COASTAL CONSERVANCY

Staff Recommendation
December 2, 2021

MARIN CARBON FARMING

Project No. 21-064-01
Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to $1,000,000 to the Marin Resource Conservation District to plan and implement carbon farming projects that improve soil productivity, water sustainability and greenhouse gas sequestration for agriculture and watershed resiliency on ranches in western Marin County, and adoption of findings under the California Environmental Quality Act.

LOCATION: Western Marin County

EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Examples of NRCS Practices and Associated Benefits

Exhibit 3: Project Letters

Exhibit 4: Initial Study/Mitigated Negative Declaration for the Marin Coastal Watersheds Permit Coordination Program

---

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed one million dollars ($1,000,000) to the Marin RCD ("the grantee") to develop and implement carbon farming plans that improve soil productivity, water sustainability and greenhouse gas sequestration for agriculture and watershed resiliency on ranches in western Marin County.

Prior to commencement of the planning phase of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

Prior to implementing any carbon farming plan, the grantee shall submit for the review and written approval of the Executive Officer the following for each plan:

1. A detailed work program, schedule, and budget.
2. A plan for acknowledgement of Conservancy funding.
3. Evidence that permits and approvals required to implement the project have been obtained.
4. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.

The grantee shall monitor and ensure compliance with all permits for the project and with the provisions of the mitigation and monitoring plan incorporated into the Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 4.

Findings:

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

1. The proposed project is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resources Protection projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the "Mitigated Negative Declaration for the Marin Permit Coordination Program" adopted by the Marin Resource Conservation District on June 13, 2018 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to $1,000,000 to the Marin Resource Conservation District (MRCD) to plan and implement carbon farming practices for agriculture and watershed resiliency on ranches in western Marin County (Exhibit 1). The project will enhance regional agricultural sustainability, climate resiliency, adaptability, and inclusivity by expanding the existing Carbon Farm Program (Program) in Marin County and by providing hands-on carbon farming and agricultural training to disadvantaged and disenfranchised communities. Pursuant to authorization, the project will: 1) implement 15 to 20 carbon farming practices on 8 ranches with existing Carbon Farm Plans, 2) prepare detailed designs for 15 to 20 more carbon farming practices for future implementation; and 3) prepare

Carbon Farm Plans for 6 newly participating ranches. Exhibit 1 includes maps that show the locations of the implementation projects and the array of ranches from which planning project locations will be selected. The agriculture operations on the ranches where practices will be implemented include primarily grazing of cattle and sheep, and other small livestock, and may include raising poultry for eggs.

The carbon farming practices implemented through this authorization will draw from the following suite of conservation practices developed in cooperation with the USDA Natural Resources Conservation Service (NRCS): Riparian Herbaceous Cover; Riparian Forest Buffer; Riparian Restoration; Stream Habitat Improvement; Field Border; Filter Strip; Grassed Waterway; Tree/Shrub Establishment; Silvopasture; Windbreak/Shelterbelt; Hedgerow; Conservation Cover; Range Planting Mulching or Composting; Prescribed Grazing; and Critical Area Planting. Exhibit 2 includes descriptions and photos of these practices. The project also includes installation of small accessory structures when needed to support the carbon farming practices, such as livestock-exclusion fencing to protect the plants from livestock pressure and alternative livestock water sources (troughs, tanks, and pipeline) that are necessary when a riparian corridor is fenced out and livestock need a new water source. All carbon farming practices except the small accessory structures are identified in MRCD's Marin Permit Coordination Program (PCP), which identifies 44 commonly used NRCS rangeland practices in Marin County. Individual Coastal Development Permits will be obtained prior to installation.

