

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): San Mateo Resource Conservation District

County Clerk

County of: San Mateo

(Address)

Project Title: Oku Farms Irrigation Efficiency and Pond Project

Project Applicant: San Mateo Resource Conservation District

Project Location - Specific:

N 086-061-080 4525 Cloverdale Road Pescadero CA

Project Location - City: Pescadero

Project Location - County: San Mateo

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would protect and enhance streamflows in Butano Creek to improve summer rearing habitat conditions for threatened and endangered salmonids. The proposed project would re-grade the interior of the pond and install a polyethylene liner providing water security for Oku Farms and reducing water withdrawals from Butano Creek.

Name of Public Agency Approving Project: San Mateo Resource Conservation District

Name of Person or Agency Carrying Out Project: San Mateo Resource Conservation District

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15301 Class 1
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

As described above, this project is focused exclusively on the repair and restoration of Oku Farms pond to address ongoing leaks that require maintenance. The issues that the pond is currently facing (leaking, erosion, depth) are the result of aging infrastructure and not the result of an environmental hazard.

Lead Agency

Contact Person: Jarrad Fisher

Area Code/Telephone/Extension: 530-320-3909

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: 

Date: 10/29/2019

Title: Senior Project Manager

Signed by Lead Agency Signed by Applicant

Governor's Office of Planning & Research

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: OCT 29 2019

STATE CLEARINGHOUSE



**CERTIFICATE OF DETERMINATION
OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW**

Project Title: Oku Farms Irrigation Efficiency and Pond Project

Project Location: The project site is located approximately 3 miles south of the town of Pescadero, CA. The farm has approximately 45 acres of agricultural land including hydroponic growing operations inside a series of green houses. Geographic coordinates for the project are 37.23889 N, -122.373 W.

Assessor's Parcel Numbers: 086-061-080

City and County: Pescadero, San Mateo County

Description of Nature and Purpose of Project:

The San Mateo Resources Conservation District (RCD), in partnership with Trout Unlimited, is proposing to address leaks in a off-stream irrigation pond to reduce summer diversions from Butano Creek for the benefit of native threatened and endangered steelhead trout (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*). Project designs and construction are funded through the Prop 84 Integrated Regional Water Management Plan (IRWM). This project is identified as a priority recovery action in the following documents:

- NOAA National Marine Fisheries Service, 2016, Coastal Multispecies Final Recovery Plan: California Coastal Chinook Salmon ESU, Northern California Steelhead DPS and Central California Coast Steelhead DPS, Santa Rosa, CA
- California Department of Fish and Game, 2004, Recovery Strategy for California Coho Salmon, California Department of Fish and Game, Sacramento, CA
- California Department of Fish and Wildlife, 2013, Updated Statewide 2013 Task List for the Steelhead Restoration and Management Plan for California, California Department of Fish and Wildlife, Sacramento, CA
- NOAA National Marine Fisheries Service, 2012, Recovery Plan for Evolutionarily Significant Unit of Central California Coast Coho Salmon Final Plan, NOAA National Marine Fisheries Service, Santa Rosa, CA
- NOAA National Marine Fisheries Service, 2011, North-Central Coast Recovery Domain 5 Year Review, NOAA National Marine Fisheries Service, Long Beach, CA
- NOAA National Marine Fisheries Service, 2007, Federal Recovery Outline for the Distinct Population Segment of Central California Coast Steelhead, NOAA National Marine Fisheries Service, Santa Rosa, CA

- Pescadero-Butano Watershed Assessment ESA 2004. Environmental Science Associates Pacific Watershed Associates, O'Connor Environmental, Inc. Albion Environmental, Inc. Dennis Jackson.

The project is an effort to protect and enhance stream flows in Butano Creek. The project will install a poly-liner in an existing 10-acre foot (AF) pond that has been leaking and is in need of repair. According to water loss estimates from the water user, this pond has been losing up to 1 AF of water per month. This water loss is due to cracking and seepage in the clay liner of the pond infiltrating through the pond berms. The project will address the leaking within the pond by grading the interior and edges of the pond as well as installing a ploy-liner (thickness will be decided in consultation with TBD liner company). The installation of the pond liner would allow Oku Farms to reduce diversions from Butano Creek by approximately 1 AF per month and protect and enhance late summer stream flows for summer steelhead and coho rearing habitat in Butano Creek.

Name of Person, Board, Commission or Department Proposing to Carry Out Project:

San Mateo Resource Conservation District
80 Stone Pine Road, Suite 103
Half Moon Bay, CA 94019

EXEMPT STATUS:

Categorical Exemption, Class 1 [CEQA State Guidelines, Section 15301] Existing Facilities; Class 2, (CEQA State Guidelines, Section 15302.) Replacement or Reconstruction; Class 33 [CEQA State Guidelines, Section 15333] Small Habitat Restoration.

REMARKS: See next page.

Contact Person: Jarrad Fisher Telephone: (650) 712-7765 x 114

Date of Determination:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

cc: San Mateo County Clerk
555 County Center
Redwood City, CA 94608

Jarrad Fisher, Senior Project Manager

REMARKS:

The following provides a brief description of the project, and an explanation for why the project qualifies for exemption from CEQA environmental review under Class 1 (15301), Class 2 (15302), and Class 33 (15333).

The project is specifically proposed to improve instream flow and provide for higher functioning aquatic and riparian habitat for species that may spawn, nest, forage, or transit the project vicinity, including steelhead trout (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*), by reducing summer water diversions from Butano Creek.

The pond is operated by Oku Flower Farms as an agricultural supply pond for farming operations in Pescadero, CA. The Oku Farms Irrigation Efficiency and Pond Project will restore the original pond capacity and install a high-density polyethylene liner. The pond is part of the existing facilities of Oku Flower Farm and is regularly maintained.

