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STAFF REPORT AND RECOMMENDATION ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-085-06
Staff:	DL-SF
File Date:	10/30/06
60th Day:	12/29/06
75th Day:	1/13/07
Commission Meeting:	1/10/07

FEDERAL AGENCY: Natural Resources Conservation Service, USDA

PROJECT
LOCATION: Humboldt County (Exhibit 1)

PROJECT
DESCRIPTION: General consistency determination for the implementation of the Humboldt County Partners in Restoration Permit Coordination Program, to implement, maintain and monitor conservation practices taking place on private lands in order to control erosion and restore habitat (Exhibit 2)

SUBSTANTIVE FILE DOCUMENTS:
[See Page 18.](#)

EXECUTIVE SUMMARY

The Natural Resources Conservation Service (NRCS), in partnership with the Humboldt County Resources Conservation District (RDD), submitted a general consistency determination for the Humboldt County Partners in Restoration Permit Coordination Program (PIR). Sedimentation and siltation by human activities are key pollutants for the many impaired waterways in Humboldt County, and evidence shows that existing programs have not been adequate to enhance or even control cumulative effects on sediment-impaired water bodies. Humboldt County is also home to an abundance of protected wildlife and unique habitat types, and the sources of anthropogenic erosion are often co-located with critical habitat on private agricultural and rural lands. The complexity of the permitting process in general serves as a disincentive for otherwise willing farmers, ranchers and landowners to make conservation improvements that address these issues.

This project would provide local landowners with an umbrella permit for conservation projects where they implement a set of design and construction practices that the NRCS has identified and approved. In addition, the NRCS would encourage and support these efforts by providing extensive design and technical support for, and monitoring of, each selected project. By catalyzing high-quality, erosion control and habitat restoration projects through the County, this project would enhance natural resources, improve coastal water quality and habitat, and help maintain the economic viability of agricultural lands. Therefore, the project is consistent with the habitat, marine resources and agricultural policies (Sections 30241, 30242, 30243) of the Coastal Act. The NRCS proposes that the PIR be determined consistent for 10 years beginning in 2007, with a full evaluation and summary report of the program provided to the Commission after five years. Landowners working on projects not covered under this program will continue to seek permits/consistency determinations on a project-by-project basis.

To address potential cumulative effects to sensitive habitats and coastal water quality associated with the construction and installation of the selected practices, the project includes environmental safeguards. In addition, the NRCS proposes to notify the Commission staff of upcoming projects via a written, Pre-construction Notification Package that fully and specifically describes each activity under the project. Should the Commission staff find that an individual project is not consistent with this general consistency determination, the Commission and the NRCS staff will cooperate to modify the project in order to bring it into consistency or, failing that, the NRCS will remove the project from the pre-project notification list. The NRCS will use native plants in any appropriate practice, and use local genetic stock whenever feasible. The NRCS will provide to the Commission an annual status report for the program that will: list participating landowners; describe each activity, its purpose and design; quantify the area affected and impacts to the coastal zone; and list conservation benefits. These protective measures ensure that the project will conform to the policies of the Coastal Act, and protect

environmentally sensitive habitats and the quality and biological productivity of coastal waters. The proposal is similar to those the NRCS has implemented (and the Commission has concurred with) for the Elkhorn Slough, Salinas River and Morro Bay watersheds.

STAFF SUMMARY AND RECOMMENDATION:

I. Staff Note/Procedures.

The NRCS submitted a general consistency determination for a program to simplify the permit process for landowners as they undertake projects to reduce sedimentation of impaired waterways and enhance habitat in Humboldt County. The Commission is reviewing general types of activities rather than a specific project. The NRCS has made this consistency determination pursuant to the federal regulations implementing the Coastal Zone Management Act (CZMA), 15 CFR §930.36(c). These regulations provide that:

In cases where Federal agencies will be performing repeated activity other than a development project (e.g., ongoing maintenance, waste disposal) which cumulatively has an effect upon any coastal use or resource, the Federal agency may develop a general consistency determination, thereby avoiding the necessity of issuing separate consistency determinations for each incremental action controlled by the major activity. A Federal agency may provide a State agency with a general consistency determination only in situations where the incremental actions are repetitive and do not affect any coastal use or resource when performed separately. A Federal agency and State agency may mutually agree on a general consistency determination for de minimis activities (see §930.33(a)(3)) or any other repetitive activity or category of activity(ies). If a Federal agency issues a general consistency determination, it shall thereafter periodically consult with the State agency to discuss the manner in which the incremental actions are being undertaken.

A Commission concurrence with this consistency determination will allow the NRCS to provide design and construction specifications, technical support and monitoring to projects for specific conservation practices which the NRCS will identify and approve, for the control of sedimentation and enhancement of habitat within Humboldt County, without further formal review by the Coastal Commission. The NRCS has agreed to notify the Commission staff annually of approved projects before implementation, so that the staff can review them for compliance with this consistency determination. Any activities that do not fall within the scope of the PIR and this consistency determination will be subject to normal regulatory review processes.

The project is based on a model of coordinated, multi-agency, regulatory review that ensures the integrity of agency mandates but makes permitting more accessible to farmers, ranchers, rural landowners, and local non-profit restoration groups. This increased accessibility, in turn, has been shown to increase the number and quality of conservation projects and beneficial effects in a given area. The NRCS and Sustainable Conservation developed the PIR program in 1998 in response to the permitting challenges associated with small, environmentally beneficial, erosion control projects taking place on private land. The first PIR program was instituted in the Elkhorn Slough Watershed in Monterey County (and authorized by the Commission). The NRCS has based the countywide permit coordination program for Humboldt County on the model developed in the Elkhorn Slough watershed but has tailored it to the resource conditions present in Humboldt County watersheds.

The NRCS and RCD continue to work with regulatory agencies to develop a program that ensures protection of sensitive resources during implementation of a specific suite of conservation practices on private lands, when done in conjunction with technical assistance and monitoring by the NRCS. Regulatory partners involved in the development and approval of this program include representatives from the following agencies:

- U.S. Fish and Wildlife Service (USFWS);
- National Marine Fisheries Service (NMFS);
- U.S. Army Corps of Engineers (USACE);
- U.S. Environmental Protection Agency (USEPA);
- California Department of Fish and Game (CDFG);
- California Coastal Commission;
- North Coast Regional Water Quality Control Board (NCRWQCB);
- Humboldt County.

The NRCS, RCD and regulatory agencies have cooperatively developed permits and agreements, and founded the project on those. Most of the approvals are programmatic, in that, the NRCS will approve a project to implement a group of practices within the specified area, rather than individual permits issued to site-specific work. The NRCS, RCD, Sustainable Conservation (a non-profit organization that advances stewardship of land and water resources), and private landowners, lessees and managers who will implement the suite of conservation practices on their property, coordinate the program together. The NRCS has established specific guidelines and procedures for the installation, maintenance and monitoring of the specialized suite of conservation practices, to ensure that project development activities, implemented with the assistance of the RCD and landowner/operator, are consistent with federal objectives and comply with all applicable state and federal regulations.

Federal consistency review is therefore an appropriate way for the Commission to evaluate the Chapter 3 consistency of this federal project, which is exempt from CDP requirements. Commission concurrence with this federal consistency determination will satisfy all coastal development review requirements for this federal project, both within the CDP jurisdiction of Humboldt County, as well as within the Commission’s original jurisdiction. Normal CDP requirements will apply for development activities located within the coastal zone that are not specifically authorized by this consistency determination.

II. Project Description

A. Approved Projects and Practices

The NRCS proposes to provide design and construction services, technical support and monitoring to certain projects that the NRCS will identify and approve for the implementation of conservation practices designed to control sedimentation and enhance habitat on private lands within Humboldt County. The NRCS has identified conservation practices that it will approve and support, as summarized in Table 1, Conservation Practices, (for further details on each practice see Exhibit No. 2, Conservation Practices). The NRCS Field Office Technical Guide (FOTG) contains over 200 standardized land improvement practices. The NRCS selected the conservation practices in Table 1 from the FOTG, specifically for use in Humboldt County. Landowners may implement these conservation practices within the working portions or natural areas of farms, ranches and timberlands.

Table 1. Conservation Practices

1. <u>Access Road (Improvement)</u> (560) – Improve an existing road used for farm activities.
2. <u>Composting Facility</u> (317) – Process raw manure or other raw organic by-products.
3. <u>Critical Area Planting</u> (342) – Plant native or non-persistent vegetation to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat.
4. <u>Diversion</u> (362) – A channel constructed across the slope generally with a supporting ridge on the lower side to slow and redirect surface flow.
5. <u>Fencing</u> (382) – A constructed barrier for livestock, wildlife, or people as part of a conservation management system.
6. <u>Filter Strip</u> (393) – A strip or area of vegetation for trapping sediment, organic matter, and other pollutants from runoff and wastewater.
7. <u>Firebreak, fuel break</u> (394B) – Removing or pruning trees, shrubs, brush, and other vegetative growth to reduce the hazard of wildfires.
8. <u>Forest Stand Improvement</u> (666) – Manipulation of species composition, stand structure, and stocking by cutting or killing selected trees and understory vegetation.
9. <u>Grade Stabilization Structure</u> (410) – A structure built into a gully to control the grade and prevent head cutting in natural or artificial channels.

