Fisheries Service (NMFS) in the Central California Coast Evolutionarily Significant Unit (ESU) and are listed as a federal threatened species. The ESU includes all naturally spawned populations of steelhead (and their progeny) from the Russian River south to Aptos Creek in Santa Cruz County and the drainages of the San Francisco and San Pablo Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers and their tributaries. The project site is located within designated critical habitat for the Central California Coast Steelhead ESU (Calfish 2010); a draft recovery plan for this species is under development by NMFS.

Steelhead are anadromous meaning that the adults return to their natal streams to spawn after 1-3 years at sea. Unlike other Pacific salmon, adults do not automatically die after spawning--some (mostly females) survive, return to the ocean, and may spawn again one or two years later. Most steelhead of the Central California Coast ESU begin their spawning runs in the winter months of November and as late as the end of April. Juveniles spend from one to three or more years rearing in their natal stream before migrating to sea as smolts. After entering the sea, steelhead grow rapidly to adult size, as do other salmon species.

Successful spawning and juvenile rearing requires certain types of habitat, including coarse, clean, well-oxygenated gravel for spawning and incubation. Excessive accumulations of fine sediment directly affect the viability of eggs, embryos, and juveniles (Reiser and Bjornn 1979; Barnhart 1986). After emerging from the gravel, juveniles require cool, clean water that persists through the dry season, a supply of invertebrate food, and shelter for resting and protection from predators.

Spawning and juvenile rearing usually take place in the upper reaches of smaller tributaries where suitable spawning gravel is present and cooler water persists throughout the summer months. Steelhead have been observed in project area in Frenchmans Creek (CNDDB occurrence 10).

California Red-legged Frog (*Rana aurora draytonii*)
The California red-legged frog is a federal listed threatened species and a state species of special concern. This frog is the subject of the USFWS *Recovery Plan for the California Red-legged Frog*. The California red-legged frog is a large cryptically colored frog that blends in well with its surroundings making detection of this species particularly difficult. This frog historically occurred in coastal habitats from the vicinity of Point Reyes National Seashore and inland from the vicinity of Redding southward to northwestern Baja California, Mexico. The species has been extirpated from seventy percent of its historic range; its current distribution has been reduced to isolated localities in the Sierra Nevada, northern Coast Range, and northern Transverse Range (USFWS 1996).

Beginning with commercial hunting for the restaurant industry prior to the turn of the century, this species has been subjected to a variety of pressures that have resulted in its decline and disappearance over the majority of its historic range (Jennings and Hayes 1994). Other factors that have contributed to the decline of California red-legged frog include degradation and loss of habitat through urbanization, mining, improper management of grazing, recreation, invasion of nonnative plants, impoundments, water diversions, degraded water quality, and the introduction of exotic predators such as bullfrogs, crayfish, and a variety of non-native fishes (Jennings and Hayes 1994, USFWS 1996).

The California red-legged frog inhabits a variety of aquatic, upland, and riparian environments, including ephemeral and permanent ponds, seasonal wetlands, perennial creeks, intermittent streams, manmade aquatic features (e.g. stock ponds), riparian corridors, blackberry thickets, non-native annual grasslands, and oak savannahs (USFWS 1996). The preferred habitat consists of deep-water pools with dense stands of overhanging willows and an intermixed fringe of cattails. Well vegetated upland habitats in proximity of a riparian corridor may provide sheltering habitat during the winter (USFWS 2005). Breeding occurs during winter and early spring (late November through April). Adults have a highly variable diet including pacific tree frogs, and occasionally, mice. During the dry summer months these frogs estivate in small mammal burrows and moist leaf litter. California red-legged frogs have been recorded to cover distances from ¼ mile to more than over 2 miles without apparent regard to topography, vegetation type, or riparian corridors (USFWS 2005).

There are several records for occurrences of California red-legged frog within five miles of the project site; the nearest record (occurrence 853) is for a frog sighted in a wetland on a large private parcel of land near El Granada approximately 2.1 miles northwest of the project site. The project site is also within USFWS designated critical habitat (USFWS 2010)

San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
The San Francisco garter snake is a Federal endangered species and a state endangered and fully protected species. No Critical Habitat has been designated for this species. This subspecies historically occurred in scattered wetland areas on the San Francisco Peninsula from about the San Francisco County line south along the eastern and western bases of the Santa Cruz Mountains, to the Upper Crystal Springs Reservoir, along the coast south to Año Nuevo Point, San Mateo County, and Waddell Creek, Santa Cruz County (USFWS 2008). Though their numbers have dwindled due to habitat loss, fragmentation, predation by introduced predators such as bullfrogs, and capture by snake enthusiasts, the habitat range is considered to be the same. This snake is much more colorful than other *T. sirtalis* subspecies that occur in the area. The San Francisco garter snake prefer a densely vegetated pond near an open hillside where they can sun themselves, feed, and find cover in rodent burrows; however they will utilize less ideal habitat and can also be found near freshwater streams, ponds, and seasonal water bodies where they forage primarily for California red-legged frogs and pacific tree frogs (USFWS 2008) They seek cover in emergent bankside vegetation such as cattails, bulrushes and spike rush and sun themselves in the uplands. They utilize rodent burrows for shelter, estivation during hot summer months, and hibernation during the cold winter months. Females give live birth to an average of 16 young from June through September. The San Francisco garter snake has been documented several hundred yards away from wetlands hibernating in upland small mammal burrows.

