

COASTAL CONSERVANCY

Staff Recommendation
April 27, 2017

**PAJARO VALLEY
GROUNDWATER RECHARGE PROJECT**

Project No. 16-042-01
Project Manager: Tom Gandesbery

RECOMMENDED ACTION: Authorization to disburse up to \$931,194 to the Resource Conservation District of Santa Cruz County to implement the Pajaro Valley Groundwater Recharge Project.

LOCATION: Pajaro Valley, Southern Santa Cruz County.

PROGRAM CATEGORY: Integrated Marine and Coastal Resources; Climate Change

EXHIBITS

- Exhibit 1: [Location Map](#)
- Exhibit 2: [Area Maps and Photos](#)
- Exhibit 3: [Project Letters](#)
- Exhibit 4: [Pajaro Valley Groundwater Recharge Project Initial Study/MND and Mitigation, Monitoring and Reporting Program](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31220 and 31113 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to nine hundred thirty-one thousand one hundred and ninety-four dollars (\$931,194) to the Resource Conservation District of Santa Cruz County (RCD) to implement the Pajaro Valley Groundwater Aquifer Recharge Project subject to the following conditions:

1. Prior to disbursement of funds, RCD shall submit for review and approval by the Executive Officer of the Conservancy all of the following:
 - a. A work program, including tasks, schedule and budget;
 - b. All contractors to be employed for the project;

- c. Evidence that all necessary landowner access agreements and permits have been secured;
 - d. Evidence that the RCD has entered into a written agreement with the landowner authorizing the RCD to implement and maintain the project for a minimum of twenty years or the reasonable life the project.
 - e. A plan for acknowledging Conservancy funding of the project and acknowledging Proposition 1 as the source of the funding, including signs.
2. In implementing the project the RCD shall comply with all mitigation measures as well as monitoring and reporting requirements for the project that are identified in the *Pajaro Valley Groundwater Recharge Project Initial Study/Mitigated Negative Declaration* and the Mitigation Monitoring and Reporting Plan adopted by the County of Santa Cruz on April 26, 2017, attached to the accompanying staff recommendation as Exhibit 4, and in any permits, approvals or additional environmental documents required for the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives set forth in Public Resources Code sections 31113 and 31220 regarding climate change and protection of integrated coastal and marine resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the *Pajaro Valley Groundwater Recharge Project Initial Study/Mitigated Negative Declaration* and the Mitigation Monitoring and Reporting Plan, adopted by the County of Santa Cruz on April 26, 2017 pursuant to the California Environmental Quality Act and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that the proposed project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the proposed project will have a significant effect on the environment.”

PROJECT SUMMARY:

Staff recommends that the Conservancy provide a grant of up to \$931,194 to the Resource Conservation District of Santa Cruz County (RCD) to implement the Pajaro Valley Groundwater Recharge Project. This project will construct an approximately 5-acre managed aquifer recharge facility located approximately 900-feet north of the Pajaro River on farmland referred to as the Kelly-Thompson property. The goal of the project is to improve the quantity and quality of water resources in the Pajaro Valley Water Management Agency (PVWMA) service area (surface water and groundwater). This type of project is commonly referred to as a managed

aquifer recharge project (MAR). This MAR project will not only help ameliorate agricultural impacts to surface and groundwater, but will also serve as a demonstration project for a novel system of economic incentives for water conservation within the agricultural industry. The project will be constructed in the southeastern region of the Pajaro Valley, a small, farming community located in the lower (western) reach of the Pajaro River basin in southern Santa Cruz and northern Monterey Counties (Exhibit 1).

Groundwater overdraft has been a threat to agriculture in the Pajaro Valley for decades. Overdraft in this Valley is a problem for at least two reasons: 1) it forces farmers to drill deeper, more expensive wells; and 2) sea-water is intruding into the aquifer on the western side of the valley making this groundwater unusable for some farmers. In response to this problem, in the Pajaro Valley Water Management Agency (PVWMA) was formed with a focus on protecting groundwater resources.

Since its formation, the PVWMA has implemented large-scale irrigation efficiency projects and used recycled water in an effort to eliminate the groundwater overdraft. Nonetheless, current estimates are that the basin is over-drafted by approximately 12,000 acre-feet per year (AFY). In 2002 the PVWMA amended its Basin Management Plan and identified this shortfall despite conservation and recycling. As a result, the PVWMA also imposed a fee on groundwater pumping that funds their efforts to manage the groundwater basin through implementation of the Basin Management Plan.