10. <u>Heavy Use Area Protection</u> (561) – The stabilization of areas frequently and intensively used by people, animals or vehicles.
11. <u>Irrigation Water Conveyance, Underground, Plastic Pipeline</u> (430-DD, 420-EE) – A pipeline and appurtenances installed in an irrigation or fluid management system.
12. <u>Pipeline</u> (516) – Use of a pipeline for conveying water from a source of supply to points of its use; to shift livestock to constructed water sources and away from streams and lakes.
13. <u>Road/landing Removal</u> (722) – The removal by excavation of old logging and ranch/farm access roads and landing fills from stream channels.
14. <u>Stream Bank Protection</u> (580) – Using vegetation or structures to stabilize and protect banks of streams, lakes, or estuaries against scour and erosion.
15. <u>Stream Channel Stabilization</u> (584) – Stabilizing the channel of a stream with suitable structures.
16. <u>Stream Crossing</u> (578) – A stabilized area or structure constructed across a stream to provide a travel way for livestock, equipment, or vehicles.
17. <u>Stream Habitat Improvement</u> (395) – Improving a stream channel to create new fish habitat or to enhance an existing habitat.
18. <u>Structure for Water Control</u> (587) – A structure in irrigation, drainage, or other water management system, including streams and gullies, that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation.
19. <u>Underground Outlets</u> (620) – A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet.
20. <u>Waste Storage Facility</u> (313) – A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure. Embankments are limited to an effective height of 35 feet or less.
21. <u>Watering Facility</u> (614) – A device (tank, trough, other watertight container) for providing animals access to water.

At the request of the Commission staff, the NRCS omitted or modified several of the proposed practices from this determination. The NRCS omitted the following practices:

<u>Restoration and Management of Declining Habitats</u> (643) – Restoring and conserving rare or declining native vegetated communities and associated wildlife species.
<u>Wetland Enhancement</u> (659) – The modification or rehabilitation of an existing or degraded wetland, where specific functions and/or values are increased beyond what would be expected for normal restoration for the purpose of meeting specific project objectives.
<u>Wetland Restoration</u> (657) – The rehabilitation of a drained, converted, or degraded wetland where the soils, hydrology, vegetative community, and biological habitat are restored to the natural condition to the extent practicable.

The NRCS modified the following practices by adding these restrictions:

<p><u>Diversion</u> (362) – This practice will not be implemented in Coastal Act wetlands in the coastal zone. In the pre-notification package submitted to the Commission each year, any practice within the coastal zone and within 100 feet of a probable wetland will include wetland delineation within the area of the project.</p>
<p><u>Structure for Water Control</u> (587) – This practice will not be used in such a way as to drain or reduce the size of an existing wetland.</p>
<p><u>Waste Storage</u> (313) – This practice will not be implemented in Coastal Act wetlands in the coastal zone. In the pre-notification package submitted to the Commission each year, any practice within the coastal zone and within 100 feet of a probable wetland will include wetland delineation within the area of the project.</p>
<p><u>Stream Bank Protection</u> (584) – This practice must meet the test of no significant impact, and will not include hard armoring. “Riprap” is excluded as an acceptable practice.</p>
<p><u>Stream Channel Stabilization</u> (584) – This practice is referred to as “Channel Stabilization” in order to include irrigation channels.</p>

The Commission staff further requested that the NRCS plant natives within the coastal zone, and that the NRCS require the use of native plants of local genetic stock whenever feasible. The NRCS changed the project description in the following instances to reflect this:

<p><u>PROPOSED CONSERVATION PRACTICES</u> (Table 1 of project description)</p>
<p><u>Critical Area Planting</u> (342) – Plant native or non-persistent vegetation to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat. Within the Coastal Zone, native plants of local genetic stock will be used whenever feasible.</p>
<p><u>Stream Bank Protection</u> (580) – Using vegetation or structures to stabilize and protect banks of streams, lakes, or estuaries against scour and erosion. Within the Coastal Zone, native plants of local genetic stock will be used whenever feasible.</p>
<p><u>GENERAL CONDITIONS</u> (Table 6 of project description)</p>
<p><u>Limitations on Earthmoving and Vegetation Removal (Site Disturbance)</u> ...If riparian vegetation will be disturbed, it will be replaced with similar and/or native species. Within the Coastal Zone, native plants of local genetic stock will be used whenever feasible.</p>
<p><u>Revegetation and Removal of Exotic Plants</u> Vegetated areas within any project area shall be restored to a minimum of 80% vegetative coverage. Any stream bank area left barren of vegetation as a result of the implementation or maintenance of the practices shall be restored to a natural state by seeding, replanting, or other agreed upon means with native trees, shrubs, and/or grasses prior to the close of the construction season of the project year... Within the Coastal Zone, native plants of local genetic stock will be used whenever feasible.</p>

Conditions for Erosion Control ...The project site shall be restored to pre-construction condition or better. Streambank, ground, and/or soil (except for soil in agricultural fields) exposed as a result of construction, soil above rock riprap, and interstitial spaces between rocks shall be revegetated by live planting, seed casting, or hydroseeding prior to November 1st of the project year... Within the Coastal Zone, native plants of local genetic stock will be used whenever feasible.

In addition, the Commission staff requested that the annual pre-project notification report, to be submitted to the Commission by the NRCS, provide the Commission staff with the opportunity to confirm that each individual project conforms to this general consistency determination. Should the Commission staff find that an individual project is not consistent with this general consistency determination, the Commission and NRCS staff will cooperate to modify the project in order to bring it into consistency or, failing that, the NRCS will remove the project from the pre-project notification list.

Although the overall effect of this program will be to reduce erosion and sedimentation and thereby improve water quality, the health of natural resources and agricultural productivity, the NRCS acknowledges that any activity taking place in or near sensitive resources requires the use of careful methods. In order to avoid or mitigate potential adverse impacts on coastal zone resources, the project has established conditions (e.g. timing, location, etc.) for the design and construction of these practices. Each of the 24 practices will implement a corresponding set of practice-specific environmental protection measures and conditions (for a list of measures see Exhibit No. 3, Environmental Protections Measures and Conditions for Practices). Each approved project shall implement a set of general environmental protection measures and conditions, as in Table 2, Conditions for all Projects, (for further details on each measure see Exhibit No. 4, General Conditions for all Projects).

Table 2. General Conditions for all Projects

<u>Temporal Limitations on Construction</u> – To avoid impacts to aquatic habitat the activities carried out in the program typically occur during the summer dry season.
<u>Limitation on Earthmoving and Vegetation Removal (Site Disturbance)</u> – Work will only occur in a dry or non-flowing channel unless specific conditions are met as further described under Limitations on Work in Streams and Permanently Poned Areas; Limitations on Construction Equipment Handling of Waste, Worksite Conditions; and Environmental Protection Measures and Conditions for Specific Conservation Practices, as follows in this document.
<u>Limitations on Construction Equipment, Handling of Waste, Worksite Conditions</u> – The number of access routes, number and size of staging areas, and the total area of the work site activity shall be limited to the minimum necessary to complete the conservation/restoration action.

<p><u>Additional Conditions for Fish-Bearing Streams</u> – If dewatering in a fish-bearing stream is proposed as part of a project implemented under the permit coordination program, the NRCS/HCRCDC will comply with the terms and conditions outlined in the Biological Opinion, and any subsequent conditions, issued by NMFS or CDFG for this project.</p>
<p><u>Revegetation and Removal of Exotic Plants</u> – Vegetated areas within any project area shall be restored to a minimum of 80% vegetative coverage.</p>
<p><u>Conditions for Erosion Control</u> – Erosion control and sediment detention devices shall be incorporated into the project design and implemented at the time of construction.</p>
<p><u>Limitations on Use of Herbicides</u> – Except as noted below, no pesticides or fertilizers shall be used in the stream area to hasten or improve the growth of critical area plantings.</p>

In addition to the above environmental measure and conditions, the NRCS has appended its California Environmental Quality Act (CEQA) document to this project description, and for the purposes of this consistency determination, commits to each of the mitigation measures in that document.

B. Monitoring Projects

Although the installation and maintenance of conservation practices are the responsibility of the landowner, the NRCS and RCD will monitor all projects to ensure specifications and recommendations are implemented, and to further ensure that conservations practices are functioning according to design standards and serving their intended purpose. Minimum monitoring for each project includes:

- Pre-construction – Surveys for species habitat;
- During construction – Inspections of erosion and sediment control devices and conservation practices at critical project points for proper implementation;
- Post-construction – Annual post-construction inspections for up to five years for proper performance.

C. Reporting Requirements

The NRCS will notify the Commission staff of upcoming projects via a written, Pre-construction Notification Package that fully describes each activity under the project. The NRCS will submit, on approximately April 15 each year, specific information about each project, including a USGS 7.5 min quad showing the location of the activity, distances and directions from the nearest town, description of activity, practices to be installed, amount of soil disturbance, jurisdictional waters effected, project cost, environmental setting and listed species likely to be encountered. In addition, the NRCS will provide annual, written notification by January 31 of each year, of the status of all ongoing activities. The report will list participating landowners, and describe each

activity purpose and design, area affected, impacts to waters of U.S. and ephemeral streams, method and amount of native revegetation, and implementation and performance of applied mitigation measures and biological enhancements. In addition, the annual report will list conservation benefits and net gains in wetlands and riparian areas, describe listed species actually encountered, and provide photo documentation of before and after site conditions.

D. Compliance

Before cooperating landowners (cooperators) implement activities on a specific project, the NRCS will provide the cooperator with two documents, the “Cooperator Agreement” and “Project Plans & Specifications,” which will include terms and conditions of the project. Should the cooperator fail to carry the work out in a manner consistent with these documents, the NRCS or RCD will consult directly with the cooperator to resolve problems. If consultation is not successful in bringing the work into compliance, the NRCS will inform the cooperator that this programmatic consistency determination no longer covers their actions. The cooperator will then become responsible for applicable coastal development permits.

The NRCS proposes that the Commission concur with the Humboldt County Watershed Permit Coordination Program for 10 years of work beginning in 2007. The NRCS occasionally updates and amends FOTG practices, as needed, to reflect current scientific knowledge and conservation techniques. Should any of the proposed project practices change significantly in the FOTG, the NRCS will submit the revised standards for concurrence with the annual notification package.

III. Project Setting/Location

This consistency determination covers all portions of Humboldt County, a total of 2.3 million acres, excluding all sand dunes. Primary land uses in the county are forestland, rangeland and agricultural land, while urban and suburban development surrounds Humboldt Bay and the lower Eel River. Table 3 describes the four major watershed basins in Humboldt County.

