

Exhibit A – Ordinance No. 957 N.S.

ORDINANCE NO. 957 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
TO ADD CHAPTER 14.02 TO THE MUNICIPAL CODE OF THE CITY OF EL
PASO DE ROBLES ADOPTING A WATER CONSERVATION AND WATER
SHORTAGE CONTINGENCY PLAN AND DECLARING THAT THIS IS AN
ORDINANCE NECESSARY FOR THE PRESERVATION OF THE PUBLIC
HEALTH, SAFETY AND WELFARE**

WHEREAS, a consistent and minimum reliable supply of potable water is essential to the public health, safety, and welfare of the people and community of the City of El Paso De Robles; and

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or unreasonable method of use of water be prevented, and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, the City of El Paso De Robles water production capacity is highly dependent on factors such as precipitation and local and regional demands for groundwater as its two current existing sources of water are the Paso Robles Groundwater Basin and the City's permitted allocation from the Salinas River; and

WHEREAS, the California State Water Resources Control Board ("SWRCB") has declared that the Salinas River is fully allocated, and the City's permit limits the maximum annual pumping from the Salinas River underflow to 4,600 acre feet per year ("AFY"); and

WHEREAS, due to current statewide drought conditions, the City's underflow wells are only producing at 69% of historic levels, and SWCRB has indicated it may restrict underflow pumping due to current drought conditions and has stated that water agencies should adopt conservation efforts to reduce urban water use by 20%; and

WHEREAS, the City and the County of San Luis Obispo (the "County") recently commissioned an update of the 2005 Groundwater Basin Study (*Evaluation of Paso Robles Groundwater Basin Pumping*, Todd Engineers May 2009) that concludes total groundwater pumping has increased by 5,516 AFY between 2000 and 2006, an average annual increase of 919 AFY. Assuming no water management actions, (including delivery of Nacimiento Project Water), this rate of increase would result in overdraft by 2017; and

WHEREAS, the 2009 Updated Basin Study also finds that groundwater basin pumping exceeds 90% of the safe annual yield; and

WHEREAS, the City and County are both parties to an agreement with a group representing a number of agricultural groundwater basin pumpers, known as "PRIOR," the purpose of which is to avoid expensive and lengthy groundwater rights litigation by cooperating in groundwater basin monitoring and water management; and

WHEREAS, the City's weekly demands for water historically have increased drastically in the summer months, rising from approximately 3.5 million gallons per day ("GPD") to approximately 12.7 GPD in July, an increase of 330%; and

WHEREAS, despite City efforts to rehabilitate wells, install new wells and recommission standby wells, the amount of water produced by those wells during the summer months has declined significantly in the past few years; and

WHEREAS, in 2004, City wells produced roughly 12.7 GPD, in the summer of 2008, production dropped to 11.7 MGD, and in 2009, water production is expected to decline to 10.4 MGD; and

WHEREAS, the City's water storage capacity is approximately 12 MGD, roughly 50% of which is allocated for emergency and fire-fighting storage capacity; and

WHEREAS, such fire-fighting capacity would be depleted within three days of prolonged hot weather conditions, thereby creating a potential threat to public health and safety; and

WHEREAS, it is in the City's best interest to enact prudent water demand management measures immediately to avoid water shortages; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies after holding a public hearing; and

WHEREAS, the adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City of El Paso de Robles' water demand and supply to minimize the effects of water shortages within Paso Robles. Such program is essential to ensure a reliable minimum supply of water for the public health, safety, and welfare.

WHEREAS, based on all of the above, as one measure to help ensure that the City will have adequate water supplies during the coming summer months and into the future, the Council finds and determines that the adoption of a water conservation and water shortage contingency plan is necessary.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS::

SECTION 1. The City Council hereby finds and determines that, based on all of the facts described above, the staff reports and the testimony received during a public hearing on this Ordinance, all of which are incorporated herein, the adoption of a water conservation and water shortage contingency plan is vitally necessary to help preserve and protect the public health, safety and welfare of the City and its residents.