The California Department of Fish and Game has designated the project site as potential habitat for the San Francisco Garter Snake; therefore consultation with USFWS should be initiated. There are records for this species in the Pilarcitos Creek Watershed.

San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*)
The San Francisco dusky-footed woodrat (SFDW) is a State listed species of special concern. The SFDW is one of ten subspecies of dusky-footed woodrat found in California. The approximate range of this subspecies extends from the San Francisco Bay south to Elkhorn Slough and directly east of the Santa Cruz Mountain range (Hall 1981). These nocturnal animals inhabit wooded environments that provide moderate canopy with an evergreen understory where they can feed on native vegetation including live oak, coffeeberry, alder, and elderberry (Brylski 2005). They build stick houses approximately 1 meter in diameter by piling sticks and houses are often clustered together. Nests are constructed inside the houses and breeding occurs from December to September with mid-spring being the peak of the season.

There is habitat for the San Francisco dusky-footed woodrat on site and a potential nest was observed in a grove of mature Camellia plants on the west side of the site (see Photo 1). The nearest record for this species (occurrence 2) is for a woodrat observed in 2007 in Albert Canyon near Pilarcitos Creek approximately 3 miles east of the project site.

Pallid bat (*Antrozous pallidus*)
The pallid bat is a state species of special concern. It occurs throughout most of California in lower elevations in a wide variety of habitats including grasslands, shrublands, woodlands, and forests. Day roost and hibernation roost sites include caves, rock or bridge crevices, buildings, and hollow trees. At night they roost usually in the open near foliage or in open buildings. Pallid bats leave their day roost an hour after sunset capturing their prey on foliage or on the ground. They hibernate in the winter near the summer day roost. Maternity colonies form in early April and may have between a dozen to 100 individuals (Harris 2005). The young are born from April

to July. Habitat in the form of hollow trees may be within the project area. No tree removal is planned for the project, therefore no impact is expected.

Special Status Plant Species
The BRA lists several special status plant species with known occurrences in the vicinity of the project site (CNDDB, 2010):

- Western leatherwood (*Dirca occidentalis*)
- Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*)
- Hickman's cinquefoil (*Potentilla hickmanii*)
- Choris' popcorn flower (*Plagiobothrys chorisianus* var. *chorisianus*)
- San Francisco campion (*Silene verecunda* ssp. *verecunda*)

Western leatherwood (*Dirca occidentalis*)
Western leatherwood is a CNPS List 1B plant that occurs in a variety of habitats including broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodlands, north coast coniferous forest, and in riparian forests and woodlands. This shrub occurs at elevations between 160 and 1,300 feet and blooms from January to April. The nearest CNDDB record (occurrence 10) is for plants collected in 1954 in a wooded canyon above Lake Pilarcitos Dam approximately 3.2 miles north. No Dirca species were observed during site surveys, and is not likely to occur due to a lack of suitable habitat.
Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*)

Kellogg's horkelia is a CNPS List 1 B plant with no federal or state special status listing. This perennial herb occurs in openings in closed-cone coniferous forest, chaparral, coastal dunes, and in coastal scrub in sandy or gravelly soil. It blooms between April to September and is found at elevations between 30 and 670 feet. This plant could occur in the coastal scrub upland of the habitat site; however no coastal scrub will be disturbed during the project. The nearest CNDDB record (occurrence 39) is for a small number of plants observed in 2000 in grassland approximately 0.75 miles southeast of the project site. No specific location or information is provided in the record. No Horkelia species were observed during biological resource surveys, and is not likely to occur due to a lack of suitable habitat.

Choris' popcorn flower (*Plagiobonthrys chorisianus* var. *chorisianus*)
Choris' popcorn flower is a CNPS List 1 B plant with no federal or state special status listing. This annual herb is found in chaparral, coastal prairie, and coastal scrub in mesic (perpetually wet) soil. It occurs at elevations between 45 to 525 feet and blooms between March to June. The nearest CNDDB record (occurrence 8) is for plants observed in 1995 in a mesic (perpetually wet) area on ocean bluffs just south of the town of Half Moon Bay; approximately 3.5 miles south of the project site. This plant could occur in the coastal scrub upland of the habitat site; however no coastal scrub will be disturbed during the project. No popcorn flower species were observed during biological resource surveys of the project site, and is not likely to occur due to a lack of suitable habitat.

Hickman's cinquefoil (*Potentilla hickmannii*)
Hickman's cinquefoil is a federal and state listed endangered species and a CNPS List 1B plant. This perennial herb grows in coastal bluff scrub, closed cone coniferous forest, vernally mesic meadows and seeps, and freshwater marshes and swamps. It blooms between April and August at elevations from 30 to 450 feet. The nearest CNDDB record (occurrence 1) is for plants collected in 1933on an ocean bluff near Moss Beach approximately 4.6 miles north west

of the project site. This plant could occur in the coastal scrub upland of the habitat site; however no coastal scrub will be disturbed during the project. This species was not observed during biological resource surveys of the project site, and is not likely to occur due to a lack of suitable habitat.

