

## **RESOLUTION NO. 488**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUNNYSLOPE COUNTY WATER DISTRICT MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN CONNECTION WITH ADOPTION OF THE GROUNDWATER MANAGEMENT PLAN UPDATE FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-HOLLISTER GROUNDWATER BASIN**

**WHEREAS**, the Groundwater Management Plan Update for the San Benito County Portion of the Gilroy-Hollister Groundwater Basin (PLAN) has been prepared by the City of Hollister (COH), City of San Juan Bautista (SJB), Sunnyslope County Water District (SCWD), and San Benito County Water District as a Water Resources Association activity; and

**WHEREAS**, the PLAN was the subject of a Final Program Environmental Impact Report (FPEIR) entitled "Groundwater Management Plan Update for the San Benito County Portion of the Gilroy-Hollister Groundwater Basin" prepared in accordance with CEQA and Water Resources Association Resolution 2002-2 and certified by the San Benito County Water District as the Lead Agency in July 2004; and

**WHEREAS**, the Board of Directors of the Sunnyslope County Water District is the decision-making body for adoption of the PLAN within the District's jurisdiction; and

**WHEREAS**, CEQA requires that in connection with the approval of a project for which an EIR has been prepared that identifies one or more significant environmental effects, the decision making agency make certain findings regarding those effects; and

**WHEREAS**, CEQA requires the decision making agency to adopt a mitigation monitoring and reporting program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment; and

**WHEREAS**, the Board of Directors does hereby certify that as the decision-making body, it has reviewed and considered the information contained in such FPEIR, and other information in the record, prior to acting upon or approving the PLAN, and found that the FPEIR reflects the independent judgement of the Board of Directors of the Sunnyslope County Water District as a Responsible Agency.



**NOW THEREFORE, BE IT RESOLVED,**

1. The Board of Directors does hereby make the findings with respect to significant environmental impacts as set forth in Exhibit "A" entitled "Findings Concerning Significant Environmental Effects Groundwater Management Plan Update for the San Benito County Portion of the Gilroy/Hollister Groundwater Basin", which is incorporated herein by reference, Statement of Overriding Considerations, and as set forth and identified in the heretofore referenced FPEIR, with the stipulation that all information in these findings is intended as a summary of the full administrative record supporting the FPEIR, which full administrative record should be consulted for the full and specific details supporting these findings.

2. The Board of Directors does hereby make the findings and adopts the statement of overriding consideration set forth in Exhibit "B" entitled "Ground Water Management Plan Update for the San Benito County Portion of Hollister/Gilroy Groundwater Basin" which is incorporated herein by reference; and

3. The Board of Directors makes the findings set forth in Exhibit "C" entitled "Findings Concerning Alternatives to the Project, Groundwater Management Plan Update for the San Benito County Portion of the Gilroy/Hollister Groundwater Basin" which is incorporated herein by reference; and

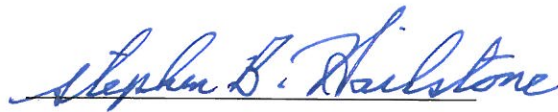
4. The Board of Directors adopts the Mitigation Monitoring and Reporting Program attached as Exhibit "D" and incorporated herein by reference.

**PASSED AND ADOPTED** by the Board of Directors of the Sunnyslope County Water District this 10<sup>th</sup> day of February 2005 by the following vote:

AYES: Hailstone, R. Anderson, Nelson, D. Anderson, & Johnson

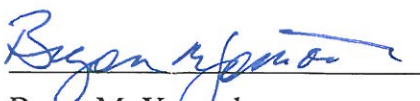
NOES: None.

ABSENT: None.



Stephen B. Hailstone  
President

(seal)

ATTEST:   
Bryan M. Yamaoka  
Secretary



**GROUNDWATER MANAGEMENT PLAN UPDATE  
FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-  
HOLLISTER GROUNDWATER BASIN**

**FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS**

As described below, the FPEIR addressed the significant potential environmental effects of the Project in the areas of: 1) hydrology and water quality; 2) agricultural resources; 3) biological resources; 4) construction impacts (air quality); 5) cultural resources; and 6) cumulative impacts. After mitigation, the Project has significant unavoidable cumulative impacts in the area of: 1) loss of agricultural land and open space.

**A. HYDROLOGY AND WATER QUALITY**

1. **Impact.** Constructed wetlands within the 100-year floodplain of the San Benito River could be subject to inundation during flood events and could affect flood levels.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid flooding impacts:

- a. At a minimum, all proposed GWMP facilities will conform to FEMA Flood Program requirements and the appropriate local floodplain ordinance. Pipelines shall be buried, with excess spoils disposed of outside of the 100-year floodplain and pump stations shall be sited outside of the floodplain.
- b. A flood analysis will be completed as a part of the design of any constructed wetlands or other project elements located within the 100-year floodplain. The flood analysis will address, at minimum, flood conveyance, potential increases in flood elevation, and any impacts to neighboring properties. Measures to avoid flooding impacts will be included in the final design of project elements. Berm heights of constructed wetlands or other facilities shall be sufficient to provide adequate freeboard above the 100-year flood event, and the outside surface of the berms shall be covered with riprap or other material to prevent erosion during peak flow events.
- c. Groundwater pumping programs for groundwater level management will suspend discharge to the Pajaro River, the San Benito River, or their tributaries when high water and near flooding conditions are present locally or in the Pajaro Valley.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

2. **Impact.** Discharge of treated water from constructed wetlands could result in violations of water quality standards for total dissolved solids, especially during low flow periods of the San Benito River.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce water quality impacts during low flow periods of the San Benito River.

- a. GWMP Update Water Quality Objective 2. Manage water resources to meet Regional Water Quality Control Basin Plan and Department of Health Services water quality objectives.
- b. As part of the design process for constructed wetlands, the following water quality and environmental characteristics will be addressed:
  - (1) Potential impacts on receiving waters. The potential impacts to receiving surface water and groundwater will be assessed based upon the projected quality and quantity of water to be discharged from the constructed wetlands and the existing and projected quality of receiving waters. Conformance with Central Coast Regional Water Quality Control Board discharge requirements and the Central Coast Basin Water Quality Control Plan surface water quality objectives will be required.
  - (2) Water quality and quantity of the subject water. The quality of the agricultural drainage waters to be treated in constructed wetlands will be assessed as a part of the wetland design process. Constituents to be assessed include, but are not limited to, general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, and inorganic persistent and bioaccumulative toxic substances, including boron and some metals.
  - (3) Water quality and quantity of water to be discharged from the constructed wetland(s) The level of treatment or polishing will be estimated based upon the proposed configuration of the ponds, detention time of water prior to discharge, the amount of water in the wetland system, and proposed plant species in the wetlands.
  - (4) Water quality in constructed wetlands (including, but not limited to salinity, pesticides, and metals) will be monitored as required by the Central Coast Regional Water Quality Control Board. Results of water quality analyses will be provided to the California Department of Fish and Game upon request.
- c. Other Program Mitigation Measures: Discharges to water bodies are regulated by the Regional Water Quality Control Board as the implementation body of the Clean Water Act and Porter-Cologne Act. Enforcement of water quality standards for river or ocean discharge would be the responsibility of the RWQCB, via the NPDES or Waste Discharge Requirements permitting process.

**Finding.** The above feasible mitigation measures, which are incorporated into the project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

3. **Impact.** Construction activities related to implementation of the GWMP Update could result in increased erosion during and after construction of new project that could adversely affect water quality.

**Mitigation.** The following program measures have been included in the Project to reduce and avoid adverse impacts to water quality during and after construction activities.

- a. Contractors shall be required to implement Best Management Practices (BMPs) for construction activities. The BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from these areas. These measures address procedures for controlling erosion and sedimentation and managing all aspects of the construction process to ensure control of potential water pollution sources. Erosion and sedimentation control practices typically include:
- limiting construction to the dry-weather months;
  - installation of silt fencing and/or straw wattle;
  - soils stabilization;
  - revegetation; and
  - runoff control to limit increases in sediment in storm water runoff (e.g., straw bales, silt fences, check dams, geofabrics, drainage swales, and sand bag dikes).
- b. Construction activities within stream channels (i.e., diversion structures on local streams) shall be confined to the dry, summer season in order to minimize adverse impacts to local water quality.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

## **B. AGRICULTURAL RESOURCES**

1. **Impact.** Implementation of the Groundwater Treatment project element in the GWMP Update could locate evaporation ponds and water treatment facilities on Prime Farmland or Farmland of Statewide Importance. Although not currently planned, constructed wetlands or tree belt plantings could also impact Prime Farmland. This could result in the conversion of substantial areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.

**Mitigation.** The following program mitigation measure has been included in the Project to avoid or reduce impacts to agricultural resources.

- a. Constructed wetlands for polishing of agricultural drainage of storm water and tree belt plantings will be sited to avoid substantial impacts to Prime Farmland or Farmland of Statewide Importance. A substantial impact would be a net impact to 10 acres or more. Potential land use conflicts with agricultural operations from new project elements, such as modifying access to fields for farm equipment or reducing necessary land use buffers, will be avoided.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

## C. BIOLOGICAL RESOURCES

1. **Impact.** Implementation of the GWMP Update could lower groundwater levels in some areas from current levels at or near the surface to 20 to 30 feet below the ground surface. This could result in substantial impacts to riverine, riparian and wetland habitats that are supported by high groundwater levels.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to riverine, riparian and wetland habitats supported by high groundwater levels.

- a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared.
  - (1) Identification of the physical location of the groundwater level management area.
  - (2) Identification of the quantity and timing of proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks.
  - (3) Proposed disposal/disposition of pumped groundwater.
  - (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping.
  - (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by proposed groundwater pumping.
  - (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature.
  - (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger



salamanders, that occupy standing water, wetlands or aquatic habitats within the groundwater level management area and within the zone of influence of the proposed pumping.

- b. Groundwater Pumping Programs will conform to the following conditions:
- (1) Planned reductions in groundwater levels will only impact developed habitats; or
  - (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and
  - (3) The pumping activity is designed to avoid impacts special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-logged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

2. **Impact.** Implementation of the GWMP Update could result in direct impacts to Riverine, Valley Foothill Riparian, Freshwater Emergent Wetland, and Vernal Marsh Habitats.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce direct impacts to wetland, marsh, and riparian and riverine habitats.

- a. **Avoidance and Minimization (Wetland Impacts).** New projects will be designed, constructed, and operated in such a way as to avoid and/or minimize impacts to wetland habitats. If total avoidance is not possible, then wetland replacement will be completed.
- b. **Wetland Replacement.** The wetland habitat that will be lost under any new projects would be functionally replaced in conformance with mitigation requirements of the responsible regulatory agencies. In-kind (the same wetland type) and on-site replacement of lost wetland habitats will be done where possible.

The determination of wetland impacts and the subsequent location and design of potential mitigation sites would be determined by qualified biologists in coordination with resource agency personnel. Mitigation and habitat restoration plans would provide for the following:

- (1) Calculation and replacement of lost acreage and functions of wetland habitat

- (2) Location of restoration opportunities, complete with an analysis of the technical approach to create high quality wetlands.
  - (3) Detailed plans will be prepared for wetland mitigation construction that includes excavation elevations, location of hydrologic connections, planting plans and soil amendments, if necessary. Maintenance and monitoring plans are to be prepared in consultation with a qualified habitat restoration specialist. Any mitigation wetlands will be monitored for a period of five years, during which the site will achieve the target jurisdictional acreage by Year 5. Specific performance criteria will be determined and monitored for site success. Monitoring reports will be provided annually to the appropriate resource agencies.
  - (4) Permits. Prior to construction of any project element that may impact wetland habitats, the project proponent will apply for a Section 404 permit and Water Quality Certification from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. The project proponent will comply with the conditions of required permits.
- c. Avoidance and Minimization (Riparian Habitats). New projects will be designed, constructed, and operated in such a way as to avoid and/or minimize impacts to riparian habitats. If avoidance is not possible, then riparian habitat replacement will be required.
- d. Riparian Habitat Replacement. Permanent impacts to vegetation within riparian habitats are typically mitigated at ratios based on the quality of the habitat to be impacted. Due to the complex mosaic of habitats often found within riparian corridors, impacts are typically assessed based on three habitat quality categories, described below. This methodology ensures that, regardless of the type of habitat impacted, its relative value and time required to reestablish replacement habitat is taken into account in quantifying impacts and necessary mitigation. As a result, the impact quantities are not calculated by habitat type, but rather by habitat quality category.

