**STAFF REPORT**

# C71

A 35 10/19/17
W 27134
S 19 R. Collins

## GENERAL LEASE – PUBLIC AGENCY USE

**APPLICANT:**

Santa Barbara County Flood Control District

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Davis Creek in the Burton Mesa Ecological Reserve, near Vandenberg Village, Santa Barbara County.

*AUTHORIZED USE:*

Removal of obstructive vegetation and sediment.

*LEASE TERM:*

3 years, beginning October 19, 2017.

*CONSIDERATION:*

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

*SPECIFIC LEASE PROVISIONS:*

Lessee shall coordinate with the California Department of Fish and Wildlife (CDFW), as Lessee under Commission Lease No. PRC 8129 for management of the Burton Mesa Ecological Reserve, to ensure that no activities conducted within Davis Creek will impact CDFW's lease management responsibilities. In addition, Lessee shall implement the following conditions:

1. All chipped material and sediment removed from Davis Creek shall be deposited directly into trucks and disposed of off-site.

2. Within 4 weeks of commencement of maintenance activities Applicant shall prepare a restoration plan in consultation with CDFW and submit the plan to Commission staff for review and approval.

3. Restoration for impacts shall be implemented on Davis Creek or within the Burton Mesa Ecological Reserve at a site designated by the CDFW.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

The Burton Mesa Ecological Reserve (Reserve) consists of 5,300 acres located north of Lompoc in Santa Barbara County and is held as sovereign land under the jurisdiction of the Commission. The Reserve supports one of the last significant natural stands of Burton Mesa Chaparral on the central coast. The land in the Reserve was acquired by the State in a series of transactions: 5,125 acres from Union Oil Company of California (UNOCAL) in 1991; 60 acres from UNOCAL in 1995; 47 acres from Santa Barbara County in 1998; and 68 acres from the California Department of Parks and Recreation in 2008. The Reserve is currently leased to the CDFW for management, operation, and maintenance.

The Santa Barbara County Flood Control District has applied for a General Lease – Public Agency Use for removal of obstructive vegetation and sediment in Davis Creek within the Reserve. The portion of Davis Creek that requires maintenance is located north of State Highway 1 adjacent to Vandenberg Village. Davis Creek is a small drainage creek that flows through the Reserve and is a tributary to the Santa Ynez River. Urban development and agriculture downstream from Highway 1 has altered the drainage so it no longer flows all the way to the Santa Ynez River.

Vandenberg Village Community Services District (District) operates water wells, water storage tanks, and a water treatment facility adjacent to Davis Creek. The District provides approximately 2,000 acre-feet per year of potable water to 7,000 residents in the Vandenberg Village Community. The portion of Davis Creek proposed for maintenance is bordered along the east by a road providing the only approved access to the District's facilities. The District maintains three water pipelines located within the bank of the creek and the access road.

Over many years, overhanging vegetation, downed and standing dead trees, and obstructive vegetation in the channel bottom have resulted in

the blockage of the drainage and accumulation of sediment to a point where creek capacity no longer exists or is greatly compromised. During heavy rainfall events, stream flows overtop the channel at several locations, flooding the District's access road, and completely blocking access to the water treatment facility and water well site. In 1989, Davis Creek overflowed its banks and severely eroded the shoulder of the access road. In March 1995, severe flooding not only eroded the access road shoulder, but under-cut the entire paved road, broke the water pipeline, and required immediate emergency repairs. In February 2017, prolonged rainfall contributed to storm water flows that overtopped the creek banks and prevented access to the water treatment plant.

The proposed maintenance project would occur along approximately 1,900 linear feet of the creek channel and is designed to minimize impacts to the corridor. Removal of live and dead obstructive vegetation and the desilting of portions of the channel will provide enough blockage relief to allow the creek to flow more freely and flush some of the accumulated sediment out naturally. Removal of portions of the accumulated sediment will restore the creek channel flow capacity and re-establish pool/wetland habitat that has been eliminated by the filled-in channel.

The proposed work is expected to be completed before winter rains commence. All work will be accomplished from the top of the creek bank using an excavator or Gradall working through existing windows within the willow corridor to desilt portions of the channel to achieve an approximately 10-foot-wide channel. Overhanging willow limbs, dead standing trees and downed trees will be cut and removed from the channel. All cut vegetation will be removed from the creek and chipped. All chipped vegetation and sediment will be deposited directly into trucks and disposed of off-site.

New temporal impacts to native vegetation are estimated to require 6,000 square feet of restoration. Restoration for impacts would be implemented on Davis Creek or within the Burton Mesa Ecological Reserve at a site designated by the CDFW.

The creek maintenance project is intended to improve the flow of Davis Creek to protect the District's existing water pipelines, provide continuous access to treatment facilities during heavy rainfall events, and to prevent the flow of storm water across State Highway 1. Beneficial impacts of the proposed maintenance are increased habitat diversity and reestablishment of pools within the stream corridor with the removal of accumulated sediment.

The lease includes certain provisions protecting the lease area by requiring the Lessee to obtain all necessary permits. The lease requires the Lessee to conduct all construction and maintenance work safely and indemnify the Commission in the event of any liability resulting from the proposed action. The lease also has a 3-year term, which allows the Commission flexibility to review the lease premises and activities to determine if the Public Trust needs of the area have changed over time.