This project will not only construct and monitor a recharge basin but will also be a model for an innovative approach to groundwater management using the “net metering” concept, similar to that which is utilized in the solar energy industry. Once the project is constructed, the owner will apply to the PVWMA to receive a credit against pumping fees based on measurements done by the RCD and UC Santa Cruz. The goal the program is to provide financial incentives to landowners to build recharge facilities by offsetting some of the on-the-ground costs associated with operation and maintenance. It is hoped that once this project demonstrates the feasibility of groundwater net-metering, other farmers will construct additional basins throughout the area.

For the proposed project, the RCD will construct a MAR facility consisting of a sediment basin and a recharge basin, located on five acres of land approximately 900-feet north of the Pajaro River (Exhibit 2, Page 1). The goal of the project is to collect and infiltrate an estimated 350 acre-feet per year (AFY) of runoff into the Pajaro Valley Groundwater Basin. Approximately 80,000 cubic yards of soil will be excavated to create a 1-acre sediment basin and an adjacent 4-acre groundwater recharge basin (Exhibit 2, Page 2). The two basins will be connected with a 36-inch diameter culvert and water will flow through the recharge basin to a new rock outlet located at the southwest end of the recharge basin. A gabion overflow weir will be constructed at the outlet from the sediment basin. In high flows, water will overflow this weir into an existing ditch south of the project site that will function as an overflow bypass channel. This will prevent the MAR facility from flooding during very wet conditions. The recharge basin will be excavated from 7 to 17 feet below ground surface to create a permeable basin floor that will percolate rapidly to the underlying aquifer. In the years after construction, the RCD will work with UC Santa Cruz, as the third-party verifier, to validate basin performance (amount infiltrated and water quality). These results will determine the amount of money rebated from PVWMA.

The RCD has a long history of successfully implementing natural resource conservation and water conservation projects, including the recently completed 2014 Climate-Ready managed

aquifer investigation with UC Santa Cruz; as well as, the on-going \$1.1 million Integrated Watershed Restoration Project, now in its fifteenth year. The RCD works closely with farmers and the federal Natural Resources Conservation Service (NRCS) promoting water and soil conservation practices. The RCD has received numerous grants from the USDA to implement water conservation projects; restore steelhead and Coho salmon habitat; and reconstruct ponds that are key to the survival of the endangered Santa Cruz Long Toed Salamander. Lastly, the RCD has been partnering with the UC Santa Cruz hydrogeology group to study and implement projects such as this MAR facility.

Site Description: The Pajaro Valley is a small, farming community located in the lower reach of the Pajaro River basin in southern Santa Cruz and northern Monterey Counties (Exhibit 1). The Pajaro Valley basin is intensively farmed for many crops including berries and leafy greens worth over \$800 million annually to the local economy. The project site is surrounded by agricultural lands and one portion of the site abuts the Pajaro River levee (Exhibit 2, Page 1,3). To the west of the project site is the City of Watsonville as well as the Watsonville Sloughs system, a network of sloughs that connect the upper watershed to the Pacific Ocean.

Groundwater overdraft (overuse) in the Pajaro Valley has been as a threat to agriculture for decades. Over the past several decades, groundwater pumping for agricultural and municipal use has led to over use of the valley's groundwater basin. Approximately 56,000 acre-feet of water is used from the Basin each year (AFY) to meet the needs of the community. Nearly all of that water (~98 %) is supplied from groundwater, and overdraft is estimated at an average of 12,000 AFY. Groundwater elevations are below sea-level and seawater intrusion is an immediate threat to the Valley's agriculture economy and ecosystem; as well as, to the drinking water supply for the 50,000 residents of the City of Watsonville (Exhibit 2, Page 6, 7). Groundwater is mainly drawn from the Aromas Formation, which exists throughout the Basin (Exhibit 2, Page 8). Even slight intrusion by seawater can be catastrophic in that elevated chloride results in damage to the high value, salt-sensitive crops that are grown in the Valley. Making matters worse, the valley continues to suffer from drought conditions and changes in the climate will likely result in drier winters and therefore lower groundwater recharge rates.