The three habitat quality categories are:

High quality – Native overstory with continuous understory or occurring in dense thickets; dense native overstory with sparse, non-native or no understory; and native willow thicket.

Medium quality – Sparse native overstory with sparse, non-native or no understory, non-native overstory with native understory, and dense non-native overstory with sparse, non-native or no understory.

Lower quality – Sparse non-native overstory with sparse, non-native or no understory. In addition, any areas not included in medium or high quality categories that will be covered with riprap, gabions, etc. (e.g., ruderal habitat and bare ground).

Mitigation ratios of 3:1, 2:1, and 1:1 (replacement acres:lost acres) will generally be applied for impacts to high, medium and low-quality habitats, respectively.

The assessment of riparian impacts and the subsequent location and design of potential mitigation sites will be determined by qualified biologists in coordination with resource agency personnel. These plans will include the following:

- 1) A description of how the restoration will replace the lost acreage, functions, and values of riparian habitat.
  - 2) Site specific restoration design with a complete analysis of the technical approach to create high quality riparian habitat. The design will include an implementation plan that details site grading, soil amendments, irrigation, planting list, floodplain connectivity, geomorphic conditions and anticipated wildlife use. Revegetation should use native species with seeds or cuttings collected on-site or locally. The restoration plan will also include an explanation of all required site maintenance. A monitoring plan will be developed that includes success criteria for all riparian plantings.
- e. Consolidation of Riparian Mitigation. If multiple smaller impact areas occur, it would be beneficial to consolidate mitigation into a larger habitat restoration area. Larger riparian restoration areas would provide greater functions and values than numerous small mitigation sites. The location and design of potential mitigation sites will be determined by qualified restoration biologists in coordination with resource agency personnel.
- f. Encroachment Into Riparian Buffer Zones. If a new project element would be located within 100 feet of the edge of a riparian corridor, and has encroachment impacts, mitigation in the form of habitat replacement or a functional equivalent will be completed. Mitigation ratios will be determined by a qualified biologist and will be based upon the type of development proposed and the quality and extent of indirect impacts to the riparian habitat.
- g. Permits. Prior to construction within the bed and banks of creeks, rivers, or lakes, the project proponent will apply for and obtain a Streambed Alteration Agreement from the California Department of Fish and Game.
- h. Invasive, exotic tree species will not be used in tree belt plantings. Examples of invasive species include tree of heaven (*Ailanthus altissima*) and blue gum (*Eucalyptus globulus*). Tree selections will be made in consultation with the County of San Benito Agricultural Commissioner.

Consideration of Native Tree Species for Tree Belt Plantings. As a part of site specific planning, the use of tree species native to the project vicinity will be considered and compared with the water-removing capacity of

other suitable species. If native trees are used, they should be propagated from trees in the local area.

- i. **Implementation of Best Management Practices For Work in Stream Channels.** Implementation of Best Management Practices described below will reduce potential impacts to aquatic species to a less-than-significant level. The following recommendations by the California Department of Fish and Game must be followed, regardless of whether any watercourse within project element footprints are dewatered or not, in order to comply with proper mitigation measures:
  - (1) No equipment will be operated in the live stream channel.
  - (2) When work in a flowing stream is unavoidable, any stream flow shall be diverted around the work area by a barrier, temporary culvert or a new channel capable of permitting upstream and downstream fish movement.
  - (3) Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction and the flow shall be diverted only when construction of the diversion is completed.
  - (4) No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

3. **Impact.** The hairless popcorn-flower is thought to be extinct; however, suitable, alkaline moist areas are found within the GWMP Update area. Construction activities in suitable habitat areas potentially could impact hairless popcorn-flower.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid impacts to hairless popcorn flower populations.

- a. **Determine Presence/Absence.** Before implementing any new project elements that could impact vernal marsh habitats within the Bolsa, Pacheco and Hollister East Subbasins, blooming season surveys for the hairless popcorn-flower will be completed. Between March and May prior to construction, areas to be impacted within the Bolsa, Pacheco and Hollister East subbasin will be surveyed for hairless popcorn flower. If the surveys are negative, no further mitigation is warranted. If hairless popcorn flower populations are found in the construction area, avoidance will be necessary.

- b. **Avoidance.** Project element(s) will be redesigned to avoid impacts to hairless popcorn flower populations. The changes in design will be approved by a qualified biologist to insure that no impacts to the population will occur. If avoidance is not possible, additional environmental review and development of site specific mitigation measures will be required.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

- 4. **Impact.** Implementation of the proposed GWMP Update could result in lowered groundwater levels, reduced surface water flows, and the permanent loss of wetland and aquatic habitats for special-status animals including Monterey roach, California red-legged frogs, southwestern pond turtles, western spadefoot toads, California tiger salamanders, and Tricolored Blackbirds.

**Mitigation.** The following program mitigation measures have been included in the project to avoid or reduce impacts to special-status animals found in wetland and aquatic habitats.

- a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared.
  - (1) Identification of the physical location of the groundwater level management area.
  - (2) Identification of the quantity and timing of proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks.
  - (3) Proposed disposal/disposition of pumped groundwater.
  - (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping.
  - (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by proposed groundwater pumping.
  - (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature.
  - (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger salamanders, that occupy standing water, wetlands or aquatic

habitats within the groundwater level management area and within the zone of influence of the proposed pumping.

- b. Groundwater Pumping Programs will conform to the following conditions:
- (1) Planned reductions in groundwater levels will only impact developed habitats; or
  - (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and
  - (3) The pumping activity is designed to avoid impacts to special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-legged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan.
- c. Avoidance and Minimization. Prior to approval of a surface water diversion project by the Lead Agency, minimum flow requirements in Pacheco Creek, Arroyo De Las Viboras, and Arroyo Dos Picachos during critical winter and late spring periods will be established. Diversions will be designed so that they will not cause interference with steelhead migration in Pacheco Creek or Arroyo Dos Picachos. The ability of the creek channels to convey modified flows with minimal scour or deposition will also be assessed.

Minimum flow requirements will be reviewed by appropriate state and federal water and resources agencies, including the State Water Resources Control Board, the California Department of Fish and Game, and National Marine Fisheries Service.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

5. **Impact.** Implementation of the project elements in the proposed GWMP Update that directly impact vernal marsh habitat could adversely impact vernal pool fairy shrimp.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid impacts to vernal pool fairy shrimp.

- a. Avoid Habitat. New projects should be redesigned, constructed, and operated in such a way as to avoid and/or minimize impacts to vernal marsh habitat. If construction is planned adjacent to vernal marsh habitat, prior to any construction activities, the boundaries of construction areas will be clearly delineated with orange plastic construction fencing to prevent workers or equipment from inadvertently straying from the construction area.

- b. **Protect Water Quality.** A hazardous material spill prevention plan will be developed and implemented for any work in or adjacent to the Pajaro River or its tributaries. Hazardous materials will be stored in secured structures with secondary spill containment features. Refueling of construction equipment and vehicles will not occur within 300 feet of any water body or anywhere that spilled fuel could drain to a water body. The contractors will check and maintain equipment and vehicles daily to prevent leaks of fuels, lubricants, or other fluids. The implementation of Best Management Practices (see Implementation of Best Management Practices for Work in Stream Channels under I(C)(2)(i) above) will also be required.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

6. **Impact.** Implementation of the GWMP Update could result in reduced flows that would affect steelhead.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to steelhead.

- a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared.
  - (1) Identification of the physical location of the groundwater level management area.
  - (2) Identification of the quantity and timing of proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks.
  - (3) Proposed disposal/disposition of pumped groundwater.
  - (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping.
  - (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by proposed groundwater pumping.
  - (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature.
  - (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger salamanders, that occupy standing water, wetlands or aquatic

habitats within the groundwater level management area and within the zone of influence of the proposed pumping.

- b. Groundwater Pumping Programs will conform to the following conditions:
- (1) Planned reductions in groundwater levels will only impact developed habitats; or
  - (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and
  - (3) The pumping activity is designed to avoid impacts to special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-legged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan.
- c. Avoidance and Minimization. Prior to approval of a surface water diversion project by the Lead Agency, minimum flow requirements in Pacheco Creek, Arroyo De Las Viboras, and Arroyo Dos Picachos during critical winter and late spring periods will be established. Diversions will be designed so that they will not cause interference with steelhead migration in Pacheco Creek or Arroyo Dos Picachos. The ability of the creek channels to convey modified flows with minimal scour or deposition will also be assessed.

Minimum flow requirements will be reviewed by appropriate state and federal water and resources agencies, including the State Water Resources Control Board, the California Department of Fish and Game, and National Marine Fisheries Service.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

7. **Impact.** Construction activities could adversely affect steelhead.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to steelhead during construction.

- a. Construction Scheduling and Work in Channels Where Water is Present. Construction in tributaries of the Pajaro River will be limited to the dry season (June 1 to October 31), when steelhead are least likely to be present. Most of the San Benito River and other tributaries are typically dry during this time period. If construction will occur in a live, flowing, stream channel, National Marine Fisheries Service (NMFS) will be consulted regarding measures necessary to prevent take. Because it is possible that juveniles could be moving downstream during any time of year, including the dry season, these measures should ensure that movement of steelhead is not prevented by any water diversion structures



used during construction, regardless of when construction occurs. Ideally, the live stream channel will be maintained and protected (e.g. by a structure covering the channel, and coffer dams around construction areas). If the live channel cannot be maintained, water would be diverted through construction sites by way of an open ditch (rather than a pipe) connecting the portions of the channel immediately upstream and downstream from the site. This plastic-lined ditch should also be lined with cobble-sized stones to deter predation by making the steelhead less conspicuous as they pass through the channel. Water within this ditch should be at least 30 centimeters (12 inches) deep, and no impediments to movement, such as high drop structures, will be present.

- b. **Implement Hazardous Materials Spill Prevention and Best Management Practices.** A hazardous material spill prevention plan will be developed and implemented for any work in or adjacent to the Pajaro River or its tributaries. Hazardous materials will be stored in secured structures with secondary spill containment features. Refueling of construction equipment and vehicles will not occur within 300 feet of any water body or anywhere that spilled fuel could drain to a water body. The contractors will check and maintain equipment and vehicles daily to prevent leaks of fuels, lubricants, or other fluids. The implementation of Best Management Practices (see Implementation of Best Management Practices for Work in Stream Channels under I(C)(2)(i), above) will also be required.
- c. **Reduce Barriers to Movement.** The placement of diversion structures or other hardscape within and immediately adjacent to the low flow channel of any tributary could cause an impediment to migration for steelhead. Potential in-stream structures will be designed in such a way as to not encroach upon the low flow channel and be designed to avoid hardscape that could result in significant eddies within the low flow channel.
- d. **Consultation with National Marine Fisheries Service** will be completed for any new project activities that could affect steelhead such as dewatering creeks or rivers, or any in-stream construction.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

8. **Impact.** Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to Monterey roach, California tiger salamanders, red-legged frogs, foothill yellow-legged frogs, western spadefoots, and southwestern pond turtles.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to Monterey roach, California tiger salamanders, red-legged frogs, foothill yellow-legged frogs, western spadefoots, and southwestern pond turtles.

- a. **Determine Presence/Absence (California Tiger Salamander).** Prior to construction, protocol-level surveys for California tiger salamanders will

be conducted by a qualified biologist in any potential habitat for the species that could be affected by the Management Plan.