MRCD's Carbon Farming Program is based on work with the Marin Carbon Project (MCP), a collaborative that was initiated in 2008 between University of California (UC) Berkeley, UC Cooperative Extension, Marin Agricultural Land Trust (MALT), MRCD, NRCS, Marin County Agricultural Commissioner, and Nicasio Native Grass Ranch, working in concert with the County of Marin, Environmental Defense Fund, the Carbon Cycle Institute and others. MCP spent a decade developing carbon farming science, modeling, and planning. Incorporating carbon farming into Marin County agriculture is still relatively new and requires further development for the program to increase in scale, and ultimately be a more sustainable county-wide program. Marin County's 2020 Unincorporated Area Climate Action Plan Update adopted on Dec 8, 2020, includes strategies to expand carbon farm planning and execution by engaging 60 farms across 30,000 acres by 2030. This proposed project will help expand the Program and set it on a path to achieve the Climate Action Plan's goal.

Carbon farming creates a whole-farm plan to manage the on-farm carbon cycle by prescribing suites of practices that increase carbon storage in plant biomass and soil. It improves the ability of farmers and ranchers to adapt to existing and future climate impacts by implementing practices that improve soil health, thus increasing the soil's water-holding capacity to withstand periods of drought, thereby benefiting the entire watershed. It also increases insectary and wildlife microhabitats by planting biodiverse hedgerows, windbreaks, and/or cover crops that strengthen the ecological community's resilience to climate change.

Agricultural lands in the Bay Area are critically important. They provide food and fiber to the world, and local food security to the region. They provide essential ecosystem services, reduce greenhouse gas emissions, and mitigate local climate change impacts. Marin County's agricultural lands constantly face the risk of conversion to residential or commercial

development in a region with an ever-growing population and recognized housing shortage. Marin County cannot afford to lose the productivity that its agricultural lands provide or the potential value that these lands offer to mitigate climate change.

Marin County ranchers also face water supply issues. On March 5, 2021, the USDA designated the county as a primary disaster area due to drought. Drought conditions are expected to become the new norm as the climate changes and impacts range and pasture productivity. However, by implementing one-half inch of compost application a rancher not only can sequester carbon, but they can also increase soil moisture by 17 to 25 percent because the compost helps increase soil organic matter. To reduce carbon lost through traditional tilling, the project includes purchase of a no-till drill. MRCD will retain ownership of the drill and establish a farmer-to-farmer equipment lending program.

Drought is also affecting instream water supply for threatened and endangered salmonids in Marin County. Coho salmon are nearly extirpated from many historically abundant Marin County stream habitats and steelhead have undergone drastic population declines. Among other causes, agricultural practices such as clearing riparian areas, stream channel and habitat alteration, and water withdrawals have been identified as contributing toward declines in salmonid populations. The carbon farming practices implemented by this project will restore denuded riparian habitat along critical riparian streams, enhance the soil's water holding capacity and increase groundwater recharge. It will also, through the hyporheic zone (groundwater-stream interface), increase instream flow, which will ameliorate insufficient summer flows, a primary limiting factor for salmonids.

Although the Marin County economy includes and employs many people from disadvantaged and disenfranchised communities in the area, such as Pt. Reyes Station in Marin County and urban areas of Santa Rosa and Petaluma in Sonoma County, these same people often lack opportunities to develop careers in agriculture, as ranchers or farmers, or in natural resources. To begin to address this inequity, the project includes hands-on training in climate adaptation programs on agricultural lands to K-12 students and Black, Indigenous, People of Color (BIPOC) college-aged students in the region and to "opportunity youth", young people over 18 who may have a GED or some college courses, but who are un- or under-employed and who face fundamental barriers to employment in the Bay Area. Studies show that environmental education provides opportunities for encouraging, developing, and supporting interest in natural resources careers, which is important given there is a well-recognized national, regional, and local dearth of diversity in farming and natural resources careers.

The Conservancy has been instrumental in building Marin's carbon farming program. It funded the development of the first three demonstration carbon farms in 2014, the cross-county training and expansion of the program in 2015 and the county-wide implementation program kick-off in 2017. This program builds on the success of previous efforts and strives to develop a platform for perpetual funding and program development. The project is supported by several ranching community members, carbon scientists, and elected officials. Project letters are in Exhibit 3. In a complementary effort, the Marin RCD is working with others to identify a long-term finance mechanism and funding source to support expansion of the program, which currently has a wait list of 68 farms interested in participating.