Table 3. Humboldt County’s Watersheds

Watershed	Basin	Total Acres within County	Total Acres
Lower Klamath	Klamath-Trinity	332,787	493,453
Lower Trinity		192,286	654,967
South Fork Trinity		73,205	596,497
Redwood Creek	Mad-Redwood	187,788	187,819
Trinidad		83,684	83,684
Mad River		221,337	322,143
Eureka Plain		124,617	124,617
Van Duzen	Eel	234,899	274,083
Lower Eel		191,052	191,052
Middle Main Eel		138,509	333,345

South Fork Eel		200,395	441,213
Cape Mendocino	Mattole	311,774	319,628
Total		2,292,332	4,039,132

Sources: Dyett & Bhatia, 2002

About 90% of the county’s total seasonal rainfall falls in the seven months from October through April, with seasonal totals averaging more than 40 inches in the driest area, and more than 100 inches in the wettest. These high precipitation rates combine with an abundance of steep terrain, erodible soils and human actions to create widespread and excessive erosion, and the attendant sedimentation and siltation of streams and waterways. The result is a high rate of impaired waterways throughout the county—the RWQCB has identified fourteen waterways in Humboldt County as impaired. The project description for this consistency determination states that a growing number of rural landowners are anxious to restore and enhance the natural conditions on their lands, but that the complexity of the permitting process acts as a disincentive. The Humboldt County PIR intends to act as a catalyst for high-quality erosion-control and habitat restoration projects throughout the County.

IV. Federal Agency’s Consistency Determination.

The Natural Resources Conservation Service has determined the proposed project consistent to the maximum extent practicable with the California Coastal Management Program

V. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission **concur** with consistency determination CD-085-06 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

The staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution to Concur with Consistency Determination:

The Commission hereby **concurs** with the consistency determination by the Natural Resources Conservation Service, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

VI. Findings and Declarations.

The Commission finds and declares as follows:

A. Environmentally Sensitive Habitats. The Coastal Act provides the following policy regarding environmentally sensitive habitat (ESHA):

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Commission previously authorized programs similar to the proposed project for the Elkhorn Slough watershed (CD-051-98), Salinas River watershed (CD-096-01) and Morro Bay watershed (CD-036-03). In those consistency determinations, the Commission concurred with programs that allowed the NRCS to work with farmers and landowners to implement best management practices (BMPs) to reduce runoff and sedimentation into waterways. In the subject consistency determination, the NRCS has cited the success of the Elkhorn Slough project:

The results of the permit coordination program have been dramatic and have accelerated the completion of conservation projects on private lands...the Permit Coordination Program allowed for an increase in the number and quality of completed projects. More than 57,000 tons of sediment was prevented from entering the Elkhorn Slough, its tributaries, and the Monterey Bay National Marine Sanctuary. More than two miles of stream bank and channel were restored or revegetated and 18 sediment and water control basins were constructed. In addition, the program has brought the NRCS into cooperation with many farmers who had not previously expressed interest in on-farm conservation.

The NRCS goes on to quantify the results of the Elkhorn Slough program as compared to conservation efforts made previous to program implementation: more projects were completed, a broader range of projects was implemented and the quality of projects improved.

The Commission incorporates, by reference, into this report the concurrence findings for the Elkhorn Slough Watershed Program (CD-051-98), the Salinas River Watershed Program (CD-096-01) and the Morro Bay Watershed Program (CD-036-03).

Similar to those projects, the Humboldt County PIR will protect and enhance plant and animal species and habitat, improve water quality in the watershed, and return the watershed and Humboldt Bay Estuary to a more naturally functioning state. In order to participate in the PIR program, projects must have a net environmental benefit. Practices that will increase the health of ESHA as part of a project include, but are not limited to:

- Road/Landing Removal – Road and landing removal/decommissioning will be modeled on Section X of the CDFG *California Salmonid Stream Habitat Restoration Manual*;
- Stream Habitat Improvement – The Fish Stream Improvement conservation practice will be designed and implemented in accordance with the California Department of Fish and Game *California Salmonid Stream Habitat Restoration Manual* or in coordination with NMFS and CDFG;

Even though this program will benefit ESHAs, its implementation has the potential to have temporary adverse impacts within or near wetlands, riparian, or other sensitive habitats. These potential impacts include temporary disturbance of habitat, harassment of individual animals, and in certain cases, the mortality of individual special status plant or animal species. Project components that could result in such impacts include soil excavation or grading, preparation of the ground for seeding and mulching, grade and stream stabilization, channel excavation, construction of earthen embankments, placement of fill, vegetation removal, and trampling or crushing of vegetation.

To protect these environmentally sensitive habitats, the NRCS customized, in time and manner of implementation, the proposed practices after consultations with the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Commission staff. Exhibit 3 (Environmental Protection Measures) and Exhibit 4 (General Conditions for all Projects) describe the environmental commitments in detail. These measures, used to the maximum extent possible, will minimize impacts to sensitive species and habitats, and include, but are not limited to, the following:

- Limit construction temporally in order to avoid nesting or breeding seasons of birds and terrestrial animals;
- Limit construction temporally in order to reduce erosion during rainy periods;
- Optimize planting of seedlings by planting at beginning of the rainy season;
- Limit the size and grade of disturbance to existing grades;
- Restrict earthmoving and site disturbance to dry or non-flowing channels;
- Restrict the number and size of access routes, staging areas and total work site area to the minimum necessary;

- Restrict habitat improvements to techniques that are in accordance with the “California Salmonid Stream Habitat Restoration Manual” as found at <http://www.dfg.ca.gov/habitats/>;
- Use native plants in revegetation efforts, and use native plants of local genetic stock where feasible.

The NRCS will limit the size and scale of the projects implemented under this program to the minimum area of impact possible. The above mitigation/management measures will ensure that the localized short-term impacts on sensitive habitats that could result from the project will not have a significant adverse affect on environmentally sensitive habitats. The long-term benefits of the project will: enhance riparian vegetation and bank stability; provide additional habitat areas for foraging, breeding, and shelter; control erosion and pesticides from agricultural fields; and improve water quality and aquatic habitats. With these environmental commitments and size limitations, the program is consistent with the limited uses allowed within, and will not significantly disrupt or degrade ESHAs, and therefore the Commission finds this project consistent with Section 30240 of the Coastal Act.

B. Marine Resources/Water Quality. The Coastal Act provides the following policy regarding marine resources:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of

such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

... (7) Restoration purposes.

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The purpose of the proposed project is to simplify the permitting process for private landowners in their conservation efforts, thereby increasing the number and quality of conservation projects in Humboldt County, particularly with regard to erosion control and habitat enhancement. This program will result in a net benefit to water quality, wetlands and the marine environment of the county. However, whenever work of this kind takes place, the potential exists for long- and short-term disturbance or degradation of the environment. The practices approved by the NRCS are expressly designed to avoid long-term disturbance or degradation altogether, and minimize any short-term adverse impacts. The need for conservation efforts in Humboldt County is high. In 2002, the Northern California Regional Water Quality Control Board (RWQCB) published a list of 14 impaired waterways in Humboldt County. In 12 instances, RWQCB cited sedimentation and/or siltation as the "Pollutant/Stressor" for that waterway. Unstable geology, erodible soils and high seasonal precipitation cause erosion and sedimentation in these waterways, to the detriment of water and habitat quality. Sedimentation reduces water quality and impairs spawning and rearing of salmonids, including the protected coho and steelhead present in many of these waterways. Roads constructed along canyon floors and steep inner gorges cause channel realignment resulting in direct delivery of sediment to waterways. The proposed conservation practices would correct many of these non-point sources of sediment, and include, specifically, wetland enhancement and restoration. Short-term mitigation efforts include (see Exhibit 3, Environmental Protection Measures and Conditions, and Exhibit 4, General Conditions for all Projects):

- Areas that are currently used heavily will not be reinforced or protected if present in a wetland;

- Diverted flows will be diverted to a stable filter strip designed to enhance infiltration, reduce velocity, disperse flow, and prevent sediment delivery to any flowing or ponded surface water;
- Stream bank protection will be designed and implemented in accordance with CDFG “California Salmonid Stream Habitat Restoration Manual” or in coordination with NMFS and CDFG;
- One-time sediment removal from stream channels or ponds may occur if it will improve biological functioning of the stream, and will not occur in a flowing stream or standing water;
- Livestock waste runoff from paved surfaces will not be allowed to run directly into any stream, lake or pond (unless pond is designed for waste treatment);
- Staging/storage areas for equipment, fuels, materials, lubricants and solvents will be located outside of the stream’s high-water channel and associated riparian area. Stationary equipment located within a dry portion of a stream channel or adjacent to the stream will be positioned over drip pans;
- Organophosphate esters will not be present in solvents or hydraulic fluids used near fish-bearing streams;¹
- During project activities, all trash and food that may attract predators of salmonids or birds (e.g., raccoons, piscivores, crows, ravens, etc.) will be properly contained, removed from the work site and disposed of daily.

The above measures will ensure that the short-term impacts that could result from the project will not have significant adverse effects on wetlands, the marine environment, and water quality. The proposed restoration activities are allowable uses under Sections 30233 and 30236 of the Coastal Act. The long-term effects of the project will improve water quality by decreasing sediment flowing to coastal waters. The Commission therefore finds that the project is consistent with Sections 30230, 30231, 30232, 30233 and 30236 of the Coastal Act.

¹ “Organophosphorus compounds manufactured by the chemical industry consist of a group of roughly 250 compounds produced all over the world...Approximately 140 of these compounds are pesticides and the remainder have been mainly used since the 1940s as flame retardants, plasticizers, hydraulic fluids and solvents.” Fries, E. and Puttmann, W. “Occurrence of organophosphate esters in surface water and ground water in Germany.” *Journal of The Royal Society of Chemistry* 2001. pg. 621 – 626.

C. **Agriculture.** The Coastal Act provides the following policies regarding protection of agricultural resources:

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy

...