SECTION 2. Chapter 14.02 is hereby added to Title 14 of the Municipal Code of the City of El Paso de Robles as follows:

CHAPTER 14.02

WATER CONSERVATION AND WATER SHORTAGE CONTINGENCY PLAN

14.02.010 Declaration of Necessity and Intent

A. This Chapter establishes certain mandatory and permanent water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable methods of use of water within the City of El Paso de Robles service area in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

B. This Chapter also establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of actions to be implemented in times of shortage, with increasing restrictions on water use in response decreasing water supply or production capabilities.

C. Level 1 Water Supply Shortage measures are voluntary and will be reinforced through local and regional public education and awareness measures. Levels 2 through 4 Water Supply Shortage conditions mandate increasingly restrictive measures in order to attain escalating conservation goals. Those City water customers who violate the measures imposed under a Condition of Level 2 through Level 4 are subject to criminal, civil, and administrative penalties and remedies as provided in Chapter 1 of this Code.

14.02.020 Application

A. This Chapter applies to any *customer* in the use of any water provided by the City of El Paso de Robles, including customers located outside the City.

B. This Chapter is intended solely to further the conservation of water. It is not intended to implement or replace any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

C. The provisions of this Chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.

D. Nothing in this Chapter 14.02 is intended to affect or limit the ability of the City Manager or his designee to declare and respond to an unforeseeable disaster or water emergency such as an earthquake, or other major disruption in the water supply, pursuant to the general laws of the City or other provisions of this Code.

14.02.030 Definitions

The following words and phrases whenever used in this Chapter 14.02 will have the meaning defined in this section:

A. *Customer* means any person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the City of El Paso de Robles.

B. *Days* are defined as calendar days, unless otherwise indicated.

C. *Water Conservation* means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

D. *Condition* means a declared water supply shortage condition, which may be at Level 1, Level 2, Level 3 or Level 4, as described in this Chapter 14.02.

14.02.040 Mandatory Minimum Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements shall be in effect at all times and are permanent. Violations will be considered waste and an unreasonable use of water and are subject to penalties.

A. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

B. **No Overfilling of Swimming Pools and Spas:** Overfilling of a swimming pools and spas such that overflow water is discharged onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

C. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except under the following conditions:

1. To alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device.

2. When a low-volume, high-pressure cleaning machine or a low-volume high-pressure water broom is used.

3. All wash-down activities must comply with all state or local regulations pertaining to discharges to the City's storm drain system.

D. Obligation to Fix Leaks, Breaks or Malfunctions: Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the customers' plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven days after written notification by the City of El Paso de Robles, is prohibited.

E. Re-circulating Water Required for Water Fountains and Decorative Water Features: Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

F. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

G. Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

H. No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service.

I. No Installation of Non-Recirculating Systems in Commercial Car Wash and Laundry Systems: Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

J. New or Remodeled Restaurants Required to Use Water Conserving Dish Wash Spray Valves: All new or remodeled food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

K. Water Served Only Upon Request: Restaurants and other food establishments will only serve water upon request.

14.02.050 Level 1 Water Supply Shortage – Voluntary Reductions

A. The City Council or, in the event prompt action is necessary, the City Manager, may declare a Level 1 Water Supply Shortage condition (a "Level 1 Condition") when there is a reasonable probability, due to a projected imbalance in available water supply and projected peak demand, that there will be a supply shortage and that a consumer demand reduction of up to 10 percent is needed in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon such declaration, the City Manager or his designee shall take the necessary actions to implement the voluntary Level 1 Condition conservation practices identified in this Chapter. In the event a Level 1 Condition has been declared by the City Manager, the City Council shall consider the ratification of such declaration at its next regularly scheduled meeting or at a special meeting called for such purpose.

B. During the period of a declared Level 1 Condition, the City of El Paso de Robles will increase its public education and outreach efforts to increase public awareness of the need to implement the following water conservation practices.

1. Irrigation of residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, before 9 a.m. and after 7 p.m. except for renovation or repair of the irrigation system with an operator present.

2. Repair or prevention of all water leaks upon discovery or within five days of notification by the City of El Paso de Robles.