**Climate Change:**

The project area is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

Maintenance of Davis Creek, proposed by the lease, should reduce the likelihood of severe flooding conditions. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

**Conclusion:**

For all the reasons above, staff believes the proposed lease is not inconsistent with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. A Programmatic Environmental Impact Report (PEIR) for the Santa Barbara County Flood Control District's (District's) Updated Routine Maintenance Program, State Clearinghouse No. 2001031043, was prepared by the District and certified on December 11, 2001. A project-specific Addendum to the PEIR was included in the 2017-2018 Annual

Routine Maintenance Plan, which was approved by the District on July 11, 2017. Staff has reviewed these documents and the mitigation measures prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

**APPROVALS OBTAINED:**

U.S. Fish and Wildlife Service
U.S. National Marine Fisheries Service
U.S. Army Corps of Engineers
Regional Water Quality Control Board
Santa Barbara County

**FURTHER APPROVALS REQUIRED:**

California Department of Fish and Wildlife (Streambed Alteration Agreement)

**EXHIBITS:**

A. Land Description
B. Site and Location Map
C. Mitigation Monitoring Program
D. Findings

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

1. Find that a PEIR for an Updated Routine Maintenance Program, State Clearinghouse No. 2001031043, was prepared by the District

and certified on December 11, 2001, and that a project-specific Addendum to the PEIR was included in the 2017-2018 Annual Routine Maintenance Plan, approved by the District on July 11, 2017.

2. Find that the Commission has reviewed and considered the information contained in the previously certified PEIR and Addendum; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

3. Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

4. Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

5. Determine that the Project, as approved, will not have a significant effect on the environment.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to Santa Barbara County Flood Control District beginning October 19, 2017, for a term of 3 years, for removal of obstructive vegetation and sediment from Davis Creek as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

**EXHIBIT A**

**W 27134**

**LAND DESCRIPTION**

A 50 feet wide strip of State owned sovereign land, situated within the Davis Creek in Rancho Mission La Purisima, as shown on the Rancho Plat approved October 12, 1882, Santa Barbara County, State of California, also being within the land that was conveyed to the State of California by the Union Oil Company as described in Corporation Grant Deed recorded on June 20, 1991 in Instrument No. 91-038941, Official Records of said County, lying 25 feet on the each side of the following described centerline:

COMMENCING at a NGS monument PID "DZ1798" (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 2073848.31 feet, Easting (x) = 5821303.83 feet which bears North 74° 33′ 08" East, 4348.03 feet from a NGS monument PID "DZ1807" (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 2072690.16 feet, Easting (x) = 5817112.88 feet; thence North 09° 33′ 28" East 8968.33 feet to the POINT OF BEGINNING; thence along the following five (5) courses:

1. North 12° 03′ 19" East 254.36 feet;
2. North 17° 57′ 39" East 527.33 feet;
3. North 10° 12′ 15" East 327.35 feet;
4. North 15° 40′ 13" East 342.14 feet;
5. North 22° 10′ 08" East 383.82 feet to the TERMINUS of said centerline.

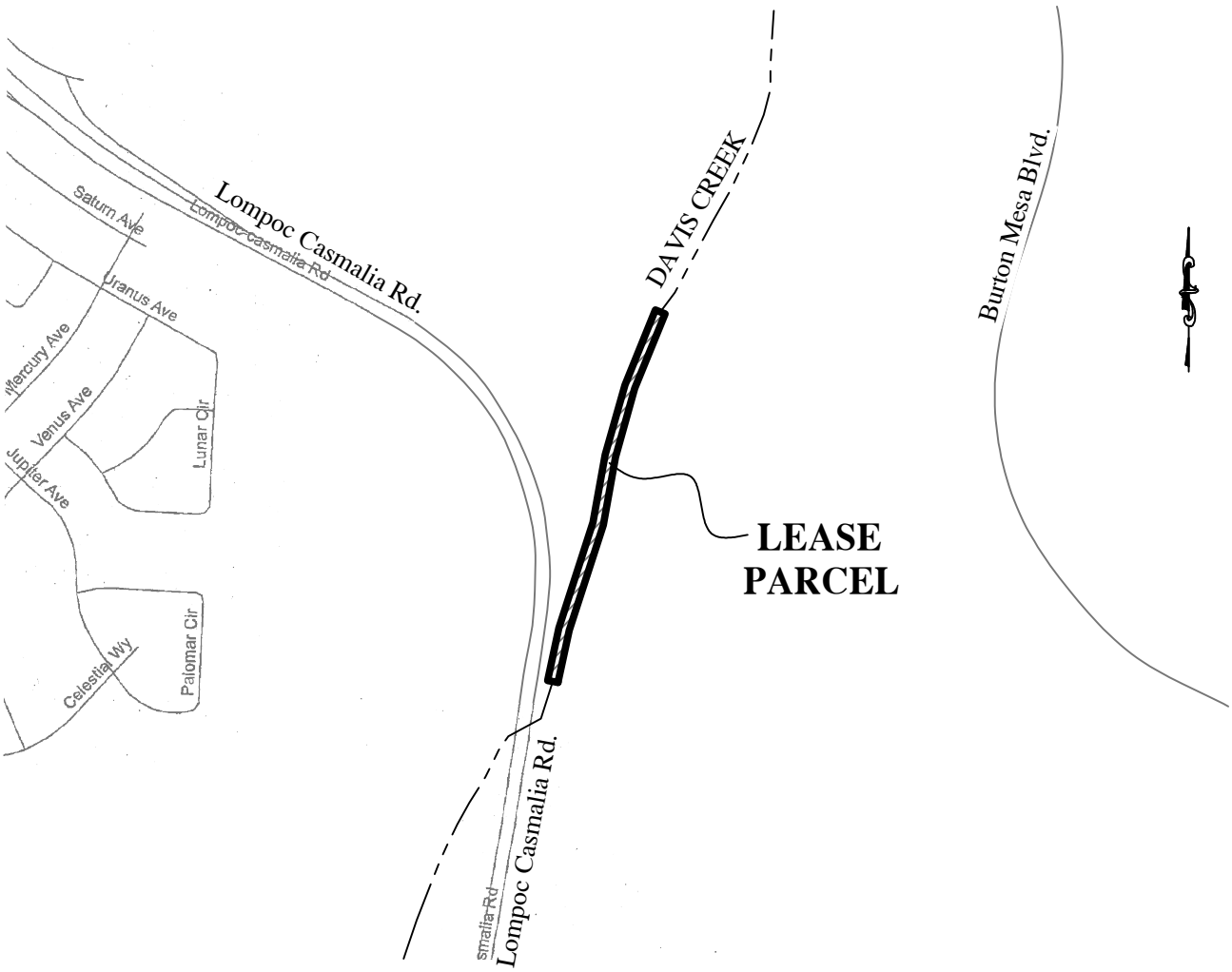
The sidelines of said strip to be extended or shortened so as to begin and terminate at a line perpendicular to the beginning and terminus of said centerline.

