

CHAPTER 3
3. ENVIRONMENTAL CHECKLIST FORM

- 1. **Project Title:** Soap Lake Floodplain Preservation Project
- 2. **Lead Agency Name and Address:** Pajaro River Watershed Flood Prevention Authority (PRWFPA)
- 3. **Contact Person and Phone Number:** Nick Papadakis
Executive Coordinator, PRWFPA
445 Reservation Road, Suite G
Marina, CA, 93933
(831) 883-3750
- 4. **Project Location:** The Project encompasses portions of the unincorporated areas of Santa Clara and San Benito Counties on the eastern side of Highway 101. The project is generally bounded by Highway 101 on the West, Highway 152 to the East, just north of Bloomfield Road, and south almost to Shore Road.
- 5. **Project Sponsor’s Name and Address:** Pajaro River Watershed Flood Prevention Authority
- 6. **General Plan Designation:**
Santa Clara County
Agriculture – Large Scale (A_L)
Major Public Facility (PF)

San Benito County
Agricultural Productive (AP)
Floodplain (FP) Overlay

City of Gilroy
Public Facility (PF)
- 7. **Zoning:**
Santa Clara County
Agriculture (A)

San Benito County
Agriculture

City of Gilroy
Public Facility (PF)
- 8. **Description of Project:** The proposed project would preserve the Soap Lake floodplain to allow it to continue to act as a natural detention basin. No structural facilities would be built; instead the proposed project would include purchasing land or obtaining flood easements for the land within the Soap Lake floodplain.
- 9. **Surrounding Land Uses and Setting.** The project area is mostly private land in agricultural production with row crops or fields. Some residences, a chemical storage facility and some agricultural related structures are within the project boundaries. An agricultural processing plant (Christopher Ranch) is surrounded by the floodplain boundary but is not within the boundary.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

- County of Santa Clara - If any land use zoning or general plan designations changes are proposed
- County of San Benito - If any land use zoning or general plan designations changes are proposed

Environmental Factors Potentially Affected

The key environmental factors checked below would be potentially affected by this Project. However, as described in the checklist below, the Project would not cause significant impacts in any of these areas and would have beneficial impacts.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature	Date
Tony Campos, Chair	Pajaro River Watershed Flood Prevention Authority
Printed Name	For

3.1 AESTHETICS

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The character of the landscape within the project area is rural with views of agricultural fields, grazing lands, barns and other farm buildings and widely scattered rural residences with foothills and mountain ranges as a backdrop. Major water features and associated riparian vegetation in the area include the Pajaro River, Llagas Creek, Carnadero Creek and San Felipe Lake (see photos in Appendix A).

- a) The Santa Clara County General Plan and the San Benito County General Plan do not designate scenic vistas or areas with unique or special views that should be protected (Santa Clara County 1994, San Benito County 2002) and none have been identified within the Project site.
- b) The proposed Project would not include construction of any facilities and would not change the existing visual character of the area; therefore, no adverse effect on visual resources would occur. Although two roadways that cross the project area are eligible for designation as a state scenic highway (State Route 152 and 25), the portions within the project area are not included in this designation. One roadway that runs along the western edge of the project area, Highway 101, is not currently eligible but may be listed in the future for views of rural agricultural lands. The proposed project would protect these views and be consistent with a scenic highway designation.

Scenic resources such as trees, rocks, riparian areas, or historic buildings would not be altered.

Highway 101, which runs along the west side of the project area, is not designated as a Scenic Highway or as an eligible Scenic Highway within the project vicinity (Caltrans 2004). It is however listed in the Santa Clara County General Plan as a route to be added to the State Master Plan of Scenic Highways and then designated as a State scenic highway (Santa Clara County 1993). The General Plan states:

“Route 101, the South Valley Freeway. The South Valley Freeway, which is one of the major transportation arteries between northern and southern California, passes through lands that remain primarily in agricultural and rural residential uses. State scenic designations and land use protection by the County and the cities of Gilroy, Morgan Hill and San Jose can help preserve the scenic character of this corridor as future development occurs.

C-PR(i) 21

Add the following highways to the State Master Plan for Scenic Highways and designate them as official State scenic highways:

- a. the South Valley Freeway (Highway 101)....”

Highway 152, where it meets Highway 156 and heads northeast is listed on the State Master Plan, but is not yet designated as a State Scenic Highway. Although a portion of Highway 152 is adjacent to the Soap Lake floodplain, the portion that is listed on the Master Plan is not. The Santa Clara County General Plan states:

“Route 152, The Pacheco Pass Highway. This busy freeway is one of the most dramatically scenic gateways into Santa Clara County. The County is currently actively seeking official State designation of this road as a state scenic highway.”

Highway 25 is an eligible scenic highway starting at the intersection of Highway 156 and headed south. This portion of Highway 25 is not within the project site.

- c) The Project would maintain existing views of agricultural lands and rangeland, which is in compliance with county general plan policies. The project would maintain flooding characteristics of the area and views of the area would include flooded lands at certain times of the year. However this would not substantially degrade the existing visual character or quality of the site and its surroundings.
- d) The Project would not create a new source of light or glare that would adversely affect day or nighttime views in the area.

Mitigation Measures

None required or recommended.

3.2 AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Would the Project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Discussion

- a) The proposed Project area is comprised almost entirely of agricultural lands and rangeland including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as mapped by the California Department of Conservation (see Figure 3-1) and defined on Table 3-1:

**Table 3-1
Farmland Classifications**

Prime Farmland (P) - Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
Farmland of Statewide Importance (S) - Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
Unique Farmland (U) - Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
Farmland of Local Importance (L) - Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
Grazing Land (G) - Land on which the existing vegetation is suited to the grazing of livestock. The minimum mapping unit for Grazing Land is 40 acres.
Other Land (X) - Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Source: California Department of Conservation 2005.

Farming is the main source of income in San Benito County. The principal crops are fruits, nuts, vegetables and other row crops, and small grains. The proposed Project's goals are to maintain the floodplain characteristics of the area through conservation easements or other land use policies.

Since the project goals are to maintain the land in land uses that are consistent with a floodplain, any conversion would continue the land in an undeveloped state and would not include construction of buildings or infrastructure. Other potential land uses that could be compatible within a floodplain could include environmental restoration (such as riparian or wetland restoration), open space, or trails. Such conversion would place the land in open space use but would not change the ability of the land in terms of soil or water, to be farmed in the future if needed. If a land purchase or conservation easement included conversion of agricultural land to non-agricultural uses such as environmental restoration, separate environmental documentation would be prepared as applicable.

