

Appendix A  
Attachments to Project Description

## **Attachment 1**

Waterbodies in Santa Barbara County on the 303(d) list of impaired waterbodies

Watershed	Creek	Type of pollution	Miles Affected
<b>Santa Maria</b>			
Sisquoc	Alamo Creek	Pathogens	7.8
Guadalupe	Bradley Canyon Creek	Pathogens, nutrients	17
	Bradley Channel	Pathogens, nutrients	3.1
	Cuyama River	Boron	134
	Main Street Canal	Nutrients	5.1
	Orcutt Creek	Nutrients, pesticides, pathogens, boron	10
	Santa Maria River	Nutrients, pesticides, pathogens	5.1
<b>San Antonio</b>	Casmalia Canon Creek	Sediment	5
	San Antonio Creek (Las Flores bridge @ Hwy 135 d/s to RR Bridge)	Nutrients, boron	14
	Shuman Canyon Creek	Sediment	8.5
<b>Santa Ynez</b>	Santa Ynez River (d/s of Lompoc to Ocean)	Nutrients, salinity/TDS/chlorides, sediment	3.8
	Santa Ynez River (Cachuma Lake to below Lompoc)	Salinity/TDS/chlorides, sediment	43
Lompoc	Pacific Ocean at Ocean Beach	Pathogens	0.06
<b>South Coast</b>			
Arguello	Bell Creek	Nutrients	1.1
	Canada de la Gaviota	Boron	7
	Pacific Ocean at Gaviota Beach	Pathogens	0.06
	Pacific Ocean at Jalama Beach	Pathogens	0.06
	Pacific Ocean at Refugio Beach	Pathogens	0.06
Goleta	Carneros Creek	Nutrients	3.4
	Glen Annie Canyon	Nutrients	5.7
	Goleta Slough	Pathogens, priority organics	196 acres
Santa Barbara	Arroyo Burro Creek	Pathogens	6.1
	Pacific Ocean at Arroyo Burro Beach	Nutrients	0.06
	Mission Creek	Pathogens, unknown toxicity	8.6
	Pacific Ocean at mouth of Mission Creek	Pathogens	0.06
	Pacific Ocean at mouth of Sycamore Canyon	Pathogens	0.06
	Pacific Ocean at Hope Ranch Beach	Pathogens	0.06

Waterbodies in Santa Barbara County on the 303(d) list of impaired waterbodies, type of pollution, and miles of stream affected (2006 list pending EPA approval).

Montecito	Pacific Ocean at Hammonds Beach	Pathogens	0.06
Carpinteria	Arroyo Paredon	Nutrients, boron	5.2
	Carpinteria Creek	Pathogens	5.8
	Carpinteria Marsh	Nutrients, organic enrichment/low dissolved O2, priority organics	188 acres
	Franklin Creek	Nutrients	2.8
	Pacific Ocean at mouth of Rincon Creek	Pathogens	0.06
	Rincon Creek (including portions in Ventura County)	Toxicity, boron	10

## **Attachment 2**

Practice Size Limits

Proposed Size Limits for the Conservation Practices Santa Barbara County Permit Coordination Program					
Conservation Practice (FOTG #)		Length (feet)	Area (acres)	Soil Disturbance (cubic yards)	Other Dimensions
<b>1. Access Road Improvements (560)</b>	<i>Average:</i>	5280 (1 mile)	2	1500	
	<i>Maximum:</i>	21,120 (4 miles)	6	3000	
<b>2. Diversion (Upland Flow Interceptors) (362)</b>	<i>Average:</i> On farms	5000	1.5	1500	assume 10 ft wide, 2.5 ft deep
	<i>Maximum:</i> On farms	10,000	2.5	3000	assume 10 ft wide, 2.5 ft deep
	<i>Average:</i> On rangeland	1000	0.5	300	assume 10 ft wide, 2.5 ft deep
	<i>Maximum:</i> On rangeland	2500	1.25	750	assume 10 ft wide, 2.5 ft deep
<b>3. Filter Strip (393)</b>	<i>Average:</i> On farms	5280 (1 mile)	2	<50	
	<i>Maximum:</i> On farms	10,560 (2 miles)	3.5	<50	
<b>4. Grassed Waterway (412)</b>	<i>Average:</i> On farms	2500	2	3200	Assume 30 ft wide; 1 ft average depth
	<i>Maximum:</i> On farms	4000	5	8000	Assume 30 ft wide; 3 ft maximum depth
	<i>Average:</i> Field ditches	2500	0.5	800	Assume 8 ft wide; 1 ft average depth
	<i>Maximum:</i> Field ditches	5280 (1 mile)	1.5	2400	Assume 12 ft wide; 3 ft maximum depth
<b>5. Irrigation System and Tailwater Recovery (447)</b>	<i>Maximum:</i> Temporary water storage basin	N/A	0.5	6500	
<b>6. Pipeline (516)</b>	<i>Average:</i> Buried pipe through stream and riparian zone	100	100 ft <sup>2</sup>	15	Assume 4 ft deep, 1 ft wide Max 2" diameter pipe
	<i>Maximum:</i> Buried pipe through stream and riparian zone	200	200 ft <sup>2</sup>	30	Assume 4 ft deep, 1 ft wide Max 2" diameter pipe
	<i>Average:</i> Upland rangeland	10,560 (2 miles)	0.5	800	Assume 4 ft deep, 1 ft wide Max 2" diameter pipe
	<i>Maximum:</i> Upland rangeland	5 miles	1	2000	Assume 4 ft deep, 1 ft wide Max 2" diameter pipe
<b>7. Ponds (378)</b>	<i>Average:</i> New pond installation	N/A	0.25	3000	
	<i>Maximum:</i> New pond installation	N/A	0.5	6000	

Proposed Size Limits for the Conservation Practices Santa Barbara County Permit Coordination Program					
Conservation Practice (FOTG #)		Length (feet)	Area (acres)	Soil Disturbance (cubic yards)	Other Dimensions
<b>8. Sediment Basin (350)</b>	<i>Average:</i>	N/A	0.3	3500	Embankment height: 4 feet
	<i>Maximum:</i>	N/A	0.5	6500	Embankment height: 8 feet
<b>9. Underground Outlet (620)</b>	<i>Average:</i>	600	0.1	600	Assume 5 ft deep, 5 ft wide
	<i>Maximum:</i>	1500	0.2	1500	Assume 5 ft deep, 5 ft wide
<b>10. Channel Stabilization (584)</b>	<i>Average:</i> Using grade stabilization structures				See Grade Stabilization Structure practice for dimensions
	<i>Maximum:</i> Using grade stabilization structures				See Grade Stabilization Structure practice for dimensions
	<i>Average:</i> Using one-time sediment removal	<del>500</del> <u>300</u>	<del>0.5</del> <u>0.3</u>	<del>4000</del> <u>700</u>	
	<i>Maximum:</i> Using one-time sediment removal	<del>4000</del> <u>500</u>	<del>0.7</del> <u>0.5</u>	<del>4700</del> <u>1000</u>	
<b>11. Grade Stabilization Structure (410)</b>	<i>Average:</i>	3 structures per 500 ft of gully	0.2	900 (300 cy per structure)	300 cy/structure = 50 cy per structure + 250 cy for temporary in-channel work
	<i>Maximum:</i>	10 structures per 1000 ft of gully	0.3	3000 (300 cy per structure)	300 cy/structure = 50 cy per structure + 250 cy for temporary in-channel work
<b>12. Limited Vegetation Removal to Minimize Erosion (326)</b>	<i>Average:</i>	50	500ft <sup>2</sup>	N/A	Removal of vegetation to protect bank or infrastructure; no grading required
	<i>Maximum:</i>	100	0.05	N/A	Removal of vegetation to protect bank or infrastructure; no grading required
<b>13. Critical Area Planting (342)</b>	<i>Average:</i> Stream bank	1500	0.5	N/A	Grading occurs during slope repair; see Stream Bank Protection practice for dimensions
	<i>Maximum:</i> Stream bank	2500	1	N/A	Grading occurs during slope repair; see Stream Bank Protection practice

Proposed Size Limits for the Conservation Practices Santa Barbara County Permit Coordination Program					
Conservation Practice (FOTG #)		Length (feet)	Area (acres)	Soil Disturbance (cubic yards)	Other Dimensions
					for dimensions
	<i>Average:</i> Damaged land upland gullies	N/A	3	3000	
	<i>Maximum:</i> Damaged land upland gullies	N/A	5	6000	
<b>14. Restoration and Management of Declining Habitats (643)</b>	<i>Average:</i> Instream invasive plant removal	500	0.5	N/A	
	<i>Maximum:</i> Instream invasive plant removal	2000	2.5	N/A	
	<i>Average:</i> Cross fencing in uplands	10,560 (2 miles)	N/A	N/A	Top wire: 4 ft high; Bottom wire: 15" from ground; Assume steel t-posts 15 ft apart; H-braces 1/4 mile apart; 18 inches deep
	<i>Maximum:</i> Cross fencing in uplands	5 miles	N/A	N/A	Top wire: 4 ft high; Bottom wire: 15" from ground; Assume steel t-posts 15 ft apart; H-braces 1/4 mile apart; 18 inches deep
	<i>Average:</i> Sediment removal for existing ponds	N/A	1	10,000	
	<i>Maximum:</i> Sediment removal for existing ponds	N/A	1.5	15,000	
<b>15. Stream Bank Protection (580)</b>	<i>Average:</i> Bioengineered	1000	1	2000	May include toe rock per Corps RGP 70
	<i>Maximum:</i> Bioengineered	2000	2.3	4000	May include toe rock per Corps RGP 70
	<i>Average:</i> Ungrounted rock	300	0.1	300	

Proposed Size Limits for the Conservation Practices Santa Barbara County Permit Coordination Program					
Conservation Practice (FOTG #)		Length (feet)	Area (acres)	Soil Disturbance (cubic yards)	Other Dimensions
	<i>Maximum:</i> UngROUTED rock	500	0.2	500	
<b>16. Stream Habitat Improvement and Mngt (395)</b>	<i>Maximum:</i>	3000	Varies	Varies	May include combination of barrier removal, addition of habitat features, and planting riparian vegetation
	<i>Average:</i> Barrier removal	50	0.25	2000	
	<i>Maximum:</i> Barrier removal	100	0.5	4000	
	<i>Maximum:</i> Install rock weirs	3 structures per 500 ft of channel	0.2	900 (300 per structure)	Grading dimensions are for actual structure (max 50 cy) and temporary channel work (max 250 cy); Max drop height 2 ft; Max jump height 1 ft (for fish to get u/s during high flows).
	<i>Average:</i> Planting riparian vegetation	1500	0.5	850	Soil disturbance based on bank treatment prior to planting
	<i>Maximum:</i> Planting riparian vegetation	2500	1	1700	Soil disturbance based on bank treatment prior to planting
<b>17. Stream Crossing (578)</b>	<i>Maximum:</i> Bridge installment	100	0.1 (0.25 total work area)	1000	Assume 50 ft wide
<b>18. Structure for Water Control (587)</b>	<i>Average:</i> New or modified culvert	50	0.1	300	<u>New culvert – 80 cfs or less for a 10 year, 24 hour storm</u>
	<i>Maximum:</i> New or modified culvert	100	0.25	1000	

## **Attachment 3**

Approved Plant List

## Approved Plant List

### Non-invasive Non-native Species

<i>Scientific Name</i>	<i>Common Name</i>	<i>Growth Habit*</i>	<i>Annual/ Perennial</i>
<i>Atriplex semibaccata</i>	Australian saltbush	F	P
<i>Brassica rapa</i>	Common mustard	F	A/Bi
<i>Medicago sativa</i>	Alfalfa	F	P
<i>Trifolium fragiferum</i> <sup>1</sup>	Strawberry clover	F	P
<i>Trifolium hirtum</i> <sup>+</sup>	<del>Rose clover</del>	<del>F</del>	<del>A</del>
<i>Trifolium incarnatum</i> <sup>1</sup>	Crimson clover	F	A
<i>Vicia atropurpurea</i> <sup>1</sup>	Purple vetch	F	A
<i>Vicia dasycarpa</i> <sup>1</sup>	Lana woolypod vetch	F	A
<i>Agropyron spp.</i>	Wheatgrasses	G	P
<i>Avena sativa</i>	Oats	G	A
<i>Bromus hordeaceus</i>	'Blando' brome, Soft chess, Soft brome	G	A
<i>Dactylis glomerata</i>	'Berber' orchardgrass	G	P
<i>Festuca ovina glauca</i>	Sheep fescue	G	P
<i>Hordeum vulgare</i> <sup>1</sup>	Common barley	G	A
<i>Secale cereale</i>	Cereal rye	G	A
<i>Sorghum sudanese</i>	Sudangrass	G	A
<i>Vulpia myuros var. hirsute</i> <sup>++</sup>	<del>'Zorro' annual fescue</del>	<del>G</del>	<del>A</del>
	Sterile wheat	G	A
<i>Rosemarinus officinalis</i>	Dwarf rosemary	S	P

<sup>1</sup> These species may be used as fast-establishing erosion control on stream banks together with native plantings; all other non-native species listed will be used outside the stream corridor for use in filter strips, diversions, grassed waterways, and upland gully repair.