**END OF DESCRIPTION**

Prepared 09/19/17 by the California State Lands Commission Boundary Unit

NO SCALE

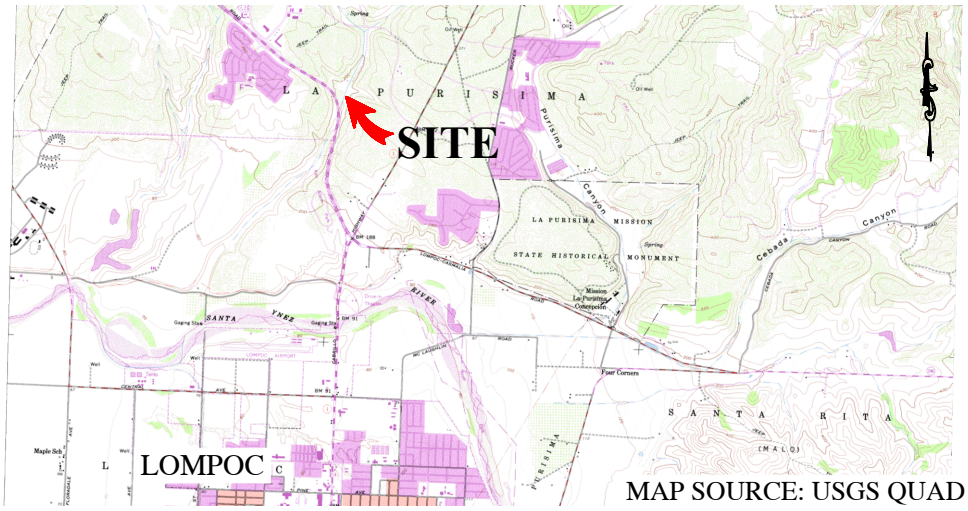
## SITE




DAVIS CREEK IN BURTON MESA ECOLOGICAL RESERVE

NO SCALE

## LOCATION




MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

# Exhibit B

W 27134
SANTA BARBARA FLOOD CONTROL DISTRICT
APN 097-371-049
GENERAL LEASE - PUBLIC AGENCY USE
SANTA BARBARA COUNTY


TS 09/19/17

# EXHIBIT C
## CALIFORNIA STATE LANDS COMMISSION
## MITIGATION MONITORING PROGRAM

## DAVIS CREEK ROUTINE MAINTENANCE PROJECT
(W27134, State Clearinghouse No. 2001031043)

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Davis Creek Routine Maintenance Project (Project). The CEQA lead agency for the Project is the Santa Barbara County Flood Control and Water Conservation District.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:[1]

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has certified an EIR (Updated Program EIR for Santa Barbara County Flood Control Routine Maintenance Activities), State Clearinghouse No. 2001031043, and an Addendum to that EIR for the Project; has adopted mitigation measures for the Project (see Table C-1); and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are <u>underlined</u>; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

[1] The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

## Table C-1. Project Impacts and Applicable Mitigation Measures

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| **Air Quality** | | | |
| **AQ-A. Equipment Emissions** | **A-1 – Reduce Emissions.** Implement the following Santa Barbara County APCD-approved measures for each piece of heavy-duty diesel construction equipment to minimize NOx, ROC, or particulate matter emissions: (1) The engine size of construction equipment shall be the minimum practical size; (2) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) should be utilized wherever feasible; (3) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time; (4) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines; (5) Catalytic converters shall be installed on gasoline powered equipment, if feasible; (6) Diesel catalytic converters shall be installed, if available; and (7) Diesel powered equipment should be replaced by electrical equipment, whenever feasible. | District personnel will conduct and/or oversee the maintenance work, and ensure that the measures are being implemented, as feasible. | A summary of maintenance work, including a statement on compliance with the above measures, will be documented in the annual post maintenance report. |
| **Fish Aquatic Species and Wildlife** | | | |
| **FAW-A. Displace Wildlife due to Vegetation Removal in the Channel Bottom** | **B-1 – Compensatory Habitat Mitigation.** The District shall provide compensatory habitat mitigation for the removal of riparian and wetland habitat associated with brushing, herbicide spraying, channel shaping, bank stabilization by placing fill or grading banks, pilot channel construction, bank protection installation, access ramp construction, and channel desilting. The mitigation shall be required for all vegetated habitat, with the exception of areas dominated by aggressive, noxious non-native weeds (e.g., giant reed). The restoration treatment shall occur either on-site (i.e., along suitable portions of the drainage and its tributaries where the project is located) or off-site (Los Carneros Mitigation Bank) in accordance with the updated restoration plan described in the updated Program EIR, using a 1:1 acreage | The District staff will determine the need and scope of compensatory habitat mitigation as part of the development of the Annual Maintenance Plan each spring. Subsequent to the maintenance work, the District Biologist will implement the restoration work, including site preparation and planting. If off-site mitigation is used, | The determination of the habitat mitigation needs and approach will be documented in the Annual Maintenance Plan. The success of habitat restoration will be documented in the District's annual restoration status report. |

[2] Mitigation Measures were identified in the 2017 *Davis Creek Routine Maintenance Addendum to the Program EIR for Santa Barbara County Flood Control Routine Maintenance*. Monitoring & Timing and Reporting text was taken from the 2001 *Updated Program EIR for Santa Barbara County Flood Control Routine Maintenance Activities*.