3. Use of recycled, non-potable, or water imported from outside City limits for construction purposes.

14.02.060 Level 2 Water Supply Shortage – Mandatory Reductions

A. The City Council, or in the event prompt action is necessary, the City Manager, may recommend and declare a Level 2 Water Supply Shortage condition (a "Level 2 Condition") when there is a reasonable probability, due to a projected imbalance in available water supply and projected peak demand, that there will be a supply shortage and that a consumer demand reduction of up to 20 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Level 2 Condition, the City Manager or his designee shall take the necessary actions to notify the public and implement the mandatory Level 2 Condition conservation practices identified in this Chapter. In the event a Level 2 Condition has been declared by the City Manager, the City Council shall consider the ratification of such declaration at its next regularly scheduled meeting or at a special meeting called for such purpose.

B. During the period of a declared Level 2 Condition, all water customers shall be required to comply with all Level 1 Condition measures, set forth in Section 14.020.050, and also shall comply with the following conservation measure:

1. All landscape irrigation shall be limited to no more than three assigned days per week and on an every other day schedule established and posted by the City.

C. At its discretion, the City may suspend the issuance of new hydrant meters and/or recall all outstanding meters in accordance with the City's existing Hydrant Meter Rental Agreement.

D. The City Manager may recommend and, upon resolution of the City Council, implement a water allocation per customer account served by the City of El Paso de Robles, and a schedule of per unit penalty surcharges for use exceeding the water allocation. If the City Council adopts or modifies water allocations, the City Manager will post notice of the water allocation prior to the effective date(s). Following the effective date(s) of the water allocation as established by the City Council, any customer that uses water in excess of the allocation will be subject to a penalty surcharge for each billing unit of water in excess of the allocation. The per unit penalty surcharge for excess water usage will be in addition to any other remedy, penalty, or fine that may be imposed for violation of this Chapter. At the City's discretion, the water conservation measures required under Level 1 and Level 2 conditions may be suspended during the period a water allocation is in effect.

14.02.070 Level 3 Water Supply Shortage - Critical Condition

A. The City Council or, in the event prompt action is necessary, the City Manager, may recommend and declare a Level 3 Water Supply Shortage condition (a "Level 3 Condition") when there is a reasonable probability, due to a projected imbalance in available water supply and projected peak demand, that there will be a supply shortage and that a consumer demand reduction of up to 30 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of Level 3 Water Supply Shortfall, the City Manager or his designee shall take the necessary actions to implement the mandatory Level 3 Condition conservation practices identified in this Chapter. In the event a Level 3 Condition has been declared by the City Manager, the City Council shall consider the ratification of such declaration at its next regularly scheduled meeting or at a special meeting called for such purpose.

B. During a the period of a declared Level 3 Condition, all water customers shall comply with all Level 1 Condition and Level 2 Condition water conservation measures and shall also comply with the following additional mandatory conservation measures:

1. All landscape irrigation shall be limited to no more than two assigned days per week on a schedule established and posted by the City Manager or his designee.

2. Filling or re-filling of ornamental lakes or ponds is prohibited except to the extent needed to sustain plants or animals that have been actively managed within the

water feature prior to the declaration of a Level 3 Condition.

3. All water leaks, breaks or other plumbing malfunctions shall be repaired upon discovery or within forty-eight hours of notification by the City of El Paso de Robles, with the exception of rental properties, which shall have up to seventy-two hours to repair interior unit leaks, in order to comply with state laws regarding the provision of notice to tenants.

4. Using water to wash vehicles, whether motorized or not, is prohibited except at commercial car washing facilities.

5. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except under the following conditions:

a. To alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine or a low-volume high-pressure water broom.

C. Upon the declaration of a Level 3 Condition, new potable water services, temporary or permanent water meters, and statements of immediate ability to serve or provide potable water service (including, but not limited to, will serve letters, certificates, or letters of availability) will be allowed only under the circumstances listed below. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted.

1. A valid building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence satisfactory to the City Manager or his designee of an enforceable commitment that the new water demands for the project will be offset prior to the provision of new water meter(s). The applicant's offset program must be approved by the City's Water Manager. Such offsets may be in the form of additional water conservation measures, the provision of recycled water use in place of existing potable water demands (if available), or other such offsets developed and approved by the City Manager or his designee. To obtain approval, the applicant's plan must demonstrate that the development will not increase the demand on the City's water system.