- b) The land is zoned for agricultural use and there are several properties with current Williamson Act contracts (see Figure 3-2). The proposed Project would not conflict with this zoning, or with any of the Williamson Act contracts. About 77% of San Benito County is public or private open space and the

Placeholder for

Figure 3-1 Prime Farmland, Unique Farmland and Farmland of Statewide Importance

Placeholder for
Figure 3-2 Williamson Act Lands

majority of this land (about 62%) is in private ownership as Williamson Act contract land (San Benito County 1993).

- c) Most of the area surrounding the project site is also in agricultural production. By preserving the proposed project area in agricultural production, this could potentially put pressure on other surrounding areas to be developed, which could include farmland. However, this is speculative and difficult to quantify at this time.

Mitigation measures

None required or recommended.

3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b,c,d,e) The proposed Project is located within the jurisdiction of two air quality districts: the BAAQMD for the portion of the project within Santa Clara County, and the Monterey Bay Unified Air Pollution Control District for the portion within San Benito County. The Federal Clean Air Act required the US EPA to designate air basins as either “attainment” or “nonattainment” for each criteria pollutant, based on whether or not the national standards have been achieved. The air basin within San

Benito County has been designated as nonattainment for the state ozone and PM10 standards. The air basin within Santa Clara County has also been designated as nonattainment for the state ozone and PM10 standards.

The proposed Project does not include any construction activities or any other actions that would generate additional air pollutant emissions. Since existing land uses would be maintained, air emissions from these uses would continue (such as PM 10 emissions from agricultural operations) but would not increase. There are no sensitive receptors (schools, hospitals, etc.) located within the project area.

Since there is no federal agency involvement in the project, a Clean Air Act general conformity analysis is not required.

The proposed project would not include any construction activities and would not change any air emissions or odors; therefore no effect on air quality would occur.

Trical Chemical is a facility located within the modeled 100-year floodplain (see Section VII HAZARDS AND HAZARDOUS MATERIALS for further description of this facility) and is considered a federal Major Source and subject to the Title V permitting program due to the potential to emit (PTE) methyl bromide. Methyl bromide is listed as a Hazardous Air Pollutant (HAP) under Title III of the Clean Air Act. The PTE methyl bromide from the facility exceeds the 10 ton per year (TPY) major source threshold for a single HAP. This major source determination was based upon information supplied to the District in the facility's AB 2588 (Air Toxics Hot Spots Information and Assessment Act) submittal which reported 10.5 TPY of methyl bromide emissions from the facility for calendar year 1991. However, the proposed project would not affect existing conditions.

Mitigation Measures

None required or recommended.

3.4 BIOLOGICAL RESOURCES

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Conservation Community Plan(NCCP), or other approved local, regional, or state HCP?

Discussion

The project area includes three types of habitat: agricultural, valley foothill riparian, and wetlands. The majority of the proposed project area is agricultural land and rangeland. Agricultural habitats are typically subject to periodic discing, planting, harvesting, and the application of herbicides, pesticides and fertilizers, which prevent the establishment of natural plant species and communities. A number of weedy plant species are associated with cultivated lands and many of these are non-native species. Agricultural lands of this type may provide occasional habitat for transient mammals, reptiles, and amphibians, and also have some value to birds. Small mammals, such as rabbits and rodents, forage in the area and may attract predators such as hawks or feral cats. Row crops with leveled fields, as are predominant in the project area, are used as travel corridors but support no resident wildlife.

Several creeks and rivers cross the project area and support riparian habitat, including the Pajaro River, Llagas Creek, Uvas/Carnadero Creek, and the Miller Canal (see also the Hydrology section for a description of these surface water features). Riparian and wetland areas along these water features and along various drainage ditches provide habitat and movement corridors for wildlife. Some of the wetland areas contain suitable habitat for two sensitive species known to occur in the project vicinity: the California red-legged frog and the California tiger salamander. The U.S. Fish and Wildlife Service (USFWS) published their proposal to designate critical habitat for the California tiger salamander in the August 10, 2004 Federal Register (Federal Register 2004). This proposal is for the Central California population and would designate approximately 382,666 acres (ac) of critical habitat, which includes the Soap Lake floodplain area.

San Felipe Lake, which is the central feature of the “Bolsa de San Felipe” is designated as a “California Important Bird Area” by the National Audubon Society. The Bolsa is a crossroads for birds migrating between San Francisco Bay to the north, Monterey Bay to the west and the Central Valley to the east. The Bolsa is also identified by the National Audubon Society as a “bird vagrant trap”, a site where bird species far outside of their normal range appear. The fields surrounding San Felipe Lake are saturated with water during the winter months and it is possible that vernal pools could be located here. If vernal pools do exist around the lake they could serve as potential habitat for fairy shrimp and the larval stage of California tiger salamander (SCVWD 2003).

The Pajaro River serves as a migration pathway for adult steelhead (*Oncorhynchus mykiss*) migrating to spawning and nursery habitat in the upper watershed and for steelhead smolts (1-2 year old juveniles) migrating

from that habitat to the ocean. However, because of low, warm summer streamflows and substrate dominated by sand or silt, the Pajaro River provides almost no potential rearing habitat for steelhead (Smith 2002). Uvas and Llagas Creeks provide potential spawning and rearing habitat, and Uvas provides access, spawning and rearing in all but extreme drought years. Use of Llagas by steelhead is less frequent and less extensive (HRG 1977). The entire Pajaro River watershed provides potential habitat for several fish species and comprised one of the major drainages of the south-central California Evolutionarily Significant Unit (ESU) for the steelhead. Although once present in the Pajaro River, coho salmon have not been present in the river since at least the late 1960s.

Critical habitat for south-central California steelhead was designated in February 2000 and included all waterways within the Pajaro River watershed below the Chesbro and North Folk Pacheco reservoirs (Federal Register 2000). However, on April 30, 2002, the National Marine Fisheries Service (NMFS, now the National Oceanic and Atmospheric Administration Fisheries) withdrew the critical habitat designation pending further economic impact analysis (NMFS 2002). Thus, the critical habitat designation for this species is currently not in effect, but may be reinstated in the future.