- b. **Avoidance.** Project elements that will impact California tiger salamanders or their habitat will be redesigned to avoid all impacts. If avoidance is not possible, then Compensation for Habitat Loss and consultation with CDFG will be necessary.
- c. **Compensation for Habitat Loss.** Replacement of aquatic, wetland, and/or upland habitat that provides breeding or aestivation habitat for California tiger salamanders will be provided commensurate with project impacts. Restoration of areas of temporary impacts will replace amphibian habitat impacted temporarily. Mitigation ratios to compensate for permanent impacts to aquatic, wetland and upland habitat must provide more than the existing breeding, foraging and aestivation habitat at the impact site and will be approved by CDFG.
- d. **Avoidance (Red-legged Frogs and Other Aquatic Species).** To the greatest extent feasible, construction of project elements will be planned to avoid habitat for aquatic species such as the red-legged frog. If construction will occur adjacent to habitat for aquatic species, impacts will be avoided through the following measures.
  - (1) Prior to any construction activities, the boundaries of construction areas will be clearly delineated with orange plastic construction fencing to prevent workers or equipment from inadvertently straying from the construction area. All construction personnel, equipment, and vehicle movement shall be confined to designated construction areas and connecting roadways. Movement of construction and personal vehicles shall be prohibited outside designated construction areas or off established roadways.
  - (2) Prior to the onset of any ground disturbing activities, exclusion fencing will be established around areas of potentially occupied habitat, as determined by a qualified biologist. Exclusion fencing will consist of silt-fencing or similar material at least 36 inches in height that is buried six inches in the ground to prevent incursion under the fence. Exclusion fencing may be installed at the base of the construction fencing described in "A" above. This fence will be surveyed each morning before construction, to verify that no frogs have entered the construction site.
  - (3) Before any construction activities begin, a U.S. Fish and Wildlife Service approved biologist will conduct a training session with construction personnel to describe the California red-legged frog and its habitat, the specific measures being implemented to minimize effects to the species, and the boundaries of the construction area.
  - (4) All food-related trash items will be enclosed in sealed containers and removed daily from a project site to discourage the

concentration of potential predators in habitat potentially occupied by California red-legged frogs.

- e. Implement Hazardous Materials Spill Prevention and Best Management Practices. See Implement Hazardous Material Spill Prevention and Implementation of Best Management Practices For Work in Stream Channels, above)
- f. Consultation with the USFWS. Take of California red-legged frogs is only permitted through consultation with the USFWS. Some project elements may involve a federal nexus and, therefore, Section 7 consultation will be required. Other project elements will lack a federal nexus, however, and take will only be authorized upon approval of a suitable Habitat Conservation Plan (HCP). The HCP will provide specific mitigation measures appropriate to the scale of take. Depending on the construction activities, these mitigation measures could range from presence of an on-site monitor to extensive habitat restoration. An HCP would be completed through consultation with the USFWS.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

9. **Impact.** Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to individual Burrowing Owls.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to Burrowing Owls.

- a. For projects in grassland habitat that could result in permanently displacement of burrowing owls (i.e., installation of evaporation ponds, constructed wetlands, or percolation ponds), protocol burrowing owl surveys will be conducted between April 15 and July 25. If burrowing owls are observed during surveys, the extent of burrowing owl habitat on the site will be delineated by a qualified ornithologist. Avoidance and/or habitat mitigation measures will be incorporated in future projects, as appropriate.
- b. **Avoidance.** Preconstruction surveys for Burrowing Owls will be completed in conformance with CDFG protocols, no more than 30 days prior to the start of construction in grassland habitat and margins of agricultural areas where habitat for Burrowing Owls is present. If no Burrowing Owls were located during these surveys, no additional action would be warranted. However, if breeding or resident owls were located on, or immediately adjacent to, the site, the project could be reconfigured to avoid impacts or buffer zones will be established and/or resident owls will be relocated, as described below. For projects that would permanently displace burrowing owl populations, habitat replacement could be required.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce air quality impacts during construction.

- a. For new projects that exceed the threshold limits established by the Monterey Bay Unified Air Pollution Control District (currently 2.2 acres of disturbance, or 82 lb/day), a dust abatement program will be implemented in accordance with Air Pollution Control District requirements.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

## E. CULTURAL RESOURCES

1. **Impact.** Implementation of new projects in the GWMP Update could disturb buried prehistoric resources.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to buried prehistoric resources.

- a. A site-specific archive and literature search would be conducted for project sites once they have been selected for construction. An archaeological and architectural field inventory of areas not previously surveyed would also be completed. Appropriate recordation or supplements to existing documentation would be placed on file with the California Historical Resources Information System, Northwest Information Center at California State University Sonoma, Rohnert Park.
- b. In the event any significant cultural materials are encountered, all construction within a radius of 100 feet of the find would be halted, the District Manager of the San Benito County Water District and appropriate City or County Planning Department personnel would be notified, and the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
- c. In the event that human skeletal remains are encountered, the County Coroner will be notified immediately. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The District Manager of the San Benito County Water District and appropriate City or County Planning Department personnel will also be notified immediately, as appropriate, if human skeletal remains are found during development.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

2. **Impact.** Implementation of new projects in the GWMP Update could disturb or adversely effect properties listed on the National Register of Historic Places and/or the California Register of Historical Resources or important historic archaeological resources.

**Mitigation.** The following program mitigation measures have been included in the Project to avoid or reduce impacts to historical resources or important historic archaeological resources.

- a. A site-specific archive and literature search would be conducted for project sites once they have been selected for construction. An archaeological and architectural field inventory of areas not previously surveyed would also be completed. Appropriate recordation or supplements to existing documentation would be placed on file with the California Historical Resources Information System, Northwest Information Center at California State University Sonoma, Rohnert Park.
- b. For cultural resources identified as eligible for the National Register of Historic Places/California Register of Historical Resources, measures to avoid or reduce impacts to a less-than-significant level would be implemented. Preferred mitigation is avoidance of areas of recorded or known significant or potentially significant cultural resources. Mitigation measures would include: mitigation monitoring by a Professional Archaeologist of archaeologically sensitive areas during ground disturbing construction; formal training of construction personnel to recognize, report and avoid cultural resources; the flagging and/or fencing of recorded cultural resources within 100 feet of a project for avoidance and protection; construction contract language discussing the potential for significant subsurface archaeological resources and protocols for dealing with unexpected discoveries; and, the requirements for the identification, evaluation and treatment of significant unexpected discoveries in accordance with regulatory requirements.
- c. In the event any significant cultural materials are encountered, all construction within a radius of 100 feet of the find would be halted, the District Manager of the San Benito County Water District and appropriate City or County Planning Department personnel would be notified, and the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level**.

## F. CUMULATIVE IMPACTS

1. **Impact.** Construction of the cumulative projects would result in the loss of open space and agricultural land.

**Mitigation.** See Section I(B)(1), above, for discussion of the Project's program mitigation measures for impacts to agricultural resources.

**Finding.** To the extent that implementation of the GWMP Update results in the loss of agricultural land, it would contribute to the cumulative loss of agricultural land and open space in San Benito County. Impacts to agricultural land and open space cannot be off-set by the creation of new agricultural land or open space. Specific economic, environmental, legal, social, technological or other considerations make mitigation of this impact infeasible. Therefore, cumulative impacts to agricultural land and open space remain **significant and unavoidable**.

2. **Impact.** Construction of the cumulative projects could result in hydrology and water quality impacts.

**Mitigation.** See Section I(A), above, for discussion of the Project's program mitigation measures for impacts to hydrology and water quality. In addition, through individual permit review and implementation of Best Management Practices (BMPs), the cumulative impact to stormwater quality from Pending Projects would be reduced to a less than significant level.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant environmental impact described above to a **less than significant level** and the project would not substantially contribute to significant cumulative flooding impacts.

3. **Impact.** Construction of the approved and pending development would disturb natural vegetation and wildlife habitats, could disturb streambeds, and result in the loss of special status species and their habitat in the project area and vicinity.

**Mitigation.** See Section I (B)(1-12), above, for discussion of the Project's program mitigation measures for impacts to biological resources. Other pending projects have or will be subject to environmental review and mitigation for impacts to biological resources should be required as a part of the permit approval process.

**Finding.** The above feasible mitigation measures, which are incorporated into the Project, will avoid or substantially lessen the significant potential impacts to special status species, wetlands, and aquatic habitats to a less than significant level and the project would not substantially contribute to significant and unavoidable cumulative impacts to these biological resources.

4. **Impact.** Construction of the GWMP Update project elements and other Pending Projects would disrupt soils and result in a significant short-term cumulative erosion hazard. Seismic induced liquefaction could also damage pipelines and other improvements.

**Mitigation.** Implementation of erosion and sediment control measures (see Section I(A), above) and erosion and sediment control programs will be incorporated into project-specific plans. Individual developments are subject to environmental review and permitting whereby the design and construction of the project in conformance with the Uniform Building Code should reduce sedimentation and seismic impacts to a less than significant level.

**Finding.** Implementation of the program mitigation measures included in cumulative development projects would reduce cumulative geologic (erosion and sedimentation) and seismic impacts to a **less than significant level**.

5. **Impact.** Construction of cumulative projects could impact cultural resources sites.

**Mitigation.** Implementation of the cultural resources program mitigation measures in Section I(D)(1-2) would avoid or reduce the Project's contribution to cumulative impacts to a less than significant level. In addition, the completion of project-specific cultural resource assessments for pending projects, and the development of appropriate mitigation measures would reduce the cumulative effects of development to a less than significant level.

**Finding.** Implementation of the program mitigation measures included in the project and the development of appropriate mitigation measures for pending projects would reduce the cumulative effects of development to a **less than significant level**.

6. **Impact.** The project, along with pending projects, could result in short-term land use compatibility, traffic, noise, and air quality impacts, and increased sedimentation of surface waters during construction.

**Mitigation.** The project includes program mitigation measures to limit construction impacts. Through the permitting process, mitigation for individual construction impacts would be identified to reduce the cumulative impact to a less than significant level.

**Finding.** Implementation of the program mitigation measures included in the project would reduce the cumulative effects of short-term construction impacts to a **less than significant level**.

**GROUNDWATER MANAGEMENT PLAN UPDATE  
FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-  
HOLLISTER GROUNDWATER BASIN**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

The District makes the following Statement of Overriding Considerations regarding the significant, unavoidable impact of the Project and the anticipated benefits of the Project.

- A. SIGNIFICANT UNAVOIDABLE IMPACTS.** Based on the FPEIR and the facts included in the record, the District has determined that the Project will result in the following unavoidable impacts:

**CUMULATIVE IMPACTS**

**Impact.** Construction of the cumulative projects would result in the loss of open space and agricultural land.

**Mitigation.** See Section I(B)(1), Exhibit A for discussion of the Project's program mitigation measures for impacts to agricultural resources.

**Finding.** To the extent that implementation of the GWMP Update results in the loss of agricultural land, it would contribute to the cumulative loss of agricultural land and open space in San Benito County. Impacts to agricultural land and open space cannot be offset by the creation of new agricultural land or other open space. Specific economic, environmental, legal, social, technological or other considerations make mitigation of this impact infeasible. Therefore, cumulative impacts to agricultural land and open space remain significant and unavoidable.

- B. BENEFITS OF THE PROJECT.** The District has considered the FPEIR and the facts included in the record and has determined that implementation of the Project as specifically provided in the Project documents will result in the following substantial public benefits:

- ◆ Coordinated planning and implementation of water resource programs and projects resulting in reduced economic cost and environmental impacts.
- ◆ Providing water supply and water supply and water supply reliability necessary to support current and future agriculture.
- ◆ Providing Water Quality meeting standards to protect agriculture as a "beneficial use."
- ◆ Providing coordination of surface water and ground water to achieve groundwater level and storage objectives.



- ◆ Providing coordination of activities to manage and mitigate high groundwater levels currently impacting agriculture.
- ◆ Providing agricultural water use efficiency and fertilizers and soil and water amendment management.

**C. OVERRIDING CONSIDERATIONS.** The District finds that for the considerations set forth above the benefits of the Project outweigh its contribution to the significant and unavoidable cumulative loss of agricultural land and open space in San Benito County.

**GROUNDWATER MANAGEMENT PLAN UPDATE  
FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-  
HOLLISTER GROUNDWATER BASIN**

**FINDINGS CONCERNING ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR identify alternatives to a project as proposed. The CEQA Guidelines specify that the EIR describe a range of reasonable alternatives to the project which "would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project". The purpose of this section is to determine whether there are alternatives of design, scope or location which would substantially lessen the significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives" or are more expensive (CEQA Guidelines Section 15126.6).

In response to comments and concerns raised by agencies, organizations and individuals, the originally proposed project was revised to include the environmentally superior alternative identified in the Draft PEIR and additional mitigation measures to reduce previously identified significant unavoidable impacts to a less than significant level (refer to revised Project Description and Program-level mitigation measures in revised Appendix B-1 of the Final PEIR).

The significant unavoidable impact identified in the Final PEIR to result from the proposed Project is a contribution to a cumulative loss of agricultural land and open space in San Benito County. Alternatives required by CEQA to be considered should, therefore, be capable of avoiding or lessening some or all of these impacts.