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| | replacement ratio. A 2:1 ratio shall be used for impacts due to new grade stabilizers and non-vegetated bank protection, as described in the updated Program EIR. Prior to the use of the Los Carneros Mitigation Bank, the District shall consult with other organizations with expertise in habitat restoration (e.g., Wetlands Recovery Project) to determine if they have any knowledge of any on-site opportunities. Mitigation for specific affected areas shall only occur once during the next ten years of the maintenance program. That is, once habitat mitigation has been achieved for a portion of a drainage, no further mitigation is required for future maintenance of that reach or site over the next ten years regardless of the type of maintenance activity, provided the previous habitat mitigation has been successfully implemented, and the District continues to minimize habitat impacts to the extent feasible. After ten years, the habitat mitigation requirement shall begin again, regardless of previous habitat mitigation. Native trees with a diameter at breast height of 6 inches or more that are removed shall be replaced at a 10:1 ratio at the restoration site, independent of the replacement of habitat based on acreage. To the extent feasible, habitat restoration opportunities shall be sought on the tops of banks and landward of the creek that could provide a bio-filtering benefit for overland stormwater runoff. In addition, the District will seek opportunities to use regionally rare plants in the restoration plans, as feasible. | the District will acquire habitat credits at the Los Carneros Mitigation Bank in accordance with the process approved by regulatory agencies. | |
| | **B-2 – Minimize Vegetation Removal from Channel Bottom.** The District shall minimize vegetation removal from the channel bottom to the least amount necessary to achieve the specific maintenance objectives for the reach (i.e., removing obstructive vegetation or silt-trapping vegetation). Brushing and herbicide application for vegetation control on the channel bottom shall be conducted in a non-continuous, mosaic-like manner, to the extent feasible, allowing small patches of in-channel native vegetation to persist. | The District staff will determine the minimal amount of vegetation to be removed as part of the development of the Annual Maintenance Plan each season. District personnel will conduct and/or oversee the maintenance work, and ensure that the vegetation removal occurs as intended under this measure. | The area of vegetation to be removed will be documented in the Annual Maintenance Plan. A summary of the actual work conducted will be documented in the annual post maintenance report. |

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| | **B-3 – Construction Monitoring During Maintenance Activities.** The District Biologist shall monitor maintenance activities daily to ensure that the appropriate methods and limits are used. Results of the monitoring shall be documented in the annual post-maintenance report. These activities include brushing, herbicide application, channel shaping, desilting, bank stabilization by placing fill or grading banks, bank protection construction or repair, grade stabilizer construction or repair, pilot channel construction, and access ramp construction. | The District Biologist will conduct daily inspections of the maintenance work. | A summary of the maintenance work based on monitoring by the District staff will be described in the annual post maintenance report. |
| | **B-5 – Pre-Construction Biological Surveys and Avoidance Measures.** A District biologist shall inspect all maintenance areas in creeks and basins during the annual spring field assessments (April and May) to determine if any sensitive plants, fish, or wildlife species are present, or habitats for these species are present. If the species are present, the District shall modify maintenance activities to avoid removal or substantial disturbance of the key habitat areas or features. Avoidance and impact minimization measures shall be described in the Annual Plan for each maintenance project. If a rare plant could be affected, the District shall relocate the plant by cultivation or seeding methods to a suitable nearby site. If a sensitive fish or wildlife species will be present at a maintenance site during the work period, the District shall schedule the work to avoid the species, if possible. If avoidance is not feasible, the District shall attempt to relocate the species or population with approval from the California Department of Fish and Game, US Fish and Wildlife Service or National Marine Fisheries Service, as appropriate. This measure applies to all currently known sensitive species that occur in maintained drainages and basins, as well as species that are determined to be sensitive in the future. Endangered species experts with handling permits shall be consulted during relocation efforts to provide additional assurances that relocation is effective. Such consultation shall include assistance in field efforts, as warranted. | The District staff will document occurrences of sensitive species in or near the work areas in the Annual Maintenance Plan. Avoidance and impact minimization measures will also be specified. District staff will monitor the avoidance as part of the maintenance work. | A summary of the maintenance work and compliance with the avoidance measures will be documented in the annual post maintenance report. |
| | **B-6 – Construction Monitoring for Sensitive Species.** The District Biologist shall monitor, on a daily basis, earth and vegetation disturbing maintenance activities located at and adjacent to locations where sensitive species are known to occur. The need for monitoring and the areas to be monitored | The District Biologist will monitor maintenance work near sensitive species locations. | A summary of the maintenance work and associated monitoring will be documented in the |