Project Description

The proposed project would protect and enhance streamflows in Butano Creek to improve summer rearing habitat conditions for threatened and endangered salmonids. The proposed project would re-grade the interior of the pond and install a polyethylene liner providing water security for Oku Farms and reducing water withdrawals from Butano Creek. The estimated water savings from this project are approximately 1AF per month. All construction activities will occur entirely within existing agricultural lands including the access route, staging area and pond footprint. Any excess or unsuitable soils for re-use in pond construction will be dispersed onsite. The project footprint is approximately 2.5 acres.

Class 1, (CEQA State Guidelines, Section 15301.) Existing Facilities Exemption.

This project meets the CEQA State Guidelines for Class 1 exemption, under the provisions set forth as follows:

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

As described above, this project is focused exclusively on the repair and restoration of Oku Farms pond to address ongoing leaks that require maintenance. The issues that the pond is currently facing (leaking, erosion, depth) are the result of aging infrastructure and not the result of an environmental hazard.

(h) Maintenance of existing landscaping, native growth, and water supply ponds (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

This provision explicitly supports the maintenance of water supply ponds for exemption, which is what we are proposing for the Oku Farms pond.

This project also qualifies under additional classes of exemption, including:

Class 2, (CEQA State Guidelines, Section 15302.) Replacement or Reconstruction

(c) reconstruction of existing utility facility involving negligible or no expansion of capacity

The pond's original capacity will be maintained.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As described above, there are no unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect.

Class 33 (CEQA State Guidelines, Section 15333)

Section 15333 of the guidelines describes Small Habitat Restoration Projects that do not exceed 5 acres in size and are constructed for the purpose of maintenance, restoration, enhancement, or protection of habitat for fish, plants or wildlife. As described above, the project site less than 5 acres in size and is proposed to improve instream flow and provide for higher functioning aquatic and riparian habitat for species that may spawn, nest, forage, or transit Pescadero Creek.

The following four bullets list the criteria for projects to meet Categorical Exemption 15333 as described in the CEQA Statute and Guidelines.

(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065

The project occurs within an area of ongoing agricultural operations. Biological monitors will be present during specific construction phases to ensure that no species of concern are in danger of being harmed.

Project activities will not result in a significant impact on endangered, rare or threatened species or their habitat. As noted above, the project will improve streamflow and provide for higher functioning aquatic and riparian habitat for species that may spawn, nest, forage, or transit the project vicinity, including steelhead trout and coho salmon. Construction-related best management practices and precautionary actions will be utilized to ensure that sensitive habitats are not significantly impacted. Construction will occur in the dry season, minimizing the potential for erosion and any construction-related effects on aquatic species. Additionally, erosion control measures, such as fiber rolls, jute mats, non-invasive grass seed and mulch will be installed as needed to further reduce the risk of sedimentation resulting from project activities.

The project does not have the potential to degrade the quality of the environment and will not substantially reduce the habitat or threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of any endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

(b) There are no hazardous materials at or around the project site that may be disturbed or removed

No hazardous materials are known to the site or project vicinity.

(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects

The proposed project will not result in adverse impacts that are significant when viewed in connection with effects of past, current and probably future projects. Construction-related impacts will be short-term and limited to the project site. As noted above, best management practices will be implemented to ensure construction-related impacts on sensitive resources are avoided or minimize. The project will not significantly adversely affect farmland, public services, geologic stability, soils, or health risk. In the near- and long-term, the project will improve late summer and early fall streamflow and provide for higher functioning aquatic and riparian habitat.

*(d) The closest example of a small restoration project that qualifies for Class 33 Exemption as provided in the 2012 CEQA guidelines is:
(3) "stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish".*

The project is exempt under the above-cited classification as it restores streamflows in Butano Creek for aquatic habitat during the time that low flows are a principal limiting factor to the recovery of steelhead trout and coho salmon populations in the creek (Pescadero-Butano Watershed Assessment ESA 2004). The project footprint area 2.5 acres in size and will be constructed during the dry season thereby minimizing potential for construction-related effects on sensitive resources.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As described above, there are no unusual circumstances surrounding the proposed project that suggest a reasonable possibility of a significant environmental effect.

References

NOAA National Marine Fisheries Service, 2016, Coastal Multispecies Final Recovery Plan: California Coastal Chinook Salmon ESU, Northern California Steelhead DPS and Central California Coast Steelhead DPS, Santa Rosa, CA

California Department of Fish and Game, 2004, Recovery Strategy for California Coho Salmon, California Department of Fish and Game, Sacramento, CA

California Department of Fish and Wildlife, 2013, Updated Statewide 2013 Task List for the Steelhead Restoration and Management Plan for California, California Department of Fish and Wildlife, Sacramento, CA

NOAA National Marine Fisheries Service, 2012, Recovery Plan for Evolutionarily Significant Unit of Central California Coast Coho Salmon Final Plan, NOAA National Marine Fisheries Service, Santa Rosa, CA

NOAA National Marine Fisheries Service, 2011, North-Central Coast Recovery Domain 5 Year Review, NOAA National Marine Fisheries Service, Long Beach, CA

NOAA National Marine Fisheries Service, 2007, Federal Recovery Outline for the Distinct Population Segment of Central California Coast Steelhead, NOAA National Marine Fisheries Service, Santa Rosa, CA

Pescadero-Butano Watershed Assessment ESA 2004. Environmental Science Associates Pacific Watershed Associates, O'Connor Environmental, Inc. Albion Environmental, Inc. Dennis Jackson.