The California Natural Diversity Database identified four special-status wildlife species and two special-status plant species within the project area and additional species in the surrounding area as shown on Table 3-2 and Figure 3-3. The complete listing from the CNDDDB is presented in Appendix D. In addition, the Tri-colored blackbird was identified but not shown on the map. The CNDDDB did not identify California Fairy Shrimp or Vernal Pool Shrimp, however potential habitat could exist surrounding San Felipe Lake. Also, the south-central California Coast steelhead ESU is a federally listed threatened species and a California species of concern.

- a) The proposed project would not directly or through habitat modifications, have an impact on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If future land acquisition or conservation easements included any ground disturbing activities or changes in land use that could affect special-status species, such as the creation of a trail or conversion of agricultural land, then additional environmental documentation would be required to assess these impacts and provide mitigation measures.
- b,c) The project would not result in the removal of riparian habitat. No significant impacts to riparian habitat would occur. No impacts to wetlands or other sensitive natural communities would occur. The project location is used for agricultural production and includes several streams and rivers. However, the proposed project would not involve any construction, grading, demolition or any other activities that would affect biological resources or wetlands. The preservation of the land in its current use would maintain existing conditions and would prevent encroachment on the riparian corridors and would be compatible with potential future riparian efforts. No disturbance or fill of wetlands protected by Section 404 of the Clean Water Act would occur. If any riparian restoration or wetland creation is proposed as part of a land acquisition or conservation easement, additional CEQA documentation would be conducted as necessary to evaluate potential impacts.
- d) The proposed Project would not impact common wildlife species or the long-term ability of the area to serve as a corridor for migrating wildlife species. Maintaining the current floodplain would preserve the area for migratory birds and other animals and it would also protect the wildlife corridor. The project also would not affect steelhead's ability to use the Pajaro River and its tributaries for migration, rearing and spawning.
- e) No trees would be removed by the proposed Project.

**Table 3-2
Special-Status Species Potentially Within or Adjacent to the Soap Lake Floodplain**

Latin Name	Common Name	Federal Status	State Status	CNPS Status
<u>Amphibians</u>				
<i>Ambystoma californiense</i>	California tiger salamander	PT	SC	--
<i>Rana aurora draytonii</i>	California red-legged frog	T	SC	--
<u>Birds</u>				
<i>Falco peregrinus</i>	American Peregrine Falcon	D	E	--
<i>Pelecanus erythrorhynchos</i>	American White Pelican	None	SC	--
<i>Haliaeetus leucocephalus</i>	Bald Eagle	T and AD	E	--
<i>Accipiter cooperii</i>	Cooper's Hawk	None	SC	--
<i>Vireo bellii pusillus</i>	least Bell's vireo	E	E	--
<i>Charadrius montanus</i>	Mountain Plover	C	SC	--
<i>Circus cyaneus</i>	Northern Harrier	None	SC	--
<i>Pandion haliaetus</i>	Osprey	None	SC	--
<i>Accipiter striatus</i>	Sharp-skinned Hawk	None	SC	--
<i>Agelaius tricolor</i>	Tricolored blackbird	None	SC	--
<i>Athene cunicularia hypugaea</i>	Western burrowing owl	SC	SC	--
<u>Fish</u>				
<i>Lavinia symmetricus subditus</i>	Monterey roach	None	SC	--
<i>Oncorhynchus mykiss</i>	Steelhead trout south-central	T	SC	--
<u>Invertebrates</u>				
<i>Lindieriella occidentalis</i>	California Fairy Shrimp	SC	None	
<i>Branchineta lynchi</i>	Vernal Pool Fairy Shrimp	T	None	
<u>Mammals</u>				
<i>Antrozous pallidus</i>	Pallid bat	None	SC	--
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	E	T	--
<u>Reptiles</u>				
<i>Emys (=Clemmys) marmorata</i>	western pond turtle	--	SC	--
<u>Plants</u>				
<i>Trifolium depauperatum var. hydrophilum</i>	saline clover	SC	--	1B
<i>Atriplex joaquiniana</i>	San Joaquin saltbush	--	--	1B

E – Endangered
T- Threatened

PT – Proposed Threatened
SC – Species of Concern

D - Delisted
AD – Proposed Delisted

C – Candidate. Sufficient biological information to support proposal to list species as Endangered or threatened.
1B - California Native Plant Society (CNPS) = plants rare, threatened, or endangered in California or elsewhere

Source: CDFG 2004, Smith 2002, Smith 2005, SBCWD 2004, and SCVWD 2003

Placeholder for

Figure 3-3 Threatened and Endangered Species within the Soap Lake Floodplain

- f) Both San Benito and Santa Clara Counties are in the process of preparing HCPs that would include the project area. The proposed project is not expected to conflict with these plans, and could perhaps be used to help the counties reach their conservation goals.

Mitigation Measures

None required or recommended at this stage, however future environmental documentation may be required and would identify mitigation measures.

3.5 CULTURAL RESOURCES

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b) A records search of all pertinent survey and site data was conducted by the Northwest Information Center at Sonoma State University. The records were accessed by using the Chittenden and San Felipe USGS 7.5-minute quadrangle map in Santa Clara County and San Benito County. The Area of Potential Effect (APE) was set to the 100-year floodplain boundary as shown in Figure 2-1. Previous surveys and studies and archaeological site records were accessed as they pertained to the APE.

The records and information search indicated that 26 recorded Native American and historic-period cultural sites have been previously identified within the project area (18 within Santa Clara County and 8 within San Benito County). Of these sites, six sites have had determinations for National Register Eligibility. Four sites (CA-SCL-577, CA-SCL-698, P-35-025 and P-43-132) were determined eligible for the National Register (National Register Status Code 2S2) and two sites (P-43-106 and P-43-573) were determined ineligible for the National Register by consensus, but were not evaluated for local listing, such as in the California Register (National Register Status Code 6Y2). In addition, there are 12 unrecorded prehistoric and historic-period resources within the project area. Table 3-3 lists the recorded sites and their National Register Eligibility status. Appendix E provides the complete records search.

Native American archaeological sites located in the southern Santa Clara Valley tend to be located along creek banks, along the margin of former marshland, and near the mouths of canyons where they open into the valley. The project area includes these environmental features. At the time of Euroamerican contact, the Native Americans that lived in the area belonged to the Ohlone group of Indians. Given the

environmental setting and the presence of recorded prehistoric archaeological sites, there is a high potential for Native American sites in the project area (NWIC 2004).