## Native Species

<i>Scientific Name</i>	<i>Common Name</i>	<i>Growth Habit</i>	<i>Annual/ Perennial</i>
<i>Achillea millefolium</i>	Yarrow	F	P
<i>Anaphalis margaritacea</i>	Pearly Everlasting	F	P
<i>Asclepias fascicularis</i>	Milkweed	F	P
<i>Aster chilensis</i>	Aster	F	P
<i>Atriplex patula</i>	Fat-hen saltbush	F	A
<i>Euthemia occidentalis</i>	Goldenrod	F	P
<i>Heliotropium curassivicum</i> <i>var. oculatum</i>	Heliotrope	F	P
<i>Potentilla gracilis</i>	Slender cinquefoil	F	P
<i>Stachys ajugoides</i> or <i>S.</i> <i>bullata</i>	Hedgenettle	F	P
<i>Agrostis hooveri</i>	California bentgrass	G	P
<i>Agrostis exerata</i>	Spike bentgrass	G	P
<i>Bromus carinatus</i>	California brome	G	P
<i>Bromus carinatus</i>	'Cucamonga' California brome	G	A
<i>Deschampsia elongata</i>	Slender hairgrass	G	P
<i>Distichlis spicata</i>	Seashore saltgrass	G	P
<i>Elymus glaucus</i>	Blue wildrye	G	P
<i>Hordeum brachyantherum</i> <i>ssp. californicum</i>	California barley	G	P
<i>Hordeum brachyantherum</i>	Meadow barley	G	P
<i>Koeleria macrantha</i>	June grass	G	P

<i>Scientific Name</i>	<i>Common Name</i>	<i>Growth Habit</i>	<i>Annual/ Perennial</i>
<i>Leymus triticoides</i>	Creeping wildrye	G	P
<i>Muhlenbergia rigens</i>	Deer grass	G	P
<i>Nassella pulchra</i>	Purple needlegrass	G	P
<i>Phalaris californica</i>	Canarygrass	G	P
<i>Stipa lepida</i>	Foothill stipa	G	P
<i>Vulpia microstachys</i>	Small fescue	G	A
<i>Carex barbarae</i>	Basket sedge	GL	P
<i>Carex praegracilis</i>	Clustered field sedge	GL	P
<i>Eleocharis spp.</i>	Spikerush species	GL	P
<i>Juncus balticus</i>	Baltic rush	GL	P
<i>Juncus patens</i>	Blue green rush	GL	P
<i>Juncus phaeocephalus</i>	Brown headed rush	GL	P
<i>Scirpus americanus</i>	Three-square bulrush	GL	P
<i>Scirpus microcarpus</i>	Small-fruited bulrush	GL	P
<i>Artemisia californica</i>	California sagebrush	S	P
<i>Artemisia douglasiana</i>	Mugwort	S	P
<i>Atriplex lentiformis</i>	Quail bush	S	P
<i>Atriplex lentiformis ssp. breweri</i>	Brewers salt brush	S	P
<i>Baccharis pilularis</i>	Coyote brush	S	P
<i>Baccharis salicifolia</i>	Mule fat	S	P

<i>Scientific Name</i>	<i>Common Name</i>	<i>Growth Habit</i>	<i>Annual/ Perennial</i>
<i>Cephalanthus occidentalis</i>	California buttonwillow	S	P
<i>Cercis occidentalis</i>	Western redbud	S	P
<i>Dendromecon rigida</i>	Bush poppy	S	P
<i>Eriogonum arborescens</i>	Santa Cruz Island buckwheat	S	P
<i>Eriogonum fasciculatum</i>	California buckwheat	S	P
<i>Helianthemum scoparium</i>	Rockrose	S	P
<i>Holodiscus discolor</i>	Oceanspray	S	P
<i>Lonicera involucrata</i>	Black twinberry	S	P
<i>Lotus scoparius</i>	Common deerweed	S	P
<i>Malosma laurina</i>	Sumac	S	P
<i>Prunus ilicifolia</i>	Hollyleaf cherry	S	P
<i>Prunus virginiana var. demissa</i>	Western chokeberry	S	P
<i>Rhamnus californica</i>	Coffeeberry	S	P
<i>Ribes spp.</i>	Currant species	S	P
<i>Rosa californica</i>	California wildrose	S	P
<i>Rubus parviflorus</i>	Thimbleberry	S	P
<i>Rubus ursinus</i>	California blackberry	S	P
<i>Sambucus mexicana</i>	Blue elderberry	S	P
<i>Vaccinium ovatum</i>	California huckleberry	S	P

<i>Scientific Name</i>	<i>Common Name</i>	<i>Growth Habit</i>	<i>Annual/ Perennial</i>
<i>Acer macrophyllum</i>	Big leaf maple	T	P
<i>Acer negundo ssp. californicum</i>	Box elder	T	P
<i>Alnus rhombifolia</i>	White alder	T	P
<i>Arbutus menziesii</i>	Pacific madrone	T	P
<i>Cornus sericea</i>	American dogwood	T	P
<i>Heteromeles arbutifolia</i>	Toyon	T	P
<i>Platanus racemosa</i>	Western sycamore	T	P
<i>Populus fremontii</i>	Fremont cottonwood	T	P
<i>Populus trichocarpa</i>	Black cottonwood	T	P
<i>Salix exigua</i>	Sandbar willow	T	P
<i>Salix gooddingii</i>	Black willow	T	P
<i>Salix laevigata</i>	Red willow	T	P
<i>Salix lasiandra</i>	Yellow willow	T	P
<i>Salix lasiolepis</i>	Arroyo willow	T	P
<i>Salix sitchensis</i>	Coulter willow	T	P
<i>Symphoricarpos albus</i>	Snowberry	T	P
<i>Umbellularia californica</i>	California bay	T	P

\* **Growth habit:** F- Forb; G-Grass; GL- Grasslike; S-Shrub; T-Tree

## **Attachment 4**

NRCS Environmental Assessment Worksheet

# CALIFORNIA ENVIRONMENTAL ASSESSMENT WORKSHEET

Date:

Client and/or Business Name:		
Purpose and Need Statement (Client Objective):		
Description of Proposed Project:		
Treatment Unit: Farm #:                      Tract #:                      Field #:		
Watershed:		
Name of Person(s) Completing Worksheet:		
<p>• This worksheet is used to document the effects a proposed activity may have on natural, human, and cultural resources, in compliance with NEPA and NRCS NEPA Policy (General Manual 190, Section 410). • Effects are documented in terms of: Short Term - those that occur during installation/construction; and Long Term those that occur during and after the activity is finished. Onsite and offsite, positive and negative, and cumulative effects must be documented. If mitigation is proposed effects must be documented.</p>		
	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
I.	<b>SOIL:</b>	
a.	Soil surface (e.g. disruptions, destruction of structure, displacements, compaction, deposition, removal of organic material, improvements)?	
b.	Soil fertility?	
c.	Unique geologic or natural physical features (e.g. covering, modification, partial destruction, protection, etc.)?	
d.	Wind or water erosion of soils, or soil erodibility, either on or off site?	
e.	Siltation, deposition or erosion which may impact or modify the channel of a river, stream, ocean shoreline, or other water?	
f.	Exposure of people or property to geologic hazards such as landslides, mudslides, subsidence or similar hazards?	
g.	Number of acres of prime &/or unique cropland?	
h.	Other?	
II.	<b>WATER:</b>	
a.	Stream channel dimension, pattern, and/or slope (including down stream impacts)?	
b.	Surface water infiltration rates, drainage patterns, velocities and/or volumes?	
c.	Quality or quantity of discharge into surface waters, including, but not limited to temperature, nutrients, bacteria, or turbidity?	
d.	Quantity of ground waters through either direct additions/withdrawals or interception of aquifers?	
e.	Ground water quality?	
f.	Amount of water available for public use?	
g.	Exposure of people or property to flooding?	
h.	Other?	

	<b>Environmental Effects Element</b>	<b>Description of Effects</b>
III.	<b>AIR:</b>	
a.	Air quality?	
b.	Odors?	
c.	Other?	
IV	<b>PLANTS:</b>	
a.	Diversity of species, or numbers of any plant species (upland, riparian, wetland, etc.)?	
b.	Numbers or health & vigor of any unique, species of concern, rare, threatened or endangered plants?	
c.	Normal recruitment of existing, native species?	
d.	Other?	
V.	<b>ANIMALS:</b>	
a.	Diversity of species, or numbers of any species of animals (birds, mammals, fish, invertebrates)?	
b.	Unique, species of concern, rare, threatened, or endangered animals (review T&E lists)?	
c.	Native animals (migration barriers, competition from non-natives, etc.)?	
d.	Existing fish & wildlife habitat or critical habitat (nesting, spawning, etc.)?	
e.	Human activity during sensitive life stages (nesting, spawning, etc.)?	
f.	Other?	
VI	<b>OTHER HUMAN CONSIDERATIONS:</b>	
I.		
a.	Noise levels?	
b.	Present or planned land uses?	
c.	Aesthetic resource, scenic value, or natural area?	
d.	Recreational opportunities?	
e.	Public health and safety?	
f.	Public interest related to the site or watershed?	
g.	Economic impacts to the clients, landowners, or public?	
h.	Client well being?	
i.	Environmental justice?	
J.	Other?	

**SPECIAL ENVIRONMENTAL CONCERNS:** Check each category. If the effect is adverse or positive to any of the following, explain in the notes section or on an attachment. . Under **Present** indicate **Yes** or **No**. For **Cultural Resources** purposes, if the activity is an "Undertaking", separate primary documentation is required. For other **Concerns** supplemental documentation may be required.

Concerns	NRCS Policy Procedure	Present	Positive/Adverse Effect
<b>Threatened or Endangered Species</b> (To ensure actions do not jeopardize T&E species)	190 GM- 410.22, California Endangered Species Handbook		
<b>Natural Area</b> (To recognize and consider impacts when planning and recommending actions adjacent to nearby Natural Areas)	190 GM 410.23		
<b>Landscape Resource</b> (To preserve and enhance scenic beauty or improve landscape)	190 GM 410.24		
<b>Floodplain Management</b> (To conserve preserve and restore existing natural and beneficial values of floodplains)	190 GM 410.25		
<b>Wetland</b> (To protect, maintain and restore wetland functions and values)	90 GM 410.26, NFSA Manual		
<b>Stream Channel Modification</b> (To maintain and restore streams, wetlands and riparian vegetation as functioning parts of a viable ecosystem)	190 GM 410.27-28		
<b>Riparian Area</b> (To protect, maintain, and restore riparian areas)	190 GM 411		
<b>Prime and Unique Farmland</b> (To minimize unnecessary and irreversible conversion of farmland to non agricultural use)	310 GM 403		
<b>Cultural Resources</b> (To preserve and prevent the destruction or degradation of cultural resources, including historical archaeological sites and traditional cultural places)	420 GM 401		
<b>Coastal Zone Management Area</b> (To ensure conservation of coastal resources)	Federal Register 6/25/99, PL 92-583		
<b>Wild and Scenic River</b> (Consideration of impacts when actions affect areas adjacent to Wild and Scenic Rivers)	Federal Register 9/7/82, p. 39454		
<b>Special Aquatic Site</b> (To protect, restore and maintain special aquatic sites)	Federal Register 12/24/80 EPA 404(b)(1) 230.3 & 230.10		
<b>Essential Fish Habitat</b> (To conserve and enhance fish habitat for salmon, shellfish, marine fish)	50 CFR 600.905-930 Federal Register 12/19/97		

**OTHER CONSIDERATIONS**

Documentation of the following questions can be completed here.

a. If wetland impacts are proposed, conduct a wetland determination and complete the NRCS minimal effects procedure per the Food Security Act Manual. Make certain that the client contacts the US Army Corps of Engineers to determine the need for a Permit under Section 404 of the Clean Water Act and Section 10 Rivers and Harbors Act and the Regional Water Quality Control Board for Section 401 Clean Water Act certification.

\_\_\_\_\_

b. If a stream, lake or other water body is involved the client should contact the California Department of Fish and Game for a Section 1600 Stream Alteration Agreement.

\_\_\_\_\_

c. Document mitigation planned or required to avoid, minimize, or compensate for negative impacts:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Document communications with USFWS, NMFS, Corps of Engineers, EPA, CDFG, RWQCB, NRCS Biologist, etc.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Discuss any **Cumulative Effects** (beneficial or adverse):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Alternatives to Proposed Action that were considered (include reasons why alternative was not selected):

1. No Action: \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

g. Remarks or Other Considerations:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RECOMMENDATION** (check one)

Based upon the conclusions below, I find that this action will not have significant adverse impacts on the quality of the human environment. No further environmental analysis is required. The assessment indicates work should proceed.