The project site is located at the intersection of Carlton Road and Highway 129 in Watsonville, California (Exhibit 1 and 2). The 460-acre farm is owned by the Kelly-Thompson Ranch LLC which grows strawberries and lettuce on the property. Approximately 1,550 acres of agricultural land and rangeland drain to the project site through two (2) 10x10 (foot) concrete box culverts under Highway 129 (Exhibit 2, Page 5). Surface water flows 3000 linear feet through the farm in a small agricultural drainage ditch before draining directly into the Pajaro River Exhibit 2, Page 4). A geographic analysis of Santa Cruz County carried out by UC Santa Cruz and funded by the Coastal Conservancy (see Project History) mapped areas that are highly suitable for groundwater recharge and identified this location as one with high potential for recharge. A multitude of site-specific factors were considered in the study, including geology, vegetation, slope, soil type and likely precipitation. The site is located over the Aromas aquifer (Exhibit 2, Page 8) and its shallow subsurface is comprised of an ancient watercourse and thus is course rock and sand with corresponding high transmissivity. A series of push tests were conducted at various points on the property to confirm that storm-water collection and infiltration goals could be met through the construction of a recharge basin.

Project History: The Pajaro Valley is a small, farming community located in the lower reach of the Pajaro River basin in southern Santa Cruz and northern Monterey Counties. The Valley’s groundwater basin has been in an over-draft condition for decades. In 2010, a group of stakeholders founded the Community Water Dialogue (CWD) to address the imbalance of water supply and demand in the Pajaro Valley through individual and collaborative action, helping to ensure agricultural viability in the valley. Since its formation the CWD has included a wide variety of stakeholders, including landowners, growers, researchers, nonprofits, rural residents, government representatives, and environmental leaders. Many years of work by the CWD led to the conservation actions now being implemented by the PVWMA and others and spurred development of the proposed project. In 2014, the RCD collaborated with UC Santa Cruz’s Hydrogeology Group to complete a regional MAR and runoff analysis that covers the entire county, including the Pajaro Valley Basin, and developed information and decision support tools to optimize storm runoff collection. The results of that study show that an infiltration basin at this site will be highly effective.

In 2012 the RCD in collaboration with UCSC and Driscoll’s Farms monitored a pilot MAR basin, referred to as Bokariza, located about a mile east of the subject property (Exhibit 2, Page 2). This 2-acre project has been the subject of intensive study by UCSC as a test case and demonstration project. Several years of data indicate that the basin has the capacity to recharge an average of 80-100 acre-feet of water annually. The proposed project is located in an area that has higher recharge potential than Bokariza, as indicated by the regional studies and geologic core samples.

Recognizing the up-front and ongoing costs associated with MAR implementation, the Pajaro Valley Water Management Agency approved a pilot program in October 2016 for Recharge Net Metering (ReNeM), the first of its kind in California. Through ReNeM, PVWMA will pay the landowner a 50% rebate based on the volume of water recharged to the basin. The RCD and UCSC will act as third-party certifiers to validate MAR basin performance. MAR basins alone will not solve the overdraft problem, but will be an important component of an integrated solution.

In 2014 the Conservancy awarded the RCD a Climate Ready grant to conduct, in conjunction with UC Santa Cruz, a study of MAR suitability on a regional basis; the result was a study entitled: “Distributed Storm-water Collection and Managed Aquifer Recharge (DSC-MAR)” December 2016 (<http://www.rcdsantacruz.org/managed-aquifer-recharge>). The focus of that project was the quantification of hydrologic and geologic conditions necessary to capture storm-water runoff and direct to areas of high infiltration potential. The proposed project site is in an area identified as having high potential for recharge.

PROJECT FINANCING

Coastal Conservancy	\$931,194
UC Santa Cruz -Water	\$275,454
National Science Foundation	\$288,442
Pajaro Valley Water Management Agency	\$109,000
Property Owner	\$36,160

San Benito County IRWM

\$4,250

Project Total

\$1,644,500

The anticipated source of funding for this project is an appropriation from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code §§ 79700 et seq.). Funds appropriated to the Conservancy derive from Chapter 6 (commencing with § 79730) and may be used “for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state” (Section 79731). Section 79732 identifies specific purposes of Chapter 6, three of which will be furthered by the proposed project:

- 1) Implement watershed adaptation projects in order to reduce the impacts of climate change on California’s communities and ecosystems (Section 79732(a) (2));
- 2) Reduce pollution or contamination of streams and coastal waters, and protect or restore natural system functions that contribute to water supply, water quality, or flood management (Section 79732(a) (11));
- 3) Assist in water-related agricultural sustainability projects (Section 79732(a) (13)).