**Table 3-3
Recorded Cultural Resource Sites within the 100-year Floodplain**

Site Number	Site Description	Eligibility Determination
Santa Clara County		
CA-SCL-577	Prehistoric site w/large amounts of fire cracked rock and groundstone	Eligible
CA-SCL-697	Prehistoric site with a large lithic scatter and groundstone	Not Evaluated
CA-SCL-698	Prehistoric site with midden soils	Eligible
P-43-106	Prehistoric site with a lithic scatter	Ineligible
P-43-109	Prehistoric site with a lithic scatter	Not Evaluated
P-43-132	Prehistoric site with midden soils and human remains	Eligible*
P-43-214 (CA-SCL-203)	Prehistoric site with a lithic scatter and groundstone	Not Evaluated
P-43-314	C. 1900 Sunnybrook School/Fair House	Not Evaluated
P-43-496	Prehistoric site with midden soils and human remains	Not Evaluated
P-43-573	Prehistoric site with midden soils	Ineligible
P-43-575	Prehistoric site with a lithic scatter and fire cracked rock	Not Evaluated
P-43-1438	C. 1889 water reservoir	Not Evaluated
P-43-1439	C. 1914-45 historical debris scatter composed of structural and domestic items	Not Evaluated
P-43-1442	Prehistoric site with three isolated artifacts	Not Evaluated
P-43-1443	Prehistoric site with an isolated pestle fragment	Not Evaluated
P-43-1444	Prehistoric site with an isolated chert flake	Not Evaluated
P-43-1445	Prehistoric site with an isolated pestle	Not Evaluated
P-43-1486	C. 1951 bridge	Not Evaluated
San Benito County		
CA-SBN-191H	Historic-period pre 1887 canal (known now as Miller Canal)	Recommended ineligible – awaiting SHPO concurrence
P-35-024 (CA-SBN-23)	Prehistoric site with ground and pecked stone	Not Evaluated
P-35-025 (CA-SBN-24)	Prehistoric site with midden soils and human remains	Eligible*
P-35-178 (CA-SBN-187)	Prehistoric site with a lithic scatter	Not Evaluated
P-35-179 (CA-SBN-188)	Prehistoric site with a lithic scatter, groundstone, and fire cracked rock	Not Evaluated
P-35-327	Highway 101 with associated historic features, i.e., culverts	Not Evaluated
P-35-334	Ca. 1902 Southern Pacific trestle	Not Evaluated
P-35-335	Historic-period culvert	Not Evaluated

A National Historic Trail also crosses the project site, the Juan Bautista de Anza National Historic Trail, which is described under Section 3.14 RECREATION of this Initial Study.

* Note: This site extends across the Santa Clara/San Benito County line and is given two site numbers, one for each county. Thus the site is identified on the NWIC letter as site P-35-025/P-43-132.

There is potential for impact to cultural resources from continued flooding of the Soap Lake floodplain. Flood waters can carry and deposit soil that can result in covering and uncovering of resources. Flooding could also damage historic structures or facilities. If a trail is proposed, there could be potential impacts to cultural resources from trampling or looters. Additional CEQA documentation would be required for specific projects to identify potential impacts and mitigation measures.

Cultural Resource Sites

In addition the San Benito County General Plan identifies two historic resources possibly within the project area that are not on the cultural resource records search. These two properties are the Rancho San Joaquin O Rosa Morada (identified as site #13 on Figure 26 of the General Plan) and the Soap Lake / Spreckles Ranch / Native American village site (identified as site #11). According to the San Benito Historical Society, Rancho San Joaquin O Rosa Morada site is no longer at this site. It is possible that Site P-43-132 is the site #11 identified in the General Plan.

The PVWMA EIS (Reclamation 2004) described four sites within the Soap Lake project area. (These sites were also listed in the NWIC letter). The EIS descriptions are as follows;

A cultural resource site (CA-SBN-191H) consists of an unlined historic canal between San Felipe Lake and the Pajaro River. The historic canal (known now as the Miller Canal) possibly served as a water source for cattle driven from the San Joaquin Valley to the Santa Cruz Valley in the late 1800's. This site has been recommended to be ineligible for the National Register of Historic Places. Concurrence by the SHPO on this finding of ineligibility is pending.

Sites CA-SBN-187 and CA-SBN-188 are prehistoric lithic scatters with sparse to moderate density chert debitage, flaked stone and ground stone. Both sites were the subject of archaeological excavations by Archaeological Resources Management (ARM) in 1990. The subsurface investigations did not find significant deposits and the integrity of the deposits appears to have been compromised by agricultural activities. However, since both sites were located in what was historically marshland, within the floodplain of the Pajaro River, there is a potential for deeply buried deposits. Neither site has been formally evaluated for eligibility to the NRHP.

Site CA-SBN-23 also was the subject of archeological excavations and it was determined that there are no significant archaeological deposits present. An inspection by Pacific Legacy in 2004 of the recorded site location failed to locate any prehistoric cultural materials.

- c) There is no single repository for information on fossil locations in California. Exact locations of most fossils are not usually published in order to protect the resource from unauthorized collecting and subsequent loss of scientific information. The California High –Speed Train Program EIR/EIS, using data from the University of California Museum of Paleontology in Berkeley, identified paleontological resources within their Gilroy alignments, which are within the Soap Lake project area. The approximately 10-mile long section includes 2 miles of areas known to contain fossils and 8 miles unlikely to produce fossils. Since the exact location of the fossils is not published in the EIR/EIS, it is unknown if these resources are directly within the Soap Lake floodplain. If future conservation easements or land

purchases included ground disturbing activities, then appropriate environmental documentation would be needed and the mitigation measures discussed below would be applicable.

- d) Human remains were identified in three sites within the project vicinity, including two sites listed as eligible for the National Register. In addition, one unrecorded site, C-1330, is a possible Native American burial/cremation.

Mitigation Measures

Because the proposed action would not involve any ground-disturbing activities and would preserve the area as it is by minimizing future development, no mitigation measures are recommended at this stage. If a future land acquisition or conservation easement included any changes to the landscape, further archival research and field study by an archeologist or paleontologist would be required. In addition, because of the number of historic buildings, structures (bridges, canals, etc), and objects within the project area, any future land acquisition or easement should not include changes to these features until a qualified architectural historian assesses their historical value.

3.6 GEOLOGY AND SOILS

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Discussion

The project area has a very flat topography with creeks, drainage channels, levees, railroad, and roadway grades providing the few topographic features in the area. The area is underlain by Quaternary alluvium derived from surrounding mountains.