Further analysis is necessary, including the possible need to prepare an Environmental Impact Statement or a Finding Of No Significant Impact. The landowner will be informed not to proceed until further assessment is completed.

h. Conclusions, based upon the assessment (rationale for the findings above):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature (Planner)	Title	Date
---------------------	-------	------

Reviewed/Concurred By	Title (District Conservationist)	Date
-----------------------	----------------------------------	------

## **Attachment 5**

NRCS/SHPO Cultural Resources Agreement

**STATE LEVEL AGREEMENT  
BETWEEN THE  
CALIFORNIA USDA NATURAL RESOURCES CONSERVATION SERVICE  
AND THE  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING IMPLEMENTATION OF SOIL AND WATER  
CONSERVATION ASSISTANCE ACTIVITIES ON PRIVATE AND PUBLIC  
LANDS WITHIN THE STATE OF CALIFORNIA**

**WHEREAS**, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), carries out Conservation Technical Assistance programs for soil, water, and related resource conservation activities under the Soil Conservation and Domestic Allotment Act of 1936, Public Law 74-76, 16 U.S.C. 590 a-f, as amended; the Flood Control Act of 1944, Public Law 78-534, as amended; the Watershed Protection and Flood Prevention Act, Public Law 83-566, as amended, Section 6; the Flood Control Act of 1950, Public Law 81-516, Section 216; the Great Plains Act of 1956, Public Law 84-1021; the Agricultural and Food Act of 1981, Public Law 97-98, 95 Stat. 1213; the Agricultural Credit Act, Public Law 95-334, Title IV, Section 403; Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624; the Flood Control Act of 1936, Public Law 74-738; the Water Resources Planning Act of 1965, 42 U.S.C. 1962; the Food Security Act of 1985, Public Law 99-1989, as amended; and the Farm Security and Rural Investment Act of 2002, Public Law 107-171 and related authorities; and

**WHEREAS**, the NRCS National Headquarters, the Advisory Council on Historic Preservation (Council) and the National Conference of State Historic Preservation Officers (NCSHPO) executed a Programmatic Agreement, dated May 31, 2002, that contains requirements which must be included in State Level Agreements; and

**WHEREAS**, the purpose of this State Level Agreement is to tailor compliance procedures and requirements of the National Historic Preservation Act (NHPA) and the Section 106 implementing regulations to the particular conditions of the State of California; and

**WHEREAS**, the California NRCS, in consultation with the California State Historic Preservation Officer (SHPO), has determined that certain categories of its conservation programs and activities may affect properties listed in or eligible for listing in the National Register of Historic Places, and that these activities are therefore subject to review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f and 470h-2(f)) and the Council's implementing regulations at 36 CFR Part 800; and

**WHEREAS**, a streamlined NRCS process involving conservation technical assistance at the Field Office (county) level is appropriate to the large number of small undertakings on private property, the NRCS has determined there is: (1) the need for timely services to diverse NRCS customers dependent upon agricultural production, (2) the need to provide exempted categories, as detailed in Stipulation 3 of the national Programmatic Agreement for certain NRCS programs, activities, and technical assistance that will not affect historic properties, and (3) the need to reconcile the variable emergency directives contained in NRCS (7 CFR 624) and Council (36 CFR 800.12) regulations; and

**WHEREAS**, the remainder of NRCS responsibilities for compliance under Section 106 of the NHPA will be met by procedures consistent with the Council's regulations (36 CFR 800), and

**WHEREAS**, unless otherwise defined differently in this Agreement, definitions are applied as in 36 CFR 800.16; and

**WHEREAS**, the NRCS and the SHPO agree that in recognition of the sovereign status of federally recognized Indian Tribal governments, this statewide agreement does not apply to Tribal lands nor Tribal review of undertakings pursuant to Section 101(d)(2) of the NHPA. The NRCS is committed to seeking consultation protocols with individual Tribal Historic Preservation Officers or other individual governments of federally recognized Indian tribes;

**NOW THEREFORE**, the California NRCS and the California SHPO agree that a streamlined compliance process is desirable for NRCS conservation assistance activities; that the California NRCS shall carry out the activities covered by this Agreement in accordance with the preceding recitals and the following stipulations in order to take into account the effects of these activities on historic properties; and that these recitals and stipulations shall govern California NCRS compliance with Section 106 of the NHPA for these activities until this Agreement expires or is terminated.

## **STIPULATIONS**

The California NRCS shall ensure that the following stipulations are carried out:

- 1. Undertakings:** Federal actions that have the potential to affect historic properties are undertakings that require consultation with the State Historic Preservation Officer under the terms of this agreement or under the regulations for the NHPA at 36 CFR 800. Attachment 1 lists the conservation practices excluded as undertakings, except when such practices would disturb previously uncultivated ground or a change in crop requires original deep plowing or ripping. All practices installed in ground previously deep plowed or ripped to a depth of 3 feet or greater, and do not exceed this disturbance,

may be excluded as undertakings when a records search indicates that no known cultural resources are in the project area. If cultural resources are known for the area, they will be avoided or evaluated, if necessary, for the National Register of Historic Places. All other practices are undertakings. Field office staff will use Attachment 1 and the determination of depth of previous ground disturbance to determine subsequent actions. Each field office will submit a list of practices as exclusions or undertakings by contract number (when a contract exists) or by landowner name and tract number for general Conservation Technical Assistance to the Cultural Resources Specialist (CRS) on a quarterly basis.

**2. Area of Potential Effect:** The Area of Potential Effect (APE) will be determined by the project planner, Cultural Resources Technician (trained field office staff) and/or a CRS. The APE will include all proposed project activities (conservation practices) and any other areas of associated disturbance, such as staging areas. The APE will include, at a minimum, a 10-meter (~32 feet) buffer zone. An aggregate APE greater than 40 acres requires that a CRS complete the cultural resources review for the project. The APE size will be a category of the quarterly list in Stipulation 1.

**3. Identification of Historic Properties and Use of NRCS Personnel:** California NRCS field office personnel who have satisfactorily completed the national and state NRCS Cultural Resources training program are acceptable for designation as Cultural Resources Technician (CRT). A CRT may complete the initial cultural resources review for projects as permitted in this agreement. A CRT is restricted to review projects that are 40 acres or less in aggregate size as defined in Stipulation 2. The discovery of any cultural resources, other than isolated artifacts, immediately suspends a CRT's authority for completing the review for that project although the CRT may continue to investigate the APE for that project. No CRT has the authority or responsibility to make any judgments or decisions regarding discovered cultural resources. The State CRS will be notified of the discovery by e-mail by the following workday, with the particulars of the discovery including description, range, township, section and GPS coordinates in UTM's with NAD 83 or WGS 84 datum. A CRS or other professional specialist, as defined in the Secretary of Interior's Standards and Guidelines, will complete the review for the project.

**4. Access to Cultural Resources Information:**

Each field office will have a list of the applicable 7 ½' USGS topographical quad sheets for which the NRCS has acquired cultural resources information through the Co-operative Agreement (#65-9104-3-280) with SHPO. The agreement permits limited release of cultural resources information to NRCS employees and archaeological contractors in performance of their duties. If a

project location is on an available quad sheet, the CRT will request the pertinent information from the CRS.

If a particular quad sheet is not available, CRTs will initiate records search requests to Information Centers of the California Historical Resources Information System. They may not receive specific data such as site location coordinates or descriptions, but may receive a generalized response of the presence or absence of documented cultural resources within or adjacent the APE. They may also receive information related to previous survey or inventory, or lack thereof, of the APE. Previous survey or inventory of an APE, completed within ten years prior to the record search, with no cultural resources located precludes additional survey and, with documentation, the project may move forward, as with other negative reports. A CRT request for a records search will direct the Information Center to forward specific cultural resources information to the State CRS if the search produces a positive response for cultural resources in or adjacent the APE. The CRS may release specific data to the CRT for avoidance purposes during the conservation planning or otherwise assist the CRT in the field.

The CRT must destroy all sensitive or confidential cultural resources information upon finalizing the applicable conservation plan and with the installation of the conservation practices. The data may not be maintained other than at the State Office by the CRS. The data may not be given to the landowner. However, the landowner may request information directly from the Information Center. A breach in the confidentiality of cultural resources information is cause for suspension of the CRT's review authority, whereby the CRS will assume those responsibilities. Review authority may be reinstated upon a review of the causes and severity by the CRS, the employee's supervisor, and the involved employee, in consultation with SHPO.

- 5. Native American Consultation:** Consultation regarding cultural resources or other concerns will continue on a project-by-project basis with federally recognized tribes and all others as identified by the Native American Heritage Commission (NAHC). Many field offices have established working relationships with tribes that will enhance consultation procedures. In the event of no response from the NAHC within 30 days of a request for a Sacred Lands search and a list of contacts, field offices may consult with such groups for their input to projects. If no relationships exist, field offices may initiate consultation with local tribal groups, if such groups are interested in doing so.
- 6. Public Participation:** Public participation in the Section 106 process for actions under this agreement is restricted by confidentiality concerns of private landowners and the nature and degree of complexity of the undertakings. The nature of the undertakings is that of routine farming and ranching practices that are not complex and therefore are not subject to a public participation

requirement. Members of the public that have an interest in the cultural resources process may request additional information from the State Cultural Resources Specialist.

- 7. National Register of Historic Places:** All evaluations of cultural resources for the purpose of determining eligibility for inclusion in the National Register of Historic Places will be conducted by a CRS or other professional specialist, as defined in the Secretary of Interior's Standards and Guidelines. All unevaluated cultural resources will be treated as eligible for the National Register.
- 8. Avoidance:** NRCS will protect cultural resources in their original location to the fullest extent possible while assisting the landowner in planning and implementing conservation activities. If an historic property can not be avoided, NRCS will either terminate further implementation of the undertaking or initiate consultation with SHPO and follow the process as described in 36 CFR 800.
- 9. Project Annual Compliance Documentation:** NRCS shall provide SHPO, at a minimum, documentation for each undertaking that includes the results of the IC records search, Native American consultation, the area covered by the field investigations, the number and type of resources located, the number of resources avoided, the method of avoidance, and the identity of the person(s) conducting any cultural resources field work. The preceding applies to those undertakings where cultural resources were discovered. Previous survey, if completed within ten years of the date of the applicable record search, of an APE with negative or isolates-only findings precludes additional survey. If no cultural resources or only isolated artifacts are located within an APE, report forms (Attachment 2) documenting these findings will be compiled and submitted to SHPO with the annual summary. Projects associated with negative or isolates-only findings and previous negative or isolates-only surveys may proceed without a response from SHPO. Cultural resources will be recorded on the Department of Parks and Recreation series 523 forms.
- 10. SHPO Review:** Review of NRCS undertakings covered by and submitted to the SHPO in accordance with the terms of this agreement is assigned to the SHPO Project Review Unit. Either the Deputy SHPO or Supervisor of the Project Review Unit is authorized to sign consultation correspondence on behalf of the SHPO. As provided for at 36 CFR 800.3 (g) in expediting consultation for positive findings, NRCS may address the multiple steps of 36 CFR 800.3 through 800.6 in a single report submittal. If SHPO does not respond within 30 calendar days of a submittal, NRCS will document the absence of a reply and continue toward project implementation. If, within the 30-day review period, SHPO disagrees with any of the findings or documentation submitted by NRCS, the parties shall further consult to resolve

the objections. If the additional consultation does not resolve the objections, resolution shall be sought as specified in Stipulation 16d.

**11. Discovery Situations:** All discoveries, except human remains and associated funerary objects, will be treated according to NRCS General Manual (GM-Attachment 3) 420 Part 401.28. If the discovery is on public land, the appropriate state or federal agency will be notified and work will not proceed until their cultural resources requirements are satisfied or waived in writing. If human remains are identified in an APE, all activities will cease and the following steps, according to the California Health and Human Safety Code, 7050.5 and the California Environmental Quality Act, Section 15064.5 (d) and (e) will be taken:

- a. NRCS personnel will not allow further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains.
- b. The appropriate County Coroner will be notified.
- c. If the coroner determines the remains to be Native American, the coroner will contact the Native American Heritage Commission (NAHC) within 24 hours.
- d. The NAHC will identify the most likely descendent (MLD) who may make recommendations to the landowner or the person responsible for the work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code Section 5097.98.
- e. If the NAHC is unable to identify the MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission or the landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

**12. Emergencies:** The following procedures will ensure that protection of life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible.

36 CFR 800.12(d) provides for exemption from the provisions of Section 106 when immediate rescue and salvage operations are conducted to preserve life or property.

In accordance with 36 CFR 800.12 (b) (2), when time and situations permit, the NRCS will: (1) complete a records search at the appropriate Information Center of The California Historical Resources Information System; (2) if the APE was previously inventoried and no historic properties or unevaluated cultural resources are present, work will proceed with SHPO and tribal

notification; (3) if the APE was not inventoried, the NRCS will attempt to do so or document and notify SHPO and the relevant tribe why the inventory would not occur; (4) the SHPO and tribe will be afforded an opportunity to comment within seven days or within the time available; (5) activities conducted under this stipulation will be included in the annual summary to SHPO.