San Francisco campion (*Silene verecunda* spp*. Verecunda*)
San Francisco campion is a CNPS List 1 B plant with no federal or state special status listing. This perennial herb is found in coastal bluff scrub, chaparral, coastal prairie, coastal scrub, and in valley and foothill grasslands in sandy soil. It is found at elevations between 95 to 2,120 feet and blooms from March to August. The nearest CNDDB record (occurrence 11) is for plants collected in 1900 near the top of Montara Mountain, approximately 2.8 miles north of the project site. This plant could occur in the coastal scrub upland of the habitat site; however no coastal scrub will be disturbed during the project. This species was not observed during biological resource surveys of the project site, and is not likely to occur due to a lack of suitable habitat.

Impacts and Mitigation
The proposed project's adverse environmental effects are temporary and physically limited to discrete areas affected by construction activities, including those completed after the CEQA baseline date. In compliance with CEQA, numerous environmental protection measures have been incorporated into the proposed project to ensure that all potential adverse impacts to water quality, steelhead, CRLF, SFGS and other biological and natural resources are avoided or reduced to a less than significant level.

DFG has issued a SAA for the project. The SAA includes numerous avoidance and minimization measures to reduce project impacts to less than significant, which are identified below.

a) and d) Less than significant with mitigation incorporation. The purpose of the proposed intake structure is to ensure minimum bypass flows past the POD to maintain the quality of aquatic habitat. Currently, the intake system does not provide a means to ensure an adequate bypass flow to protect instream uses, as defined by DFG and SWRCB. Minimum bypass flows are typically established to maintain aquatic habitat downstream of the POD. For this project, it has been set by DFG as the February median flow (FMF) at the POD. The FMF was calculated to be 2.8 cfs (see Appendix C: *Water Availability Analysis*) for the POD. Additionally, the intake structure is not screened, as required by DFG and National Oceanic and Atmospheric Administration (NOAA) to avoid the accidental intake of fish or other wildlife.

To ensure the minimum bypass flow and provide for a screened intake, the following project modifications have been proposed:

- The existing instream catch basin would be removed, and replaced with a 36-inch circular HDPE tube diversion structure, embedded vertically into the streambed and bank. The diversion structure would be inset into the bank to minimize encroachment on the channel, and would serve to encase and protect the diversion intake and screen.

- The diversion structure would be cut and fitted with an adjustable weir plate to allow water to enter the structure only at times when the stream's water surface elevation is at or above that corresponding to the minimum bypass flow of 2.8 cfs. Because the streambed is mobile, cross-section measurements and discharge estimates will be calculated annually to determine bed conditions and adjust the weir plate to the

appropriate elevation. Mid-diversion season adjustments to the weir plate will be conducted as needed to ensure protection of the bypass.

- The intake pipe would be fitted with a fish screen that meets DFG and NOAA criteria.

The intake shall be a passive or automated system that is designed to only divert flow when the FMF bypass is met. Outside the diversion season and at low flows, water will automatically bypass the site. To achieve a passive bypass system the diversion structure will be fitted with a weir plate that restricts water to the diversion system until the bypass requirements have been met. Because the streambed is mobile, cross-section measurements and discharge estimates will be calculated annually to determine bed conditions and adjust the weir plate to the appropriate elevation. Mid-diversion season adjustments to the weir plate will be conducted as needed to ensure protection of the bypass.

The project has the potential to impact movement of aquatic and terrestrial species. Movement of terrestrial species could be impacted directly during construction of the project or indirectly through the temporary installation of exclusion fencing designed to protect against the harming or injuring of protected species. The impacts to movement of terrestrial species are considered to be temporary given a brief work window of several days to construct the project.

The diversion structure itself also has the potential to result in impacts to the free movement of aquatic species through direct entrainment into the diversion pipe. Entrainment of fish into the diversion pipe would inevitably result in direct mortality due to the presence of the pumps. Risks to aquatic species from entrainment or stranding are being mitigated by integration of a screen system that prevents fish from entering the diversion structure. The screen meets current NOAA and DFG screening criteria.

Potential impacts to the free movement of aquatic species due to the presence of the diversion structure and diversion of water would be a significant impact. Steelhead and other aquatic species require adequate streamflow to move past natural and man-made barriers to passage including adequate flow depths over riffles. Measures have been proposed to mitigate for potential effects to movement of aquatic species by limiting the diversion season to high flow months and requiring a minimum bypass flow of 2.8 cfs before water is diverted.

To protect fishery resources, the following license terms, substantially as follows, shall be included in any licenses issued pursuant to Applications 16512 and 23801:

- No water shall be diverted under this license unless the flow in Frenchmans Creek is at or above 2.8 cubic feet per second, as measured at the POD.

- No water shall be diverted to offstream storage under this license unless Licensee is monitoring and reporting the diversion of water. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring the rate and quantity of water diverted and shall be properly maintained.

  Licensee shall provide the Division of Water Rights with evidence that the device has been installed with the first annual report submitted after device installation. Licensee shall provide the Division of Water Rights with evidence that substantiates that the device is functioning properly every five years after device installation as an enclosure to

the current annual report or whenever requested by the Division of Water Rights.

Licensee shall maintain a record of all diversions under this license that includes the date, time, rate of diversion, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

- No water shall be diverted under this license unless Licensee has installed a device, satisfactory to the Deputy Director for Water Rights, which is capable of measuring the flows required by the conditions of this license. The measuring device shall be properly maintained.

- No water shall be diverted under this license unless Licensee is monitoring the bypass flow required by this license in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Licensee shall submit a report on bypass flow compliance activities in accordance with the schedule contained in the compliance plan.