Consistent with these provisions, the project will assist in water-related agricultural sustainability, reduce sediment delivery to the Pajaro River and the coast, and implement watershed adaptation measures to address the critical need for water within the basin.

In accordance with Section 79707(b), which requires agencies to prioritize “projects that leverage private, federal, or local funding or produce the greatest public benefit”, this project leverages private and local contributions as shown above.

The project was reviewed and subsequently recommended for funding through a competitive grant process under the Conservancy’s *Proposition 1 Grant Program Guidelines* adopted in June 2015 (“Prop 1 Guidelines”). (See Water Code § 79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described in further detail in this “Project Financing” section, the “Project Summary” section and in the “Consistency with Conservancy’s Project Selection Criteria & Guidelines” section of this report.

The RCD and UC Santa Cruz will monitor the performance of the project, funded in large part by a grant from the Bureau of Reclamation and approximately \$227,500 in University secured funds. The property owner is providing in-kind costs including an engineering design of the facility estimated to cost \$35,000, and routine maintenance estimated to cost \$5,000 per year. The project site is land that could otherwise be farmed for berries or other high-value crops, therefore the owner is not realizing that potential income; currently Pajaro Valley farmland leases for about \$2,100 per acre (UC Davis) and the profit per acre of similar land is estimated to be \$7,612 / ac/year (Nature’s Value in Santa Cruz County; Healthy Lands & Healthy Economies 2015). Therefore, the property owner is forgoing an income stream in exchange for a speculative net-metering credit, over the twenty years of the expected project life span.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with the Conservancy’s enabling legislation, Division 21 of the Public Resources Code, and is undertaken pursuant to Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding Integrated Marine and Coastal Resources and Section 31113 regarding addressing impacts of climate change on coastal resources.

Pursuant to Chapter 5.5, Section 31220(a) the Conservancy may undertake projects to improve and protect coastal and marine water quality and habitats, including coastal watershed and sediment management projects. Consistent with section 31220(a)(4), the proposed project will reduce sedimentation of the Pajaro River coastal watershed. Consistent with section 31220 (a)(7), the project will reduce the impact of population pressures on coastal resources by reducing the impacts of excessive water withdrawals. () Consistent with section 31220(a), staff has consulted with the State Water Resources Control Board to ensure consistency with Chapter 3 of the Watershed, Clean Beaches and Water Quality Act, (Water Code Section 30915, et seq.) concerning protection and restoration of water quality of coastal waters. The proposed project will facilitate implementation of watershed protection and water management with the coastal watershed.

As section 31220(c) requires, the proposed project includes a monitoring component and is consistent with applicable and relevant Integrated Regional Water Management programs, local watershed management plans, and water quality control plans adopted by the state or regional water quality control boards, as discussed in the “Required Criteria” and “Consistency with Local Watershed Management Plan/State Water Quality Plan” sections below.

In addition, the project is consistent with section 31113 of the Public Resources Code, which gives the Conservancy authority to fund projects addressing climate change impacts on resources within its jurisdiction. Pursuant to this authorization, the proposed project will increase the resiliency of the Pajaro Valley agricultural community to impacts of drought conditions anticipated to increase as a result of climate change.

**CONSISTENCY WITH CONSERVANCY’S 2013 STRATEGIC PLAN
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 6, Objective B** of the Conservancy’s 2013-2018 Strategic Plan, the proposed project will implement a project that “foster(s) the long-term viability of coastal working lands, including... assisting farmers.... to reduce impacts of their operations on ...water quality.

**CONSISTENCY WITH CONSERVANCY’S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy’s statutory programs and purposes:** See the “Consistency with Conservancy’s Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Promotion and implementation of state plans and policies:** The project serves to promote and implement statewide plans and goals including:

- **2014 California Water Action Plan.** Action 6 of the California Water Action Plan calls for expanding water storage capacity and improving groundwater management. The proposed MAR project will improve groundwater management in the Pajaro Valley basin and supports identified subactions to 1) Support Funding Partnerships for Storage Projects through piloting of the net-metering program; and 2) Improve Sustainable Groundwater Management through improved recharge. The project’s net-metering program also furthers Action 10: Identify Sustainable and Integrated Financing Opportunities.
 - **A Strategy for California @ 50 Million; Supporting California's Climate Change Goals The Governor's Environmental Goals and Policy Report** in that it implements the goal to “Build a Resilient and Sustainable Water System” Action 3, *Align State funding with integrated water management*”, because it calls for “...inter-agency/stakeholder cooperation in planning and implementation of actions that provide both regional and statewide benefits to water resources management and protection.”; and, “...state grants [to] provide incentives for regional integration and to leverage local financial investment.” (page 20).
4. **Support of the public:** The Conservancy has received letters of support from the Pajaro Valley Water Management Agency and John Ricker, Director of the Santa Cruz County Division of Water Resources. The Conservancy has also received a letter of support from Santa Cruz County Supervisors Zach Friend and Greg Caput; as well as, State Senator Bill Monning and Assemblywomen Anna Caballero (Exhibit 3). Community support for the project is also reflected by the fact that the RCD has been contacted by other landowners in the area interested in undertaking similar projects on their land.
 5. **Location:** The project is not located within the Coastal Zone; however, the affected aquifer extends to the Monterey Bay coastline and connects with ocean waters.
 6. **Need:** Without the Conservancy’s funding, this project will not be implemented. Although the RCD and landowner are providing matching funds, there is not sufficient local funding to undertake the project without Conservancy assistance.
 7. **Greater-than-local interest:** The project would be the first-in-the state as a net-metering demonstration project. While groundwater overdraft is a serious problem in many parts of California, the recharge of groundwater has not yet been subject to financial incentives such as is now prevalent in the solar energy field.
 8. **Sea level rise vulnerability:** While the project location is at an elevation above mean sea-level projections for 2050 and 2100, it is anticipated that the lower Pajaro River, which is adjacent to the site will be subject to greater flood risk. Currently the site is isolated from the River by a levee that runs along the river and will need to be maintained and possibly raised to protect the area from flooding.

Additional Criteria

9. **Urgency:** The Pajaro Valley aquifer has been in overdraft for decades and the PVWMA and others have implemented numerous measures to address the issue; however, there is still an estimated average annual 12,000 acre-feet of overdraft which is not addressed by measures currently in place.

10. **Resolution of more than one issue:** Recharging of the aquifer has the potential to reduce the cost to pump groundwater and prevent sea-water intrusion.
11. **Leverage:** See the “Project Financing” section above.
13. **Innovation:** The project would be the first-in-the state as a net-metering demonstration project. While groundwater overdraft is a serious problem in many parts of California, the recharge of groundwater has not yet been subject to financial incentives such as is now prevalent in the solar energy field.
14. **Readiness:** The RCD has signed a landowner agreement and has obtained all necessary permits and intends to issue an invitation for bids immediately for the project.
15. **Realization of prior Conservancy goals:** “See “Project History” above.”
16. **Return to Conservancy:** See the “Project Financing” section above.
17. **Cooperation:** The RCD and UC Santa Cruz will undertake monitoring of the project, funded in large part by a grant from the Bureau of Reclamation and approximately \$227,500 in University secured funds. The property owner is providing work in-kind as well as the land which could otherwise be farmed.
18. **Vulnerability from climate change impacts other than sea level rise:** The project will benefit the water supply for the Pajaro Valley in the future under an expected climate regime that is drier and has more intense droughts.
19. **Minimization of greenhouse gas emissions:** The project will use conventional construction equipment that meets state clean air standards. In addition, use of heavy equipment will be short in duration and be similar to equipment used in normal farming practices which would otherwise occur on the property

**CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/
STATE WATER QUALITY CONTROL PLAN:**

The project is consistent with the 2014 *Pajaro Valley Groundwater Management Plan*, the local groundwater basin plan, which encourages the investigation and implementation of MAR projects (Portfolio and Selection of Projects, Page 40). The project is also consistent with the *Water Quality Control Plan for the Central Coastal Basin* (March 2016 Edition) published by the Regional Water Quality Control Board, Central Coast Region. Specifically, Section III.E (page 5.5) states that groundwater recharge with high quality water shall be encouraged, and in basins known to have adverse salt balance, and local ordinances shall control wastewaters percolated into groundwater basins. The surface water draining to this project is expected to be high quality and will be monitored for conventional pollutants including salts.

The project is consistent with goals of the *Integrated Regional Water Management Program* (2014) for Santa Cruz County because it includes the following elements:(1) Storm-water capture and treatment; (2) Nonpoint source pollution reduction, management, and monitoring; (3) Groundwater recharge and management projects.