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| | shall be determined during the annual field assessment in the spring. The objective of the monitoring is to ensure that key habitat features or species locations are avoided. | | annual post maintenance report. |
| **FAW-B. Adverse Effects of Maintenance on Aquatic Habitat** | **H-1 – Maintenance Need Analysis**. The District shall evaluate relevant hydraulic factors when determining the need, type, and extent of channel maintenance for non-exempt watercourses where natural geomorphic processes are largely intact. Key factors that shall be included in the evaluation include: (1) hydraulic benefits of maintaining the bankful channel (if present) dimensions, natural sinuosity, and natural channel bed roughness; and (2) potential adverse hydraulic effects of excessive brushing, channel shaping, equipment activity in the channel, and bank hardening. Hydraulic principles of creating and maintaining channel stability and sediment transport equilibrium shall be applied, if applicable. The analyses and determinations relevant to this issue shall be documented in the Annual Plan. Clear maintenance objectives with attainable benefits for the protection of life, property, and habitat shall be established for each project and presented in the Annual Plan. A primary objective of this measure is to minimize maintenance activities to the extent feasible, consistent with District's program objectives. | The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. | The need analysis will be documented in the Annual Maintenance Plan. A summary of the maintenance work conducted will be documented in the annual post maintenance report. |
| | **B-1 – Compensatory Habitat Mitigation** (see above). | | |
| | **B-2 – Minimize Vegetation Removal from Channel Bottom** (see above). | | |
| **FAW-I. Effects of Sediments and Turbidity on Aquatic Organisms** | **W-1 – Reduce Sedimentation.** The District shall minimize the amount of surface disturbance and vegetation removal to the extent feasible during all maintenance activities in order to reduce the area of disturbed soils that could be eroded during winter runoff. No stockpiles or dewatering operations shall be established in the channel bed or basin bottom. All fill shall be compacted to reduce erosion. All disturbed banks and terraces above the low flow channel shall be seeded with appropriate riparian grasses and herbs and/or planted with willows, mulefat, or other woody plant species. The objectives of the seeding and/or planting are to stabilize these areas and reduce erosion. The selection of species to be used and the density of seeding or planting shall balance the need for maintaining channel capacity while meeting these objectives. If work must occur in a wetted | The District staff will conduct and/or oversee the maintenance work, and ensure that the impact area is minimized, filled areas are compacted, appropriate seeding is implemented, and sediment containment occurs. | A summary of the maintenance work will be documented in the annual post maintenance report. The success of seeding will be documented in subsequent annual surveys. |

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| | channel that has continuous flow downstream of the work site, the District shall either temporarily divert streamflow around the work site, or provide temporary sediment containment downstream of the site. In addition, the District shall check silt fencing, diversions, and settling ponds twice a day. | | |
| **Hydrology** | | | |
| **H-A. Preventing a Build-up of Channel Resistance May Increase Velocities** | **H-1 – Maintenance Need Analysis** (see above). | | |
| | **H-4 – Pilot Channel Construction.** If it is necessary to construct a pilot channel or substantially modify an existing low flow channel, the District shall attempt to maintain the low flow channel length, width, slope, substrate, and sinuosity that are characteristic of the project reach, as determined by field observations of undisturbed low flow channels upstream and downstream of the project reach. | The District staff will conduct and/or oversee the maintenance work, and ensure that the pilot channel construction is consistent with the measure. | A summary of the maintenance work will be documented in the annual post maintenance report. |
| **H-D. Effect of Equipment on Channel Bed** | **H-1 – Maintenance Need Analysis** (see above). | | |
| **H-E. Impact of Removing Channel Obstructions (Excessive Desilting)** | **H-1 – Maintenance Need Analysis** (see above). | | |
| | **H-2 – Extent of Desilting.** The depth of channel desilting shall not cause bank undercutting or channel headcutting. The District shall make a field determination of the maximum depth of desilting based on channel capacity objectives, an evaluation of channel invert elevation and slope through the project reach, and a consideration of the maximum allowable bank length and slope that would cause bank instability. To the extent feasible, banks and bank vegetation shall not be disturbed or reconstructed during desilting to avoid destabilizing the banks. | The District staff will complete the analysis specified in the measure as part of the development of the Annual Maintenance Plan each spring. District personnel will conduct and/or oversee the maintenance work, and ensure that the results of the analysis are implemented. | The planned extent of desilting will be documented in the Annual Maintenance Plan. A summary of the desilting work conducted will be documented in the annual post maintenance report. |
| | **H-3 –Post Desilting Restoration.** After desilting, the District shall restore the channel geometry at the desilting site to a more natural state, as feasible, based on the channel shape, dimension, and slope upstream and downstream of the project site. The channel geometry shall be designed to enhance post-maintenance sediment transport through the desilted reach. If banks are disturbed during desilting, they should be set at a slope that matches existing undisturbed banks and stabilized, to the extent feasible and taking into account available right of way. | The District staff will conduct and/or oversee the maintenance work, and ensure that the measure is implemented. | A summary of the desilting restoration will be documented in the annual post maintenance report. |

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| **Water Quality** | | | |
| **WQ-A. Potentially Reduce the Amount of Natural Bio-filtering** | **H-1 – Maintenance Need Analysis** (see above).<br><br>**B-2 – Minimize Vegetation Removal from Channel Bottom** (see above).<br><br>**W-3 – Maintain Bio-filtering by Reseeding Channel Bottom Areas.** To the extent feasible and consistent with the maintenance objectives, the District shall avoid removal of emergent herbaceous wetland vegetation on the channel bottom that is rooted in or adjacent to the low flow channel or a pond. This same type of vegetation shall be protected, to the extent feasible, during the removal of taller obstructive woody vegetation on the channel bottom. In addition, the District shall re-seed desilted channel areas that formerly contained emergent vegetation, provided that suitable native seeds from plants that provide biofiltration are available and that the new vegetation will not significantly affect channel conveyance or significantly increase the need for future maintenance. Seeding shall occur after the major winter runoff has occurred and stream flows have receded to prevent loss of seeds. | The District staff will conduct and/or oversee the maintenance work, and identify areas to be seeded pursuant to this measure. Areas to be seeded will be identified in the Annual Maintenance Plan. | A summary of the maintenance work will be documented in the annual post maintenance report. |
| **WQ-C. Accidental Spills and Leaks** | **W-4 – Prevent Accidental Spills and Leaks.** The mixing and dispensing of herbicides and equipment fueling or maintenance shall not occur within a channel or a basin. Spill containment and clean-up procedures for herbicides and vehicle fuels and oils shall be developed by the District. All field personnel shall be trained and all field vehicles shall be equipped with appropriate materials. | The District staff will conduct and/or oversee the maintenance work, and ensure that the appropriate spill avoidance and containment procedures are implemented. | Accidental spills or leaks, and the associated clean up, will be documented in the annual post maintenance report. |
| **WQ-D. Temporary Sedimentation and Turbidity** | **W-1 – Reduce Sedimentation** (see above). | | |
| **Wetland, Riparian Habitat and Rare Plants** | | | |
| **WRR-A. Reduce Amount and Quality of Channel Bottom Habitat** | **B-1 – Compensatory Habitat Mitigation** (see above).<br><br>**B-2 – Minimize Vegetation Removal from Channel Bottom** (see above).<br><br>**B-3 – Construction Monitoring During Maintenance Activities** (see above). | | |