Site Description: The proposed project will occur on private agricultural lands in Marin County participating in the MCP as shown in Exhibit 1. Marin County's small livestock, dairy and poultry farms cover 148,000 acres of coastal rangelands just one hour north of San Francisco. The area is home to farmers that embrace a stewardship ethic; approximately eighty percent of Marin's dairies (40,676 acres) are certified organic. The properties included in this project are located in coastal watersheds draining to Tomales Bay. Tomales Bay is recognized by local, state, and federal agencies as warranting a high level of protection to reduce impacts from impaired water quality that threatens habitat for endangered fishes, reptiles and migrating birds. Many threatened and endangered species inhabit the watershed, including California freshwater shrimp, coho salmon and steelhead trout. Tomales Bay, part of the Gulf of Farallones National Marine Sanctuary, supports large numbers of wintering and migrating shorebirds, making it a significant habitat to preserve and protect from degradation. The grantee will execute agreements with the landowners authorizing the grantee to implement and monitor the carbon farming projects.

Grant Applicant Qualifications: MRCD is qualified and capable to undertake the proposed project. It is a founding member of the MCP and has completed a Conservancy-funded smaller-scale project of similar activities where it implemented Carbon Farm Plans on four ranches and prepared Carbon Farm Plans for ranches newly enrolled in the Carbon Farming Program. Further, MRCD has a long history of successful implementation of restoration and enhancement projects on Marin ranch lands. MRCD documents its accomplishments and performance through the California Resource Conservation District's Project Tracker site https://www.rcdprojects.org/Organization/Detail/75.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. **Extent to which the project helps the Conservancy accomplishes the objectives in the Strategic Plan.**

   See the "Consistency with Conservancy's Strategic Plan" section below.

2. **Project is a good investment of state resources.**

   As described in the Project Financing section, the project substantially leverages non state cash contributions, and resources including volunteer work and in-kind support.

   The project advances statewide goals and is consistent with regional and local plans.

3. **Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.**

   During development of the Program, MRCD collaborated with the Federated Indians of the Graton Rancheria (FIGR) and four local carbon farmers to create practice designs that

incorporate tribal ecological knowledge and cultural goals into the projects. MRCD will consult with FIGR prior to implementing projects.

4. **Project benefits will be sustainable or resilient over the project lifespan.**

   The project will continue to deliver benefits over an extended time period. Carbon sequestration and water-savings through beneficial plantings such as riparian plantings and hedgerows/windbreaks are sustained through long term maintenance by the landowners and volunteer partnerships. MRCD has a rigorous monitoring and tracking program to document post-project performance. Additionally, some of the participating ranches are protected by Marin Agricultural Land Trust conservation easements and will have additional long-term monitoring required by MALT's easements.

5. **Project delivers multiple benefits and significant positive impact.**

   The project increases carbon sequestration in Marin County and improves farmers' resilience to the anticipated effects of climate change such as drought and heat. Implementation of carbon farming practices is also expected to improve habitat for fish and wildlife by improving riparian corridors and planting biodiverse hedgerows.

   The project also provides benefits to disadvantaged communities, through job training in agriculture and climate solutions and providing new skill sets and opportunities for "opportunity youth" and BIPOC college students.

6. **Project planned with meaningful community engagement and broad community support.**

   The implementation projects included in this Program were identified by a team of local resource professionals including ranchers, rangeland managers, plant and wildlife biologists, engineers and an agroecologist, using publicly reviewed selection criteria and selected through a public approval process. New projects will be identified using the same process.

   The Marin Carbon Program has wide community support. Project Letters are included in Exhibit 3.