**A. NO PROJECT ALTERNATIVE**

- 1. Description.** The "No Project" alternative would include on-going programs (such as adoption of a water softener ordinance and some groundwater treatment) that would reduce salt input into the groundwater basin; however, there would be no program implemented for exporting salts from the basin and, therefore, salt buildup will increase each year. Importation of CVP water would continue similar to existing levels and high groundwater levels could continue to be found in areas of the Bolsa, Pacheco and San Juan Subbasins. A building moratorium would likely continue in the City of Hollister without a long-range plan for wastewater treatment facilities. Agricultural tile drains may continue to be installed in the San Juan Valley, with runoff from fields discharged to local creeks and drainage channels and, ultimately, the San Benito River. Under this alternative, groundwater flows and agricultural runoff could increase salinity in the San Benito River.
- 2. Comparison to the Proposed Project.** This alternative would completely avoid all of the identified impacts anticipated to occur as a result of the Project. The No Project alternative would avoid flooding and water impacts to the San Benito and Pajaro Rivers, water quality and cultural resources impacts during construction, and potential impacts to biological resources (wetland and aquatic habitats and special status species including steelhead, tiger salamander, and red-legged frog)

associated with groundwater pumping for water level management. Potential impacts to steelhead associated with River Discharge of wastewater effluent, groundwater treatment concentrate, pumped groundwater and agricultural drainage, would be avoided.

3. **Finding.** This alternative is hereby rejected for the following reasons: The No Project alternative does not meet the GWMP Update objectives of integrating the management of groundwater, surface water and imported water and protecting groundwater quality by minimizing long-term levels of salinity and limiting infiltration of nitrates and other substances. To the extent that water users would remain dependent on CVP water in critically dry years, this alternative would not meet the objective of maintaining a reliable water supply for present and future users and could result in groundwater overdrafting and ground subsidence.

## **B. MODIFIED EXPORT PIPELINE/NO RIVER DISCHARGE ALTERNATIVE**

1. **Description.** Under this alternative, the Out-of-Basin Export project element would include construction of an export pipeline to the Watsonville Wastewater Treatment Plant and evaporation and trucking of salts from groundwater treatment facilities. Constructed wetlands could be used as holding facilities under some conditions. The River Discharge option included in the July 2003 GWMP Update would not be employed.

Under this alternative, three effluent streams (wastewater effluent, groundwater treatment concentrate and agricultural drainage) would be handled independently under emergency conditions. Groundwater pumping could be stopped on a temporary basis.

2. **Comparison to the Proposed Project.** The project, as currently proposed, does not include either the Out-of-Basin Export Pipeline or the River Discharge project elements. This alternative would have greater construction impacts to riparian and other sensitive habitats associated with construction of an approximately 26 mile export pipeline from the San Juan Valley to the City of Watsonville wastewater treatment plant. Based upon comments received on the Draft PEIR, additional characterization of the water quality of the four effluent streams that could be discharged through the Watsonville outfall is required to fully evaluate the impacts to the Pajaro Lagoon and Monterey Bay. This alternative does not include 18 additional hydrology and water quality, land use, and biological resources program mitigation measures currently included in the project to reduce or avoid adverse environmental impacts. All other impacts identified for the project would remain the same.
3. **Finding.** This alternative is hereby rejected for the following reasons: the Modified Export Pipeline/No River Discharge Alternative is not environmentally superior to the currently proposed project.

## **C. MODIFIED RIVER DISCHARGE ALTERNATIVE**

1. **Description.** The project, as currently proposed, does not include the Out-of-Basin Export River Discharge project element. This alternative includes a River

Discharge project element that would discharge to the San Benito River only when the standards for total dissolved solids and other constituents can be met in conformance with the Central Coast Basin Plan.

2. **Comparison to the Proposed Project.** This alternative would have greater water quality impacts to the Pajaro Valley and downstream habitats and could result in greater impacts to special status species, including steelhead. Based upon comments received on the Draft PEIR, additional characterization of the water quality of the four effluent streams that could be discharged through an outfall to the San Benito River to full evaluate the impacts to the Pajaro River, Pajaro Lagoon and Monterey Bay is needed. This alternative does not include 18 additional hydrology and water quality, land use, and biological resources program mitigation measures currently included in the project to reduce or avoid adverse environmental impacts. All other impacts identified for the project would remain the same.
3. **Finding.** This alternative is hereby rejected for the following reasons: the Modified River Discharge Alternative is not environmentally superior to the currently proposed project.

#### **D. PUMPED GROUNDWATER ONLY RIVER DISCHARGE ALTERNATIVE**

1. **Description.** The Pumped Groundwater Only River Discharge Alternative consists of a modification and refinement of one of the project elements (River Discharge) proposed in the July 2003 GWMP Update. Under this alternative, only pumped groundwater could be directly discharged to the San Benito River. Additional wastewater effluent flows from the Hollister and San Juan Bautista wastewater treatment plants would be accommodated with additional in-basin percolation ponds and the use of recycled water for agricultural and M&I uses. Groundwater treatment concentrate would be disposed of using the evaporation and trucking of salts project element. Agricultural drainage from tile drains would continue to be discharged to local creeks and drainage channels.

This alternative assumes that the discharge of groundwater pumped for water level management would meet water quality standards. Groundwater pumping for water level management could be suspended for short periods if flood conditions warrant.

2. **Comparison to the Proposed Project.** This alternative is similar to the currently proposed project, however, it does not include 18 additional hydrology and water quality, land use, and biological resources program mitigation measures currently included in the project to reduce or avoid adverse environmental impacts.
3. **Finding.** This alternative is hereby rejected for the following reasons: the Pumped Groundwater Only River Discharge Alternative is not environmentally superior to the currently proposed project.

**E. LIMITED OR NO GROUNDWATER PUMPING FOR WATER MANAGEMENT ALTERNATIVE**

- 1. Description.** This alternative has been incorporated in the current project. It would avoid groundwater pumping for water level management in areas of San Benito County where groundwater comes to the surface and supports wetlands or flows into riparian and aquatic habitats. Like the No Project Alternative, it is assumed that importation of CVP water would continue at similar to existing levels. This alternative would reduce the GWMP Update's potential impacts on wetland, aquatic, and riparian habitats in the Bolsa, Pacheco, and San Juan Sub basins, and associated impacts to special status species, including red-legged frog and California tiger salamander.

Under the Limited or No Groundwater Pumping for Water Level Management Alternative, groundwater pumping could be undertaken in limited, prescribed areas. Prior to initiating a groundwater pumping program, an evaluation would be completed. Groundwater pumping would be allowed if: 1) planned reductions in groundwater levels would only impact developed habitats; or 2) impacts to wetland, aquatic and riparian habitats were relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and 3) the pumping activity does not impact special-status species dependent on wetland, aquatic or riparian habitats (e.g., red-legged frog or California tiger salamanders) or if these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan.

- 2. Comparison to the Proposed Project.** This alternative has been incorporated into the proposed project. This alternative does not include additional hydrology and water quality, land use, and biological resources program mitigation measures currently included in the project to reduce or avoid potential adverse environmental impacts associated with water diversions from three creeks, constructed wetlands, and evaporation ponds.
- 3. Finding.** This alternative is hereby rejected for the following reasons: this alternative is not environmentally superior to the currently proposed project. This alternative meets most, but not all of the project objectives.



**MITIGATION MONITORING AND REPORTING PROGRAM**

**GROUNDWATER MANAGEMENT PLAN UPDATE  
FOR THE SAN BENITO COUNTY PART OF THE GILROY-  
HOLLISTER GROUNDWATER BASIN**

**SAN BENITO COUNTY WATER DISTRICT**  
**In Association with the Water Resources Association**

- **City of Hollister**
- **City of San Juan Bautista**
- **Sunnyslope County Water District**

**JUNE 2004**

# P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On \_\_\_\_ 2004 the Final Program Environmental Impact Report was certified for the *Groundwater Management Plan Update for the San Benito County Part of the Gilroy-Hollister Groundwater Basin* (GWMP Update). The Final Program Environmental Impact Report concluded that the implementation of the project (the GWMP Update) could result in a number of significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document discusses those subjects for which Program Mitigation Measures were included in the GWMP Update. It is assumed that future, site-specific projects will be reviewed, as appropriate, under the California Environmental Quality Act (CEQA). As a part of project-level review, additional, specific mitigation measures may be identified and incorporated into individual projects.



**MITIGATION MONITORING AND REPORTING PROGRAM  
GROUNDWATER MANAGEMENT PLAN UPDATE (2004)**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p><b>LAND USE</b></p> <p>Implementation of the GWMP Update would not result in significant land use compatibility impacts. <b>(Less Than Significant Impact)</b></p> <p>Implementation of the GWMP Update would not conflict with Growth Management Programs of the County of San Benito, City of Hollister and City of San Juan Bautista, that were adopted for the purpose of avoiding or mitigating impacts to public services, including the provision of drinking water and wastewater disposal, impacts to agricultural land and open space, and flooding impacts. <b>(Less Than Significant Impact)</b></p>	<p>Use site and project design to minimize direct and indirect impacts to Prime Farmland and Farmland of Statewide Importance. Large ponds or facilities for evaporation of concentrate from groundwater treatment will not be sited on Prime Farmland or Farmland of Statewide Importance. Constructed wetlands for polishing of agricultural drainage or storm water will be sited to avoid substantial impacts to Prime Farmland or Farmland of Statewide Importance. A substantial impact would be a net impact to 10 acres or more. A new impact is defined as the difference between individual land owner actions and integrated or consolidated actions. Potential land use conflicts with agricultural operations from new project elements, such as modifying access to fields for farm equipment, or reducing necessary land use buffers, will be avoided. [Land Use (Agricultural Resources) Measure 7.8.1]</p> <p>Proposed new or expanded wastewater treatment facilities, constructed wetlands and other uses that have the potential to attract wildlife potentially hazardous to aircraft in the vicinity of the Hollister Municipal Airport will consult with the FAA and the San Benito County Airport Land Use Commission to ensure that the facility will be compatible with existing, as well as future, airport operations. [Land Use (Airport Safety) Measure 7.8.2]</p> <p>Noise generating equipment, such as pumps and compressors, will be designed to avoid causing a nuisance or disturbance to nearby sensitive receptors, defined as residences, schools, medical facilities, libraries, churches, day care centers, and convalescent homes.</p> <p>Noise levels at the property line will conform to the following guidelines included in the Final PEIR and developed from federal and state standards:</p> <p>Noise generating equipment adjacent to or effecting a property used or zoned for residential or other defined sensitive purposes not to exceed 60 decibels (7 AM-7 PM) or 50 decibels (7 PM – 7 AM); for commercial uses</p>	<p>To be implemented during the design and/or construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>Consultation with the FAA and San Benito County Airport Land Use Commission will be completed, as required.</p> <p>An acoustical analysis will be completed where noise generating equipment will be placed in proximity to other uses.</p> <p>Site and project design for future new project elements will be reviewed under CEQA.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

**MITIGATION MONITORING AND REPORTING PROGRAM  
GROUNDWATER MANAGEMENT PLAN UPDATE (2004)**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>not to exceed 65 decibels; and for industrial use not to exceed 75 decibels.</p> <p>In addition, future projects with noise generating equipment will be sited and designed so that noise levels, using the 24-hour Day-Night Level (DNL) descriptor, will not exceed 60 dBA DNL in outdoor activity areas for noise sensitive uses. Noise levels will be reduced by incorporating noise reduction technology (acoustical treatments) such as acoustical enclosures and mufflers. [Noise and Land Use Compatibility Measure 7.9.1.1]</p> <p>A noise analysis that addresses existing and future conditions will be completed by a qualified acoustical consultant prior to the approval of noise generating projects located in the vicinity of noise sensitive receptors. The noise analysis will identify measures required to conform with the noise guidelines listed in Program Mitigation Measure 7.9.1.1.</p>			
<b>HYDROLOGY AND WATER QUALITY</b>				
<p>Development or redevelopment of the Cienega Valley water supply and the local diversion of streamflows from Pacheco Creek, Arroyo de las Vitoras, and Arroyo Dos Picachos proposed under the GWMP Update would not substantially degrade or deplete groundwater resources. (Less Than Significant Impact)</p>	<p>Operational Impacts to Steelhead from Development or Redevelopment of High Quality Local Surface Water Supplies: Avoidance and Minimization. Prior to approval of a surface water diversion project by the Lead Agency, minimum flow requirements in Pacheco Creek, Arroyo De Las Vitoras, and Arroyo Dos Picachos during critical winter and late spring periods will be established. Diversions will be designed so that they will not cause interference with steelhead migration in Pacheco Creek or Arroyo Dos Picachos. The ability of the creek channels to convey modified flows with minimal scour or deposition will also be assessed.</p> <p>Minimum flow requirements will be reviewed by appropriate state and federal water and resources agencies, including the State Water Resources Control Board, the California Department of Fish and Game, and National Marine Fisheries Service. [Biological Resources Measure 7.2.5 and Hydrology and Water Quality Measure 7.7.2.1]</p>	<p>To be implemented during the design phase by the Lead Agency or Responsible Agencies</p>	<p>Submittal/completion of detailed hydrologic analysis.</p> <p>Project design and operation will be reviewed, as appropriate, under CEQA.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sannyslope County Water District)</p>