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible; or, (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30243

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

The goal of this program is to enhance agricultural and other lands through conservation efforts that will enhance soil and water resources. Consistent with these Coastal Act policies, the project will help maintain the long-term agricultural productivity of these lands by reducing the loss of valuable top soil subject to erosion and increasing the function and health of waterways. By improving the compatibility between agricultural land uses and the protection of sensitive habitat areas and waterways, the project will assist in preserving the long-term viability of both agricultural and natural resources. Most of the conservation practices approved for this program act as part of the farming or ranching operation even if the specific project location can no longer be used for economic production. The practices to be implemented in this project are an integral part of production since they enhance resource conditions and prevent loss of productive resources from adjacent crop or rangeland. This does not constitute conversion of agricultural lands to non-agricultural use, as these practices serve the agricultural purpose of controlling erosion and enhancing waterways. The beneficial impacts of retaining significant amounts of soil on site that would otherwise be lost to erosion, and increasing the quality of waterways on agricultural land, greatly outweigh the minor loss in areas of production. Therefore, the Commission finds that the

project will protect agricultural lands, and is therefore consistent with Coastal Act Sections 30241, 30242 and 30243.

D. Archaeology. The Coastal Act provides the following:

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Humans have occupied the area we now call Humboldt County for at least 9,000 years, and have left important and widespread cultural resources dating from historical and pre-historic times. The potential exists for encountering cultural resources as a result of a variety of the conservation measures, although most practices approved for this project will take place in areas that have already been cultivated or disturbed, and will not exceed the depth, extent or kind of previous activities. The NRCS will use the federal designation of “undertaking” to set in motion steps to avoid or mitigate impact to a archaeological or paleontological resource. An undertaking is any project or activity under the direct or indirect jurisdiction of a federal agency that can result in changes to or use of historic properties. If the project involves no ground disturbance or will not exceed the depth, extent, or kind of previous cultivation, the project will not qualify as an undertaking. The NRCS will ensure that potential effects of conservation activities be considered in the earliest planning stages, as described in Step 3 of the Project Implementation Through the NRCS Conservation Planning Process (see Exhibit 5 for full Plan). Should the NRCS suspect that cultural resources are present at any site, the NRCS field personnel will contact the State NRCS Archaeologist to conduct a records search and field survey to determine the extent and significance of the cultural resources, if any. The NRCS is currently revising its Programmatic Agreement with the State Historic Preservation Office and the Advisory Council on Historic Preservation, and expects it to be in place when activities under the project begin in 2007. The NRCS fulfills the requirements of the National Historic Preservation Act, Section 106 with the measures laid out in Table 4, NRCS National Historic Preservation Act Compliance, below.

Table 4. NRCS National Historic Preservation Act Compliance

Step	Activity
1	NRCS determines if the proposed activity is considered an undertaking as defined in the Programmatic Agreement.
2	If it is an undertaking, the NRCS conducts a cultural resources review to determine if known protected resources could be affected by the conservation practice.
3	NRCS conducts a site visit to the locations and completes a field inspection of the area to re-locate previously known cultural resources and/or possibly locate new cultural resources.

4	NRCS consults with appropriate SHPO/THPO, tribes, and agencies to identify potential cultural resources and evaluates if they would be adversely affected by the proposed activity.
5	NRCS revises plans if necessary to avoid adverse impacts to cultural resources.

The NRCS and RCD staff who will be supporting a project will receive training regarding protection measures, monitoring and reporting. The NRCS will not proceed with a project where significant impacts to cultural resources cannot be avoided. Should the NRCS or the cooperator uncover human remains in the course of a project, the NRCS or RCD will follow procedures established by the Native American Heritage Commission, including immediately stopping work in the area and notifying the County Coroner. With these elements, the Humboldt County watershed program includes reasonable mitigation measures for the protection of archaeological and paleontological resources, and the Commission therefore finds the project consistent with Section 30244 of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS

[\(return to first page\)](#)

1. Humboldt County Partners in Restoration Permit Coordination Program Project Description (Humboldt County Resource Conservation Service, Natural Resource Conservation Service, Sustainable Conservation, October 2006).
2. CD-051-98, Natural Resources Conservation Service, Elkhorn Slough Watershed.
3. CD-096-01, Natural Resources Conservation Service, Salinas River Watershed.
4. CD-036-03, Natural Resources Conservation Service, Morro Bay Watershed.
5. CEQA Initial Study Checklist. Appended to project description.
6. Fries, E. and Puttmann, W. "Occurrence of organophosphate esters in surface water and ground water in Germany." *Journal of The Royal Society of Chemistry* 2001. pg. 621 – 626.
7. December 19, 2006, letter from Bruce Gordon, NRCS to Diane Livia modifying project description.