PROJECT FINANCING

Coastal Conservancy	**$1,000,000**
CA Department of Food and Agriculture	$10,000
CA Wildlife Conservation Board	$22,000
Students and Teachers Restoring A Watershed(STRAW)	$60,000
Marin Agricultural Land Trust	$100,000
Measure A (Marin County Funds)	$225,000
319(h) - federal funding through SWRCB	$100,000
Marin County	$50,000
Conservation Corps North Bay	$100,000
Project Total	**$1,667,000**

Conservancy funds for this project are expected to come from an appropriation to the Conservancy from the California Drought, Water, Climate, Coastal Protection, and Outdoors Access for All Act of 2018 (Proposition 68, California Public Resources Code Sections 80000-80173. Pursuant to Section 80133 (b), the Conservancy may provide grants for planning, developing, and implementing climate adaptation resiliency projects in the San Francisco Bay Area, including projects to improve a community's ability to adapt to the unavoidable impacts of climate change; improve and protect coastal and rural economies and habitat; develop future recreational opportunities; or enhance landscape resilience. The proposed project is consistent with this anticipated funding source because it will improve carbon sequestration on agricultural lands, thereby helping to reduce the effects of greenhouse gas emissions and will increase water storage capacity and soil health, thereby increasing resiliency of rural agricultural lands to drought caused by climate change.

In addition to the cash contributions shown above, the grantee and project partners will also contribute in-kind staff time valued at approximately $300,000.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Section 31113 of Chapter 3 of Division 21 of the Public Resources Code, regarding the impacts and potential impacts of climate change on resources within the Conservancy's jurisdiction. Pursuant to Section 31113 (b), the Conservancy is authorized to award grants to public agencies to undertake projects that reduce greenhouse gas emissions. MRCD is a public agency, and a goal of the project is to improve carbon sequestration on agricultural lands, thereby helping to reduce greenhouse gas emissions. Pursuant to Section 31113(d), when allocating Proposition 68 funds, the Conservancy must prioritize natural infrastructure projects and projects that provide multiple public benefits. The project has natural infrastructure elements in that it includes farming practices that will improve ecological systems, such as establishing riparian forest buffers, restoring riparian vegetation, and improving stream habitat, to both restore these systems and reduce agriculture's vulnerability to drought. The project has multiple benefits in that it will protect agriculture, restore natural resources, and provide education and training for people from disadvantaged communities.

The proposed project would also be undertaken pursuant to Chapter 5.5 of Division 21 of the Public Resources Code, Section 31220, regarding grants for coastal watershed and coastal and marine habitat water quality, sediment management, and living marine resources protection and restoration projects. As required by Section 31220 staff has consulted with the State Water Resources Control Board to ensure consistency with SWRCB's Clean Beaches Grant Program.

Pursuant to Section 31220(b)(2), the Conservancy is authorized to undertake a project or award a grant for a project that protects or restores fish and wildlife habitat within coastal and marine waters and coastal watersheds. This project will result in reduced surface sediment runoff from ranchlands thereby improving the water quality draining to Tomales Bay. Additionally, the project will result in longer sustained summer flows in creeks that support (or historically supported) fish populations.

Pursuant to Section 31220(b)(6), the Conservancy is authorized to undertake a project or award a grant for a project that acquires, protects, and restores coastal wetlands, riparian areas, floodplains, and other sensitive watershed lands, including watershed lands draining to sensitive coastal or marine areas. Consistent with this section, the project will result in additional riparian habitat planted in and around creeks draining to Tomales Bay.

As Section 31220(c) requires, the proposed project is consistent with local and state watershed plans. This is discussed in detail below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan."

Finally, consistent with Section 31220(c), projects that will be implemented under the proposed authorization will include a monitoring and evaluation component.

CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 7, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will develop 6 plans to assist farmers and ranchers to reduce impacts of their operations on wildlife habitat and water quality.

Consistent with **Goal 7, Objective B** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement 20 projects that foster long term viability of coastal working lands.

Consistent with **Goal 8, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement projects to increase resilience to climate change impacts using nature-based strategies.

Consistent with **Goal 14, Objective B** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement 20 projects that assist farmers and ranchers to steward natural resources.