**MITIGATION MONITORING AND REPORTING PROGRAM  
GROUNDWATER MANAGEMENT PLAN UPDATE (2004)**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>Implementation of the groundwater level management project elements outlined in the GWMP Update would not substantially degrade or deplete groundwater resources. (Less Than Significant Impact)</p>	<p>Groundwater level increases from In-Basin Water Banking, including operation of aquifer storage and recovery wells, will not be allowed within 30 feet of the ground surface, or at levels that could impact the operation of septic wastewater disposal systems [Hydrology and Water Quality Measure 7.7.3.2].</p> <p>For aquifer storage and recovery projects, treatment in accordance with the State of California's Surface Water Treatment Regulation will be implemented prior to injection or following recovery of surface water before any domestic use of that water occurs [Hydrology and Water Quality Measure 7.7.2.1].</p>	<p>To be implemented during the design and operational phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>Groundwater levels will be monitored on a routine basis and reported in the SBCWD Annual Groundwater Report or other monitoring report, as required.</p> <p>Water treatment will be completed prior to injection or following recovery of surface water for aquifer storage and recovery projects.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p> <p>The Department of Health Services will also be responsible for oversight aquifer storage and recovery projects.</p>
<p>Constructed wetlands within the 100-year floodplain of the San Benito River could be subject to inundation during flood events and could affect flood levels. Implementation of the other project elements in the GWMP Update would not contribute to peak flows or result in a substantial increase in flooding. (Significant Impact)</p>	<p>At a minimum, all proposed GWMP facilities will conform to FEMA Flood Program requirements and the appropriate local floodplain ordinance. Pipelines shall be buried, with excess spoils disposed of outside of the 100-year floodplain and pump stations shall be sited outside of the floodplain. [Hydrology and Water Quality Measure 7.7.1.1]</p> <p>A flood analysis will be completed as a part of the design of any constructed wetlands or other project elements located within the 100-year floodplain. The flood analysis will address, at minimum, flood conveyance, potential increases in flood elevation, and any impacts to neighboring properties. Measures to avoid flooding impacts will be included in the final design of project elements. Berm heights of constructed wetlands or other facilities shall be sufficient to provide adequate freeboard above the 100-year flood event, and the outside surface of the berms shall be covered with riprap or other material to prevent erosion during peak flow events. [Hydrology and Water Quality Measure 7.7.1.2]</p> <p>Avoidance. Groundwater pumping programs for groundwater level</p>	<p>To be implemented during the design and/or construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>A flood analysis will be completed. The design of future projects will be reviewed under CEQA and site specific mitigation measures incorporated, as appropriate.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

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<p>management will suspend discharge to the Pajaro River, the San Benito River, or their tributaries when high water and near flooding conditions are present locally or in the Pajaro Valley. [Hydrology and Water Quality Measure 7.7.1.3]</p>	<p>Out-of-basin export of salts from groundwater treatment by evaporation and trucking would not impact surface water or groundwater quality. (Less Than Significant Impact)</p>	<p>management will suspend discharge to the Pajaro River, the San Benito River, or their tributaries when high water and near flooding conditions are present locally or in the Pajaro Valley. [Hydrology and Water Quality Measure 7.7.1.3]</p>	<p>To be implemented during the design and/or construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Discharge of treated water from constructed wetlands could result in violations of water quality standards for total dissolved solids, especially during low flow periods of the San Benito River. (Significant Impact)</p>	<p>Avoidance. An impermeable barrier, that will prevent saline water from percolating into the groundwater, will be provided beneath any evaporation ponds for concentrate from groundwater demineralization or treatment.  Adequate freeboard to contain a 100-year storm event and drainage will be provided in evaporation ponds to prevent runoff from reaching surface waters. [Hydrology and Water Quality Measure 7.7.3.1]</p>	<p>To be implemented during the design and/or construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>Site and project design will include an impermeable barrier and adequate freeboard for evaporation ponds. The project design will be reviewed under CEQA.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>As part of the design process for constructed wetlands, the following water quality and environmental characteristics will be addressed:  a. Potential impacts on receiving waters. The potential impacts to receiving surface water and groundwater will be assessed based upon the projected quality and quantity of water to be discharged from the constructed wetlands and the existing and projected quality of receiving waters. Conformance with Central Coast Regional Water Quality Control Board discharge requirements and the Central Coast Basin Water Quality Control Plan surface water quality objectives will be required.  b. Water quality and quantity of the subject water. The quality of the agricultural drainage waters to be treated in constructed wetlands will be assessed as a part of the wetland design process. Constituents to be assessed include, but are not limited to, general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, and inorganic persistent and bioaccumulative toxic substances, including boron and some metals.  c. Water quality and quantity of water to be discharged from the constructed wetland(s) The level of treatment or polishing will be</p>	<p>As part of the design process for constructed wetlands, the following water quality and environmental characteristics will be addressed:  a. Potential impacts on receiving waters. The potential impacts to receiving surface water and groundwater will be assessed based upon the projected quality and quantity of water to be discharged from the constructed wetlands and the existing and projected quality of receiving waters. Conformance with Central Coast Regional Water Quality Control Board discharge requirements and the Central Coast Basin Water Quality Control Plan surface water quality objectives will be required.  b. Water quality and quantity of the subject water. The quality of the agricultural drainage waters to be treated in constructed wetlands will be assessed as a part of the wetland design process. Constituents to be assessed include, but are not limited to, general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, and inorganic persistent and bioaccumulative toxic substances, including boron and some metals.  c. Water quality and quantity of water to be discharged from the constructed wetland(s) The level of treatment or polishing will be</p>	<p>To be implemented during the design and/or construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>Submittal/completion of detailed water quality analysis and routine monitoring during operational phase.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)  Regional Water Quality Control Board will also oversee conformance with Wastewater Discharge Requirements</p>

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<p>Construction activities related to implementation of the GWMP Update could result in increased erosion during and after construction of new projects that could adversely affect water quality. <b>(Significant Impact)</b></p>	<p>estimated based upon the proposed configuration of the ponds, detention time of water prior to discharge, the amount of water in the wetland system, and proposed plant species in the wetlands. [Hydrology and Water Quality Measure 7.7.7.1]</p> <p>Water Quality Monitoring of Constructed Wetlands</p> <p>Water quality in constructed wetlands (including, but not limited to salinity, pesticides, and metals) will be monitored as required by the Central Coast Regional Water Quality Control Board. Results of water quality analyses will be provided to the California Department of Fish and Game upon request. [Hydrology and Water Quality Measure 7.7.7.2]</p> <p>Other Program Mitigation Measures</p> <p>Discharges to water bodies are regulated by the Regional Water Quality Control Board as the implementation body of the Clean Water Act and Porter-Cologne Act. Enforcement of water quality standards for river or ocean discharge would be the responsibility of the RWQCB, via the NPDES or Waste Discharge Requirements permitting process.</p> <p>The application of recycled water will be required to conform to DHS established water quality criteria and RWQCB waste discharge requirements as set forth under State of California Title 22 regulations.</p>	<p>During construction phase by the proponent of future project elements.</p>	<p>San Benito County Water District or Responsible Agencies will ensure that future projects implement BMPs and regular maintenance activities by monitoring the site throughout the construction period.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Construction activities on sites covering one acre or more would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), which would identify Best Management Practices (BMPs) to prevent the degradation of water quality. Contractors shall be required to implement BMPs for construction activities. The BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from these areas. These measures address procedures for controlling erosion and sedimentation and managing all aspects of the construction process to ensure control of potential water pollution sources. Erosion and sedimentation control practices typically include:</p> <ul style="list-style-type: none"> <li>- limiting construction to the dry-weather months;</li> </ul>				

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	<ul style="list-style-type: none"> <li>- installation of silt fencing and/or straw wattle;</li> <li>- soils stabilization;</li> <li>- revegetation; and</li> <li>- runoff control to limit increases in sediment in storm water runoff (e.g., straw bales, silt fences, check dams, geofabrics, drainage swales, and sand bag dikes). [Hydrology and Water Quality Measure 7.7.4.1 and Other Program Mitigation Measure]</li> </ul>			
<b>AGRICULTURAL RESOURCES</b>				
<p>Implementation of the Groundwater Treatment and Evaporation and Trucking of Salts project elements in the GWMP Update could locate evaporation ponds and water treatment facilities on Prime Farmland or Farmland of Statewide Importance. Although not currently planned, constructed wetlands or tree belt plantings could also impact Prime Farmland. This could result in the conversion of substantial areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. <b>(Significant Impact)</b></p>	<p>Site and project design will be used to minimize direct and indirect impacts to Prime Farmland and Farmland of Statewide Importance. Large ponds or facilities for evaporation of concentrate from groundwater treatment will not be sited on Prime Farmland or Farmland of Statewide Importance. Potential land use conflicts with agricultural operations from new project elements, such as modifying access to fields for farm equipment, will be avoided. [Land Use (Agricultural Resources) Measure 7.8.1]</p>	<p>To be implemented during the design and construction phase by individual project proponents for future new project elements (by Lead Agency or Responsible Agencies)</p>	<p>The project design will be reviewed using the CEQA Environmental Checklist and State of California Farmland Maps. Prime Farmland or Farmland of Statewide Importance will be avoided, as required.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<b>BIOLOGICAL RESOURCES</b>				
<p>Implementation of the GWMP Update could lower groundwater levels</p>	<p>a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared. (1) Identification of the physical location of the groundwater</p>	<p>To be implemented during the design phase by individual</p>	<p>Submittal/completion of required hydrology analyses as a part of</p>	<p>Director of San Benito County Water District or</p>

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<p>in some areas from current levels at or near the surface to 20 to 30 feet below the ground surface. This could result in substantial impacts to riverine, riparian and wetland habitats that are supported by high groundwater levels. <b>(Significant Impact)</b></p>	<p>level management area; (2) Identification of the quantity and timing of proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks; (3) Proposed disposal/disposition of pumped groundwater; (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping; (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by proposed groundwater pumping; (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature; (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger salamanders, that occupy standing water, wetlands or aquatic habitats within the groundwater level management area and within the zone of influence of the proposed pumping. [Biological Resources Measure 7.2.14.1.]</p> <p>b. Groundwater Pumping Programs will conform to the following conditions: (1) Planned reductions in groundwater levels will only impact developed habitats; or (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and (3) The pumping activity is designed to avoid impacts special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-legged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan. [Biological Resources Measure 7.2.14.2.]</p> <p>a. Avoidance and Minimization (Wetland Impacts). New projects will be designed, constructed, and operated in such a way as to avoid and/or minimize impacts to wetland habitats. If total avoidance is not possible, then wetland replacement will be completed. [Biological Resources Measure 7.2.1.1.]</p> <p>b. Wetland Replacement. The wetland habitat that will be lost under any new projects would be functionally replaced in conformance with</p>	<p>project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>CEQA review for future project(s).</p>	<p>Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Implementation of the GWMP Update could result in direct impacts to Riverine, Valley Foothill Riparian, Freshwater Emergent Wetland, and Vernal Marsh Habitats. <b>(Significant Impact)</b></p>	<p>a. Avoidance and Minimization (Wetland Impacts). New projects will be designed, constructed, and operated in such a way as to avoid and/or minimize impacts to wetland habitats. If total avoidance is not possible, then wetland replacement will be completed. [Biological Resources Measure 7.2.1.1.]</p> <p>b. Wetland Replacement. The wetland habitat that will be lost under any new projects would be functionally replaced in conformance with</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible</p>	<p>Completion of biological and wetland resources assessments and mitigation plans as a part of CEQA review for future project(s).</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope</p>