Humboldt County

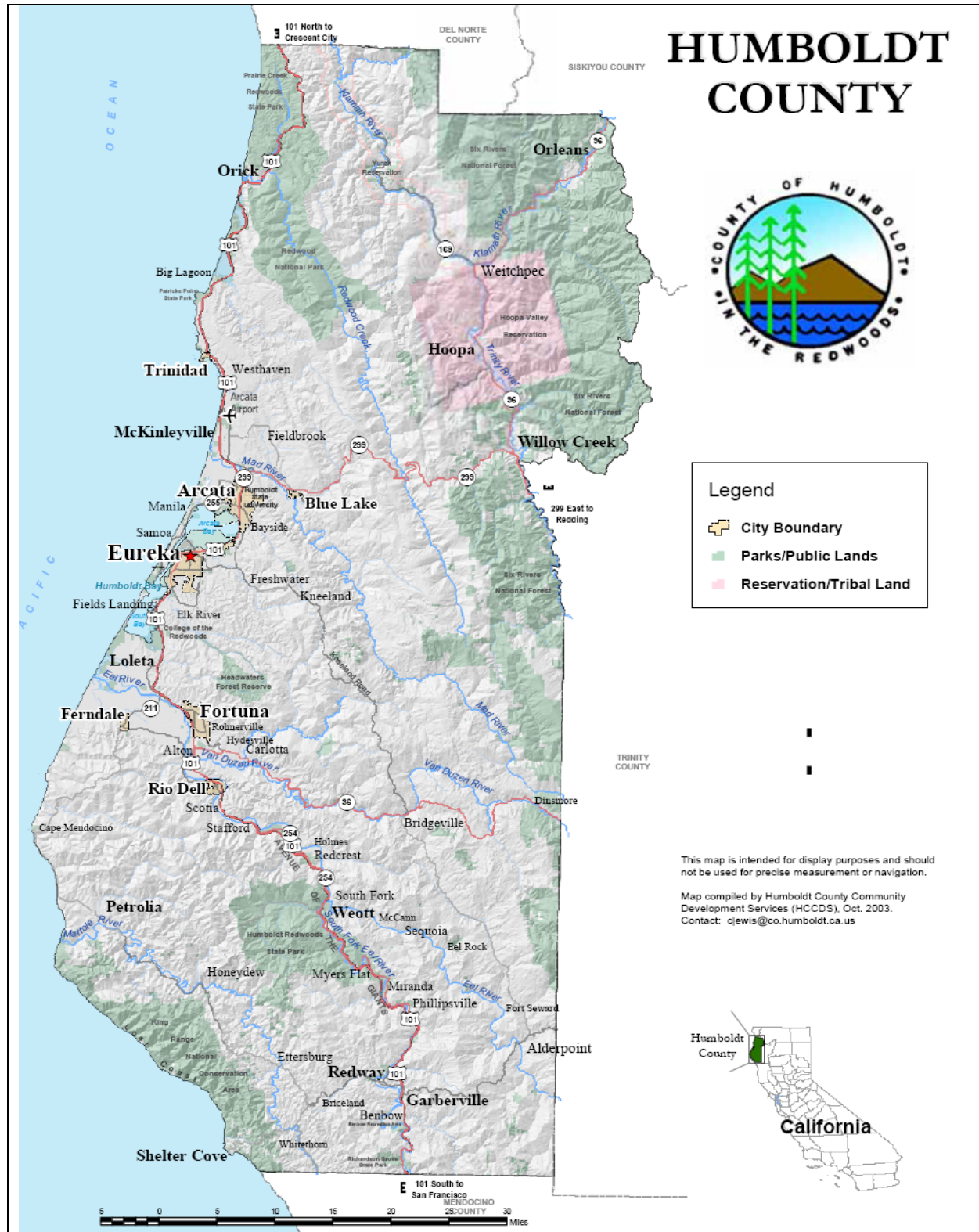


EXHIBIT NO. 1
APPLICATION NO.
CD-085-06
NRCS

Exhibit 2

Conservation Practices

Table 1. Proposed Conservation Practices

<p><i>Access Road (Improvement) (560)</i></p> <p>Improve an <u>existing road</u> used for moving livestock, produce, and equipment and to provide access for property management while controlling runoff to prevent erosion and maintain or improve water quality. An example of this practice might include re-grading, outsloping, or the addition of a rolling dip to a road so that water is less erosive as it travels across the road. This practice may also be used for repair or removal of culverts from non-fish bearing streams associated with access road improvements. This practice is used only on existing roads. The California Department of Fish and Game <i>California Salmonid Stream Habitat Restoration Manual, Part X Upslope Assessment and Restoration Practices</i> includes examples of practices that could be utilized during implementation of this restoration practice.</p>
<p><i>Composting Facility (317)</i></p> <p>A facility to process raw manure or other raw organic by-products into biologically stable organic material. The purpose of this practice is to reduce the pollution potential of agricultural wastes to surface and ground water. The practice applies where: organic waste material is generated by agricultural production or processing; a planned agricultural waste management system; and a composting facility can be constructed, operated and maintained without polluting air and/or water resources.</p>
<p><i>Critical Area Planting (342)</i></p> <p>Planting native or non-persistent vegetation such as trees, shrubs, vines, grasses, or legumes on highly erodible or critically eroding areas (does not include tree planting mainly for wood products). This practice is used to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources. Plants may take up more of the nutrients in the soil, reducing the amount that can be washed into surface waters or leached into ground water. During grading, seedbed preparation, seeding, and mulching, quantities of sediment and associated chemicals may be washed into surface waters prior to plant establishment.</p>
<p><i>Diversion (362)</i></p> <p>A channel constructed across the slope generally with a supporting ridge on the lower side to slow and redirect surface flow. This practice results in a reduction of sheet and rill erosion by reducing the length of slope. Sediment may also be reduced by the elimination of gullies, reducing the amount of sediment and related pollutants delivered to the surface waters. This practice may also be used to deliver water to an area where runoff can infiltrate the ground at a natural rate of flow. <u>This practice does not result in a change in volume of flow, or flow reduction in surface waters. This practice does not involve the diversion of water from a waterway.</u> This practice applies to sites where: 1) runoff damages cropland, pastureland, ranch lands, or conservation practices; 2) surface flow and shallow subsurface flow caused by seepage are damaging land; 3) runoff is in excess and available for use on nearby sites; 4) a diversion is required as part of a pollution abatement system; or 5) a diversion is required to control erosion and runoff.</p>
<p><i>Fencing (382)</i></p> <p>A constructed barrier for livestock, wildlife, or people as part of a conservation management system to reduce the risk of erosion and sedimentation in streams and wetlands.</p>
<p><i>Filter Strip (393)</i></p> <p>A strip or area of vegetation for trapping sediment, organic matter, and other pollutants from runoff and wastewater. The strip or area is situated between cropland, grazing land, or disturbed land (including forest land) and environmentally sensitive areas. Installation often requires soil manipulation to remove surface irregularities and prepare for planting. When the field borders are located such that runoff flows across them in sheet flow, coarser grained sediments are filtered and deposited. Pesticides and nutrients may be removed from runoff through infiltration, absorption, adsorption, decomposition, and volatilization thereby protecting water quality downstream. However, they may not filter out some soluble or suspended fine-grained materials, especially during heavy rain events. Filter strips may also reduce erosion on the area on which they are constructed.</p>
<p><i>Firebreak, fuel break (394B)</i></p> <p>Removing or pruning trees, shrubs, brush, and other vegetative growth to reduce the hazard of wildfires. A fuel break slows the advance and lessens the intensity of wildfires while providing a location for control. It is a strip of land cleared of most brush (dependent upon overstory cover and wildlife considerations), leaving well spaced trees that have been pruned to remove lower limbs. A grass or forb understory to provide soil cover and reduce soil erosion shall be present. The width of the fuel break varies from 60 to 250 feet depending on budget and terrain constraints. A fuel break may reduce the risk of catastrophic wildfire, assist fire-fighting forces in fire control, lessen the severity of wildfire, and lessen the risk of severe erosion that can follow a severe fire.</p>
<p><i>Forest Stand Improvement (666)</i></p>

Exhibit 2 con't.

Manipulation of species composition, stand structure, and stocking by cutting or killing selected trees and understory vegetation. This practice is used to improve understory forage production, aesthetics, wildlife habitat, recreation, and hydrologic conditions. No trees greater than 8 inches diameter at breast height (dbh) will be harvested under this practice. This practice serves the following purposes:

To reduce the potential of damage from wildfire, pests, and moisture stress

To restore natural plant communities

To achieve a desired understory plant community

To improve wildlife habitat

To improve water conservation and yield

To achieve a desired level of crop tree stocking and density

To increase carbon storage in selected crop trees

To manage noxious woody plants

To harvest alternative forest products

To initiate forest stand regeneration

To increase the quantity and quality of forest products

Grade Stabilization Structure (410)

A structure built into a gully to control the grade and prevent head cutting in natural or artificial channels. For the purposes of our program, this practice will not be installed in fish-bearing streams and would primarily be used for gully repair. This practice refers to rock, timber, or vegetative structures, such as a brush mattress, placed to slow water velocities above and below the structure, resulting in reduced erosion.

This practice also involves earthmoving to reshape the area impacted by the gully. This will decrease the yield of sediment and sediment-attached substances and improve downstream water quality. An example of a practice from the CDFG *California Salmonid Stream Habitat Restoration Manual* that could be utilized during implementation of the Grade Stabilization practice is Brush Mattressing (p. VII-79).

Heavy Use Area Protection (561)

The stabilization of areas frequently and intensively used by people, animals or vehicles by establishing vegetative cover, surfacing with suitable materials, and/or by installing needed structures. This practice may be used as a part of a conservation management system to support one or more of the following purposes:

- Reduce soil erosion
- Improve water quantity and quality
- Improve air quality
- Improve aesthetics
- Improve livestock health

This practice applies to urban, agricultural, recreational, or other frequently and intensively used areas requiring treatment to address one or more resource concerns. Streambank armoring will not occur under this practice.

Irrigation Water Conveyance, Underground, Plastic Pipeline High-Pressure (430-DD) and Low Pressure (420-EE)

A pipeline and appurtenances installed in an irrigation or fluid management system to prevent erosion or losses of water quality or damage to the land, to make possible proper management of irrigation water and other fluids, and to reduce water conveyance losses. This practice is frequently used to collect roof runoff to prevent dilution and entrainment of animal wastes and to convey waste to an appropriate location. Water is typically redirected for storage and/or use as a source of fresh water for irrigation. Waste products are typically conveyed away from heavy use areas to upland fields and pastures for appropriate use.

All pipelines shall be planned and located to serve as an integral part of an irrigation water distribution or conveyance system designed to facilitate the conservation use and management of the soil and water resources on a farm or group of farms. Plastic pipelines installed according to this standard shall be placed only in suitable soils where the bedding and backfill requirements can be fully met.

Pipeline (516)

Use of a pipeline for conveying water from a source of supply to points of its use; to shift livestock to constructed water sources and away from streams and lakes. This practice is designed to reduce bank erosion, sediment yield, and manure entering watercourses. Occasionally a pipeline may cross streams or water courses. While most activities will occur during the summer months when most areas are dry, dewatering may be required for some projects involving installation of a pipeline. Dewatering a portion of a stream during construction would involve isolating the work area using temporary structures such as cofferdams and the pumping of water around the worksite in order to maintain flows downstream.

Restoration and Management of Declining Habitats (643)

Exhibit 2 con't.

<p>Restoring and conserving rare or declining native vegetated communities and associated wildlife species. This practice is used to restore land or aquatic habitats degraded by human activity; provide habitat for rare and declining wildlife species by restoring and conserving native plant communities; increase native plant community diversity; management of unique or declining native habitats. This practice may be used to remove invasive plant species in sensitive resource areas in order to improve the quality of the adjacent aquatic habitat.</p>
<p>Road/landing Removal (722)</p> <p>The removal by excavation of old logging and ranch/farm access roads and landing fills from stream channels. This practice applies to lands where roads, landings, and ramp fills were placed in drainage corridors causing channel erosion and/or have been sources of sediment for downstream waters as a result of active erosion of these fills. This practice does <u>not</u> apply to the creation of new stream channels or altering existing stream channels to a configuration or grade different than what existed prior to the placement of roads and landings in the stream channel. Because of the unique characteristics of each drainage, removal of road and ramp fills will be done in accordance with site specific characteristics, soils, and appropriate critical area stabilization techniques necessary to re-establish vegetation.</p> <p>The California Department of Fish and Game <i>California Salmonid Stream Habitat Restoration Manual, Part X Upslope Assessment and Restoration Practices</i> includes examples of practices that could be utilized during implementation of this restoration practice.</p>
<p>Stream Bank Protection (580)</p> <p>Using vegetation or structures to stabilize and protect banks of streams, lakes, or estuaries against scour and erosion. The banks of streams and water bodies are protected by vegetation to reduce sediment loads causing downstream damage and pollution and to improve the stream for fish and wildlife habitat as well as protect adjacent land from erosion damage.</p> <p>Examples of this practice may include willow sprigging, brush matting, and live vegetative crib walls. This practice can be applied to natural or excavated channels where the stream banks are susceptible to erosion from the action of water or debris or to damage from livestock or vehicular traffic. The streambed grade must be controlled before most permanent types of bank protection can be considered feasible. Some examples of practices from the California Department of Fish and Game <i>California Salmonid Stream Habitat Restoration Manual</i> that could be utilized during implementation of the Streambank Protection practice include Log Cribbing (p. VII-68), Live Vegetative Crib Wall (p. VII-69), Logbank Armor (p. VII-70), Riprap (p. VII-65), Native Material Revetment (p. VII-75), Willow Sprigging (p. VII-77), Brush Matting (p. VII-77), and Trenching (p. VII-80).</p> <p>While most activities will occur during the summer months when most areas are dry, dewatering may be required for some projects involving implementation of streambank protection measures. Dewatering a portion of a stream during construction would involve isolating the work area using temporary structures such as cofferdams and the pumping of water around the worksite in order to maintain flows downstream.</p>
<p>Stream Channel Stabilization (584)</p> <p>Stabilizing the channel of a stream with suitable structures.</p> <p>This practice applies to stream channels undergoing damaging aggradation or degradation that cannot be reasonably controlled with upstream practices (establishment of vegetative protection, installation of bank protection, or by the installation of upstream water control measures). The design and installation of grade stabilization structures produce a stable streambed favorable to wildlife and riparian growth. This practice may also include removal of accumulated sand or sediment that have caused the channel to become plugged due to a large storm event or bank failure. This practice would <u>not</u> be used for routine dredging of a waterway. This practice would be used to remove sediment that has accumulated, primarily as a result of a catastrophic event such as a flood. This practice may be used in fish-bearing streams for the purpose of removing large amounts of accumulated sediment.</p> <p>While most activities will occur during the summer months when most areas are dry, dewatering may be required for some projects involving installation of the stream channel stabilization practices. Dewatering a portion of a stream during construction would involve isolating the work area using temporary structures such as cofferdams and the pumping of water around the worksite in order to maintain flows downstream.</p>
<p>Stream Crossing (578)</p> <p>A stabilized area or structure constructed across a stream to provide a travel way for livestock, equipment, or vehicles. The purpose of the practice is to improve water quality by reducing sediment and pollutant loading of the stream and to reduce streambed and bank erosion. Stream crossings will be located to be compatible with local conditions and stream morphology, where the streambed is stable or where grade control can be provided to create a stable condition.</p>
<p>Stream Habitat Improvement (395)</p> <p>Improving a stream channel to create new fish habitat or to enhance an existing habitat. The practice is used to improve or enhance aquatic habitat for fish in degraded streams, channels, and ditches by providing shade, controlling sediment, and restoring pool and riffle stream characteristics. Pools and riffles are formed in degraded stream sections through the strategic</p>

Exhibit 2 con't.