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

This project is consistent with the *San Francisco Bay Area Integrated Regional Water Management Plan* (September 2013) Chapter 3, Goals and Objectives: Improve water supply reliability and quality including identification of feasible agricultural and urban water use efficiency strategies; protection and improvement of water quality within the area of the Plan consistent with relevant basin plan, identification of any significant threats to groundwater resources from over drafting; and, protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region. This project is also consistent with the *Tomales Bay Watershed Stewardship Plan: A Framework for Action* (July 2003) under Goal C, Objective 1: encourage comprehensive planning to address watershed issues and facilitate interagency coordination and cooperation. This project is consistent with the *Stemple Creek/Estero de San Antonio Watershed Enhancement Plan* (July 1994) which seeks to assist agricultural producers with practices that promote the conservation and enhancement of natural resources.

CEQA COMPLIANCE:

Staff has independently evaluated the "Mitigated Negative Declaration for Marin Permit Coordination Program" ("MND") adopted by the Marin Resource Conservation District (MRCD) on June 13, 2018 and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces, or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382.

The Marin Permit Coordination Program ("PCP") identifies 44 commonly used USDA Natural Resource Conservation Service rangeland practices, grouped into 25 categories, that assist with vegetation management and promote carbon-beneficial projects. These practices were assessed under CEQA as part of the ("PCP") approval process, as described below. The permit program was initiated in 2004 with Conservancy funding and updated and approved by MCRD in 2010 and again in June 2018 to include additional practices.

On June 13, 2018, as the lead agency under CEQA, MRCD adopted the MND and approved the PCP, State Clearinghouse Number 2018032048 (Exhibit 4). In adopting the MND, MRCD determined that projects under the PCP, consisting of the pre-approved and defined enhancement practices, would not have a significant effect on the environment with the identified mitigation measures incorporated into the project. The MND identified mitigation measures associated with potential impacts to **aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, and Tribal resources**. In addition, MRCD incorporated a Mitigation Monitoring Plan (MMP) with respect to these mitigation measures (Exhibit 4, Appendix A). For each individual carbon farming plan, MRCD will complete an initial checklist to ensure there are no previously unidentified impacts which require further environmental analysis. Staff has reviewed the MND prepared by MRCD, and the associated public comment, and the incorporated MMP. All carbon farming practices that will be implemented as part of the proposed project are identified in the MND, except for the small accessory structures.

In all circumstances, potential impacts identified in the MND were minor and temporary, and mitigation measures were designed to ensure that potential disturbances will result in less than significant impacts and will provide for improved aquatic, riparian and/or upland habitat and decreased sedimentation in water bodies that benefit wildlife.

Regarding **aesthetics**, the MND identified potential impacts to scenic resources of Highways 1 and 101, both Scenic Highways, and of Highway 37, which is eligible for Scenic Designation. Although no practices will be installed inside the Caltrans rights-of-way adjacent to the highways, practices could be visible along the roadways. Many of the practices may include construction activities that will be temporarily visible from the roadway; however, such activities will be short-term. Views from the highway may include construction equipment, construction materials, and construction workers. Temporary view of construction activities will not damage scenic resources along these highways, and the impact will be less-than-significant. Installation of hedgerows and windbreaks may occur along farms and ranches adjacent to

scenic highways. As the vegetation in the hedgerows and windbreaks matures, views along the scenic highways could be partially obstructed depending on the distance from the highway, the height of the plantings, the topography of the areas, and the orientation of the hedgerow or windbreak relative to the highway. The result could alter the views and change the visual character of the area, and the impact could be significant.

To avoid long term visual impacts, MRCD shall conduct a site-specific visual resources assessment and prepare a planting plan for implementation taking into consideration the viewshed adjacent to the project area. Plantings shall not occur where project designs cannot eliminate impacts to scenic resources.

With respect to **biological resources**, the MND identified potential impacts caused either directly or through habitat modification. However, the project will not have a substantial adverse effect because project implementation avoids short-term adverse impacts through mitigation measures such as constraining the permissible work window to avoid nesting or breeding seasons of birds and terrestrial animals, minimizing site access points, and taking other precautionary measures to avoid the spreading of invasive species, trash, or hazardous materials such as equipment lubricants, etc. Long-term, the project activities are designed to improve and restore stream habitat, to provide a long-term benefit to both anadromous salmonids and other fish and wildlife. MRCD will get approval from the CDFW and USFWS prior to project implementation to assure that, as envisioned, project impacts have been eliminated or minimized. When deemed necessary by CDFW and/or USFWS, a qualified biologist will be onsite during construction.