**13. Training of NRCS Personnel:** Training of field personnel on NRCS cultural resources policy, procedures and field identification processes will occur when a need is identified by the Assistant State Conservationists for Field Operations. Attachment 4 is a print-out of the on-line NRCS cultural resources Modules 1-6, that define, describe and explain the cultural resources policy, procedures and processes. The modules are available through the USDA AgLearn web site. Additional training (Modules 7-8) for the history and prehistory of specific regions of California will be scheduled for field employees within 3-6 months of completion of Modules 1- 6. The focus of Modules 7 and 8 is area-specific artifact and site identification in the classroom and field. Also presented are area-specific overviews of the prehistory, ethnography and history, with handouts of pertinent readings, such as bottle and nail identification guides. Employees have access to Moratto's (1984, reprinted 2004) *California Archaeology*, Volume 8 (1978) of the *Handbook of North American Indians*, California, and Noel Justice's (2002) *Stone Age Spear and Arrow Points of California and the Great Basin*. Additional reference material is available at the NRCS State Office. Students have classroom access to and identification exercises of prehistoric teaching collections from the Anthropology Department at the University of California, Davis and privately owned historic artifact collections of bottles, square nails and other items. They also receive information relating to identifying and protecting traditional cultural places and human burial sites. Tribal representatives may also be invited to give presentations of Native American perspectives of cultural resources. If necessary, the NRCS will contract for expert assistance for an area in the delivery of the training for Modules 7-8.

**14. Curation Arrangements:** California NRCS will not collect and take ownership of cultural resources except where said resources originated in lands owned by NRCS (refer to GM 420 part 401.35(b)) and a curation agreement exists with a federally recognized facility. All cultural resource material is the property of the land managing agency (Federal, Tribe, etc.) or landowner. If the landowner permits, California NRCS may take temporary possession of cultural resources for analysis, dating, emergency conservation, etc. Ultimate curation of the material is the responsibility of the land managing agency or landowner. In the event of curation of federal collections, arrangements will be made with a facility that meets the standards at 36 CFR 79. NRCS will encourage the landowner to donate collections that have research value to an

appropriate institution or curation facility. NRCS will provide assistance, upon request, in coordinating arrangements with an institution or facility.

**15. Review of Field Office Procedures and Compliance:** A CRS will conduct a review of each CRT annually based, in part, on a comparison of the submitted list of exclusions, undertakings and APEs (as specified in Stipulations 1 and 2), and the lists of contracted applications in the NRCS national database (Protracts). The review may also include field office reviews in conjunction with other quality reviews. A lack of concordance between the submitted list and Protracts may be cause for suspension of a CRT's cultural resources review authority. Review authority may be reinstated upon satisfactorily addressing the deficiencies.

## **ADMINISTRATIVE STIPULATIONS**

### **16. Review:**

- a. The SHPO may review activities carried out pursuant to this agreement. NRCS shall facilitate this review by compiling specific categories of information to document the effectiveness of this agreement and by making this information available to the SHPO in the form of a written report. Categories of information shall include, but are not limited to, a summary of actions taken under the agreement, including all findings and determinations, accomplishments, estimated time and cost savings, public objections, and inadvertent effects or foreclosures. The range and type of information included by NRCS in the written report and the manner in which this information is organized and presented must be such that it facilitates the ability of the SHPO to assess accurately the degree to which this agreement and its manner of implementation constitute an efficient and effective program alternative under 36 CFR 800, and to determine whether this agreement should remain in effect, and if so, whether and how it should be improved through appropriate amendment.
- b. NRCS shall prepare the written report of these findings annually for the duration of this agreement. The initial report shall be prepared following completion of the first full calendar year under this agreement. NRCS shall submit the annual reports to the SHPO no later than three (3) months following the end of the calendar year. NRCS shall provide notice to the public that a generalized summary of the report herein prescribed is available for public inspection and ensure that potentially interested members of the public are made aware of its availability and that the public may comment to signatory parties on the report. NRCS, in consultation with the SHPO, shall identify the specific recipients of the public notice herein described.

- c. NRCS shall ensure that one or more meetings are held to facilitate review of, and comment on, the report to address questions and issues, or to resolve adverse comments. These meetings shall include a critical examination of the overall effectiveness and benefits of the agreement, determining if its requirements are being met, deciding if amendments to the agreement are warranted, reviewing the reporting format and categories for adequacy, and identifying any other actions that may be needed in order to take into account the effects of the activities covered by this agreement on historic properties in California.

d. **Resolving Objections**

1. Should the SHPO object to the manner in which the terms of this agreement are implemented, to any action carried out or proposed with respect to implementation of this agreement, or to any documentation prepared in accordance with and subject to the terms of this agreement, California NRCS shall immediately consult with the SHPO for no more than 60 days to resolve the objection. NRCS shall reasonably determine when this consultation will commence. If the objection is resolved through such consultation, the action in dispute may proceed in accordance with the terms of that resolution. If, after initiating such consultation, NRCS determines that the objection cannot be resolved through consultation, NRCS shall forward all documentation relevant to the objection to the Council, including NRCS's proposed response to the objection, with the expectation that the Council will within thirty (30) days after receipt of such documentation:
  - a. advise NRCS that the Council concurs in NRCS's proposed response to the objection, whereupon NRCS will respond to the objection accordingly; or
  - b. provide NRCS with recommendations, which NRCS will take into account in reaching a final decision regarding its response to the objection; or
  - c. notify NRCS that the objection will be referred for comment pursuant to 36 CFR § 800.7(c), and proceed to refer the objection and comment. NRCS shall take the resulting comment into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA.
2. Should the Council not exercise one of the above options within 45 days after receipt of all pertinent documentation, NRCS may assume the Council's concurrence in its proposed response to the objection.
3. NRCS shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject

of the objection. NRCS's responsibility to carry out all actions under this agreement that are not the subject of the objection will remain unchanged.

4. At any time during implementation of the measures stipulated in this agreement, should an objection pertaining to such implementation be raised by a member of the public, NRCS shall notify the SHPO in writing of the objection and take the objection into consideration. NRCS shall consult with the objecting party and, if the objecting party so requests, with the SHPO for no more than 30 days. Within ten (10) days following closure of this consultation period, NRCS will render a decision regarding the objection and notify all parties consulting hereunder of its decision in writing. In reaching its decision, NRCS will take into account any comments from the consulting parties regarding the objection, including the objecting party. NRCS's decision regarding the resolution of the objection will be final.
5. NRCS shall provide all parties to consultation carried out hereunder with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
6. NRCS may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

**e. Amendments**

Either signatory may propose that this agreement be amended, whereupon the signatories will consult for no more than 60 days to consider such amendment. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This agreement may be amended only upon the written consent of both signatories. If it is not amended, this agreement may be terminated by either signatory in accordance with Stipulation 17 below.

**17. Termination**

- a. If this agreement is not amended as provided for in Stipulation 16, or if either signatory proposes termination of this agreement for other reasons, the signatory proposing termination shall, in writing, notify the other signatory, explain the reasons for proposing termination, and consult with the other signatory for at least 60 days to seek alternatives to termination.
- b. Should such consultation result in an agreement on an alternative to termination, then the signatories shall proceed in accordance with the terms of that agreement.
- c. Should such consultation fail, the signatory proposing termination may terminate this agreement by promptly notifying the other signatory in

writing. Termination hereunder shall render this agreement without further force or effect.

- d. If this agreement is terminated hereunder, NRCS shall either consult in accordance with stipulation 2.A. of the “Programmatic Agreement Among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers Relative to: Conservation Assistance”, executed May 31, 2002, to develop a new agreement, or comply with subpart B of 36 CFR Part 800 for all individual undertakings that would otherwise be covered by this agreement. Unless and until a new agreement is executed pursuant to this paragraph, NRCS shall comply with subpart B of 36 CFR Part 800 for all individual undertakings that would otherwise be covered by this agreement.
- e. Notwithstanding any other provision of this stipulation, this agreement shall automatically terminate and have no further force or effect upon termination or expiration of the “Programmatic Agreement Among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers Relative to: Conservation Assistance”, executed May 31, 2002.

**18. Duration of this Agreement**

This agreement shall remain in effect for a period of two (2) years after the date it takes effect, after which time it may be extended for one (1) additional year based upon a review of its utility and compliance with the stipulations by NRCS and SHPO. At the end of this three (3) year period, if the agreement is functioning as stipulated, the agreement will be amended for an additional five (5) years of use, unless it is terminated prior to that time or unless it is terminated in accordance with the terms of stipulation 17.e., above. No later than six months prior to the expiration date of this agreement, NRCS shall initiate consultation with the SHPO to determine if this agreement should be allowed to expire automatically or whether it should be extended for the additional term as described, with or without amendments, as the signatories may determine. Unless the signatories agree through such consultation on an alternative to automatic expiration of this agreement, this agreement shall automatically expire and have no further force or effect in accordance with the timetable stipulated herein.

**19. Effective Date of this Agreement**

This agreement shall take effect on the day that it has been executed by the SHPO.

20. **Civil Rights:** By signing this agreement, the signatories assure that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

SIGNATORIES

/s/  
Lincoln E. Burton  
State Conservationist  
California Natural Resources Conservation Service

December 4, 2007  
DATE

/s/  
Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California Office of Historic Preservation

December 4, 2007  
DATE

## **Attachment 1. Conservation Practices Excluded as Undertakings**

All practices to be installed in ground previously plowed/ripped to 3 feet or greater and the installation will not extend beyond this disturbed ground may be excluded as undertakings that have the potential to affect historic properties when a records search indicates that no known cultural resources are in the project area.

Aerial application of seed for any purpose is excluded as an undertaking.

The following individual practices are excluded as undertakings:

<b>Practice Code</b>	<b>Name</b>
591	Amendments for Treatment of Agricultural Waste
450	Anionic Polyacrylamide (PAM) Erosion Control
370	Atmospheric Resource Quality Management
314	Brush Management-Chemical treatment
327	Conservation Cover
328	Conservation Crop Rotation
332	Contour Buffer Strips
330	Contour Farming
585	Contour Strip-cropping
340	Cover Crop-When planned for existing crop lands
589C	Cross Wind Trap Strips
399	Fishpond Management
393	Filter Strip-When planned for existing crop lands
511	Forage Harvest Management
603	Herbaceous Wind Barriers
441	Irrigation System: Microirrigation-Surface installation only
430HH	Irrigation Water Conveyance-Rigid Gated Pipeline-Surface
449	Irrigation Water Management
590	Nutrient Management
595	Pest Management
521C	Pond Sealing or Lining, Bentonite Sealant
521D	Pond Sealing or Lining, Compacted Clay Treatment
521A	Pond Sealing or Lining, Flexible Membrane
521B	Pond Sealing or Lining, Soil Dispersant
345	Residue and Tillage Management, Mulch Till
329A	Residue Management, No-Till and Strip Till
346	Residue and Tillage Management, Ridge Till
344	Residue Management, Seasonal
344A	Residue Management, Seasonal, Rice Residue
557	Row Arrangement
660	Tree/Shrub Pruning
367	Waste Facility Cover
633	Waste Utilization

355

Well Water Testing

The practice standards for each of the above practices follow this page.

**Attachment 2.** Report Format for Negative or Isolates only Findings

United States Department of Agriculture  
Natural Resources Conservation Service

**Field Office:**  
**Address:**

**Cultural Resources Report Form for Negative or Isolates Only Findings**

**Records Search results:** Present a brief summary of the results. Attach copy of information from Information Center or State Office

**Native American consultation:** Attach letters to and from Native American Heritage Commission, and groups or individuals; include data for meetings and telephone calls that include participants, date, discussion points and other pertinent information

**Area of Potential Effect (APE):** Attach 1:24000 scale topographic map, may be from Customer Service Toolkit Conservation Plan, with APE designated; include Range, Township, Section, quadrangle name

**Name and Title of Cultural Resources Technician:**

**Signature:**

**Date:**

**Attachment 3.** NRCS General Manual: Title 420, Part 401- Cultural Resources  
<http://directives.sc.egov.usda.gov/17073.wba>

**Attachment 4.** Cultural resources training modules 1-6  
(available for viewing at NRCS offices at 920 E. Stowell Rd. Santa Maria, CA  
93454)

## **Attachment 6**

NRCS/Landowner Cooperator Agreement

# COOPERATOR AGREEMENT

## TERMS OF ASSISTANCE AND NOTIFICATION REGARDING PROCEDURES FOR CONFORMANCE WITH MULTIPLE PERMITS UNDER THE SANTA BARBARA COUNTY PERMIT COORDINATION PROGRAM

Between the  
United States Department of Agriculture, Natural Resources Conservation Service  
And the  
Cachuma Resource Conservation District  
And the  
Following Cooperator

Landowner: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_

Property Location: \_\_\_\_\_  
(Assessor Parcel Number, street address, or narrative description; see attached map)

USDA Tract #: \_\_\_\_\_ Photo No: \_\_\_\_\_ Quad Sheet: \_\_\_\_\_

Acres: \_\_\_\_\_ Major Land Use: \_\_\_\_\_  
(Row Crops, Orchard, Nursery, Range, Woodland, etc.)