| Potential Impact | Mitigation Measures[2] | Monitoring & Timing | Reporting |
|---|---|---|---|
| **WRR-C. Access Ramp Habitat Impacts** | **B-1 – Compensatory Habitat Mitigation** (see above). | | |
| **WRR-D. Temporary Habitat Disturbance** | **B-4 – Restore Temporarily Disturbed Areas.** The District shall restore channel banks containing riparian or wetland vegetation that are temporarily disturbed by maintenance or construction activities associated with the following: channel shaping, placement of bank protection, ramp construction, and repair or construction of bank protection and grade stabilizers. Restoration objectives, methods, plant species, maintenance, and monitoring shall follow the guidelines in the updated restoration plan described in the Program EIR. The restoration of channel bed habitats shall only occur if it would not conflict with the maintenance needs in the affected reach. | A description of the proposed maintenance work, and the need for, and scope of, post-maintenance restoration of temporarily disturbed areas will be included in the Annual Maintenance Plan. The District staff will conduct and/or oversee the maintenance work and subsequent restoration. | A summary of the maintenance and restoration work will be documented in the annual post maintenance report. |
| **Cultural Resources** | | | |
| **CR-A. Disturb Cultural Resources** | **C-1 – Unexpected Archeological Finds.** If cultural materials are unexpectedly uncovered during maintenance activities, the District shall immediately consult with a qualified archeologist who shall inspect the material and coordinate with the District to halt or redirect earth-disturbing maintenance work until the significance of the material is determined, and the location is cleared for further work.<br><br><u>California State Lands Commission staff shall be notified of any important cultural resources or paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of archaeological and historical resources and paleontological specimens from such lands must be approved by the Commission.</u> | District personnel will conduct and/or oversee the maintenance work. They will address any cultural resource issue that occurs unexpectedly in the field. | A summary of maintenance work, including a description of any measures taken to avoid cultural resources, will be documented in the annual post maintenance report. |

# EXHIBIT D – DAVIS CREEK ROUTINE MAINTENANCE PROJECT

## CALIFORNIA STATE LANDS COMMISSION
## STATEMENT OF FINDINGS

## 1.0 INTRODUCTION

The California State Lands Commission (Commission), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use, to Santa Barbara County Flood Control District (District), for use of sovereign land associated with the proposed Davis Creek Routine Maintenance Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward. The District, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The District analyzed the environmental impacts associated specifically with the Project in an Addendum to a Final Programmatic Environmental Impact Report (PEIR) (State Clearinghouse [SCH] No. 2001031043). The District certified the PEIR in December 2001 and adopted Mitigation Measures and Findings. The Addendum to the PEIR was included in the 2017-2018 Annual Routine Maintenance Plan, which was approved by the District on July 11, 2017.

Maintenance along Davis Creek would be implemented to minimize impacts to the corridor. Removal of live and dead obstructive vegetation, along with desilting portions of the corridor, is expected to provide enough blockage relief to allow the creek to flow more freely and flush some of the accumulated sediment out naturally. The Addendum to the PEIR determined that the Project could have significant environmental effects on the following environmental resources:

- Air Quality
- Fish, Aquatic Species, and Wildlife
- Hydrology
- Water Quality
- Wetland, Riparian Habitat, and Rare Plants

[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

Of the five resources areas noted above, Project components within the Commission's jurisdiction (i.e., removal of vegetation, dredging) could have significant environmental effects on all of these resource areas.

In certifying the Final PEIR and approving the Project-specific Addendum, the District imposed various mitigation measures for Project-related significant environmental effects as conditions of Project approval. The District concluded that these mitigation measures would reduce all Project-related impacts to a less than significant level.

As a responsible agency, the Commission complies with CEQA by considering the PEIR and Addendum and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

## 2.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the PEIR certified by the District, and the approved Addendum, for the Project identify potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.)

While the Commission must consider the environmental impacts of the Project as set forth in the PEIR and Addendum, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General Lease – Public Agency Use for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the PEIR and Addendum fully comply with CEQA.

According to the Addendum, impacts identified for the Project were taken directly from the PEIR; however, only the impacts that apply to the Project were included. Additionally, the Addendum states the following:

*Some of the impacts listed below are considered Class I (unavoidable significant) under the worst-case scenario assumptions of the Program EIR. However, due to the limited scope of this project and the current state of the creek this project would not be considered a worst-case scenario. Therefore the impacts identified below are considered Class II [less than significant with mitigation].*

The Commission has reviewed and considered the information contained in the Project Addendum together with the PEIR. All significant adverse impacts of the Project identified in the Addendum relating to the Commission's approval of a General Lease – Public Agency Use, which would allow maintenance activities, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

(1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Finding (3) is not applicable to the Commission's approval of this Project. Accordingly, the Commission does not need to adopt a statement of overriding considerations for the Project.