Soils within the project area are rich agricultural soils underlain by alluvium. The soil type in the project area within San Benito County is Sorrento-Yolo-Mocho and Clearlake-Pacheco-Willows, the most productive and intensively cultivated soils in the County, and makes up approximately 60 percent of the productive agricultural land in the County (San Benito County 2000).

- a) The proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death since the proposed Project does not include construction of habitable structures. The project area is within a region of high seismic activity. The San Andreas Fault System is comprised of a series of northwest-trending faults including three active faults near the project site; the Sargent Fault, which extends across the southern end of the project area, the San Andreas Fault, and the Calaveras Fault, which crosses the project area near San Felipe Lake. The Sargent Fault is considered to be capable of surface rupture and is designated as an Alquist-Priolo “Earthquake Fault Zone”. These faults have produced strong earthquakes in the past and are expected to do so in the future. In addition, the Bolsa Road fault is an inferred fault located along Bolsa Road (Highway 25) in the project area (Department of Conservation 1993).

The 1989 Lome Prieta Earthquake, which was centered west of the project site in the Santa Cruz Mountains, resulted in deaths, injuries, and widespread damage near the project area. The project area could experience very strong to violent shaking in the event of a major earthquake along the San Andreas, Calaveras or Sargent fault. Landslide potential is considered low due to the flat terrain of the Project area.

- b) With continued agricultural use, there would be no change in erosion since there is no change in the way the land is used. The periodic flooding of the region would continue to deposit new top soil in the area as sediment from the water settles, thus providing a beneficial affect for the agricultural use of the area.

If land acquisition included conversion to open space, there could be a reduction in erosion as permanent vegetation becomes established and the land would not be tilled, which exposes the dirt.

- c,d) Because the project does not propose any new structures, it would not affect the stability of the geologic unit or soil or result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The Project would not be affected by expansive soils if they are located within the project area.
- e) No septic tanks are proposed for the Project; therefore, no impacts are anticipated.

Mitigation Measure

None required or recommended.

3.7 HAZARDS AND HAZARDOUS MATERIALS

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) No hazardous materials would be used and there are no known hazardous material contaminated sites in the immediate Project area. The proposed Project area is comprised almost entirely of agricultural lands and rangeland. During the course of agricultural use, pesticides and herbicides would have been applied to crops in the normal course of farming operations. Residual pesticides and associated metals from such application may remain present, primarily in the top 2 to 3 feet of soil. Residual pesticides and metals from agricultural application typically attenuate to less than significant concentrations at depths of greater than 3 feet. However, the proposed Project's goals are to maintain the agricultural uses of the land through conservation easements or other land use policies and would not involve any grading, excavation, transport or disposal of soils that may be contaminated with pesticides and herbicides.

b) There is one chemical facility that is not located within the FEMA Zone A floodplain but is located within the project's modeled 100-year floodplain. Trical's Bolsa facility is a fumigant formulation and packaging operation. Trical formulates mixtures of methyl bromide, chloropicrin, and telone (1,3-dichloropropene) for use in the agricultural and structural pest control markets.

The chemicals are received in bulk by rail tanker, tank truck and cylinders. The chemicals are transferred under pressure into bulk storage tanks or into smaller cylinders for resale. In addition to the chemical storage, formulation, and packaging operations, the facility has an enclosed shot blaster for removing paint from the cylinders and a paint spraying operation for coating the cylinders.

If the facility is flooded, there could be a potential for hazardous materials to be released if the facility is not flood proofed.

c) There are no schools located within ¼ mile of the project area. As discussed above, no hazardous materials would be used for the project.

d) The project area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, which is DTSC's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment.

e,f) The Frazier Lake Airpark is located along Frazier Lake Road and the 100-year floodplain does cross a small portion of the airport property near a hangar. However the runway and most areas of the airpark are not within the floodplain and the proposed Project would not interfere with any airport operations.

g) The project would not be expected to interfere with an emergency response plan or emergency evacuation plan. If the counties chose to pursue greater floodplain management one component could be a Floodplain Hazard Mitigation Plan or a Floodplain Management Plan that could include an emergency action plan.

h) The proposed Project would maintain land in agricultural use, would not increase wildfire potential, and would not expose people to wildfire risks; therefore, no impacts are anticipated.

Mitigation Measure

- No mitigation measures required at this stage.

3.8 HYDROLOGY AND WATER QUALITY

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (erosion potential)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The Pajaro River was listed on the 303(d) list as a medium priority site for nutrients and sedimentation and as a low priority site for Fecal Coliform (impaired length is above Llagas Creek). Llagas Creek is listed for nutrients and sedimentation at a medium priority and for chloride, fecal coliform, low dissolved oxygen, PH, sodium and total dissolved solids at a low priority. San Benito River was listed as a medium priority for sedimentation and low priority for fecal coliform. Hernandez Reservoir is listed as a medium priority for mercury (Central Coast RWQCB 2004).

A recent report, Final Report Upper Pajaro River Sediment Assessment, intended to identify the important controllable sources of sediment in the Llagas and Uvas-Carnadero watersheds. Controllable sources in the valley regions were identified and are related to urbanization, altered/degraded stream channels, agriculture, and grazing (Fall Creek Engineering 2004).

Keeping the land in agricultural use would maintain the existing runoff and groundwater nutrients but would not increase runoff into these impaired water bodies. The floodplain would continue to slow the water, increase the detention time, reduce the turbulence and therefore allow sediments to settle over the floodplain, thus the project would not increase sedimentation in the Pajaro River or Llagas Creek. If land is converted to wetland or open space, nutrient and pesticide inputs may decrease and could result in a beneficial water quality impact.