### Included Conservation Practices:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Access Road Improvements      | <input type="checkbox"/> Irrigation System/Tailwater Recovery              | <input type="checkbox"/> Sediment Basin                            |
| <input type="checkbox"/> Channel Stabilization         | <input type="checkbox"/> Limited Vegetation Removal to<br>Minimize Erosion | <input type="checkbox"/> Stream Bank Protection                    |
| <input type="checkbox"/> Critical Area Planting        | <input type="checkbox"/> Pipeline  | <input type="checkbox"/> Stream Crossing                           |
| <input type="checkbox"/> Diversion                     | <input type="checkbox"/> Pond  | <input type="checkbox"/> Stream Habitat Improvement/<br>Management |
| <input type="checkbox"/> Filter Strip                  | <input type="checkbox"/> Restoration/Management of Declining<br>Habitats   | <input type="checkbox"/> Structure for Water Control               |
| <input type="checkbox"/> Grade Stabilization Structure |  | <input type="checkbox"/> Underground Outlet                        |
| <input type="checkbox"/> Grassed Waterway              |  |  |

This agreement is freely entered into by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and the Cachuma Resource Conservation District (CRCD) for the Santa Barbara County Permit Coordination Program of the CRCD, referred to hereinafter as the "PCP," and the following landowner (or organization), referred to hereinafter as the "Cooperator":

### I. THE PCP AGREES TO AUTHORIZE PROJECTS AND FURNISH INFORMATION, TECHNICAL and/or OTHER ASSISTANCE TO:

1. Help solve conservation problems;
2. Assist in the design, installation, maintenance, and monitoring of appropriate conservation practices;
3. Offer the Cooperator the coverage of multiple permits that provide for the design, installation, maintenance, and monitoring of specified conservation practices under the PCP as issued by the public agencies including: United States Fish and Wildlife Service; United States National Marine Fisheries Service; ~~United States Department of the Army, Corps of Engineers;~~ California Department of Fish and Game; California Regional Water Quality Control Board, Central Coast Region; ~~Santa Barbara County Planning and Development;~~ and
4. Provide the Cooperator with information and support from CRCD and NRCS staff to answer questions regarding the procedures for the design, installation, maintenance, and monitoring of the conservation practices and specific protection measures to be followed to avoid or minimize the impacts of projects to sensitive natural resources and water quality.

### II. THE COOPERATOR AGREES TO:

1. Fully conform to the procedures for the design, installation, maintenance, and monitoring for the service life of the conservation practices as developed by the PCP with the aforementioned public agencies under their various permitting authorities. The specific procedures are documented in the attached site-specific *Project Plan & Specifications* provided by the NRCS and CRCD;
2. Allow the NRCS, CRCD, and aforementioned public agencies on site with proper notice to inspect work conducted under the PCP;
3. Allow the CRCD to include information about the project status and benefits in an annual report provided to the aforementioned agencies;

4. No language in any part of this agreement will reflect an initiation by CRCDD for regulatory action; and
5. To the best of the landowner's knowledge, this project is taking place on the property (within the property lines of the property) described in this agreement.

**III. AGREED THAT:**

1. The PCP assumes no responsibility for the legal establishment of any property acreages, boundary lines, or water rights;
2. It is the responsibility of the Cooperator to obtain all necessary permits and pay associated costs in order to comply with all laws and ordinances. However, the *Project Plan and Specifications* developed under the PCP implemented under this agreement provide the Cooperator with coverage for the following permits:
  - Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for listed plant and animal species, issued by the United States Fish and Wildlife Service, Ventura, CA.
  - Programmatic Biological Opinion in compliance with the Federal Endangered Species Act for southern California steelhead, issued by the United States National Marine Fisheries Service, Long Beach, CA.
  - ~~Agreement for procedures to use existing Nationwide Permits and/or Regional General Permits in compliance with Section 404 of the Clean Water Act, issued by the U.S. Army Corps of Engineers, Los Angeles, CA.~~
  - Programmatic Certification of the Nationwide Permits under Section 401 of the Clean Water Act issued by the California Regional Water Quality Control Board, Central Coast Region, San Luis Obispo, CA.
  - Master Streambed Alteration Agreement in compliance with Section 1600 *et. seq.* of the Fish and Game Code, issued by the California Department of Fish and Game, San Diego, CA.
  - ~~Master Conditional Use Permit(s) in compliance with Santa Barbara County policies, ordinances, and Local Coastal Plan, issued by County of Santa Barbara Planning and Development, Santa Barbara, CA.~~
  - Programmatic Agreement (PA) between the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers and NRCS, Washington, DC.
3. It is the responsibility of the Cooperator to ensure that work carried out on site is consistent with the terms and conditions of the permits checked in #2 above as specifically indicated in the project-specific *Project Plan & Specifications* provided to the Cooperator by the NRCS and CRCDD.
4. If work on site is not carried out consistent with the procedures for the design, installation, maintenance, and monitoring of the conservation practices covered by the permits checked in #2 above, the PCP shall notify the Cooperator in writing and work directly with the Cooperator to resolve the problem. If the problem cannot be resolved, the PCP shall notify the Cooperator that this Agreement and other applicable contracts are cancelled and that the Cooperator's actions are no longer covered by this Agreement and other contracts. The PCP shall notify the aforementioned permitting agencies that the Cooperator's Agreement and/or contracts have been cancelled. The permitting agencies may contact the Cooperator at their discretion to ascertain the reason for Agreement/contract cancellation. The PCP shall have no further responsibility to enforce the conditions of the permits checked in #2 above and shall not be held responsible as the permittee. The Cooperator shall be responsible for all violations and will have to individually obtain all necessary permits, and comply with all laws and ordinances that apply to their work.
5. This request shall become effective on the date of the last signature until either party gives notice to the contrary. It will be automatically canceled when the Cooperator ceases to have a legal interest in the land.

\_\_\_\_\_  
COOPERATOR

\_\_\_\_\_  
Date

\_\_\_\_\_  
USDA NATURAL RESOURCES CONSERVATION SERVICE

\_\_\_\_\_  
Date

\_\_\_\_\_  
CACHUMA RESOURCE CONSERVATION DISTRICT

\_\_\_\_\_  
Date

## **Attachment 7**

NRCS Conservation Planner Certification Process

### **409.3 Requirements for Providing Conservation Planning Assistance**

(a) All NRCS conservation planners will be certified. The COD will establish minimum criteria to be met by NRCS employees to be a "certified conservation planner" (See GM-180, Part 409.9).

(1) A certified conservation planner is a person who possesses the necessary skills, training, and experience to implement the NRCS nine-step planning process to meet client objectives in solving natural resource problems.

(2) The certified conservation planner has demonstrated skill in assisting clients to identify resource problems, to express the client's objectives, to propose feasible solutions to resource problems, and leads the client to choose and implement an effective alternative that treats resource concerns and meets client's objectives.

(3) State Conservationists may establish additional certification levels and criteria as needed to cover degrees of scope and complexity in planning environments.

(b) All plans developed with the assistance of NRCS and partner employees will be approved by an NRCS or partner certified conservation planner. When a conservation plan is being used to meet specific USDA program requirements under the authority of NRCS, it must be approved by the appropriate NRCS official. For example Highly Erodible Land Compliance, Environmental Quality Incentives Program, Wetland Restoration Program planning approval is a responsibility cannot be delegated.

(c) State Conservationists will establish and implement a process to ensure training is provided to employees. This is to include the following actions:

(1) Development of State training needs and budgets for conservation planning training.

(2) The State Conservationist will develop a list of qualifications (knowledge, skills, and abilities) required for certified conservation planner designations in addition to the requirements listed in GM-180, Part 409.9. These qualifications should include knowledge of the following fundamentals such as:

- (i) Crop production
- (ii) Grazing systems
- (iii) Plant growth
- (iv) Soil-water-plant relationships
- (v) Plant identification
- (vi) Nutrient uptake
- (vii) Erosion processes
- (viii) Water quality
- (ix) Proficiency in scientific tools and models
- (x) Animal production
- (xi) Conservation practices and systems common to the work area
- (xii) Wildlife management
- (xiii) State and local laws and regulations that may influence conservation planning.

(3) Training must be provided through NRCS training courses, on-the-job training or equivalent courses and methods approved by the State Conservationist as meeting the identified training need. Approval of equivalent courses will be done in consultation with the Director, National Employee Development Center.

(4) The State Conservationist will ensure that all NRCS employees that approve conservation plans meet minimum NRCS certified conservation planner requirements.

(d) The State Conservationist will establish and maintain a list of NRCS certified conservation planners in the State consisting of NRCS employees, volunteers, and employees of Soil and Water Conservation Districts and State conservation agencies that have requested to participate.

(e) State Conservationists may approve non-NRCS sources to certify conservation planners in accordance with procedures in the Conservation Programs Manual (CPM), Part 504. State Conservationists may also directly certify qualified individuals, such as third party vendors, as conservation planners contingent upon these individuals satisfying NRCS requirements. Whether providing assistance to an approved source, or directly certifying a qualified individual, the State Conservationist will ensure that this assistance is consistent with existing NRCS policies and technical guides. As a minimum:

((1) State Conservationists are required to provide organizations that are interested in becoming approved sources with the minimum criteria that NRCS uses to certify conservation planners.

(2) An NRCS approved source will maintain and make it accessible to the State Conservationist, an up-to-date list of the conservation planners it has certified.

### [GM\_180\_409\_3 - Amendment

#### **409.9 Minimum Criteria to Achieve an NRCS Certified Conservation Planner Designation**

(a) NRCS certified conservation planner candidates must complete all modules of the NRCS Conservation Planning Course or equivalent, before completing the field review (See [GM-180, paragraph 409.9\(d\)](#)). The State Conservationist, in consultation with the NRCS National Employee Development Center Director, will determine the equivalence of other training courses. The State Conservationist may provide the person a letter of waiver of this requirement, if the individual has previously demonstrated competence in RMS plan development.

(b) Candidates must possess and demonstrate the following knowledge, skills, and abilities:

- (1) Awareness of the National Conservation Program.
- (2) Skill in applying the NRCS Conservation Planning Process.
- (3) Ability to plan and implement conservation practices common to the geographic area.
- (4) Knowledge of NRCS Field Office Technical Guide standards and specifications for applicable conservation practices in the State and locality.
- (5) Skill in applying approved erosion prediction technology (Revised Universal Soil Loss Equation and the Wind Erosion Equation).
- (6) Skill in using applicable site vulnerability assessment tools.
- (7) Knowledge of Federal, State, tribal, and local laws and regulations.

(c) Candidates must meet any additional minimum qualifications and criteria for conservation planning assistance established by the State Conservationist.

(d) Candidates must complete at least one field reviewed Resource Management System (RMS) plan for a conservation management unit (CMU).

- (1) The planner will be accompanied to the field by the State Conservationist's designee to meet with the decisionmaker.
- (2) The candidate will be expected to demonstrate competency in the planning process and plan development.
- (3) The observer will evaluate the planner's involvement with the decision-maker (landowner or land operator) in the planning process and whether all resource concerns associated with the CMU are adequately addressed.

(4) Field reviewed plans must be approved by the State Conservationist or designee prior to final delivery to the decisionmaker.

(e) NRCS certified conservation planners are responsible for keeping their own individual development plan updated to reflect conservation planning training needed and completed to maintain or increase their skill level. Training to maintain and update conservation planning skills must, at a minimum, occur once every three years.

(1) The State Conservationist will determine the type and minimum hours of training necessary to maintain the certified conservation planner designation.

(2) Supervisors and certified conservation planners share the responsibility to identify and provide opportunities for employees to achieve needed maintenance or additional knowledge enhancement requirements.

(3) NRCS certified conservation planners are responsible for keeping their own records of training completed and providing the information to NRCS as evidence of meeting the minimum certification requirements.

(f) The State Conservationist will address maintaining the certified conservation planner process and designation in the "State Quality Assurance Plan(s)".

(1) Each certified conservation planner's designation will be reviewed at least once every three years by the State Conservationist or designee.

(2) A sufficient number of conservation plans will be reviewed to determine that the conservation plans meet the NRCS planning policy and follow the procedures and guidelines listed in the [NPPH](#).

(3) If an individual fails to meet the criteria for the certified conservation planner designation, the status will be revoked and the individual must be re-certified before providing conservation planning assistance.

(4) If multiple certified planner levels exist, an individual could become decertified at a higher designated level while retaining a lower certification level.

[GM\_180\_409\_9 - Amendment 19 - October 2006]

---

## Appendix B

### Watersheds of Santa Barbara County

## Watersheds of Santa Barbara County<sup>1</sup>

***San Antonio Creek Watershed.*** The San Antonio Creek watershed is located in the west-central part of Santa Barbara County about 15 miles south of Santa Maria. It is a relatively narrow watershed approximately seven miles wide and 32 miles long. The drainage area encompasses approximately 98,560 acres, 23,435 acres of which are located on Vandenberg Air Force Base (VAFB). A consolidated rock barrier located near the junction of Highway 1 and San Antonio Road forces groundwater to the surface forming Barca Slough. Discharges from the slough maintain perennial flows from the slough to the ocean, a distance of about eight miles. The mainstem of the watershed starts north of Highway 101 in the hills west of Zaca Station Road, and traverses westerly through Los Alamos Valley and VAFB before entering the ocean several miles north of Purisima Point. The watershed is bounded on the north by the Solomon Hills and on the south by the Purisima Hills. The only urbanized area is the rural community of Los Alamos. Other than VAFB and road corridors, almost all of the land is privately owned, and with the exception of the community of Los Alamos, used for some form of agriculture. The relatively flat valley is primarily used to produce annual vegetable crops that are grown year round because of the relatively mild climate. Upland areas were historically dedicated to grazing beef cattle; however, there has been substantial conversion to wine grapes in the recent past. Oil mining was also an important industry historically, but is largely in decline.