Cultural Resources. The MND acknowledges paleontological, archaeological, and historical sites are found throughout the PCP Program Area in Marin County. In addition to prehistoric habitation by Native Americans, rural areas in the Program Area contain many historic ranches, small towns, and settlements. Therefore, projects carried out in accordance with the PCP have the potential to cause a substantial adverse change in the significance of historical or archaeological resources, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and to disturb human remains. The PCP incorporates BMPs that require the MRCD to identify and avoid known cultural resources during project design. The BMPs also require coordination with FIGR following preliminary designs. Site visits will occur, as requested by FIGR, to identify potential impacts and avoidance and mitigation measures that will become part of the project description and permit requirements. Even so, there is a chance that a previously undiscovered cultural or historical site could be impacted during construction activities, and the impact could be significant with the BMP in place, disturbances to cultural resources can occur. To avoid significant impacts to historic and archaeological resources MRCD shall conduct literature and archival records searches during pre-project review and for projects near those resources and shall verify that a qualified historian or archaeologist evaluates the project and that protection measures are implemented to avoid or minimize impacts to historic resources.

If a paleontological resource is discovered during construction, MRCD shall require the following: All ground-disturbing activities within 50 feet of the find shall be temporarily halted but may be diverted to areas beyond 50 feet from the discovery and continue working. MRCD

shall notify a qualified paleontologist who will document the discovery, evaluate the potential resource, and assess the nature and significance of the find. Based on scientific value or uniqueness, the paleontologist may record the find and allow work to continue or recommend salvage and recovery of the material. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices.

In the event of Inadvertent Discovery of Human Remains during PCP activities, MRCD shall require the following: The treatment of any human remains and associated, or unassociated funerary objects discovered during soil-disturbing activities shall comply with applicable State laws. If human graves are encountered, MRCD shall ensure that all work stops in the vicinity and the Marin County Coroner is notified. A qualified archaeologist shall evaluate the remains. If human remains are of Native American origin, the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of identification, pursuant to Public Resources Code (PRC) §5097.98. NAHC would appoint a Most Likely Descendant. A qualified archaeologist, MRCD, and the Most Likely Descendant shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines §15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the Most Likely Descendant and the other parties cannot not agree on the reburial method, MRCD shall follow PRC §5097.98(b), which states that "the landowner or his or her authorized representative shall reinter the human remains, and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

Potentially significant impacts from **hazards and hazardous materials** have been identified and include the use of herbicides, use of anaerobic digesters, the release of contaminated soils and onsite hazardous materials management, and wildland fires.

MRCD shall ensure that the following measures are used to protect resources during application of herbicides: limit herbicide use to application to control established stands of noxious species or the invasion of exotics into restoration plantings; application shall be compliant with the California Department of Pesticide Use regulations in accordance with Material Safety Data Sheets, the Marin County Agriculture Commission's Weed Management Plan, manufacturer's instructions, and/or the guidance of a registered pesticide advisor; timing of herbicide use shall be determined in consultation with a qualified biologist; in riparian environments, an herbicide without a surfactant that is registered for use in an aquatic environment and on target vegetation shall be utilized; no broadcast spraying shall occur; great care shall be taken to avoid contact with native species; a safety and record-keeping plan shall be developed prior to herbicide use - the plan shall include telephone numbers and addresses of emergency treatment centers and the telephone number for the nearest poison control center; records shall be maintained for two years after herbicide application.

To minimized risk with the operation of anaerobic digesters, MRCD shall provide the project operators with information on asphyxiation and explosion hazards from working with methane and nitrogen gases, including procedures to ensure worker safety.