- b) Flooding of the Soap Lake floodplain will continue to provide percolation into the groundwater and recharging of the aquifer. Maintaining this groundwater recharge is a beneficial impact to groundwater quantity and quality. Within the project area, there is a marked difference in ground water level across the Calaveras fault (California Department of Conservation 1993). The Calaveras fault zone runs southeast through the project area from Highway 152 at San Felipe Lake. Water levels near the Hollister Municipal Airport have been observed to be approximately 60 feet higher on the east side than on the west side. The Calaveras fault thus forms a significant impediment to ground water percolating westward from the Pacheco Creek drainage basin. San Felipe Lake, fed by the waters of the Pacheco Creek, is a surface expression of this phenomenon.
- c,d,e) The proposed project would limit future development and impervious surfaces and should therefore not increase runoff patterns or exceed storm drainage systems. The proposed Project would maintain existing drainage patterns and flooding conditions. The SCVWD conducts routine maintenance of channels and canals as part of its responsibility to provide water supply and stream flood protection. Their responsibilities are covered in the Stream Maintenance Program EIR (see Section 1.4). The SCVWD maintains authority for stream maintenance activities in the Pajaro River, Llagas Creek, and Carnadero Creek within the Soap Lake project boundaries. Although SCVWD retains a right to conduct maintenance on the Santa Clara County side of Llagas Creek, maintenance activities have been restricted due to habitat for the least Bell's vireo. Access to the streams or rivers within the project area for continued maintenance activities would need to be provided under any conservation easements or land purchased along these water bodies.
- f) The proposed project would not degrade water quality in the area but could continue to reduce sedimentation since sediment will continue to be disbursed throughout the flooded area. This reduces the amount of sedimentation entering the river and creek waters. This is an important water quality issue because both the Pajaro River and Llagas Creek are listed on the 303(d) list as an impaired water body for sedimentation.

g,h,i) The project area is located within the 100-year floodplain of the Pajaro River watershed as defined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). With project implementation, no adverse impacts relative to flooding are anticipated; rather, beneficial impacts of maintaining the floodplain are expected. This project does not propose homes or other structures to be constructed within the 100-year floodplain. Furthermore, the project does not include any new structures that would impede or redirect flood flows.

The goal of this project is to preserve the functional capacity of the Soap Lake floodplain and to mitigate for future flood hazards in the immediate vicinity and downstream. Managing, as well as precluding, future development in the floodplain would lessen the impacts of flooding on area communities. Higher regulatory standards on construction and development practices, if adopted, would provide public safety and damage prevention measures that would result in a reduction in the high costs of flood disasters on governmental bodies. Moreover, increased floodplain management through greater involvement with the NFIP program can result in reductions in flood insurance premiums. Lastly, and of most importance, is the functional capacity of the Soap Lake floodplain as a backwater storage area during flood flows. The preservation of the Soap Lake floodplain is essential due to its ability to attenuate flood flows to downstream communities thus reducing flood damage in the Lower Pajaro River.

j) The Project area is not subject to seiches, tsunamis, or mudflows, and no impacts are anticipated.

3.9 LAND USE AND PLANNING

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable HCP or NCCP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The main land use within the project area is farmland, with some grazing and some agricultural processing facilities. The Santa Clara County General Plan designates the project area within the county as Agriculture – Large Scale (40-acre minimum lot size) and includes a small portion designated as Major Public Facility (future expansion land for the wastewater treatment plant). The San Benito County General Plan designates the project area in that county as Agricultural Productive (also a 40-acre minimum lot size) and with a Floodplain Overlay. The Floodplain Overlay refers to lands within the FEMA designated 100-year floodplain and restricts uses to agriculture grazing, mineral extraction, wildlife refuges, land in its natural state and selected low-density recreation (San Benito County 1993). Land within the project area in both counties is zoned for agriculture.

- a) The majority of the project area is within unincorporated county land except for a small portion within the City of Gilroy. The project would not divide an established community.
- b) The proposed Project would not conflict with any local land use policies or ordinances. The project could reduce future impacts of incompatible land uses under the No Project alternative if development encroached into the agricultural lands. Land use conflicts can occur between agricultural land uses and developed land from pesticide use, dust and noise from grading/harvesting activities, and trespass issues.

In fact the project would be consistent with the recently adopted agricultural mitigation policy by the City of Gilroy. That policy identifies portions of unincorporated Santa Clara County as their preferred location for agricultural mitigation, and this area includes a portion of the proposed project area.

Upon certification of the City’s General Plan EIR in 2002, the City Council declared that an Agricultural Mitigation Program is feasible mitigation. Therefore significant impacts as determined under CEQA of future projects would be subject to the City’s Agricultural Mitigation Policy. This agricultural mitigation policy was adopted on May 3, 2004 and states that:

“The City of Gilroy shall require agricultural mitigation for the loss of agricultural lands due to conversion to urban uses for land defined as “prime farmland or farmland of ‘Statewide Importance’.”

Mitigation can be accomplished with one of the following three options:

1. Purchase an equal amount of land (1:1 ratio) of agricultural land within the “preferred areas” and the transfer of the ownership of this land to the Open Space Authority or other City-approved agency.
2. Purchase of development rights to a 1:1 ratio on agricultural land within the “preferred areas” and the transfer of ownership of these rights to the Open Space Authority or other City-approved agency.
3. Payment of an in-lieu fee for the purchase of development rights

- c) No conflicts with recovery plans or HCPs would be associated with Project implementation. There is the potential for the project to work in conjunction with the HCP’s that are currently being developed by both the Santa Clara County and San Benito County planning departments.

3.10 MINERAL RESOURCES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The California Division of Mines and Geology (CDMG) has classified lands within the San Francisco-Monterey Bay region into Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act

(SMARA) of 1975. The CDMG classified urbanized lands within the South San Francisco Bay Production-Consumption Region according to the presence or absence of significant sand, gravel, or stone deposits that are suitable as sources of aggregate. Areas classified as MRZ-1 are areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little or no likelihood exists for their presence. MRZ-2 areas are those where adequate information indicates that significant deposits are present. Areas classified as MRZ-3 contain mineral deposits, but their significance cannot be evaluated from available data. Areas are classified as MRZ-4 where available information is inadequate for assignment to any other MRZ category.

The majority of the Project site appears to have not been classified for mineral resources (Clinkenbeard 2004). The proposed project would preclude development in the area, which would help preserve access to any mineral resources that may be located there. Therefore, no adverse impacts are expected and no mitigation measures recommended.

Mitigation Measures

None required or recommended.

3.11 NOISE

Would the Project result in:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a,b,c,d) The proposed Project would not change existing noise levels, would not result in any temporary or permanent increase in noise levels, or create any noise impacts in excess of established standards within the County Noise Ordinance. No sensitive noise receptors (schools, hospitals, etc) are located within the project area. Therefore, there would be no noise impacts.
- e,f) Although there is a private airstrip adjacent to the project area (see Section 3.7 HAZARDS AND HAZARDOUS MATERIALS), the project is not located in an airport land use plan and would not expose people to excessive noise levels.

Mitigation Measures

None required or recommended.

3.12 POPULATION AND HOUSING

Would the Project:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

No impacts related to growth inducement or population and housing would be associated with the proposed Project, and no existing housing would be displaced.