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	<p>mitigation requirements of the responsible regulatory agencies. In-kind (the same wetland type) and on-site replacement of lost wetland habitats will be done where possible.</p> <p>The determination of wetland impacts and the subsequent location and design of potential mitigation sites would be determined by qualified biologists in coordination with resource agency personnel. Mitigation and habitat restoration plans would provide for the following: (1) Calculation and replacement of lost acreage and functions of wetland habitat; (2) Location of restoration opportunities, complete with an analysis of the technical approach to create high quality wetlands; (3) Detailed plans will be prepared for wetland mitigation construction that includes excavation elevations, location of hydrologic connections, planting plans and soil amendments, if necessary. Maintenance and monitoring plans are to be prepared in consultation with a qualified habitat restoration specialist. Any mitigation wetlands will be monitored for a period of five years, during which the site will achieve the target jurisdictional acreage by Year 5. Specific performance criteria will be determined and monitored for site success. Monitoring reports will be provided annually to the appropriate resource agencies; (4) Permits. Prior to construction of any project element that may impact wetland habitats, the project proponent will apply for a Section 404 permit and Water Quality Certification from the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. The project proponent will comply with the conditions of required permits. [Biological Resources Measure 7.2.1.2]</p> <p>c. Avoidance and Minimization (Riparian Habitats). New projects will be designed, constructed, and operated in such a way as to avoid and/or minimize impacts to riparian habitats. If avoidance is not possible, then riparian habitat replacement will be required. [Biological Resources Measure 7.2.2.1]</p> <p>d. Riparian Habitat Replacement. Permanent impacts to vegetation within riparian habitats are typically mitigated at ratios based on the quality of the habitat to be impacted. Due to the complex mosaic of habitats often found within riparian corridors, impacts are typically</p>			<p>County Water District)</p> <p>California Department of Fish and Game (Streambed Alteration Agreements)</p> <p>U.S. Army Corps of Engineers (Section 404 Permits)</p> <p>Regional Water Quality Control Board (Clean Water Certification)</p>



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	<p>assessed based on three habitat quality categories, described below. This methodology ensures that, regardless of the type of habitat impacted, its relative value and time required to reestablish replacement habitat is taken into account in quantifying impacts and necessary mitigation. As a result, the impact quantities are not calculated by habitat type, but rather by habitat quality category.</p> <p>The three habitat quality categories are:  <b>High quality</b> – Native overstory with continuous understory or occurring in dense thickets; dense native overstory with sparse, non-native or no understory; and native willow thicket.  <b>Medium quality</b> – Sparse native overstory with sparse, non-native or no understory, non-native overstory with native understory, and dense non-native overstory with sparse, non-native or no understory.  <b>Lower quality</b> – Sparse non-native overstory with sparse, non-native or no understory. In addition, any areas not included in medium or high quality categories that will be covered with riprap, gabions, etc. (e.g., ruderal habitat and bare ground).                      Mitigation ratios of 3:1, 2:1, and 1:1 (replacement acres:lost acres) will generally be applied for impacts to high, medium and low-quality habitats, respectively.</p> <p>The assessment of riparian impacts and the subsequent location and design of potential mitigation sites will be determined by qualified biologists in coordination with resource agency personnel. These plans will include the following: 1) A description of how the restoration will replace the lost acreage, functions, and values of riparian habitat; 2) Site specific restoration design with a complete analysis of the technical approach to create high quality riparian habitat. The design will include an implementation plan that details site grading, soil amendments, irrigation, planting list, floodplain connectivity, geomorphic conditions and anticipated wildlife use. Revegetation should use native species with seeds or cuttings collected on-site or locally. The restoration plan will also include an explanation of all required site maintenance. A monitoring plan will be developed that includes success criteria for all riparian plantings.                      [Biological Resources Measure 7.2.2.2]</p>			

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	<p>e. Consolidation of Riparian Mitigation. If multiple smaller impact areas occur, it would be beneficial to consolidate mitigation into a larger habitat restoration area. Larger riparian restoration areas would provide greater functions and values than numerous small mitigation sites. The location and design of potential mitigation sites will be determined by qualified restoration biologists in coordination with resource agency personnel. [Biological Resources Measure 7.2.2.3]</p> <p>f. Encroachment Into Riparian Buffer Zones. If a new project element would be located within 100 feet of the edge of a riparian corridor, and has encroachment impacts, mitigation in the form of habitat replacement or a functional equivalent will be completed. Mitigation ratios will be determined by a qualified biologist and will be based upon the type of development proposed and the quality and extent of indirect impacts to the riparian habitat. [Biological Resources Measure 7.2.2.4]</p> <p>g. Permits. Prior to construction within the bed and banks of creeks, rivers, or lakes, the project proponent will apply for and obtain a Streambed Alteration Agreement from the California Department of Fish and Game. [Biological Resources Measure 7.2.2.5]</p> <p>h. Invasive, exotic tree species will not be used in tree belt plantings. Examples of invasive species include tree of heaven (<i>Ailanthus altissima</i>) and blue gum (<i>Eucalyptus globulus</i>). Tree selections will be made in consultation with the County of San Benito Agricultural Commissioner. [Biological Resources Measure 7.2.13.1]</p> <p>Consideration of Native Tree Species for Tree Belt Plantings. As a part of site specific planning, the use of tree species native to the project vicinity will be considered and compared with the water-removing capacity of other suitable species. If native trees are used, they should be propagated from trees in the local area. [Biological Resources Measure 7.2.13.2]</p> <p>i. Implementation of Best Management Practices For Work in Stream Channels. Implementation of Best Management Practices described below will reduce potential impacts to aquatic species to a less-than-significant level. The following recommendations by the California</p>			

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<p>The hairless popcorn-flower is thought to be extinct; however, suitable, alkaline moist areas are found within the GWMP Update area. Construction activities in suitable habitat areas potentially could impact hairless popcorn-flower. <b>(Significant Impact)</b></p>	<p>Department of Fish and Game must be followed, regardless of whether any watercourse within project element footprints are dewatered or not, in order to comply with proper mitigation measures: (1) No equipment will be operated in the live stream channel; (2) When work in a flowing stream is unavoidable, any stream flow shall be diverted around the work area by a barrier, temporary culvert or a new channel capable of permitting upstream and downstream fish movement; (3) Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction and the flow shall be diverted only when construction of the diversion is completed; (4) No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. [Biological Resources Measure 7.2.3.1]</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Completion of floristic surveys by a qualified biologist and implementation of avoidance measures as required.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Implementation of the proposed GWMP Update would result in lowered groundwater levels and the</p>	<p>a. Determine Presence/Absence. Before implementing any new project elements that could impact vernal marsh habitats within the Bolsa, Pacheco and Hollister East Subbasins, blooming season surveys for the hairless popcorn-flower will be completed. Between March and May prior to construction, areas to be impacted within the Bolsa, Pacheco and Hollister East subbasin will be surveyed for hairless popcorn flower. If the surveys are negative, no further mitigation is warranted. If hairless popcorn flower populations are found in the construction area, avoidance will be necessary. [Biological Resources Measure 7.2.4.1]</p> <p>b. Avoidance. Project element(s) will be redesigned to avoid impacts to hairless popcorn flower populations. The changes in design will be approved by a qualified biologist to insure that no impacts to the population will occur. If avoidance is not possible, additional environmental review and development of site specific mitigation measures will be required. [Biological Resources Measure 7.2.4.2]</p> <p>a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared. (1) Identification of the physical location of the groundwater level management area; (2) Identification of the quantity and timing of</p>	<p>To be implemented during the design and construction phases by individual</p>	<p>Submission/completion of required hydrology analyses, special-status species</p>	<p>Director of San Benito County Water District or Responsible</p>

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<p>permanent loss of wetland and aquatic habitats for special-status animals including Monterey roach, California red-legged frogs, southwestern pond turtles, western spadefoot toads, California tiger salamanders, and Tricolored Blackbirds. <b>(Significant Impact)</b></p>	<p>proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks; (3) Proposed disposal/disposition of pumped groundwater; (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping; (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by proposed groundwater pumping; (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature; (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger salamanders, that occupy standing water, wetlands or aquatic habitats within the groundwater level management area and within the zone of influence of the proposed pumping. [Biological Resources Measure 7.2.14.1]</p> <p>b. Groundwater Pumping Programs will conform to the following conditions: (1) Planned reductions in groundwater levels will only impact developed habitats; or (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and (3) The pumping activity is designed to avoid impacts special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-legged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan. [Biological Resources Measure 7.2.14.2]</p> <p>c. Avoidance and Minimization. Prior to approval of a surface water diversion project by the Lead Agency, minimum flow requirements in Pacheco Creek, Arroyo De Las Viboras, and Arroyo Dos Picachos during critical winter and late spring periods will be established. Diversions will be designed so that they will not cause interference with steelhead migration in Pacheco Creek or Arroyo Dos Picachos. The ability of the creek channels to convey modified flows with minimal scour or deposition will also be assessed.</p>	<p>project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>surveys, and development of avoidance measures as part of CEQA review for future project(s)</p>	<p>Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

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<p>Implementation of project elements in the proposed GWMP Update that directly impact vernal marsh habitat, could adversely impact vernal pool fairy shrimp. <b>(Significant Impact)</b></p>	<p>Minimum flow requirements will be reviewed by appropriate state and federal water and resources agencies, including the State Water Resources Control Board, the California Department of Fish and Game, and National Marine Fisheries Service. [Biological Resources Measure 7.2.5]</p> <p>a. Avoid Habitat. New projects should be redesigned, constructed, and operated in such a way as to avoid and/or minimize impacts to vernal marsh habitat. If construction is planned adjacent to vernal marsh habitat, prior to any construction activities, the boundaries of construction areas will be clearly delineated with orange plastic construction fencing to prevent workers or equipment from inadvertently straying from the construction area. [Biological Resources Measure 7.2.8.1]</p> <p>b. Protect Water Quality. A hazardous material spill prevention plan will be developed and implemented for any work in or adjacent to the Pajaro River or its tributaries. Hazardous materials will be stored in secured structures with secondary spill containment features. Refueling of construction equipment and vehicles will not occur within 300 feet of any water body or anywhere that spilled fuel could drain to a water body. The contractors will check and maintain equipment and vehicles daily to prevent leaks of fuels, lubricants, or other fluids. The implementation of Best Management Practices (see Implementation of Best Management Practices for Work in Stream Channels under [(C)(2)(i) above) will also be required. [Biological Resources Measure 7.2.8.2]</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Completion of biological resources surveys and implementation of avoidance measures as required as a part of CEQA review for future project(s)</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Implementation of the GWMP Update could result in reduced flows and water quality impacts that would affect steelhead. <b>(Significant Impact)</b></p>	<p>a. Prior to initiating a groundwater pumping program, an evaluation that includes the following information and analyses, at minimum, would be prepared. (1) Identification of the physical location of the groundwater level management area; (2) Identification of the quantity and timing of proposed groundwater pumping and resulting changes in groundwater levels and flows to creeks; (3) Proposed disposal/disposition of pumped groundwater; (4) Identification of existing wetland, aquatic and riparian habitats within the groundwater level management area and within the zone of influence of proposed pumping; (5) Identification of potential areas of wetland, aquatic and riparian habitats that could be impacted by</p>	<p>To be implemented during the design and operational phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Completion of required hydrology and biological resources analysis and implementation of avoidance measures as required as a part of CEQA review for future project(s)</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