- No water shall be diverted under this license unless Licensee is operating the water diversion facility with a fish screen satisfactory to the Deputy Director for Water Rights. The fish screen shall be designed and maintained in accordance with the screening criteria of the National Marine Fisheries Service. Licensee shall provide evidence that demonstrates that the fish screen is in good condition with the annual report and whenever requested by the Division of Water Rights.

- If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the Licensee shall enter into a streambed or lake alteration agreement with the Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the Licensee.

To protect fishery resources, the following SAA terms, substantially as follows, shall be included in any SAA developed for this project:

- The period for completing the intake structure shall be confined from June 15 to October 15 to avoid the migratory window of steelhead. (SAA measure 2.8)

- Block nets will be placed at the upper and lower extent of the diversions to ensure that salmonids upstream and downstream do not enter the areas proposed for dewatering. Block nets will extend across the entire wetted channel. Block nets will not be removed until installation of all cofferdams, bypass pipes or channels, diversion dams or other facilities designed to dewater or divert flow are completed.

- No equipment shall be operated in a flowing stream at any time except as may be necessary to construct the dewatering system or divert water flow around the work site. (SAA measure 2.20)

- If work is to be conducted in Frenchmans Creek, the work area shall be isolated from the creek. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted through a suitably sized pipe, from

upstream of the upstream coffer dam and discharged downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. If, the coffer dams or stream diversion fail, they shall be repaired immediately. (SAA measure 2.21)

- The Applicant shall deploy silt curtains around the excavation and construction site to prevent heavily silted water from impacting areas around the site and spillway. The silt curtain shall be maintained throughout all phases of the excavation and construction activities. (SAA measure 2.22)

- During dewatering of Frenchmans Creek, the decrease in water surface elevation (WSE) shall be controlled such that WSE does not change at a rate that increases turbidity to the creek that could be deleterious to aquatic life and the likelihood of stranding aquatic life up- and downstream of the creek. (SAA measure 2.23)

- The Permittee shall deploy silt curtains around the construction site to prevent heavily silted water from impacting areas downstream from the project site. The silt curtain shall be maintained throughout all phases of the excavation activities. (SAA measure 2.24)

- A biological monitor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any state or federally listed species. (SAA measure 2.25)

- The season of diversion shall be limited from January 1 to March 31 of each year. From April 1 to December 31, all water shall be allowed to pass the point of diversion. (SAA measure 2.4)

- No water shall be diverted until the measure of flow being bypassed around the existing POD is of sufficient quantity and quality to maintain in good condition any aquatic resources that would exist in downstream reaches under unimpaired flows. The minimum bypass flow shall be the estimated long-term unimpaired February median flow (FMF) at the POD. Prior to diversion of water, the estimated FMF shall be developed by the Applicant and approved by CDFG. The Applicant shall submit the proposed FMF including all calculations for review and acceptance at least 60 days prior to diversion. (SAA measure 2.6). Based on the hydrologic study, the bypass flow was determined to be 2.8 cfs (see Appendix C: *Water Availability Analysis*).

- The intake shall be a passive or automated system that is designed to only divert flow when the FMF bypass is met. Outside the diversion season and at low flows, water will automatically bypass the site. (SAA measure 2.7) To achieve a passive bypass system the diversion structure will be fitted with a weir plate that restricts water to the diversion system until the bypass requirements have been met. Because the streambed is mobile, cross-section measurements and discharge estimates will be calculated annually to determine bed conditions and adjust the weir plate to the appropriate elevation. Mid-

diversion season adjustments to the weir plate will be conducted as needed to ensure protection of the bypass.

- The diversion intake shall be fitted with screens meeting the size and flow criteria of the CDFG and NOAA as stated below (SAA measure 2.2):
    - Water velocity perpendicular to the screen shall not exceed 0.33 feet per second.
    - The screen mesh size shall be:
        - Round openings - maximum 3/32 inch diameter (.09 inch)
        - Square openings - maximum 3/32 inch diagonal (.09 inch)
        - Slotted openings - maximum 1/16 inch width (.07 inch)
    - The screen face shall be kept in good condition and free of debris at all times that the diversion is operating.

- Intake screens shall not be installed until designs and plans for the construction and installation of the screens are submitted to and approved by the DFG. (SAA measure 2.3)

The project site is located within USFWS designated critical habitat for the CRLF. DFG has also designated the project site as potential habitat for SFGS. The BRA determined that there may have been a SFDFW nest within the project site.

To protect the habitat for the California red-legged frogs, the San Francisco garter snake, and the San Francisco dusky-footed woodrat, the following license terms, substantially as follows, in addition to the SAA term listed above, shall be included in any licenses issued pursuant to Applications 16512 and 23801:

- For the protection of habitat for the Red-legged frog (*Rana aurora draytoni*) and the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and to allow for the growth of riparian vegetation, the Licensee shall:

    A. Establish and maintain an undisturbed 100-foot-wide strip of natural upland vegetation around the water storage reservoir. Establish and maintain, undisturbed, a 100-foot wide strip of natural upland vegetation around the water storage reservoir. Except for the exclusions stated herein, no ground disturbing activities shall occur within the 100-foot wide strip of upland vegetation, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas. There is excluded from the 100-foot wide strip of upland vegetation established herein all existing planted landscape areas, roads and roadways, bridges, equipment and material storage areas, buildings, structures, fences, wells, pipes, drainage facilities, utility lines and poles, pumps, sumps, water diversion and storage facilities, and access to all of the foregoing existing features for purposes of operation, maintenance and replacement, as such facilities and access exists now or may from time to time be modified. Equipment access through the 100-foot wide strip of upland vegetation shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the 100-foot wide strip of upland vegetation are allowed;

    B. Obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the State Department of Fish and Game prior to any

reservoir dredging operations.

C. Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations.

D. Restrict cattle and domestic stock access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs.

These requirements shall remain in effect as long as water is being diverted by the Licensee (or successors-in-interest) under this license.

To protect the habitat for the California red-legged frogs, the San Francisco garter snake, and the San Francisco dusky-footed woodrat, the following SAA terms, substantially as follows, shall be included in any SAA developed for this project:

- Prior to project activities, a focused survey for CRLF and SFGS following agency approved protocol shall be conducted. If either of these species is found in the area, DFG shall be notified immediately and all work shall cease until additional measures are developed by the appropriate agencies. (SAA measure 2.13)

- If SFGS are found to be in the Project area, all activities shall cease and Applicant shall notify DFG immediately to obtain avoidance measures to ensure protection of the SFGS. (SAA measure 2.14)

- In the event CRLF or SFGS are found in the project area, biological monitors will direct and inspect all vegetation, sediment and intake structure construction activities. All biological monitors for the project must be approved by the USFWS and the DFG prior to the commencement of work. (SAA measure 2.15)

- Exclusion fencing for CRLF and SFGS shall be installed around the work area and staging and stockpiled areas. After installation of the fence barrier, a biological monitor or qualified biologist shall inspect the project work area daily prior to commencement of construction activities. If the biological monitor or qualified biologist determines that sensitive species are not within the work area, equipment or materials may be moved onto the work site under the direct observation of the biological monitor or qualified biologist.

- If CRLF or SFGS are found in the project area, vegetation removed will be placed directly into a disposal vehicle and removed from the site. Vegetation will not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of the biological monitor or qualified biologist. (SAA measure 2.16)

- If CRLF or SFGS are found in the project area, any vehicle parked on site for more than 15 minutes shall be inspected by the biological monitor before it is moved to ensure that CRLF have not moved under the vehicle. Any parking areas must be checked in advance by the biological monitor or qualified biologist. (SAA measure 2.17)

- If CRLF enters the work area, all work shall stop until the qualified biologist relocates the animal or it leaves on its own. Only the qualified biologist can handle and relocate CRLF.

Any sightings and/or injuries of this species shall be immediately reported to the DFG per instructions below. (SAA measure 2.18)

- If SFGS are found in the project area, they are not to be handled. SFGS is protected under FGC Section 5050. Under this statute, take of a fully protected species may not occur except for scientific or recovery purposes. Catch, pursue, capture or attempt to catch, pursue and capture is considered take as defined in Section 86 of the Fish and Game Code. Because of this, any SFGS encountered on the work area must be left alone until it leaves the area on its own. (SAA measure 2.19)

b) and c) Less than significant with mitigation incorporation. The proposed project will require the temporary excavation of 4 cubic yards of material from the bank and streambed, placement of the intake structure, and backfilling with the native material. Due to the small footprint of the structure, potential impacts to wetlands or other waters of the U.S. as defined by Section 404 of the CWA are considered less than significant with the mitigations incorporated.

After the installation of the structure has been completed all equipment and construction related materials and debris shall be removed. Long-term erosion control devices (i.e. straw wattles, erosion control fabric, silt fence) will be implemented. The project site will be seeded and planted with native species currently found within the Frenchmans Creek corridor. The revegetation effort will be monitored for success for 3 years as described in the site revegetation and monitoring plan (Appendix D).

To protect riparian and wetland resources, the following license terms, substantially as follows, in addition to the SAA term listed above, shall be included in any licenses issued pursuant to Applications 16512 and 23801:

- An erosion control/revegetation plan and implementation schedule shall be submitted to and approved by the Deputy Director for Water Rights, prior to starting construction. Before storing water in the reservoir, Licensee shall furnish evidence which substantiates that the erosion control/revegetation plan has been implemented. Evidence may include photographs showing the project area vegetation and slopes.

- No water shall be diverted under this license, and no construction related to such diversion shall commence, unless Licensee complies with the requirements of the Clean Water Act. In order to demonstrate such compliance, Licensee shall obtain a Clean Water Act section 404 permit from the U.S. Army Corps of Engineers, or evidence that such a permit is not required, and provide such permit or evidence to the Division of Water Rights. If it is determined that a Clean Water Act section 404 permit is required, Licensee shall further demonstrate compliance by obtaining a Clean Water Act section 401 certification from the State Water Board.

- Licensee shall obtain all necessary state and local agency permits required by other agencies prior to diversion, storage, or use of water under this license. Copies of these permit and approvals shall be forward to the Deputy Director for Water Rights.