In general, the tributary streams in this watershed have intermittent flows throughout most of their drainage; however, some relatively short reaches within certain streams have perennial flows that are sustained by springs during the dry season. The mainstem is an intermittent stream from its headwaters to Barca Slough, and a perennial stream from the slough westerly to the ocean. Riparian zones throughout the project area are relatively narrow, including the mainstem of San Antonio Creek. The main San Antonio Creek channel is dominated by arroyo willows (*Salix lasiolepis*); however, most of the tributary vegetation includes a variety of upland plants that transition rapidly to the adjacent vegetation type. Most of the tributaries have relatively short reaches and steep gradients that promote rapid peak and recession during storm events.

Several freshwater marshes are located in the watershed, the largest of which is Barca Slough at approximately 550 acres. Most of this wetland is located on VAFB. An equally important marsh is located downstream of Barca Slough at the Lompoc-Casmalia Road crossing of San Antonio Creek. This marsh includes areas both upstream and downstream of the road, and in the recent past the road was closed to vehicular traffic and has become part of the marsh. There is also a small marsh of about three acres located in Las Flores Canyon.

Surface water quality in this watershed has long been affected by excessive sediment. Approximately 8.5 miles in Shuman Canyon Creek and 5 miles in Casmalia Canyon Creek are on the 303(d) list of impaired waterbodies for excessive sediment. In addition, 14 miles of San Antonio Creek (from the Las Flores Creek bridge at Highway 135 downstream to the railroad bridge) have excessive nutrients and boron (see Appendix A, Attachment 1 for a complete list of impaired waterbodies). The effects of excessive sediment were vividly illustrated by the closure

---

<sup>1</sup> Information for this section derived from <http://www.carc.org/wisp/cachuma/>

of Lompoc-Casmalia Road in 1995 and a temporary closure of El Rancho Road on VAFB following the 1997-98 storm year. In each case sediment was deposited on the roadways because accumulations in San Antonio Creek elevated the channel bottom to a degree that it prevented the water from flowing under the bridges. In addition, a report as part of the CRMP (year) on sedimentation, projected over 224,000 cubic yards will be deposited at Barca Slough yearly.

***Santa Maria River Watershed.*** The Santa Maria watershed includes the Cuyama River basin and the Santa Maria/Sisquoc River basin. The Cuyama River starts in Ventura County and drains portions of northern Santa Barbara County, southern San Luis Obispo County, and Kern County. The river generally flows in a westerly direction to a point of confluence with the Sisquoc River near the town of Garey. At that point, both rivers lose name integrity and become the Santa Maria River to the ocean. Twichell Dam is located several miles upstream of the point of confluence. Most of the Cuyama River has intermittent flows, although some reaches along the mainstem and major tributaries have perennial flows.

The Cuyama Valley is southeast-northwest trending for approximately 24 miles and ranges from two to six miles wide. The nearly flat valley is bordered on the north by the Caliente Mountain range and on the south by the Sierra Madre Mountains. These mountain ranges are joined on the eastern and western ends by transverse ridges. The elevation on the eastern end is approximately 3,500 feet, from which the valley slopes to an elevation of about 1,400 feet. The Sierra Madre ridges bordering the south end of the valley range in height from about 4,000 to 5,875 feet at Cuyama Peak. The climate is arid with weather patterns somewhat similar to the southern Mojave Desert with hot, dry summers, and cool winters. Annual rainfall in the valley only averages 6-8 inches; however, precipitation increases markedly with increasing elevation in the Sierra Madre. These mountainous regions may receive five times the valley precipitation, some in the form of snowfall. The Santa Maria Valley is also nearly flat, but then transitions through gently rolling hills to steep mountains in the interior. Elevations range from sea level to 6,828 feet at Big Pine Mountain, the headwaters of the Sisquoc River. The average annual precipitation varies from about 12 inches near the coast to about 30 inches in the mountains.

The main agricultural areas are the Cuyama Valley and the Santa Maria Valley. The Cuyama Valley is sparsely populated (largest concentration of people is in New Cuyama, population 600 in 1990), and farming and ranching are the predominant industries. All the farming occurs on the valley floor, with modest encroachment into the foothill areas. About 22,000 acres are irrigated using groundwater, and about 4,000 upland acres are dry-farmed. Beef cattle are grazed throughout the non-farmed areas. Most of the mountainous regions in the basin are public lands managed by the U.S. Forest Service or the Bureau of Land Management. In contrast, the Santa Maria Valley has become the most populated city in the County, surpassing the urbanized areas along the south coast. In the Santa Maria/Sisquoc basin, all of the land is used for some form of agriculture, except for wilderness areas in the Los Padres National Forest. Approximately 42,000 acres are irrigated and 3,000 acres are dry-farmed; nearly all of the irrigation water is pumped from the Santa Maria groundwater basin. Vegetables, mainly broccoli, head lettuce, and cauliflower, are grown year-round, resulting in about 2.5 crops per acre per year. Except for remote areas within the Los Padres National Forest, most of the non-farmed land is used to raise cattle.

Approximately 182 stream miles in the watershed are listed as water-quality impaired, with the majority in the Cuyama River (134 miles polluted by excessive levels of boron). Other affected streams are Bradley Canyon Creek and Bradley Channel for pathogens and nutrients; Orcutt Creek for nutrients, pesticides, pathogens, and boron; Santa Maria River for nutrients, pesticides, and pathogens; and Alamo Creek for pathogens, among others.

***Santa Ynez Watershed.*** The Santa Ynez watershed, located in central Santa Barbara County, comprises about 40% of the mainland part of the county, and drains about 900 square miles (621,577 acres). The Santa Ynez River flows west about 90 miles from its headwaters at 6,000 feet in the San Rafael Mountains to the Pacific Ocean. Bradbury Dam, which creates Lake Cachuma, is located 48.7 river miles from the ocean and divides the watershed nearly in half. Immediately upstream from Lake Cachuma, the river passes through a narrow trough between the mountains. Below Lake Cachuma, the river flows over broad alluvial floodplains. West of Buellton it flows through a narrow meandering stretch to the Lompoc Narrows and emerges onto the broad, flat Lompoc Plain. The width of the active channel ranges from approximately 40 feet near Bradbury Dam to more than 400 feet near the confluence with Alamo Pintado Creek. The river flows another 13 miles to the Santa Ynez Lagoon and the ocean.

Three dams have been constructed on the river to store and divert water to the South County. Jameson Reservoir and Gibraltar Reservoir are located in the upper watershed above Lake Cachuma. Design capacities of these facilities are 7,228 and 22,516 acre feet, respectively; however, estimated storage capacity has been reduced substantially due to sediment accumulation. Lake Cachuma, formed by Bradbury Dam, is by far the largest reservoir on the river with a design storage capacity of 204,874 acre feet of water. The reservoir is the primary water supply for southern Santa Barbara County and a portion of the Santa Ynez Valley. Approximately 260,000 acres of the watershed are public land, primarily within the Los Padres National Forest above Lake Cachuma, with the remainder on Vandenberg Air Force Base on the west coast. Water rights releases that are made in the summer months of most average and dry years provide mainstem flows downstream of Lake Cachuma. In addition, the secondarily treated effluent from the Lompoc Regional Wastewater Treatment Plant (3.5 to 5.4 cfs) creates continuous year round flow from the facility to the ocean.

Several tributaries downstream of Bradbury Dam contribute significant flows to the lower Santa Ynez River. Flows in the tributaries are flashier than in the river because their watersheds are smaller. Tributaries on the north side of the lower watershed include Santa Agueda, Alamo Pintado, and Zaca creeks. Streams on the south side of the watershed originate at fairly high elevations on the cool and well vegetated north-facing slopes of the Santa Ynez Mountains. These southside streams include Hilton, Alisal, Quiota, Nojoqui, Salsipuedes, El Jaro, and San Miguelito creeks. The Salsipuedes-El Jaro system has the largest watershed. The upper reaches of many tributaries maintain flow much longer than the lower reaches, and some have perennial flow.

From 1970 to 2000 the population in the Santa Ynez Valley doubled. The cities of Solvang and Buellton are the second and third fastest growing cities in the County. Both are nearly out of developable land. The demand for housing in the valley resulted in approved subdivisions for

over 23,000 acres of rural ranch and agricultural land between 1985 and 1997. The resulting ranchettes break up habitats and traditional trails, and add incrementally to traffic. Modest population estimates for the next 30 years are for over 5,000 new residents in the valley.

Most private land in the lower watershed that is not urbanized is used for some form of agriculture. In total, there are about 30,000 acres of irrigated crops (wine grapes, forage for thoroughbred racehorses, flowers, vegetables, beans, walnuts) and 2,000-3,000 acres of dry land crops in the basin. Most of the irrigated land is located in the Lompoc Valley, west of Lompoc. That area is similar to the Santa Maria Valley, in that the marine influences allow year-round crop production. Groundwater provides 100% of the water supply in the Lompoc Basin, including irrigation. Nearly all the upland areas are used as range to raise beef cattle.

Approximately 47 miles of the mainstem of the Santa Inez River are water-quality impaired. From Lake Cachuma to below Lompoc (43 miles), surface water quality is impaired from high levels of salts, total dissolved solids, chlorides, and sediment. Downstream of Lompoc to the ocean (3.8 miles), surface water has excessive nutrients, salinity, total dissolved solids, chlorides, and sediment; at Ocean Beach, there are excessive pathogens.

***South Coast Watershed.*** The South Coast watershed is a single hydrologic unit containing 50 to 60 small watersheds. The area essentially corresponds to the south face of the transverse Santa Ynez Mountains. It is about 60 miles long across an east-to-west axis from Rincon Creek on the Ventura County line to Point Conception, but is only six to seven miles wide along its north to south axis from the crest of the Santa Ynez Mountains to the Santa Barbara Channel. Each watershed in this hydrologic unit is relatively small, ranging from less than 2,000 acres to as many as 13,000 acres, with total stream lengths that rarely exceed 30 miles in an entire watershed. The profile of most streams consists of (a) high gradient steep mountain slopes and foothills; (b) medium gradient alluvial fans, mesas and debris flows on the front and toe slope portions of the mountains, and (c) low gradient coastal plain marine terraces and alluvial plains that terminate at the Santa Barbara Channel.

Flow levels in the creeks are highly variable, largely because of the seasonal pattern of rainfall that occurs throughout Southern California and the large fluctuations in annual rainfall from one year to the next. Local rainfall averages between 16 and 18 inches per year on the coastal plain and between 28 and 30 inches per year in the highest elevations of the Santa Ynez Mountains. Between Point Conception and the western edge of the Goleta area, land use is generally limited to park and open space, cattle ranching or orchard crops, with residential development limited to scattered large-lot ranchettes. Between Goleta and Carpinteria, the middle and lower reaches of most streams have a much more pronounced urban character.

Virtually all the subtropical fruit (mainly avocados) and about 75% of the nursery and hot-house products of the County are grown in the south county, largely between Goleta and Carpinteria. The irrigated agricultural area is about 13,000 acres; irrigation water comes from pumped groundwater, diversions from the three reservoirs on the Santa Ynez River (Cachuma, Gibraltar, and Jameson), and to a lesser extent, from on-farm surface entrapments.

While the upper reaches of the watersheds along the south coast have excellent water quality, downstream the water quality worsens as a result of surface runoff from urban and agricultural areas. Approximately 55 stream miles, 384 acres (Goleta Slough and Carpinteria March), and nine (9) areas where creeks empty at the ocean are on the 303(d) list of impaired waterbodies. Primary contaminants are nutrients and pathogens. In addition, the loss of riparian vegetation has increased water temperatures in some reaches, in turn reducing dissolved oxygen saturation levels in the water. The upper watersheds are usually part of the National Forest and have a continuous overstory of riparian woodland and a dense understory of shrubs, herbs and grasses. In the foothills, however, large sections of canopy cover have often been removed to accommodate orchards or subdivisions; downstream, urban development has eliminated much of the natural vegetation and paved large areas of the lower watershed.

Appendix C  
Comment Letters on Draft ND  
&  
Responses to Comments

A public review period for the Draft MND occurred from October 6 through November 4, 2008. Additionally, prior to the public review, NRCS/CRCD held a series of informational meetings describing the Project details to interested parties. Attendees at these informational meetings included agricultural groups, environmental groups and interested community members.

During the public review period, the Draft MND was available online at the Sustainable Conservation website at <http://www.suscon.org/pir/watersheds/SantaBarbaraMND.asp> as well as at the Cachuma Resource Conservation District and the Santa Barbara County Planning and Development offices. Notice of the availability of the Draft MND and the public review and comment period was sent to the State Clearinghouse, all interested agencies, all attendees of the public information meetings, and appropriate members of the County's Master Distribution List for environmental documents. Additionally, a display ad announcing the public review period and availability of the Draft MND was published in the Santa Maria Times.