- a) Since project implementation would reduce future development within the project area, this could indirectly contribute to development in other adjacent areas. If this development occurred within city boundaries, this would be consistent with Santa Clara County policies to develop incorporated areas rather than unincorporated areas.
- b,c) The proposed Project would not displace people or housing as existing residences would not be affected; therefore, this Project would not necessitate the construction of replacement housing elsewhere.

Mitigation Measures

None required or recommended.

3.13 PUBLIC SERVICES

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) The proposed project would not involve alteration of government facilities, nor would it require new public services. In addition, the Project would not induce growth that would require the creation of increased public services. Because the Project would limit further development within the floodplain, it could decrease the burden on flood emergency services to repair or replace flood-damaged facilities.

Mitigation measure

None required or recommended.

3.14 RECREATION

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion

The proposed project would not conflict with any existing or proposed recreational uses within or adjacent to the project area. If conservation easements are obtained that include trail easements, there could be a beneficial impact by providing additional recreational opportunities. There are five proposed trail routes throughout the project area, as shown on **Figure 3-4**.

Juan Bautista de Anza National Historic Trail. This trail crosses the project site in both Santa Clara County and San Benito County. The national trail commemorates the route followed by a Spanish commander, Juan Bautista de Anza, in 1775-76 when he led 198 emigrants and their escorts and 1,000 head of livestock on the first overland colonizing expedition from Sonora, Mexico into Alta, or Upper, California. This expedition led to the founding of the Presidio of San Francisco and missions San Francisco de Asís (Mission Dolores) and Santa Clara de Asís.

The trail was designated by the U.S. Congress in 1990 and named a National Millennium Trail in 1999. Now officially recognized only in the United States, the route began as far south as Culiacán, Mexico, where Anza began his recruitment. The national trail starts in Nogales, Arizona, and travels to San Francisco, California, and east around the San Francisco Bay.

The Juan Bautista de Anza National Historic Trail is administered by the National Park Service in partnership with other federal, state, and local agencies, non-profit organizations, and private landowners. Non-federally owned trail sites, segments, and interpretive facilities are added to the national historic trail through certification agreements between the owner or managers and the National Park Service.

Regional Trail Routes. Three proposed regional trail routes cross through the project area and are identified on the Santa Clara County Trails Master Plan Update (SCC 1995). This plan serves as a master plan for guiding the County Park’s Department program and provides a trails vision for the county. Two routes, the Monterey-Yosemite State Trail and the Benito-Clara Trail, both follow the Pajaro River within the project area. They are identified as proposed trail routes within private property under unincorporated county jurisdiction to be considered when the landowner is a willing participant. The Monterey-Yosemite Trail is identified as a corridor of statewide importance in the California Recreational Trails System Plan.

The third proposed trail, the Coyote Creek/Llagas Creek Trail, follows Llagas Creek within the project area and is identified as a trail route within public lands.

In addition to these trails, there is a non-profit organization, The Bay Area Ridge Trail Council that is planning the construction of the Bay Area Ridge Trail. This trail would be a 500-mile multiple-use trail connecting parks and preserved open spaces along the ridgelines surrounding California's San Francisco Bay (Bay Area Ridge Trail Council 2004). A portion that crosses the Soap Lake area, from the Henry Coe State Park along Bloomfield Road to Highway 25, along Highway 25 to Highway 101 and then up to Sargent Ranch. Although this trail is mainly along ridgelines, a portion of the trail crosses the Soap Lake floodplain connecting the Santa Cruz Mountains to the west with the Diablo Range to the east.

Placeholder for

Figure 3-4 Trail Routes within the Soap Lake Floodplain

a,b) No new recreational facilities will be built as part of the proposed Project, and implementation of the proposed Project would not be expected to increase use of recreational facilities. However, the Project takes into consideration the existing and proposed trails throughout the project site, and does not preclude further development of these trails. In cases where a landowner is willing, conservation easements could include designation of trails such as was recently obtained for the Santa Clara County Open Space Authority easement on the Silacci property. If such trails were designated, further environmental analysis could be required to ensure that potential impacts to natural or cultural resources are avoided or minimized.

Inclusion of trails in such easements would be consistent with county policies encouraging trail development. The San Benito County General Plan states, as Objective 3 under Goal 9, to “explore options for a regional trail connections with Santa Clara and Monterey Counties.” (San Benito County 1993, Open Space and Conservation Element Update).

The Santa Clara County Trails Master Plan Update (1995) states Policy Code PR-TS 2.3:
 “Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated on the County General Plan Land Use Map as Agriculture shall not be required (including easements) or developed outside the County road rights-of-way until or unless: (1) the land use designation is amended to a non-Agricultural designation, or (2) there is specific interest or consent expressed by a willing property owner/seller.”

3.15 TRANSPORTATION/TRAFFIC

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion

- a,b) The proposed project would not further increase traffic, change levels of service, or disrupt transportation and circulation patterns. Roads, highways, bridges, and railroads would continue to be located within the floodplain and inundated during flood events. Table 3-4 lists the facilities located within the 100-year floodplain. Roadways and highways that are flooded can restrict or block access for landowners, commercial traffic and emergency vehicles. This would continue to be an impact under the proposed project and existing conditions; however this risk would not be increased due to the project.
- c) The project boundary is adjacent to and slightly within the Frazier Lake Airpark (see Section 3.7 HAZARDS AND HAZARDOUS MATERIALS), but would have no impact on air traffic patterns or safety risks.

**Table 3-4
Facilities located within the 100-year Floodplain**

Facility Type	Impact	Length/Area of Impact	Examples
Highway/Roadways	Yes	89,100 ft; 1,580,000 sf	Hwy 25, Frazier Lake Rd, Bloomfield Rd, Bolsa Rd
Bridges	Yes	10 bridges*	Bloomfield @ Llagas, Railroad @ Pajaro, Hwy 25 @ Pajaro, Bloomfield @ Carnadero, Hwy 25 @ Carnadero, Railroad @ Carnadero, Frazier Lake @ Pajaro, Frazier Lake @ Millers
Railroad	Yes	5,100 ft; 167,000 sf	Railroad bridges at Pajaro, Railroad at Tic, Railroad NW & SE of Pajaro bridge, Intersection of railroad lines
Utility	Yes	43,800 ft	Santa Clara Conduit, PVWMA Import Pipeline
Seismic Fault	Yes	12,200 ft	Sargent, Calaveras
Special Structures	Yes	2 sites	TriCal, Inc., Airport Hangars

*Note: The floodplain modeling conducted did not specifically evaluate flooding impacts to bridges. These 10 bridges are located within the 100year floodplain and additional floodwaters will flow under these bridges but may not inundate the bridges.