These Findings are supported by substantial evidence contained in the PEIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The mitigation measures are briefly described in

[2] See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

these Findings; more detail on the mitigation measures is included in the Project Addendum.

The Commission is the custodian of the record of proceedings upon which its decision is based. The location of the Commission's record of proceedings is in the Sacramento office of the Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

## A. SUMMARY OF FINDINGS

The following environmental resource areas were discussed in the PEIR; however, as stated above, only the impacts that apply to the Project were included in the Project Addendum. Therefore, impacts to these resource areas resulted in a No Impact or Less Than Significant determination as they relate to the proposed Project:

- Noise
- Recreation
- Visual Impacts
- Public Health and Safety

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

## B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Project Addendum to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Table C-1.

| | |
|---|---|
| Air Quality | AQ-A |
| Fish, Aquatic Species, and Wildlife | FAW-A, FAW-B, FAW-I |
| Hydrology | H-A, H-D, H-E |
| Water Quality | WQ-A, WQ-C, WQ-D |
| Wetland, Riparian Habitat, and Rare Plants | WRR-A, WRR-C, WRR-D |
| Cultural Resources | CR-A |

### 1. AIR QUALITY

**CEQA FINDING NO. AQ-1**

Impact: **Impact AQ-A. Equipment Emissions.** Temporary emissions of reactive organic compounds (ROC), particulate matter, and NOx could exceed Air Pollution Control District (APCD) regulations.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Temporary emissions of ROC, particulate matter, and NOx associated with gasoline and diesel-powered heavy-duty maintenance equipment, as well as employee vehicles and trucks transporting excavated materials to and from maintenance sites may exceed APCD standards. The District will implement APCD-approved measures for each piece of heavy duty diesel construction equipment to minimize NOx emissions.

Implementation of **MM A-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM A-1: Reduce Emissions**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

## 2. FISH, AQUATIC SPECIES, AND WILDLIFE

| **CEQA FINDING NO. FAW-1** | |
|---|---|
| Impact: | **Impact FAW-A. Displace Wildlife due to Vegetation Removal in the Channel Bottom.** Removal of vegetation could result in reduced habitat for riparian species. |
| Finding(s): | (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR. |

FACTS SUPPORTING THE FINDING(S)

Removal and thinning of vegetation from channel bottom due to brushing, herbicide application, desilting, and channel shaping cause a temporary reduction in vigor and cover of successional riparian habitats and emergent wetlands. These actions could reduce foraging and loafing habitat for certain riparian and wetland dependent bird species. It could also reduce habitat heterogeneity for reptiles and small mammals, and degrade aquatic habitats by removing protective cover and increasing temperatures. Long-term functions and values of the habitat temporarily disturbed by maintenance would be replaced through the District's updated habitat restoration program. Pre-construction surveys will be conducted and all maintenance activities will be monitored daily to ensure that sensitive species are avoided or protected to the maximum extent feasible. Implementation of **MMs B-1, B-2, B-3, B-5, and B-6** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM B-1: Compensatory Habitat Mitigation**

**MM B-2: Minimize Vegetation Removal from Channel Bottom**

**MM B-3: Construction Monitoring During Maintenance Activities**

**MM B-5: Pre-Construction Biological Surveys and Avoidance Measures**

**MM B-6: Construction Monitoring for Sensitive Species**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. FAW-2**

Impact: **Impact FAW-B. Adverse Effects of Maintenance on Aquatic Habitat.** Aquatic habitat could be affected by vegetation removal and channel modifications.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Channel shaping, bank stabilization by placing fill or grading banks, sandbar removal, excessive removal and thinning of in-channel vegetation could reduce vegetation cover, pools and gravel beds, organic input from overhanging vegetation supporting aquatic productivity, and instream cover and debris providing micro-habitat. In addition, fish and aquatic organisms could be directly displaced.

The District will conduct an engineering analysis and give full consideration of incidental adverse hydraulic effects associated with channel maintenance. Implementation of **MMs H-1, B-1, and B-2** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM H-1: Maintenance Need Analysis**

**MM B-1: Compensatory Habitat Mitigation**

**MM B-2: Minimize Vegetation Removal from Channel Bottom**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. FAW-3**

Impact: **Impact FAW-I. Effects of Sediments and Turbidity on Aquatic Organisms.** Degraded water quality could adversely affect aquatic organisms.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The following activities could cause a temporary increase in sediment and significant turbidity levels: brushing, mowing, and spraying channel bed vegetation; channel

shaping, desilting, bank stabilization by placing fill or grading banks, and equipment movement on the channel bed. The higher levels could adversely affect fish and aquatic organisms present in any aquatic habitats. The District will minimize the amount of surface disturbance and vegetation removal to the extent feasible during all maintenance activities.

Implementation of **MM W-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM W-1: Reduce Sedimentation**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

### 3. HYDROLOGY

**CEQA FINDING NO. H-1**

Impact: **Impact H-A. Preventing a Build-up of Channel Resistance May Increase Velocities.** Maintenance activities could result in channel degradation and bank erosion.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Channel resistance is reduced by brushing, mowing, significant spraying, and discing to remove obstructive and silt-trapping vegetation; and by removing storm debris and obstructive sandbars. These actions can result in higher velocities, which in turn could theoretically cause minor and localized channel degradation that contributes to bank erosion in the affected reach. To ensure that this impact is avoided, the District will conduct an engineering analysis to determine the need, nature, and extent of maintenance activities, conduct a pilot channel, if needed, and give full consideration of incidental adverse hydraulic effects associated with channel maintenance.