During the public review and comment period, four comment letters were received. Although technically none of the letters directly commented on the MND, we are including them here for informational purposes. Additionally, a fifth comment letter was received from the County of Santa Barbara after the public comment period had closed. The letter showed a lack of understanding of, and support for, the Permit Coordination Program and the recommendation to remove the stream practices from the program would remove some of the most beneficial components of the project from the Permit Coordination Program. Consequently, the CRCD decided to move forward with the Permit Coordination Project without the County's involvement. Since the MND will be adopted without the County as an involved agency, and since the County's comments on the Draft MND were received after the close of the public comment period, the comment letter is not included in this document.

The following list identifies all of the comments received during the public review period along with a brief summary and a description of how they are addressed in this Appendix.

- 
- October 6, 2008 - Environmental Defense Center (EDC) - Technically received prior to release of Draft MND. Comments focus on details in the Project Description. However, after meeting with EDC representatives, a number of recommended changes to Project were adopted. Responses included.
  - October 8, 2008 – Native American Heritage Commission – Recommended actions already included in Project Description. No additional response necessary.
  - November 4, 2008 – California Regional Water Quality Control Board – Comments focus on implementation of Project. Responses included.
  - November 4, 2008 – South Coast Habitat Restoration – Letter of Support for Project. Support noted. No response necessary.

In addition to the changes made to the Project Description in response to the comments received, changes were also made after internal review of the document in an effort to clarify certain aspects of the Project. None of these changes result in any substantive change to the Project or to the potential for impacts arising from the Project. All changes are identified by underlining for new language and ~~cross-outs~~ for deleted language.



October 6, 2008

Thomas Lockhart  
Cachuma Resource Conservation District  
920 E. Stowell Rd.  
Santa Maria, CA 93454

**Re: Santa Barbara County Permit Coordination Program**

Dear Mr. Lockhart,

This letter is submitted by the Environmental Defense Center (EDC); EDC protects and enhances the environment through education, advocacy and legal action.

The following comments are designed to enhance the proposed Santa Barbara County Permit Coordination Program, maintain the public's important role in project review, identify additional mitigation conditions and a phased approach to Program implementation, and ensure Program compliance with CEQA. We appreciate the opportunity to submit these recommendations to you and hope they are valuable as you continue developing this proposal for permit coordination in Santa Barbara County.

**Summary of Recommendations:**

1. Include RCD public notification, public project review and public comment for Tier I – Tier IV Projects; add public hearings for Tier III and IV Projects;
2. Track cumulative Projects to avoid piecemeal implementation that allows Projects to fall within Program size limitations;
3. Include performance standards for deferred mitigation such as habitat restoration plans;
4. Consider a Phased Alternative initially implementing Practices with the primary purpose of habitat restoration;
5. Include all Projects in listed or special-status species habitat to be Tier IV; and
6. Incorporate / amend Additional Conditions and Size Limitations identified below.

**Process**

A programmatic approach to environmental review has the potential to reduce or eliminate opportunities for public involvement at the project-review level. Public

participation is an important element of the environmental review process needed to ensure environmentally informed decision-making at the project level. The proposed Program must ensure maximum public involvement. Public review would entail RCD notifying interested members of the community and project neighbors, hosting a site visit, accepting and addressing public comments and holding a hearing before approving larger i.e. Tier III and IV projects. Such a public process now occurs at the County level to provide members of the public, neighbors, groups, restoration specialists and in some cases Planning Commissioners with an opportunity to review and comment on each project's restoration plan, conditions of approval, and performance standards. The Program's goal to increase efficiency in permitting of restoration projects can be accomplished while maintaining the important project-specific public review process. Maintaining a project-specific public review including notification, comment period and - for larger projects - a public hearing will maximize identification of project impacts, as well as avoidance and mitigation opportunities.

### **Designing the Program to Avoid the Possibility of Piecemeal Developments**

The Program can include provisions to ensure that landowners do not piecemeal projects to avoid size limitations and project-specific review. Under CEQA, piecemeal review is prohibited. The proposed Program establishes a system wherein landowners can obtain the benefits of one-stop permitting if their projects fall below size criteria established in the Program for Practices. As written, there may be an incentive for landowners to piecemeal their projects and come back to RCD for permits for pieces of the same project sequentially in order to fall under the size limits.

To prevent this, the Program should include a provision for tracking landowners' Projects and Practices, and apply the Size Limitations to Practices on a cumulative basis. A systematic Monitoring Program must be described in the Program and ND, and undertaken by RCD in coordination with CDFG, the County and FWS to ensure project-specific and cumulative compliance with conditions and size limitations. Monitoring reports must be regularly sent to County and CDFG for specific monitoring duration e.g. 7 years. This way, RCD would have a system to monitor projects' compliance and to prevent piecemealed Projects that would be specifically designed to fall under the size limitations, thus escaping project-specific review and permitting needed for Projects which exceed the Size Limitations. Enforcement provisions, responsibilities, actions and RCD's capability to enforce conditions must also be clearly defined in the Program and ND to ensure impacts are effectively mitigated.

### **Possible Deferral of Mitigation Measures in Negative Declaration**

As described, the forthcoming ND may defer mitigation of impacts occurring in the form of habitat restoration. Under CEQA, mitigation measures may not be deferred without performance standards. See *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1st Dist. 1988). In this case, restoration plans for specific projects eligible for permitting under this program will be developed on a project-by-project basis. Such deferral is allowed under CEQA when performance standards are provided. Therefore, to

ensure that habitat restoration as a mitigation measure is not deferred improperly, the ND should include performance standards for habitat restoration and other mitigation measures that may be deferred without standards for success. Including performance standards such as percent cover, growth rates, acreage ratios, survival percentages, species diversity and target species use will provide the public and decision-makers a level of assurance that while deferred, the habitat restoration plans will be effective mitigation measures.

Revegetation efforts require use of plant materials from an “approved list.” The list should only include appropriate natives (i.e. local, native plant source materials) for native habitat restoration. Conditions must specify that plant material be collected locally e.g. within the same watershed / vicinity and at similar elevations as the project site to the maximum extent feasible to avoid or minimize the impact of diluting the genetic integrity of local native plant populations.

### **Consideration of Alternatives and a Phased Alternative Approach**

The program involves restoration work as well as other land and facility improvements in and near wetlands, streams, rivers, and endangered species habitats throughout much of the County. Much of the work involves Practices that are designed primarily to enhance these resources. Other Practices may have other primary objectives. Some Practices result in incidental short-term, and in some cases long-term, adverse impacts to biological and water resources. Constructing a rock revetment for 300 feet along a creek to control erosion, for example, has both positive and negative environmental impacts.

The success of this Program in facilitating restoration projects while minimizing incidental and long-term effects is important from an environmental and public policy perspective. Due to the potential for significant adverse environmental impacts and due to the Program’s significance from a public policy standpoint, the RCD’s ND should consider a range of alternatives. The range could merely include alternatives limited – or initially limited - to the proposed Practices more directly related to habitat improvements e.g. habitat restoration and migration barrier removal projects such as FOTG#s 395 and 643. Under a phased alternative, after five years the breadth of Practices could be reevaluated and possibly expanded to include Practices less directly related to habitat restoration.

## **SPECIFIC COMMENTS REGARDING PROPOSED PROGRAM PRACTICES**

### **Access Road Improvements**

#### *Additional Conditions*

Relocation of access road should be allowed where expressly designed to avoid significant habitats / buffers in addition to “watercourses,” and should be especially considered where existing roads are causing impacts (ie. erosion, habitat degradation) to

existing resources. In these cases, it may be appropriate to abandon and restore existing road and replace it with an appropriately sited alternative access road.

Improvements must not be allowed to increase the capacity of the access road because this may lead to growth-inducing impacts not analyzed in the ND. Specifically, widening roads or increasing their weight-bearing capacity may enable larger, heavier equipment further into habitat areas resulting in subsequent impacts. Therefore, road improvements must maintain, not increase, vehicle and use capacity, or the ND must analyze and otherwise mitigate the environmental impacts of permitting increased use of access roads.

#### *Size Limitations*

The Program should clearly describe use of average i.e. “Ave.” as a size limitation, and how “Ave.” relates to “Max.”

Four miles is the proposed Max limit for road improvements. The road length size limitation should be reduced to two miles for all projects occurring within culturally or biologically sensitive areas including but not limited to riparian areas, oak woodlands, native grasslands, and known habitat of any state or federally listed or special-status species.

#### **Diversion (Upland Flow Interceptors)**

##### *Additional Conditions*

Diversion of floodwaters back into channels may increase downstream flooding and bank erosion. When floodwaters spread out over floodplains and are not redirected or confined into waterways, downstream flooding and erosion are minimized. In order to ensure that downstream flooding and erosion impacts are avoided or mitigated, the Diversion Practice should be conditioned upon not changing flood flow dynamics e.g. not diverting flood waters from floodplains back into channels.

##### *Size Limitations*

Limitations on the size of Diversions should apply per project and not per Diversion feature.

There should be a height limit and slope limit e.g. 1 foot and 10% to minimize grading, erosion, visual, wildlife movement and other impacts.

## **Filter Strips and Grassed Waterway**

### *Additional Conditions*

Filter strips should never employ invasive exotic species because even in disturbed areas seeds will travel downstream from filter strips and may move offsite, causing indirect impacts to natural habitats. To ensure against this type of program-wide impact i.e. introduction of non-native plant species into offsite habitats and waterways, the approved plant list for filter strips should be limited to *native and/or sterile nonnative* species.

## **Irrigation and Tailwater Recovery**

Certain listed aquatic species have become adapted to and depend on tailwater and agricultural ditches. For instance Santa Barbara County Flood Control identified red-legged frogs in north county ditches supplied by ag tailwater. Reusing this water, while beneficial in some ways, may adversely affect these species by removing water from their habitats.

### *Additional Conditions*

Tailwater Diversions must not reduce the flow in downstream water ways or reduce water in wetlands supporting native aquatic vertebrate species.

Pumphouses should be located at least 100 feet from riparian vegetation or top-of-bank, whichever is further, to the maximum extent feasible to limit their impacts on habitats.

## **Pipelines**

### *Additional Conditions*

Pipelines diverting water from natural surface water sources shall only qualify if the diversion from the water source is permitted by CDFG and other resource agencies with approval jurisdiction e.g. FWS, NOAA.

## **Ponds**

### *Additional Conditions*

Water shall not be supplied from creek water diversions unless approved by CDFG, SWRCB Division of Water Rights and other resource agencies with jurisdiction.

## **Sediment Basins**

### *Additional Conditions*

Sediment Basins near watercourses shall be located at least 100 feet from the top-of-creek bank, river banks or the edge of riparian habitat, whichever is further, to the maximum extent feasible.

## **Underground Outlet**

### *Additional Conditions*

Outlets that empty into waterways result in erosion which may not be fully mitigated by energy dissipation structures. Dissipation structures are hard structures on creek banks which may result in habitat and erosion impacts. Outlets should be diversified on the landscape to avoid concentrating flows. Where conditions allow, to the maximum extent feasible, outlets should not be constructed on or near creek banks or watercourses.

## **Water Control Structures**

### *Additional Conditions*

The Program must specify what is meant by “Structures will not be installed where they could adversely impact wetlands or water-related wildlife.” Without definition and standards to guide this mitigation measure, there is no assurance it will mitigate impacts to special-status aquatic species and other aquatic resources to less than significant.

The Program must define “upland” and “stream” to provide limits on the use of this Practice in sensitive habitats.

This Practice should be limited to situations where the hydrological condition including Q-100 requires a culvert of no more than 12” diameter. This additional, measurable standard for the proposed Additional Conditions will ensure this Practice is limited to upland areas, will ensure this condition is not deferred without standards to protect water-related wildlife, etc., and will minimize biological and water-related impacts.

## **Channel Stabilization**

### *Additional Condition*

This Practice involves removing sediment, channel shaping and installing grade stabilizers in creek beds. To minimize riparian habitat impacts, no mature riparian vegetation i.e. >1” DBH should be removed by this Practice.

### *Size Limitations – Sediment Removal*

Since sediment removal is to respond to a sediment plug, 500 feet is sufficient as the Max Length.

If landowners return repeatedly for permits to desilt the same reaches of creeks, the Program must reject short-term repeat solutions. RCD must reject such ongoing repeat Projects from the Program, and/or help identify suitable long-term solutions.

As noted above, all size limitations must be cumulative so that landowners cannot piecemeal Projects.

### **Grade Stabilizers**

#### *Additional Conditions*

Grade stabilizers constructed below grade can become steelhead barriers in the future if the channel degrades. *Grade stabilizers should not be allowed in any steelhead stream, even at or below grade*, or should only be constructed in a manner that will pass migrating fish once the structure is exposed by channel degradation.

### **Limited Vegetation Removal to Minimize Erosion**

#### *Additional Conditions*

The first condition listed allows use of heavy equipment to remove cars, concrete, etc. when removal from top of bank is not possible. The determination as to feasibility of a mitigation measure must be made as part of the Program's ND findings, and should not be deferred. If the determination as to whether removal of specific objects is deferred to the future, standards should be set to guide that determination to minimize equipment in the creek. For instance, any heavy equipment in the creek under the Practice should only occur if removal by crane is not feasible. Any heavy equipment work in the creek under this Practice should be subject to project-specific CDFG approval.