Pursuant to the Stormwater Resources Planning Act, Water Code section 10560 et seq. and the State Water Resources Control Board’s *Storm Water Resource Plan Guidelines*, December 15,

2015, Santa Cruz County has adopted the 2016 *Storm Water Resources Plan for Santa Cruz County* (Plan), which lists groundwater recharge and net metering as priority actions in water conservation (page 67). This project is specifically identified in the Plan as one of two projects that have the potential to generate more than 25 acre-feet per year recharge within the planning region. (p. 71).

COMPLIANCE WITH CEQA:

On April 26, 2017, the County of Santa Cruz as the lead agency under the California Environmental Quality Act (CEQA), adopted the *Pajaro Valley Groundwater Recharge Project Initial Study/Mitigated Negative Declaration* (“MND”) and the Mitigation Monitoring and Reporting Plan (“MMRP”) and approved the proposed project (Exhibit 4). A Notice of Intent to Adopt Proposed Mitigated Negative Declaration and a Notice of Completion for the MND was issued for public review and sent to the State Clearinghouse on March 12, 2017. The MND is available online¹ and copies of the MND were made available March 14. Public comment on the MND closed April 10, 2017 and no public comments were received. The MND indicates that the potentially significant effects of the project will be avoided, reduced, or mitigated to less than significant levels through the identified mitigation measures that are part of the project.

The MND identifies three aspects of the project might have the potential for significant environmental impacts and the mitigation measures that the RCD will implement to reduce these impacts to a level of less-than-significant: 1) Exceedance of air quality standards for fugitive dust from construction activities; 2) Biological resources in the form of the federally-threatened California red-legged frog); and 3) Disturbance of archeological remains. These three impacts and mitigation measures are described in more detail below.

Air Quality

The air basin in which the project is located (North Central Coast) does not meet state air quality standards for ozone and particulate matter (PM₁₀). These pollutants are emitted during construction from earth moving equipment and activities. However, PM₁₀ and ozone emissions will be substantially lower than the threshold set by the Monterey Bay Unified Air Pollution Control District for significant adverse impacts on local sensitive receptors. The project also has the potential to emit fugitive dust; however, the RCD and its contractors will implement standard district air quality mitigation measures (AQ-1) such as employing construction best management practices (BMPs), following district guidelines such as spraying down the site with water and covering truck loads and storage piles with tarps.

Biological Resources

A biologist surveyed the site for wildlife habitat and analyzed the site for potential habitat using data based on the US. Fish and Wildlife Service species list, California Natural Diversity Data Base and California Native Plant Society lists. The survey indicated that, though the site is fully developed for row-crop farming, the proximity to the Pajaro River suggests that it could function

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<http://sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CEQADocumentsOpenforPublicReview.aspx>

as a movement corridor for the federally threatened California red-legged frog (*Rana draytonii*). Adult California red-legged frogs were observed near the proposed project in between 2010 and 2013 but no frogs have been observed since then. The USFWS determined that no formal Endangered Species Act consultation would be required for the proposed project; however, the RCD will implement mitigation measures to minimize and/or avoid potential impacts during construction.

The RCD will mitigate for the possible presence of red-legged frogs by carrying out a preconstruction survey and having a qualified biologist on-site or available by phone in the event an amphibian is encountered during construction. If an amphibian matching the description of a special-status amphibian is discovered at the project site, all work that may harm the animal will be stopped until the animal is able to leave the construction zone.

Cultural Resources

The site has not been surveyed for archeological remains and is near the Pajaro River so there is a potential that archeological or human remains may be present within the soil beneath that typically disturbed for row crop agriculture. Archival research at the Northwest Information Center, Sonoma State University found that no archeological resources have been identified in the project area. The RCD will mitigate for the possible presence of archeological materials by halting all earth moving activities if archaeological or human remains are uncovered during construction. In such a case, the site manager will stop further site excavation and notify the sheriff-coroner and the Planning Director. This mitigation measure is also required by County Code Section 16.40.040. If the coroner determines that the remains are not of recent origin, a full archeological report will be prepared and representatives of the local Native California Indian group will be contacted. Further disturbance will not occur until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource are established.

Conservancy staff concurs with the MND and, accordingly, recommends that the Conservancy (1) find that the project, as mitigated, avoids, reduces, or mitigates the possible effects of the project to a less-than-significant level; and (2) find that there is no substantial evidence based on the record as a whole that the project, as mitigated, may have a significant effect on the environment.

If the Conservancy approves the proposed authorization, staff will file a Notice of Determination.