<p>placement of logs, root wad, or natural rocks that reduce the flow velocity through the area. Coarse-grained sediments settle, reducing the quantity of sediment delivered downstream. The dissolved oxygen content may be increased, improving the stream's assimilative capacity.</p> <p>This practice may also be used for removal or modification of fish barriers such as flashboard dams or logjams. The modification of flashboard dams may involve cutting a notch in the dam to allow for fish passage. Complete removal of flashboard dams would also be covered under the program. Logjams may be modified when they act as a complete barrier to fish passage or when their existence poses an immediate threat to life, property, or recently installed conservation practices designed to improve fish stream habitat. This practice may be used to remove culverts that pose barriers to fish passage and for replacement of an existing culvert with a crossing that improves fish passage. <i>(continued next page)</i></p>
<p><i>Stream Habitat Improvement (395) (continued from previous page)</i></p> <p><i>(continued from previous page)</i> While most activities will occur during the summer months when most areas are dry, dewatering may be required for some projects involving the fish stream improvement practices. Dewatering a portion of a stream during construction would involve isolating the work area using temporary structures such as cofferdams and the pumping of water around the worksite in order to maintain flows downstream.</p> <p>The Fish Stream Improvement practice will be designed and implemented in accordance with the California Department of Fish and Game <i>California Salmonid Stream Habitat and Restoration Manual</i> under coordination with NMFS and/or CDFG. Some examples of the practices that could be utilized during implementation of the Fish Stream Improvement practice include Digger Logs (p. VII-26 of the manual), Spider Logs (p. VII-27), and Log, Root Wad, and Boulder Combinations (p. VII-28).</p>
<p><i>Structure for Water Control (587)</i></p> <p>A structure in an irrigation, drainage, or other water management system, including streams and gullies, that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation. Structure for water control is used to replace or retrofit existing culverts that are either not functioning properly or are a barrier to fish passage. The placement of new culverts, when environmentally beneficial, is also covered. By controlling the velocity of water running through an area, this practice reduces erosion and prevents down cutting of stream channels. Culverts will be consistent with California Department of Fish and Game "Culvert Criteria for Fish Passage" (April 2003).</p>
<p><i>Underground Outlets (620)</i></p> <p>A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet. Excess surface water generated by farmland on steep terrain can be collected and conveyed by installing pipe safely buried underground. Location, size, and number of inlets are determined to collect excess runoff and prevent erosive surface flow.</p>
<p><i>Waste Storage Facility (313)</i></p> <p>A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure. Embankments are limited to an effective height of 35 feet or less. This standard does not apply to creation of a waste treatment lagoon.</p> <p>The purpose of the Waste Storage Facility is to temporarily store wastes such as manure, wastewater, and contaminated runoff as a part of an agricultural waste management system. Waste storage facilities must be planned, designed, and constructed to meet all federal, state, and local laws and regulations.</p> <p>To minimize the potential for contamination of streams, waste storage facilities should be located outside of floodplains. However, if site restrictions require location within a floodplain, they shall be protected from inundation damage from a 100-year flood event, or larger if required by regulations. Waste Storage Facilities may only be placed in upland locations and not within a stream or wetland.</p>
<p><i>Watering Facility (614)</i></p> <p>A device (tank, trough, other watertight container) for providing animals access to water. Practice will provide watering facilities for livestock and/or wildlife at select locations to protect and enhance vegetative cover through proper distribution of grazing; provide erosion control through better grassland management; or protect streams, ponds, and water supplies from contamination by providing alternative access to water.</p> <p>Watering Facility applies to all land uses where there is a need for new or improved watering facilities to permit the desired level of grassland management, to reduce health hazards for livestock, and to reduce livestock damage to and waste in streams and wetlands.</p>
<p><i>Wetland Enhancement (659)</i></p> <p>The modification or rehabilitation of an existing or degraded wetland, where specific functions and/or values are increased beyond what would be expected for normal restoration for the purpose of meeting specific project objectives.</p> <p>This practice applies on any degraded or existing wetland where the objective is to specifically enhance a selected wetland function(s) and/or value(s). Enhancement should not significantly change the existing primary wetland functions provided at the site. Enhancement is not applicable when it eliminates or reduces habitat functions for threatened & endangered species, proposed listed species, or species of special status.</p>

Exhibit 2 con't.

<p>Wetland Restoration (657)</p> <p>The rehabilitation of a drained, converted, or degraded wetland where the soils, hydrology, vegetative community, and biological habitat are restored to the natural condition to the extent practicable.</p> <p>This practice applies to structural and nonstructural facilities needed to restore wetlands to their original state. Wetland restoration practices may include those measures necessary to mimic natural landscape features that may not have otherwise been present.</p> <p>The purpose of this practice is to reestablish wetlands for the benefit of wildlife, flood protection, sediment abatement, groundwater recharge, aesthetics, and the improvement of water quality. This practice applies to sites that were natural wetlands that were drained, converted, degraded, or manipulated to the extent that wetland functions and values have been removed or lessened.</p>

Exhibit 2 con't.

<p>EXHIBIT NO. 2 pg. 5 of 5 APPLICATION NO. CD-085-06 NRCS</p>
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Exhibit 3

Environmental Protections Measures and Conditions for Practices

Table 7. Environmental Protection Measures and Conditions for Proposed Practices

<i>Access Road (Improvement) (560)</i>	Road improvements will be modeled on Section X of the CDFG <i>California Salmonid Stream Habitat Restoration Manual</i> and the <i>Handbook for Forest and Ranch Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Maintaining and Closing Wildland Roads</i> (Weaver and Hagens 1994).
<i>Composting Facility (317)</i>	No additional measures are identified.
<i>Critical Area Planting (342)</i>	When implementing or maintaining a critical area planting above the high-water line, a filter fabric fence, fiber rolls, and/or straw bales shall be utilized, if needed, to keep sediment from flowing into the adjacent water body. Planting above the ordinary high-water mark that does not involve soil disturbance may occur at any time of the year. ¹ When vegetation is sufficiently mature to provide erosion control, it may be appropriate to remove the fence, fiber rolls, and/or hay bales. Annual review by NRCS/HCRCD shall occur until the critical area planting is established to control erosion.
<i>Diversion (362)</i>	This practice will not divert water from or alter the flows of any stream channel or waterway. Practice will be implemented only in the redirection of surface flow for erosion reduction. Measures will be taken to ensure diverted flow will not be concentrated elsewhere such that flow volume or velocity create erosion at an alternate site. Flow will be diverted to a stable filter strip designed to enhance infiltration, reduce velocity and disperse flow, and prevent sediment delivery to any flowing or ponded surface water.
<i>Fencing (382)</i>	No additional measures are identified.
<i>Filter Strip (393)</i>	No additional measures are identified.
<i>Firebreak, fuel break (394B)</i>	Additional permitting from the California Department of Forestry and Fire Protection may be required for some Firebreak applications.
<i>Forest Stand Improvement (666)</i>	No trees larger than 8 inches dbh will be removed. No new roads or culverts will result from this practice.
<i>Grade Stabilization Structure (410)</i>	Grouted rock may be used for implementation of the Grade Stabilization practice at the head of gullies. Use of grouted rock will be minimized. Grouted rock would not be used on the bed or bank of a waterway.
<i>Heavy Use Area Protection (561)</i>	No Heavy Use Area Protection will be undertaken in a wetland or coastal zone wetland.

Exhibit 3 con't.

<i>Irrigation Water Conveyance, Underground, Plastic Pipeline High-Pressure (430-DD) Low-Pressure (420-EE)</i>	No additional measures are identified.
<i>Pipeline (516)</i>	Pipeline shall be installed and maintained only when a streambed is dry or dewatered.
Table 7. Environmental Protection Measures and Conditions for Proposed Practices (continued)	
<i>Restoration and Management of Declining Habitats (643)</i>	When implementing or maintaining restoration of declining habitats above the high-water line, a filter fabric fence, fiber rolls, and/or straw bales shall be utilized, if needed, to keep sediment from flowing into the adjacent water body. Planting above the ordinary high-water mark that does not involve soil disturbance may occur at any time of the year. When vegetation is sufficiently mature to provide erosion control, it may be appropriate to remove the fence, fiber rolls, and/or hay bales. Annual review by NRCS/HCRCDD shall occur until the critical area planting is established to control erosion.
<i>Road/landing Removal (722)</i>	Road and landing removal/decommissioning will be modeled on Section X of the CDFG <i>California Salmonid Stream Habitat Restoration Manual</i> and the <i>Handbook for Forest and Ranch Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Maintaining and Closing Wildland Roads</i> (Weaver and Hagens, 1994).
<i>Stream Bank Protection (580)</i>	The Stream Bank Protection conservation practice will be designed and implemented in accordance with the California Department of Fish and Game <i>California Salmonid Stream Habitat Restoration Manual</i> or in coordination with NMFS and CDFG.
<i>Stream Channel Stabilization (584)</i>	Sediment removal from the stream channel or ponds may occur if it will improve biological functioning of the stream and restore channel capacity. Sediment removal would occur as a one-time event and not a repeated maintenance practice. Sediment removal will not occur in a flowing stream or standing water. Sediment will not be stored in wetlands or waterways.
<i>Stream Crossing (578)</i>	Use of grouted rock will be minimized. Grouted rock will not be used on the bed or bank of a waterway.
<i>Stream Habitat Improvement (395)</i>	The Fish Stream Improvement conservation practice will be designed and implemented in accordance with the California Department of Fish and Game <i>California Salmonid Stream Habitat Restoration Manual</i> or in coordination with NMFS and CDFG.