Any vegetation removal should employ standard Integrated Pest Management (IPM) techniques, including the use of alternatives to traditional pesticides (i.e. glyphosate). If alternative approaches are deemed infeasible, best practices shall be implemented in order to prevent pesticide drift and/or contamination of habitat and other resources.

#### *Size Limitations*

The Program should set limits on the size of riparian vegetation that can be removed pursuant to the Program. To feasibly limit impacts to sensitive habitats and

species, riparian vegetation over 4" DBH should not be removed pursuant to this Program.

#### *Seasonal Limitation*

Riparian vegetation removal must be timed to avoid nesting season as directed by CDFG e.g. post August 1.

#### **Critical Area Planting**

The approved plant list should be circulated to stakeholders including EDC and CNPS, and modified to eliminate any potentially problematic non-native species.

When non-natives are used, they should be sterile strains.

Planting in culturally sensitive areas should be undertaken with consultation with appropriate Native Americans.

#### **Streambank Protection**

##### *Additional Conditions*

The Program should prioritize bio-engineered streambank protection projects with no rock protection where feasible over projects with toe rock protection.

Riparian vegetation incorporated into bank must be grown from local stock i.e. from plants in the watershed vicinity.

The Program proposes to limit Streambank Protection Projects using rock to a maximum of 300 linear feet. Projects using rocks should be limited to a maximum of 150 feet or should not be subject to the Program. The SB County Flood Control District's Final Programmatic EIR (2001) limits bank protection measures to 150 feet. Projects with greater lengths "should be implemented as stand alone flood control improvement projects subject to separate environmental review." (EIR at 4-4) Given this precedent, Streambank Protection Projects using rock protection in excess of 150 feet should be excluded from the Program and subject to project-specific review.

#### **Stream Crossing**

##### *Additional Conditions*

Fish-friendly designs should be preferred *and required*.

Bridges should be the preferred design.

To mitigate impacts to wildlife movement, only if span bridges are infeasible should lesser options be considered i.e. culverts.

*Size Limitations:*

To minimize the footprint over structures over creek habitats, there should be a Stream Crossing width limitation of 20 feet.

**Tiered Impact Decision Tool**

All Projects affecting “Listed species or critical habitat present” should be included in Tier IV to ensure mitigation of potentially significant impacts to the maximum extent feasible.

**CONCLUSION**

Thank you for your attention to this letter. I can be reached at 805.963.1622, if you should have questions or comment.

Sincerely,

Brian Trautwein  
Environmental Analyst

Page 1, Summary of Recommendations

1. *Public notification, project review and public hearings*

Since the County is no longer a participating agency, all projects requiring a County permit will need to go through the standard permitting process on a project-by-project basis. This process includes opportunities for public participation and input.

2. *Track projects to avoid piecemeal implementation*

Clarifying language added to Project Description, page 7

3. *Performance standards for habitat restoration (revegetation)*

Additional language added to Table 3, Protection Measures, page 36

Plants used will be from the Approved Plant list, Appendix A, Attachment 3

4. *Consider a phased alternative*

The primary purpose of all the conservation practices is to improve/restore degraded water quality and/or habitat. All of the participating regulatory agencies expect the practices to be implemented as needed under the Project guidelines, not using a phased approach. There are numerous safeguards built into the Project (including an evaluation mid-way through the first 5-year term and again after 5 years) to help ensure protection of sensitive resources throughout all stages of the Project, from planning and design through post-construction monitoring. Please refer to the project description for details.

5. *Place listed species and/or habitat in Tier IV*

Moving listed species or special status species habitat from Tier III to Tier IV would not provide additional protections for those species and habitat. Tier IV includes projects with a structural component (e.g. rock) that several of the participating agencies felt required additional Review and Notification conditions. Please refer to Table 3, Tier III for general protection measures for special status species.

6. *Incorporate changes/amend practices*

Access roads

*Relocation considerations:* Already included in practice description, see page 8.

*Improvements should not increase capacity of existing road:* Additional language added to practice description, page 8.

*Change max length from 4 to 2 miles:* These are existing access roads (previously disturbed). All appropriate planning tools will be used to avoid and minimize impacts to sensitive resources (see section on the NRCS Planning Process) and all terms and conditions in the FWS biological opinion will be followed, as will all applicable general protection measures (see Table 3). No change in maximum length made.

### Diversions

Any structures that re-directed flows are carefully designed to avoid and minimize potential for downstream flooding/erosion. This practice is not installed within the floodplain but on steep slopes managed for farming or grazing. Size limits for this practice are by default on a “per project” basis (maximum size of diversion = maximum size of diversion project). The height and slope limits recommended are not realistic, would result in far greater grading dimensions, and would essentially negate the purpose of the practice. There are no visual impacts or impacts to wildlife movement as a result of this practice (see practice description and picture of installed diversion, page 9).

### Filter strips and Grassed waterways

Seventeen non-native, non-invasive plant species are included in the Approved Plant List (Appendix A, Attachment 3) and may be used for these practices. These species are fast-establishing, non-persistent, non-invasive plants, and do not appear on CNPS’s Inventory of Invasive Plants (we deleted two species – rose clover and Zorro annual fescue – because they are on the list); therefore these species do not pose a threat to native ecosystems.

### Irrigation System and Tailwater Recovery

These basins will not be located in areas that could impact downstream wetlands (this is a requirement of the NRCS planning process). Additionally, it is likely that the basins themselves would provide habitat for red-legged frogs and other aquatic species.

*Placement of pumphouses:* Revised condition in practice description as recommended, page 12.

### Pipeline

As per the practice description, pipelines will not divert water from surface water.

### Ponds

As per the practice description, water will not be supplied from creek water.

### Sediment basin

Recommended language added to practice description, page 15.

### Underground outlet

Recommended language added to practice description, page 16.

### Structure for water control

This practice has been moved to the “stream-related” practice section (see Table 1, Practice 18). Additional conditions have been added (pages 27 and 28).

### Channel stabilization

Size classes of riparian vegetation allowed for removal or trimming is the same for all practices (see Table 3).

The maximum length for one-time sediment removal has been changed from 1,000 feet to 500 feet, as recommended (page 18).

Potential for “piecemealing” addressed through new language on page 7.

### Grade stabilization structures

Grade stabilization structures at or below grade are an important and approved method when needed to protect new crossings (e.g. bridges) in steelhead streams.

### Limited vegetation removal

Additional language has been added to the practice description to guide determination of use of heavy equipment in a channel, as recommended (page 20).

Additional language has been added to the protection measures regarding IPM techniques, as recommended (Table 3, page 40).

Size limits for riparian vegetation removal are included in the Project Description (see Table 3, Protection Measures).

Seasonal limitations are already included in the Project (see Table 3, Protection Measures).

### Critical Area Planting

Any non-native plants that may be used for this practice are non-invasive, non-persistent species (see response under Filter strips, above).

NRCS/CRCO will follow protocols established for protection of cultural resources, see project description.

### Stream bank Protection

The Project already includes prioritizing stream bank protection projects as recommended (see Table 3, Protection Measures).

Recommendation to incorporate plants grown from local stock has been added to the practice description (page 24).

The maximum length for rock proposed (500 linear feet), corresponds to the limits in the Corps of Engineers Nationwide Permit 13, for stream bank protection (i.e., the impacts are considered less than significant and do not require application of an individual permit). In addition, we do not believe that the 150-foot limit for Flood Control improvement projects sets the standard for all projects in the County. The projects to be implemented under this practice are not for the purpose of flood control, but for restoration of critically eroding banks to prevent/minimize the amount of sediment entering watercourses. Additionally, rock is used as a last resort and to protect adjacent infrastructure when bioengineered solutions are considered infeasible.

### Stream crossing

Fish friendly designs are required in steelhead streams. Bridges may not always be feasible due to cost, and other fish-friendly designs exist and will be approved on a case-by-case basis by jurisdictional agencies -- See practice description, Table 1.

Width requirements and limitations will be determined by the County on a case-by-case basis during the permitting process.

Recd. 10/14/08

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-4082  
 (916) 657-5390 - Fax



October 8, 2008

Tom Lockhart  
 Cachuma Resource Conservation District  
 920 E. Stowell Rd.  
 Santa Maria, CA 93454

RE: SCH#2008101027 Santa Barbara County Permit Coordination Program; Santa Barbara County.

Dear Mr. Lockhart:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

*Katy Sanchez*  
 Katy Sanchez  
 Program Analyst

CC: State Clearinghouse

**Native American Tribal Consultation List**  
County of Santa Barbara  
October 8, 2008

Santa Ynez Band of Mission Indians  
Robert Armenta, Chairperson  
P.O. Box 517 Chumash  
Santa Ynez, CA 93460  
armenta@santaynezchumash.org  
(805) 688-7997

Coastal Band of the Chumash Nation  
Janet Garcia, Chairperson  
P.O. Box 4464 Chumash  
Santa Barbara, CA 93140  
805-964-3447

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3.**



# California Regional Water Quality Control Board

## Central Coast Region

Linda S. Adams  
Agency Secretary

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401  
Phone (805) 549-3147 • FAX (805) 543-0397



Arnold Schwarzenegger  
Governor

November 4, 2008

Eva Turenchalk  
Turenchalk Planning Services  
231 Santa Barbara Shores Dr  
Goleta, Ca 93117

email: [eva@turenchalk.com](mailto:eva@turenchalk.com)

Dear Ms. Turenchalk,

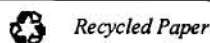
### **RE: INITIAL STUDY/DRAFT MITIGATED NEGATIVE DECLARATION, SANTA BARBARA COUNTY PERMIT COORDINATION PROGRAM**

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project proposes to develop a programmatic permit for a group of conservation and restoration projects on privately-owned, agriculturally zoned property in Santa Barbara County.

The Water Board supports the development and implementation of a coordinated permit process for Santa Barbara County. We support this effort financially and know there are environmental benefits to improved project implementation. We recognize the difficulties with this process and offer the following comments to improve implementation of the process:

- 1) During project design, Water Board staff encourages evaluation of watershed issues that may be impacting or are impacted by the proposed project.
- 2) Projects should seek to minimize disturbance and incorporate necessary actions into a project to achieve water quality and beneficial use protection and enhancement.
- 3) Project designs should consider long term maintenance concerns and improve project design/implementation to minimize maintenance.
- 4) Practices that require routine entry into riparian areas or water courses should be a component of a larger project, that when implemented, will reduce/eliminate the need for routine entry into riparian areas or water courses.
- 5) To support public review of the process, Water Board staff shall post all Tier 2 and above projects proposed for implementation on the Water Board web page for the required 21-day notice period. ([http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/401wqcert/index.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/401wqcert/index.shtml)). This will allow direct comment to the Water Board regarding all proposed projects.
- 6) To support public review of the process, Water Board staff shall post the permit coordination Annual Report.

*California Environmental Protection Agency*



- 7) Limited review of other permit coordination efforts shows increased project implementation when compared to areas that do not have permit coordination efforts.

Again, the Water Board supports the development and implementation of a coordinated permit process for Santa Barbara County. Accelerated implementation of projects that protect and/or enhance water quality and associated beneficial uses is consistent with our mission.

If you have questions, please contact Dominic Roques at (805) 542-4780 or Matt Thompson at (805) 549-3159.

Sincerely,



for Roger W. Briggs  
Executive Officer

S:\CEQA\Comment Letters\Santa Barbara County\SB Co Permit Coordination Pgm.doc



Response to California Regional Water Quality Control Board Comments of November 4<sup>th</sup>

Items 1-4 – These elements are already included in the Project Description

Items 5-6 – Proposed public review measures noted

Item 7 – Comment regarding increased implementation of beneficial projects in areas with permit coordination programs noted

## Eva Turenchalk

---

**From:** Mauricio Gomez [mgomez@schabitatrestoration.org]  
**Sent:** Tuesday, November 04, 2008 1:08 PM  
**To:** Eva Turenchalk  
**Subject:** Comment - Permit Coordination Program

November 4, 2008

Turenchalk Planning Services  
231 Santa Barbara Shores Dr  
Goleta, Ca 93117

Subject: Support of Permit Coordination Program

Dear Mrs. Turenchalk,

On behalf of South Coast Habitat Restoration (SCHR), I would like to express my support for the permit coordination program which Sustainable Conservation is working on with the Natural Resources Conservation Service and the Cachuma Resource Conservation District. SCHR is a project of the non-profit Earth Island Institute, working on habitat restoration projects in the Santa Barbara and Ventura region. SCHR works primarily with private property owners to implement voluntary restoration projects which benefit the environment. The permit coordination program would allow for SCHR to be more effective and effective at implementing beneficial projects. Currently SCHR has been working towards obtaining permits from multiple agencies. This is a very slow process which is also very costly. The permit coordination effort would decrease the overall cost of projects as well as make them more competitive for grant funding from various state, federal and other grant sources.

Once again, SCHR is supportive of this program and looks forward toward its completion in order to begin implementing projects.

Should you have any questions or comments regarding the above, please feel free to contact me at your convenience.

Sincerely,

Mauricio Gomez  
Director – South Coast Habitat Restoration  
PO Box 335  
Carpinteria. CA 93014

805-729-8787

[mgomez@schabitatrestoration.org](mailto:mgomez@schabitatrestoration.org)