- For undeveloped portions of the place of use along and adjacent to Frenchmans Creek, Licensee shall establish a setback for the protection of the riparian corridor along Frenchmans Creek. The setback shall be measured from the Watercourse Transition Line as defined in the 2012 California Forest Practice Rules (Cal. Code Regs., tit. 14, §

895.1.) and shall extend a minimum of 25 feet or to the outer edge of the drip line of the existing riparian trees, whichever is greater. Prior to ground disturbing activities adjacent to setback areas, Licensee shall stake the proposed setback and notify the Department of Fish and Game. Except for the exclusions stated herein, no ground disturbing activities shall occur within the setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas. There is excluded from the setback areas established herein all existing orchards and planted landscape areas, roads and roadways, bridges, equipment and material storage areas, buildings, structures, fences, wells, pipes, drainage facilities, utility lines and poles, pumps, sumps, water diversion and storage facilities, and access to all of the foregoing existing features for purposes of operation, maintenance and replacement, as such facilities and access exists now or may from time to time be modified. Equipment access through the setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the setback area are allowed. Licensee shall restrict cattle or other domestic stock access to the riparian area. These requirements shall remain in effect as long as water is being diverted under this license.

To protect riparian and wetland resources, the following SAA terms, substantially as follows, shall be included in any SAA developed for this project:

- The season of diversion shall be limited from January 1 to March 31 of each year. From April 1 to December 31, all water shall be allowed to pass the point of diversion. (SAA measure 2.4)

- No water shall be diverted until the measure of flow being bypassed around the existing POD is of sufficient quantity and quality to maintain in good condition any aquatic resources that would exist in downstream reaches under unimpaired flows. The minimum bypass flow shall be the estimated long-term unimpaired February median flow (FMF) at the POD. Prior to diversion of water, the estimated FMF shall be developed by the Applicant and approved by CDFG. The Applicant shall submit the proposed FMF including all calculations for review and acceptance at least 60 days prior to diversion. (SAA measure 2.6). Based on the hydrologic study, the bypass flow was determined to be 2.8 cfs (see Appendix C: *Water Availability Analysis*).

- The intake shall be a passive or automated system that is designed to only divert flow when the FMF bypass is met. Outside the diversion season and at low flows, water will automatically bypass the site. (SAA measure 2.7) To achieve a passive bypass system the diversion structure will be fitted with a weir plate that restricts water to the diversion system until the bypass requirements have been met. Because the streambed is mobile, cross-section measurements and discharge estimates will be calculated annually to determine bed conditions and adjust the weir plate to the appropriate elevation. Mid-diversion season adjustments to the weir plate will be conducted as needed to ensure protection of the bypass.

- The work period for completing the work within the riparian zone shall be restricted to low or no stream flow and dry weather and shall be timed with awareness of precipitation forecasts. Construction activities within the stream zone shall be restricted to dry weather and shall cease until all reasonable erosion control measures, inside and outside of the stream zone have been implemented prior to all storm events. No work

shall occur during wet weather. Wet weather is defined as when there has been ¼ inch of rain in a 24-hour period. In addition, no work will occur during a dry out period of 24 hours after the above referenced wet weather. (SAA measure 2.9)

- Prior to construction activities, a qualified biological monitor shall clearly mark/flag or erect temporary construction fencing to designate the construction corridor and to delineate the areas that shall be avoided. The qualified biological monitor shall clearly mark/flag all trees within the designated construction corridor that shall be avoided. Flagging and or temporary construction fencing shall be removed immediately after the completion of construction work. (SAA measure 2.10)

- The Applicant shall not remove vegetation on the banks of the creek from March 1 to August 15 to avoid impacts to nesting birds. However, the Applicant may remove vegetation by hand during this time if a qualified biologist conducts a survey for nesting birds within three days prior to the vegetation removal, and ensures no nesting birds shall be impacted by the project. These surveys shall include the areas within 200 feet of the edge of the proposed impact area(s). If active nests are found, a minimum 50-ft (200 feet for raptors) barrier or flagging shall be erected around the nest site. No habitat removal or any other work shall occur within this nest zone, even if the nest continues to be active beyond August 15, until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Vegetation clearing may occur other than as described above if DFG-approved avoidance measures are in place to ensure no impacts to nesting birds may occur and the Applicant receives confirmation from the DFG that the vegetation removal at a specific site is allowed on a specified date. (SAA measure 2.11)

- If mechanized equipment is used to remove or disturb vegetation, a biological monitor shall be onsite to observe. Vegetation outside the work area shall not be removed or damaged without prior approval of DFG. Where feasible, only hand tools shall be used to trim vegetation to the extent necessary to gain access to the site. (SAA measure 2.12)

- Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter Waters of the State. This may require the construction of silt catch basins, silt fencing, certified weed free straw bale dikes, or other siltation barriers. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. If any sediment barrier fails to retain sediment, corrective measures shall be employed. The sediment barrier(s) shall be maintained in good operating condition throughout the period of construction of the project. This includes but is not limited to, removal of accumulated silt and/or replacement of damaged bales and fabric fencing. (SAA measure 2.30)

- Upon DFG determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFG approved control devices are installed or abatement procedures are initiated. CDFG may take enforcement action if appropriate turbidity and siltation control measures are not deployed. (SAA measure 2.31)

e) and f) No impacts. San Mateo County protects riparian vegetation in its Coastal Zone as is required by the State Coastal Zone Protection Act. The Local Coastal Plan restricts most new development within a defined riparian corridor with exceptions made for road maintenance and

repair, placement of wells and utilities, and maintenance of existing flood control structures. The proposed project is the repair of an existing water intake system. The proposed project would not conflict with any local policies. Furthermore, a Habitat Conservation Plan or similar plan has not been adopted for Frenchmans Creek immediately upstream or downstream of the proposed project site. The proposed project would not result in conflicts with any approved local, regional, state, or federal habitat conservation plans. No mitigation is necessary.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion

The project site and adjacent land are not designated a historical/archaeological/paleontological resource or sensitive area on any federal, state, or local inventory. No existing structures will be affected. Due to the small footprint of the project, the likelihood of affecting an archaeological or paleontological resource is low. If, however, at any time in the preparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or other evidence of a Native American cultural site are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Planning Director and sheriff-coroner (for human remains). If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.