Exhibit 3 con't.

<i>Structure for Water Control (587)</i>	Crossings will be consistent with California Department of Fish and Game's "Culvert Criteria for Fish Passage" (April 2003) and National Marine Fisheries Service Southwest Region's "Guidelines for Salmonid Passage as Stream Crossings" (September 2001). If dewatering in a fish-bearing stream is proposed as part of a project implemented under the permit coordination program, the NRCS/HCRCDC will comply with the terms and conditions outlined in the Biological Opinion, and any subsequent conditions, issued by NMFS for this project.
<i>Underground Outlets (620)</i>	For a pipe or structure that empties into a stream (underground outlet), a properly sized energy dissipater shall be installed to reduce bank scour and bank erosion.
<i>Waste Storage Facility (313)</i>	To minimize the potential for contamination of streams, waste storage facilities should be located outside of floodplains. If site restrictions require placement of a Waste Storage Facility within a floodplain, it shall be protected from inundation or damage from at least a 100-year flood event.

Table 7. Environmental Protection Measures and Conditions for Proposed Practices (continued)

<i>Watering Facility (614)</i>	Drainage measures shall be provided where the site for a Watering Facility is not well drained. Areas adjacent to a Watering Facility shall be graveled, paved, or otherwise treated to reduce the risk of erosion. Livestock waste runoff from paved surfaces will not be allowed to run directly into any stream, lake, or pond (unless pond is designed for waste treatment).
<i>Wetland Enhancement (659)</i>	Prior to implementation of this practice within the Coastal Zone, greater than 90 day notice of work to be done will be provided to the Federal Consistency Branch of the Coastal Commission to ensure continued program consistency.
<i>Wetland Restoration (657)</i>	Prior to implementation of this practice within the Coastal Zone, greater than 90 day notice of work to be done will be provided to the Federal Consistency Branch of the Coastal Commission to ensure continued program consistency.

Exhibit 3 con't.

General Conditions for all Projects

Table 6. General Conditions for all Projects

<i>Temporal Limitations on Construction</i>
<p>To avoid impacts to aquatic habitat the activities carried out in the program typically occur during the summer dry season.</p> <p>a) Work around streams is restricted to the period of June 15 through November 1 or the first rainfall. This is to take advantage of low stream flow and avoid the spawning and egg/alevin incubation period of salmon and steelhead.</p> <p>b) Upslope work generally occurs during the same period as stream work. Road decommissioning and other sediment reduction activities are dependent on soil moisture content. Upslope projects may be restricted at some sites to allow soils to dry out adequately. In some areas equipment access and effectiveness is constrained by wet conditions.</p> <p>c) The permissible work window for individual work sites will be further constrained as necessary to avoid the nesting or breeding seasons of birds and terrestrial animals. At most sites with potential for raptor (including northern spotted owls) and migratory bird nesting, if work is conditioned to start after July 31, potential impacts will be avoided and no surveys will be required. For work sites that might contain nesting marbled murrelets, the starting date will be September 15 in the absence of surveys. The work window at individual work sites could be advanced if surveys determine that nesting birds will not be impacted.</p> <p>d) For restoration work that could affect swallow nesting habitat (such as removal of culverts showing evidence of past swallow nesting), construction will occur after August 31 to avoid the swallow nesting period. Alternatively, the suitable bridge nesting habitat will be netted before initiation of the breeding season to prevent nesting. Netting must be installed before any nesting activity begins, generally prior to March 1. Swallows must be excluded from areas where construction activities cause nest damage or abandonment.</p> <p>e) Planting of seedlings shall begin after December 1, or when sufficient rainfall has occurred to ensure the best chance of survival of the seedlings, but in no case after April 1.</p> <p>Any modifications to the temporal restrictions may be made by CDFG, NMFS, and USFWS on a site-specific basis. Additional erosion control measures, as described below under <i>Conditions for Erosion Control</i>, will be implemented for work conducted during the winter period (generally defined as October 15 through May 15). These measures would be complete and in place by October 15.</p>
<i>Limitation on Earthmoving and Vegetation Removal (Site Disturbance)</i>
<p>The following conditions apply to projects involving earthmoving and site disturbance. Work will only occur in a dry or non-flowing channel unless specific conditions are met as further described under <i>Limitations on Work in Streams and Permanently Poned Areas; Limitations on Construction Equipment Handling of Waste, Worksite Conditions; and Environmental Protection Measures and Conditions for Specific Conservation Practices</i>, as follows in this document.</p> <p>Disturbance to existing grades and vegetation will be limited to the actual site of the conservation project and necessary access routes. Finished grades will not be steeper than 2:1 side slopes unless pre-construction condition is so steep that site conditions prohibit a 2:1 slope on the final grade. In the event that finished grade exceeds 2:1 side slopes, the NRCS and RCD will specifically address methods under which increased slopes will be safely constructed to limit the potential for slope failure.</p>

Placement of temporary access roads, staging areas, and other facilities shall avoid and limit disturbance to habitat as much as possible. Disturbance of native shrubs or woody perennials or tree removal on the streambank or stream channel shall be avoided or minimized to the fullest possible extent. If trees over 6" dbh (diameter at breast height) are to be removed, they will be replaced at a 3:1 ratio. If riparian vegetation will be disturbed, it will be replaced with similar and/or native species.

If potential wetlands are identified in the project area, wetland delineations will be performed during the site evaluation stage of planning to assist in avoiding impacts to wetlands. The methodology for conducting delineations under the proposed program has been developed in coordination with the U.S. Army Corps of Engineers. Where necessary within the California Coastal Zone, delineations will be conducted according to Coastal Commission protocol.

Implementation of practices shall minimize all potential contributions of sediment to waterways, and will result in short-term disturbance resulting in insignificant amounts of fine sediment during construction. To the greatest extent possible, excavated materials will be re-integrated on site. If excavated material is not used in the implementation of the practice it will be removed and placed at sites that have no direct connectivity to a waterway. Any fill moved and/or placed within the 100-year floodplain would be done in a manner to ensure equal conveyance of surface water flow.

Upon completion of grading, slope protection of all disturbed sites will be provided prior to the end of the construction season through a combination of permanent vegetative treatment, mulching, geotextiles, and/or rock. Only native plant species or non-invasive, non-persistent grass species will be used.

Limitations on Construction Equipment, Handling of Waste, Worksite Conditions

The number of access routes, number and size of staging areas, and the total area of the work site activity shall be limited to the minimum necessary to complete the conservation/restoration action.

Staging/storage areas for equipment, materials, fuels, lubricants, and solvents will be located outside of the stream's high-water channel and associated riparian area in a manner to prevent the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). Stationary equipment such as motors, pumps, generators, compressors, and welders located within the dry portion of the stream channel or adjacent to the stream will be positioned over drip-pans. Vehicles will be moved out of the normal high-water area of the stream prior to refueling and lubricating. The contractor shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the NRCS and/or RCD shall ensure that the contractor has prepared a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Any equipment work within the stream channel shall be performed in isolation from the flowing stream. If there is any flow when the work is done, the contractor shall construct coffer dams upstream and downstream of the excavation site and divert all flow from upstream of the upstream dam to downstream of the downstream dam. The coffer dams may be constructed with clean river gravel or sand bags, and may be sealed with sheet plastic. Sand bags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the coffer dams must be breached to return the stream flow to its natural channel.

For minor actions, where the disturbance to construct coffer dams to isolate the work site would be greater than to complete the action (for example, placement of a single boulder cluster), measures will be put in place immediately downstream of the work site to capture suspended sediment. This may include installation of silt catchment fences across the stream, or placement of a filter berm of

clean river gravel. Silt fences and other non-native materials will be removed from the stream following completion of the activity. Gravel berms may be left in place after breaching, provided they do not impede the stream flow.

If any wildlife is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed, and shall be flushed, hazed, or herded in a safe direction away from the project site. Any equipment entering the active stream (for example, in the process of installing a coffer dam) shall be preceded by an individual on foot to displace wildlife and prevent them from being crushed. Any red tree vole nests encountered at a work site will be flagged and avoided during construction.

All habitat improvements shall be done in accordance with techniques in the *California Salmonid Stream Habitat Restoration Manual*. The most current version of the manual is available at: <http://www.dfg.ca.gov/habitats>.

If it is necessary to divert flow around the work site, either by pump or by gravity flow, the suction end of the intake pipe shall be fitted with fish screens meeting DFG and NMFS criteria.

No creosote treated timbers shall be used for grade or channel stabilization structures, bulkheads, or other instream structures. No gabions or concrete will be used in fish bearing-streams. In non-fish-bearing streams they may be used above the high water mark.

If the substrate of a seasonal pond, creek, stream, or water body is altered during work activities and the alteration is not the goal of the practice being implemented (i.e. channel stabilization), it shall be returned to approximate pre-construction conditions after the work is completed, unless NMFS or CDFG requests that other measures should be implemented.

If a project requires dewatering any area (with the exception of a fish-bearing stream), either a pump shall remove water to an upland disposal site, or a filtering system shall be used to collect the water and return clear water to the creek.

Additional Conditions for Fish-Bearing Streams

If dewatering in a fish-bearing stream is proposed as part of a project implemented under the permit coordination program, the NRCS/HCRCD will comply with the terms and conditions outlined in the Biological Opinion, and any subsequent conditions, issued by NMFS or CDFG for this project.

When work is conducted in fish-bearing streams, the following additional measures will be implemented.

- Oil absorbent and spill containment materials will be located on-site when mechanical equipment is in operation. If a spill occurs, (1) no additional work will occur in-channel until mechanical equipment has been inspected and the leak has been repaired, (2) the spill has been contained, and (3) the CDFG and NMFS are contacted to evaluate the impacts of the spill.
- Equipment will be inspected on a daily basis for leaking motor oil, coolant, transmission fluid, and damaged hydraulic fluid hoses, fitting, and seals. Leaking, damaged, and faulty equipment will either be repaired or removed from the project site. Re-fueling, maintenance, and repairs will be done in the equipment staging area or other suitable location (away from watercourses) prior to resumption of construction activity.
- Hydraulic fluids in mechanical equipment working within the active stream channel shall not contain organophosphate esters.
- The operator will not dump any trash or construction debris into the wetted channel.
- During the project activities, all trash and food that may attract potential predators of salmonids or birds (e.g. raccoons, piscivores, crows, ravens, etc.) will be properly

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contained, removed from the work site, and disposed of daily.