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Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>proposed groundwater pumping; (6) Identification of the water quality of pumped groundwater, including general mineral constituents (major anions and cations), TDS, nitrate, pesticides and other organic compounds, inorganic persistent and bioaccumulative toxic substances (including boron and some metals) pH, and temperature; (7) Identification of any special status species populations, such as steelhead, Monterey roach, red-legged frog or California tiger salamanders, that occupy standing water, wetlands or aquatic habitats within the groundwater level management area and within the zone of influence of the proposed pumping. [Biological Resources Measure 7.2.14.1]</p> <p>b. Groundwater Pumping Programs will conform to the following conditions: (1) Planned reductions in groundwater levels will only impact developed habitats; or (2) Impacts to wetland, aquatic and riparian habitats are relatively small (less than one acre) and would be off-set by habitat replacement in the immediate vicinity of the impact; and (3) The pumping activity is designed to avoid impacts special-status species dependent on wetland, aquatic or riparian habitats (e.g., steelhead, Monterey roach, red-legged frog or California tiger salamanders) or these impacts are mitigated, such as through the implementation of an approved Habitat Conservation Plan. [Biological Resources Measure 7.2.14.2]</p> <p>c. Avoidance and Minimization. Prior to approval of a surface water diversion project by the Lead Agency, minimum flow requirements in Pacheco Creek, Arroyo De Las Viboras, and Arroyo Dos Picachos during critical winter and late spring periods will be established. Diversions will be designed so that they will not cause interference with steelhead migration in Pacheco Creek or Arroyo Dos Picachos. The ability of the creek channels to convey modified flows with minimal scour or deposition will also be assessed.</p> <p>Minimum flow requirements will be reviewed by appropriate state and federal water and resources agencies, including the State Water Resources Control Board, the California Department of Fish and Game, and National Marine Fisheries Service. [Biological Resources Measure 7.2.5]</p>			

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<p>Construction activities related to implementation of the proposed GWMP Update could result in reduced stream flows and impacts to water quality that could adversely affect steelhead. <b>(Significant Impact)</b></p>	<p>a. Construction Scheduling and Work in Channels Where Water is Present. Construction in tributaries of the Pajaro River will be limited to the dry season (June 1 to October 31), when steelhead are least likely to be present. Most of the San Benito River and other tributaries are typically dry during this time period. If construction will occur in a live, flowing stream channel, National Marine Fisheries Service (NMFS) will be consulted regarding measures necessary to prevent take. Because it is possible that juveniles could be moving downstream during any time of year, including the dry season, these measures should ensure that movement of steelhead is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Ideally, the live stream channel will be maintained and protected (e.g. by a structure covering the channel, and coffer dams around construction areas). If the live channel cannot be maintained, water would be diverted through construction sites by way of an open ditch (rather than a pipe) connecting the portions of the channel immediately upstream and downstream from the site. This plastic-lined ditch should also be lined with cobble-sized stones to deter predation by making the steelhead less conspicuous as they pass through the channel. Water within this ditch should be at least 30 centimeters (12 inches) deep, and no impediments to movement, such as high drop structures, will be present. [Biological Resources Measure 7.2.5.1]</p> <p>b. Implement Hazardous Materials Spill Prevention and Best Management Practices. A hazardous material spill prevention plan will be developed and implemented for any work in or adjacent to the Pajaro River or its tributaries. Hazardous materials will be stored in secured structures with secondary spill containment features. Refueling of construction equipment and vehicles will not occur within 300 feet of any water body or anywhere that spilled fuel could drain to a water body. The contractors will check and maintain equipment and vehicles daily to prevent leaks of fuels, lubricants, or other fluids. The implementation of Best Management Practices (see Implementation of Best Management Practices for Work in Stream Channels under I(C)(2)(i), above) will also be required. [Biological Resources Measure 7.2.5.2]</p>	<p>To be implemented during design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>The Lead Agency or Responsible Agency will ensure that future projects implement appropriate construction scheduling for work in creek channels and hazardous materials spill prevention.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

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<p>Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to Monterey roach, California tiger salamanders, red-legged frogs, foothill yellow-legged frogs, western spadefoots, and southwestern pond turtles. (Significant Impact)</p>	<p>c. Reduce Barriers to Movement. The placement of diversion structures or other hardcape within and immediately adjacent to the low flow channel of any tributary could cause an impediment to migration for steelhead. Potential in-stream structures will be designed in such a way as to not encroach upon the low flow channel and be designed to avoid hardcape that could result in significant eddies within the low flow channel. [Biological Resources Measure 7.2.5.3]</p> <p>d. Consultation with National Marine Fisheries Service will be completed for any new project activities that could affect steelhead such as dewatering creeks or rivers, or any in-stream construction.</p> <p>a. Determine Presence/Absence (California Tiger Salamander). Prior to construction, protocol-level surveys for California tiger salamanders will be conducted by a qualified biologist in any potential habitat for the species that could be affected by the Management Plan. [Biological Resources Measure 7.2.9.1]</p> <p>b. Avoidance. Project elements that will impact California tiger salamanders or their habitat will be redesigned to avoid all impacts. If avoidance is not possible, then Compensation for Habitat Loss and consultation with CDFG will be necessary. [Biological Resources Measure 7.2.9.2]</p> <p>c. Compensation for Habitat Loss. Replacement of aquatic, wetland, and/or upland habitat that provides breeding or aestivation habitat for California tiger salamanders will provided commensurate with project impacts. Restoration of areas of temporary impacts will replace amphibian habitat impacted temporarily. Mitigation ratios to compensate for permanent impacts to aquatic, wetland and upland habitat must provide more than the existing breeding, foraging and aestivation habitat at the impact site and will be approved by CDFG. [Biological Resources Measure 7.2.9.3]</p> <p>d. Avoidance (Red-legged Frogs and Other Aquatic Species). To the greatest extent feasible, construction of project elements will be planned to</p>	<p>To be implemented during the construction phase by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Implementation of avoidance measures as required as a part of CEQA review for future project(s)</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>



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	<p>avoid habitat for aquatic species such as the red-legged frog. If construction will occur adjacent to habitat for aquatic species, impacts will be avoided through the following measures. (1) Prior to any construction activities, the boundaries of construction areas will be clearly delineated with orange plastic construction fencing to prevent workers or equipment from inadvertently straying from the construction area. All construction personnel, equipment, and vehicle movement shall be confined to designated construction areas and connecting roadways. Movement of construction and personal vehicles shall be prohibited outside designated construction areas or off established roadways; (2) Prior to the onset of any ground disturbing activities, exclusion fencing will be established around areas of potentially occupied habitat, as determined by a qualified biologist. Exclusion fencing will consist of silt-fencing or similar material at least 36 inches in height that is buried six inches in the ground to prevent incursion under the fence. Exclusion fencing may be installed at the base of the construction fencing described in A above. This fence will be surveyed each morning before construction, to verify that no frogs have entered the construction site; (3) Before any construction activities begin, a U.S. Fish and Wildlife Service approved biologist will conduct a training session with construction personnel to describe the California red-legged frog and its habitat, the specific measures being implemented to minimize effects to the species, and the boundaries of the construction area; (4) All food-related trash items will be enclosed in sealed containers and removed daily from a project site to discourage the concentration of potential predators in habitat potentially occupied by California red-legged frogs. [Biological Resources Measure 7.2.6.1]</p> <p>e. Implement Hazardous Materials Spill Prevention and Best Management Practices. See Implement Hazardous Material Spill Prevention and Implementation of Best Management Practices For Work in Stream Channels, above) [Biological Resources Measure 7.2.6.2]</p> <p>f. Consultation with the USFWS. Take of California red-legged frogs is only permitted through consultation with the USFWS. Some project elements may involve a federal nexus and, therefore, Section 7 consultation will be required. Other project elements will lack a federal</p>			

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<p>Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to individual Burrowing Owls. <b>(Significant Impact)</b></p>	<p>nexus, however, and take will only be authorized upon approval of a suitable Habitat Conservation Plan (HCP). The HCP will provide specific mitigation measures appropriate to the scale of take. Depending on the construction activities, these mitigation measures could range from presence of an on-site monitor to extensive habitat restoration. An HCP would be completed through consultation with the USFWS. [Biological Resources Measure 7.2.6.3]</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Completion of protocol-level Burrowing Owl surveys in suitable habitat as a part of CEQA environmental review and preconstruction surveys, as needed.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>a. For projects in grassland habitat that could result in permanent displacement of burrowing owls (i.e., installation of evaporation ponds, constructed wetlands, or percolation ponds), protocol burrowing owl surveys will be conducted between April 15 and July 25. If burrowing owls are observed during surveys, the extent of burrowing owl habitat on the site will be delineated by a qualified ornithologist. Avoidance and/or habitat mitigation measures will be incorporated in future projects, as appropriate.</p>	<p>b. Avoidance. Preconstruction surveys for Burrowing Owls will be completed in conformance with CDFG protocols, no more than 30 days prior to the start of construction in grassland habitat and margins of agricultural areas where habitat for Burrowing Owls is present. If no Burrowing Owls were located during these surveys, no additional action would be warranted. However, if breeding or resident owls were located on, or immediately adjacent to, the site, the project could be reconfigured to avoid impacts or buffer zones will be established and/or resident owls will be relocated, as described below. For projects that would permanently displace burrowing owl populations, habitat replacement could be required. [Biological Resources Measure 7.2.11.1]</p>	<p>c. Buffer Zones. A 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and any nesting Burrowing Owls. This protected area will remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently. [Biological Resources Measure 7.2.11.2]</p>		

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<p>Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to nesting Tricolored Blackbirds. (Significant Impact)</p>	<p>d. Relocation. If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction. No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31). [Biological Resources Measure 7.2.11.3]</p> <p>e. Habitat Replacement. For projects that would permanently impact occupied, burrowing owl habitat, habitat replacement may be required as part of a habitat mitigation plan and mitigation agreement with the California Department of Fish and Game. Habitat replacement could include protection of the habitat replacement area in perpetuity by a conservation easement or fee title acquisition. Burrowing owl replacement habitat (for projects in northern San Benito County) should be identified within the northern San Benito County or southern Santa Clara County area. [Biological Resources Measure 7.2.11.4]</p>			
<p>Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to nesting Tricolored Blackbirds. (Significant Impact)</p>	<p>a. Preconstruction Surveys and Avoidance. Prior to construction during the breeding season (March 1 to July 1) within 250 feet of potential nesting habitat for Tricolored Blackbirds (wetland habitat with tall vegetation nearby), preconstruction surveys will be conducted. If Tricolored Blackbirds are present, preconstruction surveys will be delayed until after the breeding season. [Biological Resources Measure 7.2.11.1]</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Completion of protocol-level Tricolored Blackbird surveys in suitable habitat as a part of CEQA environmental review and avoidance measures during construction, as needed.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Construction activities related to implementation of the proposed GWMP Update could result in direct impacts to San Joaquin Kit Fox. (Significant Impact)</p>	<p>a. Take Avoidance. Standard take-avoidance measures put forth by the United States Fish and Wildlife Service (USFWS) for the protection of San Joaquin kit fox prior to or during ground disturbance (June 28, 1999) will be implemented to avoid direct take of any individual kit fox that may wander onto the project site. To avoid direct take of any individual kit fox that may be present on a project site, preactivity surveys will be conducted if any habitat feature with the potential to be used by kit foxes (i.e.</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by</p>	<p>Completion of protocol-level San Joaquin Kit Fox surveys in suitable habitat as a part of CEQA environmental review and avoidance</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista,</p>

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<p>Implementation of the GWMP Update includes the use of constructed wetlands to treat poor quality water prior to discharge to the San Benito River. Wildlife that may use the constructed wetlands for breeding and foraging, including special status species, such as red-legged frog, would be exposed to similar levels of contaminants as under existing conditions. The use of constructed wetlands for water treatment would not have a substantial adverse effect on special status species. <b>(Less Than Significant Impact)</b></p>	<p>burrows, irrigation pipes, debris piles) is created or placed on site and is to be subsequently disturbed or moved. If kit foxes are detected, work in that area must cease and consultation with the USFWS is necessary to determine the appropriate course of action. [Biological Resources Measure 7.2.7.1.]</p> <p>A water quality and wildlife monitoring program will be established and implemented for new constructed wetlands designed to treat or polish agricultural and/or storm water runoff. Prior to construction, a baseline survey for special status species populations will be conducted on the site. Annual surveys, at the appropriate times of year, will be conducted by a qualified biologist for the first five years of operation. The surveys will address, at minimum, observed changes in population and use of the constructed wetlands by special status species and any management recommendations. Management of the constructed wetlands will be adapted to avoid identified impacts to wildlife using the constructed wetlands.</p> <p>Water quality of constructed wetlands will be assessed as described under Water Quality of Constructed Wetlands. [Biological Resources Measure 7.2.15]</p>	<p>Lead or Responsible Agencies)</p> <p>To be implemented during the design, construction, and operational phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>measures, as needed.</p> <p>Implementation of water quality and wildlife monitoring program for constructed wetlands and constructed wetland management to avoid impacts to wildlife using the constructed wetlands.</p>	<p>Sunnyslope County Water District)</p> <p>USFWS consultation</p> <p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>Construction activities related to implementation of the GWMP Update could result in increased erosion during and after</p>	<p>a. Contractors shall be required to implement Best Management Practices (BMPs) for construction activities. The BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from these areas. These measures address procedures for controlling erosion</p>	<p>To be implemented during the construction phase by individual project proponents for future</p>	<p>Conformance with NPDES Construction Permit Requirements and construction timing requirements</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of</p>