- d) The Project would not change the configuration (alignment) of area roadways, and would not introduce types of vehicles that are not already traveling on area roads. Any potential trails that include a bicycle lane on a roadway should be designed according to Caltrans standards for safety to avoid potential conflicts between traffic and bicyclists.

Several transportation improvement projects have been completed or are proposed within the project area. The Santa Clara Valley Transportation Authority (VTA) is conducting a study to evaluate the existing and projected conditions related to land use changes and travel patterns in the major corridors leading to and from Santa Clara County and the Silicon Valley area. The study titled *The Southern Gateway Study* looks to develop a highway project implementation plan and includes the Soap Lake Floodplain area (Ristow

2004).

Caltrans and the VTA completed the SR 152/US 101 Interchange Improvement Project and they have recently completed a Final MND/IS for the SR 152-B Improvement Project, which includes widening of a bridge over Llagas Creek (Caltrans 2004b). A separate project that is within the project area, the widening of Highway 25, could improve traffic safety conditions within the project area. In an effort to address the recent increase in accidents along Highway 25, Caltrans, the California Highway Patrol (CHP), the Council of San Benito County Governments and others have been working with the citizens' group "Stay Alive on 25" to improve the safety of this segment of Route 25. Highway 25 is an increasingly busy and vital thoroughfare for commuters, and carries approximately 20,000 vehicles daily, including cars, big-rig trucks, and farm equipment. Future stages of this project will see Highway 25 converted from a 2-lane highway to a 4-lane highway with interchanges at 25/101 and 25/156 and widen Route 101 from a 4 lane expressway to a six lane freeway (Phase 3). Various options are currently under review. Construction on the project is not expected to begin until 2009. The 3 in 1 proposal is currently being evaluated in the Santa Clara Valley Transportation Authority (VTA) Southern Gateway Study (Caltrans 2004a). The Southern Gateway Study is evaluating possible improvements to or reconfiguration of Highways 101, 152, 156, 25, and 129. Stakeholder meetings have included representatives from Santa Clara, Santa Cruz, San Benito, Monterey, and Merced counties.

e,f,g) The proposed Project would not affect traffic flow or emergency vehicle access, parking supply or demand, or conflict with adopted policies, plans, or programs supporting alternative transportation.

Mitigation Measures

None required or recommended.

3.16 UTILITIES AND SERVICE SYSTEMS

	<u>Potentially Significant Impact</u>	<i>Less Than Significant With Mitigation Incorporation</i>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the waste water treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

a-g) The proposed Project would not result in any exceedance of wastewater treatment requirements, require additional facilities, and would not increase the need for storm water drainage facilities. No wastewater will be generated, so no impacts will occur concerning the regional wastewater treatment facilities. No solid waste generation would be associated with the Project. The Gilroy General Plan shows additional lands that are designated for future expansion that are currently outside of the city limits. These lands are within the 100-year floodplain.

A 96-inch underground water supply pipeline, the Santa Clara Conduit, provides water from the Central Valley Project to the Santa Clara Valley Water District and crosses the project area south of San Felipe Lake. The pipeline is one of only two import water sources to the district. While Reclamation built the pipeline and it remains a federal facility, SCVWD operates and maintains it. The pipeline crosses the Calaveras fault and has a redundant system (where it splits into two pipelines across the fault and then reconnects to one pipeline) in case of rupture. Access points for the SCVWD to repair and maintain the pipeline are also within the project area. There is a risk to county water supply when the area is flooded and the district is unable to repair /maintain the pipeline.

PVWMA has proposed a new water pipeline that would connect to the Santa Clara Conduit to import water supplies to the PVWMA service area. This proposed pipeline would cross the Soap Lake floodplain. The portions of this proposed pipeline and the existing Santa Clara Conduit that are within the Soap Lake floodplain are shown on Figure 3-5. Any conservation easements or land acquisition would need to include access to these pipelines for maintenance and operations.

Mitigation Measures

None required or recommended.

Placeholder for

Figure 3-5 Major Pipelines within the Soap Lake Floodplain

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulative considerable? (“Cumulative considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Although there are substantial natural and cultural resources within the project area, the proposed project would not adversely affect these resources. The project would not degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. There is potential for beneficial impacts to these resources if land acquisition or conservation easements include environmental restoration measures.

b) There are a number of projects within the project area that could contribute to cumulative impacts (see Section 1.5 for a listing of cumulative projects). Potential beneficial cumulative impacts from other projects aimed at preserving land in the project area (TNC’s Pajaro Project for example) include protection of agricultural land, scenic views of agricultural land, and potential environmental restoration. Although the proposed project would not directly affect cultural resources, if a conservation easement included restoration that involved any ground-disturbing activities, cultural resources could be discovered or impacted. Other projects in the area could also contribute to these impacts including the Highway 101 and Highway 25 widening, High-speed train system, and the PVWMA import pipeline.

In recent years, many acres of agricultural lands have been converted to non-agricultural uses even though there are state and federal laws and incentives to protect prime farmland from conversion to non-agricultural uses. The total agricultural acres converted to urban uses in California from 1988 to 1998 is 497,000 acres (Institute for Local Self Government 2002). Projects within and adjacent to the Soap Lake

floodplain have converted agricultural lands such as the SR 152 project, which converted about 20 acres of agricultural lands to a non-agricultural use (Caltrans 1999).

Transportation improvement projects in the area that involve the widening of roadways and building of bridges could potentially affect flooding in the area. It is important that the agencies involved in these projects consider how these projects could impact flooding locally and downstream. The Highway 25 widening project will design the project to 100-year floodplain standards and will elevate the roadway approximately 6 feet and more where it crosses the railroad tracks. They will also detain and treat the stormwater runoff before it enters the Pajaro River (Rosales 2004).

- c) A conservation easement would not affect a property owner's requirement to continue to pay property taxes and contribute to the tax base. Although CEQA does not require an analysis of economic effects, this issue is discussed here as an impact on the human environment. The proposed project also would not affect current tax incentive programs in place for agricultural land such as the Williamson Act Contracts. An easement could provide economic advantages to property owners in the project area because these owners would be able to be paid for the future development rights of their land, while still owning the land. In addition there may be income and estate tax benefits. If future land acquisition or conservation easements retire land from agricultural use, the socioeconomic impacts of those actions would be evaluated in future environmental documentation.