Impacts and Mitigation

a) through d) No impacts. The project site does not include any historical, archaeological, or paleontological resources. Due to the size of the project site, human remains are not expected to be encountered. No mitigation is necessary.

6. GEOLOGY AND SOILS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion

The proposed project is not located within a California Fault Zone, however all of San Mateo County is subject to significant seismic events. The construction of the project poses no significant threat to the stability of the ground, and all project construction would occur during the dry season to minimize landslide susceptibility. The project does not create or increase the risk of substantial adverse effects during seismic activity. Construction of the proposed project is not expected to have substantially altered soils and geology at the site due to its small footprint.

The project area is mapped by the NRCS Web Soil Survey as *Farallone loamy coarse sand*, *gently sloping* and *Gullied land (alluvial soil material)*. The *Farallone* soil is rated as a moderately prone to erosion, and both these soils are unlikely to behave as expansive soils due to the relative low concentrations of clay characteristic to each. The project would not generate any wastewater, therefore the ability of the soils to support wastewater disposal is not applicable.

After the installation of the structure has been completed all equipment and construction related materials and debris shall be removed. Long-term erosion control devices (i.e. straw wattles, erosion control fabric, silt fence) will be implemented. Revegetation efforts shall be implemented as described in Biological Resources.

Impacts and Mitigation

a) No impact. The project site is not located within a fault zone, but may be subject to county-wide seismic events. The project will not expose people or structures to known fault zones, strong seismic ground shaking, seismic-related ground failure, or landslides. No mitigation is necessary.

b) Less than significant with Mitigation incorporation. Erosion impacts will be reduced to less than significant with the erosion control and revegetation conditions stated within the Biological Resources section.

c) through e) No impact. The project is not located on unstable or expansive soils, and does not involve septic or alternative waste water systems. No mitigation is necessary.

7. GREENHOUSE GAS EMISSIONS - Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion

During operation of the proposed project, water would be passively diverted to the settling tanks and conveyed to the existing storage tanks and reservoir using a proposed 1-horsepower pump to be installed in the existing settling tank. The pump will only run during the winter diversion season when the bypass flow has been met, and is not expected to significantly contribute to a considerable net increase of any criteria pollutant. However, these emissions will not exceed those that occur at the current POD. There will not be any increase above the baseline greenhouse gas conditions and not impacts will occur to an plan, policy, or regulation regarding greenhouse gas reduction.

Impacts and Mitigation

a) and b) No impacts. The project will not contribute any greenhouse gas emissions above the existing baseline and will not conflict with any plan or policy regulating reductions in greenhouse gas emissions.

8. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion
The project does not consist of transporting, using, or disposing any hazardous materials. No existing or proposed schools are located within one-quarter mile of the project and therefore will not be impacted. The project is also not located on a site that would create or result in significant hazards to the public. Furthermore, the project is not located near an airport or a private airstrip, and will not interfere with any emergency plans. A backhoe will be utilized for the construction phase of the project. The SAA includes measures to avoid impacts from hazardous materials from the use of heavy equipment. There are no hazardous materials associated with this project.

Impacts and Mitigation
a) through h) No impacts. No hazardous materials will be transported, used, or disposed of through the implementation of the project, and the project will not involve conditions that would accidentally release hazardous materials. The project site is not located near any schools, hazardous materials sites per Government Code section 65962.5, public airports, or private airstrips. The project will not impair emergency plans. No mitigation is necessary.

9. HYDROLOGY AND WATER QUALITY -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would:				X
i) Result in flooding on- or off-site?				X
ii) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge?				X
iii) Provide substantial additional sources of polluted runoff?				X
iv) Result in substantial erosion or siltation on- or off-site?				X
d) Otherwise substantially degrade water quality?		X		
e) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				X
i) As a result of the failure of a dam or levee?				X
ii) From inundation by seiche, tsunami, or mudflow?				X

Discussion
Potential impacts to water quality are limited to construction of the intake system when vehicles and heavy machinery would be used adjacent to the creek. There are no proposed changes to the amount of water diverted in the petition and no impacts are expected after construction is complete and BMPs have been implemented. The proposed project involves the extraction of surface water and will not deplete groundwater supplies, and the proposed project will not alter the drainage pattern in a way that would increase erosion or increase surface water runoff. The project will not create or contribute stormwater runoff. The proposed project is located within a FEMA 100-year floodplain however, the proposed project does not involve the placement of housing and will not impede flood flows. The project is not located within a tsunami hazard zone. The proposed project would not increase the risk of inundation due to a tsunami or seiche, and is not located within an area associated with hazardous mudflow events.

Impacts and Mitigation
a) and d) Less than significant with mitigation incorporation.