MRCD shall ensure that the following measures are used to avoid release of contaminated soils and to manage hazardous materials on site: during project planning, MRCD shall determine whether a known hazardous material site is located within 200 feet of a PCP practice if the work would require excavation, trenching, or drilling. If the practice is located near a hazardous site, MRCD shall require the property owner or manager to move the project to a location greater than 200 feet away from the contaminated site or require the property owner or manager to implement control measures to protect human health and the environment during construction, including, but not limited to, prepare and implement a site-specific health and safety plan in accordance with federal Occupational Safety and Health Administration (OSHA) and Cal-OSHA regulations to address worker health and safety issues during construction. The health and safety plan shall identify the potentially present chemicals, health and safety hazards associated with those chemicals, and all required measures to protect construction workers from exposure to harmful levels of any chemicals identified at the site. The health and safety plan shall also specify the method for handling and disposal of both chemical products and hazardous materials used in construction and contaminated soil, should any be encountered during construction.

MRCD shall ensure that the following measures are used to reduce wildland fire hazards during construction and maintenance activities: Remove dry, combustible vegetation from the construction site with specific focus on the staging areas for heavy equipment prior to construction activities; Grass and other vegetation less than 18 inches in height shall be maintained where necessary to stabilize the soil and prevent erosion. Vehicles shall not park in areas where exhaust systems can contact combustible materials. Fire extinguishers and fire suppression tools shall be available on the site when working in high fire hazard areas

Related to **hydrology/water quality, and concerning soil erosion**, Best Management Practices (BMPs) will be utilized during construction to prevent soil loss and polluted runoff. Biotechnical repairs will be the first option for implementation. Mitigation measures incorporated as conditions of the Fish and Game Code §1600, *et seq*., Streambed Alteration MOA which are part of the MND, will also be used. Waste Discharge Requirements from the North Coast and San Francisco Bay Regional Water Quality Control Boards are also incorporated into the project designs.

To reduce **noise** from watering facilities near sensitive receptors, MRCD shall ensure that watering facilities installed within 800 feet of a sensitive receptor are implemented with at least one of the following noise reduction measures: Plant a noise barrier between the watering facility and the sensitive receptor per Practice 601 (Vegetative Barrier) or install a noise adsorbing wall of waterproof materials, such as foam, between the watering facility and the sensitive receptor

To identify and protect **Tribal resources** MRCD shall consult with representatives from interested tribes following the MRCD Board of Directors' selection of PCP projects, to identify known Tribal resources within the disturbance area for individual PCP project implementation. If the review of PCP projects identifies that a project may cause substantial adverse change to a tribal cultural resource then MRCD shall avoid or minimize adverse impacts in one of the following ways or as directed by FIGR: 1) Not move forward with implementation of the PCP

activity; 2) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context; or 3) Treatment of the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

Marin RCD received comment letters during the comment period from the University of California Cooperative Extension and Point Reyes National Seashore. The comments resulted in minor modifications to mitigation measures but did not result in changes to the analysis and no new mitigations were required. No significant impacts were identified. These letters and the Marin RCDs responses are included in Exhibit 4 to this staff recommendation.

As noted above, some of the carbon farming plans that MRCD could implement on individual ranches under the proposed project may include installation of small accessory structures that were not explicitly identified the PCP and the associated MND. These include the installation of fencing for vegetation protection and water infrastructure for alternative water sources. Although these activities were not directly assessed under the MND, these activities do not create a circumstance that would require additional CEQA documentation. Under the CEQA Guidelines, 14 California Code of Regulations, Section 15162 (whether project changes after MND approval require subsequent CEQA review), additional documentation is only required if the changes to the project as described in the MND will result in new significant effects or increased severity of previously identified effects.

Here, the small accessory structures used to support carbon farming practices include repair of developed springs, installation of fencing, and installation of pipelines and water troughs to remove livestock from riparian areas. These activities are expected to be limited in size and will only be used in conjunction with the carbon farming practices. Any potential effects of these activities are within the scope of the potential effects identified in the MND and these activities will not increase the severity any previously identified effects. Thus, the mitigation measures identified in the MND will reduce the potential effects of these activities to less than significant.

Accordingly, staff recommends that the Conservancy find, based on the MND and on the analysis provided above, that the Conservancy has independently reviewed the MND, and finds that no additional CEQA documentation is required and that there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.

Upon approval, staff will file a Notice of Determination for the project.