Revegetation and Removal of Exotic Plants

1. Vegetated areas within any project area shall be restored to a minimum of 80% vegetative coverage. Any stream bank area left barren of vegetation as a result of the implementation or maintenance of the practices shall be restored to a natural state by seeding, replanting, or other agreed upon means with native trees, shrubs, and/or grasses prior to the close of the construction season of the project year. Soil exposed as a result of construction, soil above rock riprap, and interstitial spaces between rocks shall be revegetated by live planting, seed casting, or hydroseeding prior to the close of the construction season.

2. Planting shall begin after December 1, or when sufficient rainfall has occurred to ensure the best chance of survival. Planting after rains have diminished in late spring will be avoided.

3. Annual inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil shall be conducted for three years following the end of the project installation. For projects that have removed native vegetation, post-construction revegetation success shall be 80% survival in trees and shrubs and 80% coverage for broadcast seeding of herbaceous vegetation after a period of three years. Revegetation success will be documented in the annual report provided to the regulatory agencies each year.

The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during project activities, restoring disturbed areas with native species where appropriate, and post-project monitoring and control of exotic species. Removal of invasive exotic species shall be strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling, brush raking) of exotics shall be done in preparation for establishment of perennial plantings. To the greatest extent possible, vegetation will be removed by hand. To the extent possible, revegetation should be implemented at the same time removal of exotic vegetation occurs.

Native plants characteristic of the local habitat type shall be the preferred alternative when implementing and maintaining the practices in natural areas. Non-invasive, non-persistent grass species (i.e. barley grass) may be used as nurse crops or for their temporary erosion control benefits to stabilize disturbed slopes until natives are established.

Conditions for Erosion Control

Nearly all of the conservation practices included under the HCPIR program are designed to control erosion and sedimentation. However, the construction and installation of the practices can potentially result in short term, minor erosion or sedimentation. The following measures will be used to prevent or minimize sediment deposition as a result of implementation and maintenance of projects.

Erosion control and sediment detention devices shall be incorporated into the project design and implemented at the time of construction. Appropriate devices include straw bales, appropriately keyed-in silt fences, and similar devices. These devices shall be in place and maintained during construction activities, and after if necessary, for the purposes of minimizing fine sediment and sediment/water slurry input to flowing water, and of detaining sediment laden water on-site. These devices will be placed at all locations where the likelihood of sediment input exists. Sediment collected in these devices shall be disposed of away from the collection site and above the normal high-water mark. These devices will be inspected regularly to ensure they are functioning properly.

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Sediment shall be removed from sediment control structures once it has reached one-third of the exposed height of the control. Straw bales, when used, shall be staked and dug 12 cm into the ground. Catch basins shall be maintained so that no more than 15 cm of sediment depth accumulates within traps of sumps.

The workspace will be isolated from flowing water to prevent sedimentation and turbidity. Prior to construction activities, sandbag and/or visqueen cofferdams, straw bales, silt fences, and diversion pipes or culverts shall be installed to divert streamflow away from or around workspace. These diversions shall remain in place during the project and will be removed immediately after work is complete.

If a project requires dewatering any area, either a pump shall remove water to an upland disposal site, or a filtering system shall be used to collect the water and return clear water to the creek. The pump intake shall be fitted with a fish exclusion device.

The project site shall be restored to pre-construction condition or better. Streambank, ground, and/or soil (except for soil in agricultural fields) exposed as a result of construction, soil above rock riprap, and interstitial spaces between rocks shall be revegetated by live planting, seed casting, or hydroseeding prior to November 1st of the project year.

All debris, sediment, rubbish, vegetation, or other material removed from the channel banks, channel bottom, or sediment basins shall be removed to a location where they shall not re-enter the waters of the state. Upon project completion, all exposed soil present in and around the project site shall be stabilized within seven days.

Limitations on Use of Herbicides

Except as noted below, no pesticides or fertilizers shall be used in the stream area to hasten or improve the growth of critical area plantings. In most circumstances, organic amendments shall be used to ensure successful establishment of restoration vegetation associated with the practices. In situations where organic amendments will not guarantee adequate establishment of restoration vegetation, application rates for chemical fertilizers will be based on soil nutrient testing and shall utilize slow release or split applications to minimize leaching or runoff into water bodies. Fertilizers may be used on stream banks above the normal high-water mark the year of planting if necessary.

Hand or mechanical labor shall be used to control exotic vegetation at the site. Herbicides may also be applied to control established stands of non-native species. Where it is necessary to use herbicides to control established stands of exotics or to control the invasion of exotics into restoration plantings, the herbicides must be applied according to registered label conditions. Herbicides must be applied directly to plants and may not be spread upon any water. When herbicides are used near waterways, an approved glyphosphate-based herbicide that is safe to use in or near aquatic habitats would be utilized.

Exhibit 5

Project Implementation Planning Process

Table 2. Project Implementation Through the NRCS Conservation Planning Process				
Step	Planning Step	Document Used	Key Tasks	Additional Requirements for Activities Under the Project
1	Identify Problems and Opportunities	Field Notes	<ul style="list-style-type: none"> Identify resource problems with the client and other specialists. 	None
2	Determine Objectives		<ul style="list-style-type: none"> Identify, agree on, and document the client's objectives. 	None
3	Inventory Resources	Checklist of Resource Problems or Conditions.	<ul style="list-style-type: none"> Complete an initial assessment to provide quantitative or qualitative data in several resource categories: Soils, Water, Air, Plants, Animals, and Human (social, economic, and cultural). Note that this assessment includes a California Natural Diversity Data Base run to indicate sensitive species and a "wetland determination" to identify features that indicate potential wetlands. 	3.a. If the assessment indicated the potential for presence of listed species or critical habitat exists at the activity site, a qualified biologist will complete a site survey as required by the NMFS/USFWS/CDFG.
4	Analyze Resource Data	Quality Criteria	<ul style="list-style-type: none"> Consult quality criteria to determine if any identified resources are significantly impaired. 	None
5	Formulate Alternative Solutions	Site-Specific Practices Effect Worksheet, Conservation Effects, Treatment Options	<ul style="list-style-type: none"> All significantly impaired resources are itemized in a matrix. A brainstorm of NRCS conservation practices that could be used to treat each impaired resource concern are evaluated for anticipated negative or positive effects in the matrix using a three-point scale. 	None
6	Evaluate Alternative Solutions	Resource Management System (RMS) Options	<ul style="list-style-type: none"> Groups of practices ('resource management systems') that result in a significant positive improvement in all resource problem categories are identified as alternative systems in the guidesheet. Other groups of practices are also listed as additional alternatives as long as they do 	6.a. If wetland conditions (proximity to waterways, depressions, vegetation, wet spot, etc.) are identified during the "wetland determination" in STEP 3, wetland delineation and/or Coastal Zone wetland delineation is completed by properly trained NRCS, HCRCD,

Exhibit 5 con't.

Table 2. Project Implementation Through the NRCS Conservation Planning Process				
Step	Planning Step	Document Used	Key Tasks	Additional Requirements for Activities Under the Project
			not result in a negative effect on resource problems.	or consultant staff.
7	Client Determines Course of Action	Conservation Plan, Environmental Assessment Worksheet	<ul style="list-style-type: none"> o Assist client in selecting practices. o NRCS prepares <i>Conservation Plan</i> and Environmental Assessment Worksheet. 	<p>7.a. Compile site-specific information in Preconstruction Notification Package.</p> <p>7.b. Deliver Preconstruction Notification Package to requesting agencies in the spring prior to construction season.</p> <p>7.c. Meet with requesting agencies in the field for those sites they request to see.</p> <p>7.d. Incorporate agency recommendations into <i>Conservation Plan</i> and include in subsequent site-specific information.</p> <p>7.e. Deliver <i>Conservation Plan</i> to landowner.</p> <p>7.f. Execute Cooperator Agreement.</p>
8	Client Implements Site-Specific Plans	<u>Project Plan & Specifications:</u> Conservation Plan, Design Report, Practice Standards, Practice Specifications, Practice Requirements, Maintenance Plan, Drawings, Construction Notes	<ul style="list-style-type: none"> o <i>Project Plan & Specifications</i> are prepared and delivered to the client. o The client implements practices according to the plan and specs. 	<p>8.a. Include conditions in programmatic approvals in site-specific <i>Project Plan & Specifications</i>.</p> <p>8.b. Perform pre-construction surveys for sensitive species and habitat as required by the NMFS/USFWS/CDFG.</p> <p>8.c. Provide construction monitoring during critical project points to ensure practices are installed as outlined in the <i>Project Plan & Specifications</i>.</p>

Exhibit 5 con't.

Table 2. Project Implementation Through the NRCS Conservation Planning Process

Step	Planning Step	Document Used	Key Tasks	Additional Requirements for Activities Under the Project
				8.d. An on-site biological monitor may also be required during any activities with the potential to disturb species or habitat as required by the NMFS/USFWS/CDFG.
9	Evaluation of Results of Plan		<ul style="list-style-type: none"> o Evaluate effectiveness of Plan through Status Reviews and informal monitoring and make adjustments in the field as needed. 	<p>9.a. Once the practice is installed, conduct annual post-construction inspections for up to five years to verify that the practice is functioning and maintained as planned.</p> <p>9.b. Send annual report to each requesting agency that describes each activity implemented during that year, including a description of the area affected, natural biological enhancements, any net gains in wetlands and riparian areas, any listed species encountered and actions taken to avoid adverse effects to listed species, and provide photo documentation of before and after site conditions.</p>

Exhibit 5 con't.