To protect water quality, the following license term, substantially as follow, shall be included in any licenses issued pursuant to Applications 16512 and 23801:

- No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

Conditions and SAA measures stated within the Biological Resources and Geology and Soils sections will also reduce impacts to water quality to less than significant.

b), c), e), and f) No impacts. Drainage for the area will not be affected and therefore the project will not impact on- or off-site flooding, stormwater discharge, polluted run-off, or erosion on or off-site. The project will not affect the rate or volume of water supplied from groundwater aquifer by Frenchmans Creek. The project will not alter drainage patterns

10. LAND USE AND PLANNING - Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion

The proposed project includes the use of water from Frenchmans Creek for existing agricultural uses. The proposed project would not result in physical barriers that would divide an established community. This use is consistent with the area's General Plan and zoning designations. No Habitat Conservation Plan or Natural Community Conservation Plan currently exists for the project site or immediate vicinity. The proposed project would not have the potential to conflict with any existing habitat conservation plans or natural community conservation plans. The proposed project is consistent with LCP policies pertaining to the protection of environmentally sensitive habitats.

Impacts and Mitigation

a) through c) No impacts. The project will not divide an established community or conflict with any land use or conservation plans. No mitigation is necessary.

11. MINERAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion

The proposed project would not result in the loss of availability of known mineral resource or loss of availability of a locally important mineral resource recovery site.

Impacts and Mitigation

a) and b) No impacts. The project will not affect the availability of mineral resources or resources extraction sites on or near the project site. No mitigation is necessary.

12. NOISE -- Would the project result in:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion

Potential sources of noise generated at the project site would result from routine agricultural activities and would be similar to existing activities in the area. An increase in noise levels prior to the CEQA baseline date is not expected. The project site is located in a rural area with very limited access to people. A temporary increase in noise may occur during construction, but is considered less than significant due to the short duration of the project. The project is not located within 2 miles of an airport.

Impacts and Mitigation

a) through c), e) and f) No Impacts. The project will not expose people to noise levels in excess of local noise ordinances, excessive groundborne vibrations, or permanently increase noise levels. The project is not located near an airport or a private airstrip. No mitigation is necessary.

d) Less than significant impact. The project would involve short-term construction-related noise. Once the construction is completed, noise levels will not be above the existing ambient noise levels prior to the project baseline. No mitigation is necessary.

13. POPULATION AND HOUSING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion

The project is located in a rural portion of San Mateo County. The nearest town is Half Moon Bay west and southwest of the project site. The proposed project would not induce population growth in the area or displace existing housing or people.

Impacts and Mitigation

a) through c) No impacts. The project does not involve building or replacing homes. No mitigation is necessary.

14. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion

Fire protection is provided by CAL Fire and police services is provided by the San Mateo County Sheriff. There are no school located within one mile of the project site. The project would not create the need for new or altered government facilities associated with fire and police protection, schools, and parks.

Impacts and Mitigation

a) No impacts. Public services will not be impacted by the project. No mitigation is necessary.

15. RECREATION --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion

The project would not create or expand any recreational facilities, and it would not induce increased recreational activity in the project vicinity. There are no county, city, or local parks or recreational facilities located within one miles of the project site.

Impacts and Mitigation

a) and b) No impacts. The project will not affect any recreational facilities. No mitigation is necessary.

16. TRANSPORTATION/TRAFFIC -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion

The project is located in a rural portion of San Mateo County. Access to the project is via unpaved farm roads, and access to the project site is controlled by the property owner. This project does not generate traffic nor affect existing traffic patterns or safety.

Impacts and Mitigation

a) through g) No impacts. No mitigation is necessary.

17. UTILITIES AND SERVICE SYSTEMS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion

This project does not require the use of wastewater treatment, stormwater facilities, or other services and utilities.

Impacts and Mitigation

a) through g) No impacts. Utilities and service systems will not be affected by the project. No mitigation is necessary.

18. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion

With incorporation of the proposed mitigation measures, the project will not have any significant impacts that result in a Potentially Significant Impact. The project description includes specific measures that are designed to reduce any impacts and potential impacts to water quality, riparian habitat and in-stream fish and wildlife to a less than significant level. These measures and additional mitigation measures specified in the Checklist above will reduce impacts to levels of insignificance. No cumulative impacts resulting from the project can be reasonably foreseen.

Impacts and Mitigation

a) and b) Less than significant with mitigation incorporation. As discussed in the preceding sections, the project has the potential to degrade the quality of the environment by impacting biological resources, geology and soils, and hydrology and water quality. However, with the implementation of the identified license terms, conditions, and SAA measures, potential impacts shall be reduced to a less than significant level. Potential adverse environmental impacts in combination with the impacts of other past, present, and future projects, could contribute to cumulatively significant effects on the environment. However, with the implementation of the identified license terms, conditions, and SAA measures, the project shall avoid or minimize potential impacts and shall not result in cumulatively considerable environmental impacts.

c) No impact. The project will not result in any negative impacts to human beings.

III. 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:

ORIGINAL SIGNED BY — August 10, 2012

John Dvorsky, Principal Scientist — Date
Waterways Consulting Inc.

Reviewed By:

ORIGINAL SIGNED BY — August 13, 2012

Justine Herrig — Date
Environmental Scientist

ORIGINAL SIGNED BY — August 13, 2012

Matthew McCarthy, Chief — Date
Coastal Streams Unit

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.
Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors,* 222 Cal. App. 3d 1337 (1990).

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