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<p>construction of new projects that could adversely affect water quality of downstream habitats. <b>(Significant Impact)</b></p>	<p>and sedimentation and managing all aspects of the construction process to ensure control of potential water pollution sources. Erosion and sedimentation control practices typically include: limiting construction to the dry-weather months; installation of silt fencing and/or straw wattle; soils stabilization; revegetation; and runoff control to limit increases in sediment in storm water runoff (e.g., straw bales, silt fences, check dams, geofabrics, drainage swales, and sand bag dikes). [Hydrology and Water Quality Measure 7.7.4.1 and Other Program Mitigation Measure]</p> <p>b. Construction activities within stream channels (i.e., diversion structures on local streams) shall be confined to the dry, summer season in order to minimize adverse impacts to local water quality. [Hydrology and Water Quality Measure 7.7.4.2]</p>	<p>new project elements (by Lead or Responsible Agencies)</p>	<p>within channel, as required.</p>	<p>Hollister, City of San Juan Bautista, Sunnyslope County Water District)  Regional Water Quality Control Board</p>
<p><b>GEOLOGY AND SEISMICITY</b></p>				
<p>Implementation of the GWMP Update would involve the construction of new projects in a seismically active area, subject to seismic hazards including fault rupture, liquefaction, lateral spreading and/or</p>	<p>A design-level geotechnical study and/or soil foundation report will be completed to develop specific design criteria for new projects that include the installation of structures, foundations, pipelines, or levees. Geotechnical studies will include site-specific evaluations of soil conditions, fault creep, ground shaking and the potential for liquefaction and lateral spreading. Mitigation measures to reduce geologic and seismic hazards to an acceptable level of risk will be included in new projects. [Geology and Seismicity Measure 7.6.1.1]</p> <p>Critical facilities, such as water and wastewater treatment facilities and domestic water lines, will be designed and located in a manner that maximizes their ability to remain functional after a major earthquake. [Geology and Seismicity Measure 7.6.1.2]</p> <p>Measures to minimize erosion, including grading during the dry season and reseeded of disturbed areas, will be incorporated in new water management or water treatment projects that require grading and/or tree removal. Erosion and sedimentation control practices are listed in Program Mitigation Measure 7.7.3.1 under Hydrology and Water Quality. [Geology and Seismicity Measure 7.6.1.3]</p>	<p>To be implemented following the demolition phase of construction and prior to construction grading by the project applicant.</p>	<p>Submittal of design-level geotechnical investigation and/or soil foundation report by qualified geologist, as required.  Conformance with NPDES Construction Permit requirements, as required.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>
<p>seismically induced landslides. Although seismic hazards are recognized in the area, seismic hazards associated with implementation of the proposed GWMP Update can be mitigated by the use of standard engineering design. <b>(Less Than Significant Impact)</b></p>				

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	<p>Contractors shall be required to implement BMPs for construction activities. The BMPs include measures guiding the management and operation of construction sites to control and minimize the potential contribution of pollutants to storm runoff from these areas. These measures address procedures for controlling erosion and sedimentation and managing all aspects of the construction process to ensure control of potential water pollution sources. Erosion and sedimentation control practices typically include: limiting construction to the dry-weather months; installation of silt fencing and/or straw wattle; soils stabilization; revegetation; and runoff control to limit increases in sediment in storm water runoff (e.g., straw bales, silt fences, check dams, geofabrics, drainage swales, and sand bag dikes). [Hydrology and Water Quality Measure 7.7.4.1]</p>			
<b>CONSTRUCTION IMPACTS</b>				
<p>Air quality impacts resulting from construction of new projects, particularly generation of construction dust, could cause significant adverse effects. (Significant Impact)</p>	<p>For new projects that exceed the threshold limits established by the Monterey Bay Unified Air Pollution Control District (currently 2.2 acres of disturbance, or 82 lb/day), a dust abatement program will be implemented in accordance with Air Pollution Control District requirements. [Construction Impacts Measure 7.3.1.1]</p> <p align="center">Other Program Mitigation Measures</p> <p>For new projects that exceed the threshold limits established by the Monterey Bay Unified Air Pollution Control District (currently 2.2 acres of disturbance, or 82 lb/day), a dust abatement program, which includes the following elements, will be implemented:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily, depending on type of operation, and wind exposure;</li> <li>• Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary;</li> </ul>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Preparation and conformance with a dust abatement program, as required.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p> <p>Monterey Bay Unified Air Pollution Control District</p>

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<p>Implementation of the new and continuing projects under the GWMP Update is not anticipated to result in substantial temporary changes to ambient noise levels. (<b>Less Than Significant Impact</b>)</p>	<ul style="list-style-type: none"> <li>Construction grading activity should be discontinued in high wind conditions that cause excessive neighborhood dust problems, based on the opinion of the construction inspector;</li> <li>Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer) in accordance with Section 23114 of the California Vehicle Code during transit to and from the site;</li> <li>Apply non-toxic soil stabilizers (e.g., latex acrylic copolymer) to areas of exposed soils, and cover inactive storage piles; and</li> <li>Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.</li> </ul>	<p>To be implemented during the construction phase by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>The Lead Agency or Responsible Agencies will review construction bid documents for future projects near sensitive noise receptors to ensure that construction hours and noise reduction techniques are implemented during construction of future new projects.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

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<p><b>CULTURAL RESOURCES</b></p> <p>Implementation of new projects in the GWMP Update could disturb buried prehistoric resources. (<b>Significant Impact</b>)</p> <p>Implementation of new projects in the GWMP Update could disturb or adversely effect properties listed on the National Register of Historic Places and/or the California Register of Historical Resources or important historic archaeological resources. (<b>Significant Impact</b>)</p>	<p>A site-specific archive and literature search would be conducted for project sites once they have been selected for construction. An archaeological and architectural field inventory of areas not previously surveyed would also be completed. Appropriate recordation or supplements to existing documentation would be placed on file with the California Historical Resources Information System, Northwest Information Center at California State University Sonoma, Rohnert Park. [Cultural Resources Measure 7.4.1.1.]</p> <p>For cultural resources identified as eligible for the National Register of Historic Places/California Register of Historical Resources, measures to avoid or reduce impacts to a less-than-significant level would be implemented. Preferred mitigation is avoidance of areas of recorded or known significant or potentially significant cultural resources. Mitigation measures would include:</p> <ul style="list-style-type: none"> <li>- Mitigation monitoring by a Professional Archaeologist of archaeologically sensitive areas during ground disturbing construction;</li> <li>- Formal training of construction personnel to recognize, report and avoid cultural resources;</li> <li>- The flagging and/or fencing of recorded cultural resources within 100 feet of a project for avoidance and protection;</li> <li>- Construction contract language discussing the potential for significant subsurface archaeological resources and protocols for dealing with unexpected discoveries; and,</li> <li>- The requirements for the identification, evaluation and treatment of significant unexpected discoveries in accordance with regulatory requirements. [Cultural Resources Measure 7.4.1.2]</li> </ul> <p>In the event any significant cultural materials are encountered, all construction within a radius of 100 feet of the find would be halted, the District Manager of the San Benito County Water District and appropriate City or County Planning Department personnel would be notified, and the archaeologist will examine the find and make appropriate</p>	<p>To be implemented as a part of project-specific environmental review and construction.</p>	<p>Submittal of literature searches and mitigation monitoring report(s) by a professional archaeologist and evaluation and treatment of significant unexpected discoveries as required.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>



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Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials. [Cultural Resources Measure 7.4.1.3]</p> <p>In the event that human skeletal remains are encountered, the County Coroner will be notified immediately. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The District Manager of the San Benito County Water District and appropriate City or County Planning Department personnel will also be notified immediately, as appropriate, if human skeletal remains are found during development. [Cultural Resources Measure 7.4.1.4]</p>			
<p><b>AIR QUALITY</b></p> <p>Implementation of new projects described in the GWMP Update would not result in substantial new direct or indirect air emissions or odors. (Less Than Significant Impact)</p>	<p>Although not a significant impact, the following Program-level mitigation measures would reduce or avoid potential air quality impacts:</p> <p>Prior to construction of evaporation ponds for groundwater treatment concentrate, an effective dust control program will be developed. [Air Quality Measure 7.1.1.1]</p> <p align="center">Other Program Mitigation</p> <p><i>Monterey Bay Unified Air Pollution Control District (MBUAPCB)</i></p> <p><u>Rule 207 New or Modified Sources</u></p> <p>Equipment or engines used as a part of new or modified water management facilities may be subject to MBUAPCD permit requirements</p>	<p>To be implemented during the design and construction phases by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>Implementation of a dust control program and compliance with permit conditions of the Monterey Bay Unified Air Pollution Control Board</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p> <p>Monterey Bay Unified Air Pollution Control Board</p>

**MITIGATION MONITORING AND REPORTING PROGRAM  
GROUNDWATER MANAGEMENT PLAN UPDATE (2004)**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>under Rule 207. Equipment with emissions exceeding certain conditions will be required to apply Best Available Control Technology (BACT) or other measures to control emissions.</p> <p><u>Rule 216 Permit Requirements for Wastewater and Sewage Treatment Facilities (Part 3.2.3, 3.2.4, 4.1, and 4.2)</u></p> <p>Before granting or denying an Authority to Construct or a Permit to Operate for any new wastewater and sewage treatment facility or modification subject to District Rule 16, the Air Pollution Control Officer shall:</p> <ul style="list-style-type: none"> <li>- Require an analysis of the new facility or modification on air quality. Such analysis shall consider expected air contaminant emissions and the impact on air quality in the vicinity of the facility, or modification as well as within the total Air Basin [Part 3.2.3];</li> <li>- Require that the projected served population of the facility, or modification-related indirect growth of industry and induced growth external to the service area to be fully consistent with the Population Projections (contained in the latest Air Quality Management Plan, as approved by the MBUAPCD Board of Directors) [Part 3.2.4].</li> </ul> <p>The Air Pollution Control Officer shall deny a permit for any new wastewater or sewage treatment facility or conveyance mechanism or pipeline or modification which he determines will cause a violation or contribute to the continued violation of any State or national ambient air quality standard [Part 4.1].</p> <p>The Air Pollution Control Officer shall impose conditions on the permit as necessary to ensure the subject facility or modification will be operated in the manner assumed in making analysis required by Rule 216 [Part 4.2].</p>			

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<p><b>VISUAL RESOURCES</b></p> <p>Implementation of the proposed GWMP Update is not anticipated to substantially alter views along scenic roadways or highway corridors or generate significant new light or glare for surrounding land uses or sensitive areas. (Less Than Significant Impact)</p>	<p>New projects will be designed to be compatible with the mass and scale of nearby development. Structures, such as water treatment facilities, will incorporate design features that reflect the character of nearby development. [Visual and Aesthetic Resources Measure 7.10.1.1]</p> <p>New projects will be designed to avoid blocking views from State of California designated scenic roadways or highway corridors. [Visual and Aesthetic Resources Measure 7.10.1.2]</p> <p>New percolation and evaporation ponds will be designed and sited to avoid substantially altering views from State of California designated scenic roadways or highway corridors. Landscaping and berms will be used to limit views of evaporation ponds. [Visual and Aesthetic Resources Measure 7.10.1.3]</p> <p>Lighting and building materials at new facilities will be designed to avoid the generation of substantial new light or glare on surrounding land uses. [Visual and Aesthetic Resources Measure 7.10.1.4]</p>	<p>To be implemented during the design phase by individual project proponents for future new project elements (by Lead or Responsible Agencies)</p>	<p>The design of future project will be reviewed under CEQA and per local design policies.</p>	<p>Director of San Benito County Water District or Responsible Agencies (City of Hollister, City of San Juan Bautista, Sunnyslope County Water District)</p>

**SOURCE**

San Benito County Water District, Final Program Environmental Impact Report Groundwater Management Plan Update for the San Benito County Part of the Gilroy-Hollister Groundwater Basin, May 2004.