Implementation of **MMs H-1 and H-4** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM H-1: Maintenance Need Analysis**

**MM H-4: Pilot Channel Construction**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. H-2**

Impact: **Impact H-D. Effect of Equipment on Channel Bed.** The movement of equipment in the channel bed can disrupt any armored layer on the channel bed and loosen sediments.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The movement of equipment in the channel bed can disrupt significant any armored layer on the channel bed and loosen sediments. It may also reduce the channel topographic diversity, which imparts a certain resistance to flow, thereby increasing flow velocities and sediment transport capacity. The District will conduct an engineering analysis to determine the need, nature, and extent of maintenance activities to reduce this impact.

Implementation of **MM H-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM H-1: Maintenance Need Analysis**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. H-3**

Impact: **Impact H-E. Impact of Removing Channel Obstructions (Excessive Desilting).** Excessive desilting can lead to bank failure.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Excessive desilting could result in lowering the channel bed below its significant previous invert elevation, which could contribute to oversteepened banks that are prone to failure. This impact is expected to occur very infrequently, if at all, and would only have localized hydraulic impacts.

Implementation of **MMs H-1, H-2 and H-3** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM H-1: Maintenance Need Analysis**

**MM H-2: Extent of Desilting**

**MM H-3: Post Desilting Restoration**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

## 4. WATER QUALITY

**CEQA FINDING NO. WQ-1**

Impact: **Impact WQ-A. Potentially Reduce the Amount of Natural Bio-filtering.** The reduction in riparian vegetation could decrease the effectiveness of natural bio-filtering.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Removal and thinning of vegetation from channel bottom due to brushing, herbicide application, desilting, and channel shaping cause a temporary reduction in vigor and cover of successional riparian habitats and emergent wetlands. Conducting a maintenance needs analysis, minimizing vegetation removal from the channel bottom, maintaining biofiltering by reseeding the channel bottom, and post channel bed treatment reduce these potential impacts.

Implementation of **MMs H-1, B-2, and W-3** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM H-1: Maintenance Need Analysis**

**MM B-2: Minimize Vegetation Removal from Channel Bottom**

**MM W-3: Maintain Bio-filtering by Reseeding Channel Bottom Areas**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. WQ-2**

Impact: **Impact WQ-C. Accidental Spills and Leaks.** Discharges of fuel, oil, or other chemicals could degrade water quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Accidental leakage or spill of fuel or oil from heavy equipment working within or directly adjacent to the watercourse or in a debris basin could cause discharge of pollutants to

the creek, which would degrade water quality. Mixing and dispensing herbicides and equipment fueling outside the channel or basin, developing spill containment procedures, training field personnel and equipping all field vehicles with appropriate spill containment materials can reduce possible accidents. Implementation of **MM W-4** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM W-4: Prevent Accidental Spills and Leaks**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. WQ-3**

Impact: **Impact WQ-D. Temporary Sedimentation and Turbidity.** Maintenance activities could result in suspended sediment and turbidity.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Channel shaping, desilting, bank stabilization by placing fill or grading banks, bank protection construction or repair, pilot channel construction, access ramp construction, and excessive removal and thinning of in-channel vegetation could cause localized increases in suspended sediments and turbidity which could temporarily degrade water quality and affect aquatic organisms. The District will minimize the amount of surface disturbance and vegetation removal to the extent feasible during all maintenance activities.

Implementation of **MM W-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM W-1: Reduce Sedimentation**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

## 5. WETLAND, RIPARIAN HABITAT AND RARE PLANTS

**CEQA FINDING NO. WRR-1**

Impact: **Impact WRR-A. Reduce Amount and Quality of Channel Bottom Habitat.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Removal and thinning of vegetation from channel bottom due to brushing, herbicide application, desilting, and channel shaping may cause a temporary reduction in vigor and cover of successional riparian habitats and emergent wetlands. Long-term functions and values of the habitat temporarily disturbed by maintenance would be replaced through the District's updated habitat restoration program.

Implementation of **MMs B-1, B-2, and B-3** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM B-1: Compensatory Habitat Mitigation**

**MM B-2: Minimize Vegetation Removal from Channel Bottom**

**MM B-3: Construction Monitoring During Maintenance Activities**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. WRR-2**

Impact: **Impact WRR-C. Access Ramp Habitat Impacts.** Construction or maintenance of access ramps could temporarily reduce the amount of riparian habitat.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction maintenance of access ramps could temporarily reduce the amount of significant riparian habitat. This action could adversely affect nesting, cover, and foraging habitat for riparian-dependent bird species, as well as cover for riparian amphibians, reptiles, and mammals. Long-term functions and values of the habitat temporarily disturbed by maintenance would be replaced through the District's updated habitat restoration program.

Implementation of **MM B-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM B-1: Compensatory Habitat Mitigation**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. WRR-3**

Impact: **Impact WRR-D. Temporary Habitat Disturbance.** Riparian habitat could be temporarily removed during maintenance activities.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Disturbance of channel banks and bed from heavy equipment during channel shaping, placement of significant bank protection: desilting operations, ramp construction, and repair of bank protection and grade stabilizers could temporarily remove wetland, riparian and aquatic habitats in work areas.

Implementation of **MM B-4** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM B-4: Restore Temporarily Disturbed Areas**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

## 6. CULTURAL RESOURCES

**CEQA FINDING NO. CR-1**

Impact: **Impact CR-A. Disturb Cultural Resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

There is a remote potential for certain earth-disturbing maintenance activities to disturbed buried prehistoric significant and historic archeological sites and isolated artifacts.

Implementation of **MM C-1** has been incorporated into the Project to reduce this impact to a less than significant level.

**MM C-1: Unexpected Archeological Finds**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.