During the period of a Level 3 Condition, the expiration dates of approved tentative maps and related entitlements for such development projects shall be tolled until such time as the Level III Condition has improved to a Level II Condition or better. Notwithstanding the foregoing, an applicant with an approved tentative map and related entitlements may choose to proceed with development under the conditions set forth in subsection c.3., above.

D. Upon the declaration of a Level 3 Condition, the City will suspend consideration of any annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

E. At its discretion, the City may suspend the issuance of new hydrant meters and/or recall all outstanding meters in accordance with the City's existing Hydrant Meter Rental Agreement.

F. The City Manager may recommend and, upon resolution of the City Council, implement a water allocation per customer account served by the City of El Paso de Robles, and a schedule of penalty surcharges for exceeding the water allocation. If the City Council adopts or modifies water allocations, the City Manager will post notice of the water allocation prior to the effective date(s). Following the effective date(s) of the water allocation as established by the City Council, any customer that uses water in excess of the allocation will be subject to a penalty surcharge for each billing unit of water in excess of the allocation. The penalty surcharge for excess water usage will be

in addition to any other remedy, penalty, or fine that may be imposed for violation of this Chapter. At the City's discretion, the water conservation measures required under Level 1, Level 2, and Level 3 conditions may be suspended during the period a water allocation is in effect.

14.02.080 Level 4 Water Supply Shortage – Emergency Condition

A. The City Manager may declare a water shortage emergency pursuant to California Water Code section 350 and declare a Level 4 Water Supply Shortage condition (a "Level 4 Condition") when there is a reasonable probability, due to a projected imbalance in available water supply and projected peak demand, that there will be a supply shortage and that a consumer demand reduction of up to 50 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of Level 4 Condition, the City Manager or his designee shall take all necessary actions to implement the mandatory Level 4 conservation practices identified in this Chapter and on the grounds provided in California Water Code section 350. In the event a Level 4 Condition has been declared by the City Manager, the City Council shall consider the ratification of such declaration at its next regularly scheduled meeting or at a special meeting called for such purpose.

B. During the period of a declared Level 4 Condition, all water customers shall be required to comply with all Level 1 Condition, Level 2 Condition and Level 3 Condition water conservation measures and shall also comply with the following additional mandatory conservation measures:

1. All landscape irrigation, except crops and landscape products of commercial growers and nurseries, shall be prohibited. This restriction does not apply to:

a. Watering of livestock; and

b. Essential Public Works projects and actively irrigated environmental mitigation projects.

2. All water leaks, breaks of other plumbing malfunctions shall be repaired upon discovery or within twenty-four hours of notification by the City of El Paso de Robles, with the exception of rental properties, which shall have up to seventy-two hours to repair interior unit leaks, in order to comply with state laws regarding the provision of notice to tenants.

3. Filling or refilling of residential pools and spas is prohibited.

C. The City shall not enter into any new commitments or agreements to provide water to customers or agencies either inside or outside of the City of El Paso de Robles.

14.02.090 Procedures for Determination and Notification of Water Supply Shortage Level

A. The existence of a Level 1 Condition may be declared upon recommendation by the City Manager along with a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination will be filed with the City Clerk. The City Manager or his designee will publish a notice of the determination of existence of a Level 1 Condition in the City's official newspaper. The City may also post notice of the Condition on its website or include it in its regular billing statement..

The Water Department will monitor the projected supply and demand for water during periods of emergency or *drought* and will recommend to the City Manager the extent of the conservation required. The City Manager will recommend to the City Council the implementation or termination of the appropriate level of *water conservation* in accordance with this Chapter.

B. The existence of a Level 2 or Level 3 Condition may be declared upon recommendation by the City Manager and notification of the City Council. The mandatory conservation measures applicable to Level 2 or Level 3 Condition, as applicable, will take effect on the tenth day after the date the shortage level is declared.

Within five days following the declaration of the applicable Condition, the City Manager or his designee will publish a notice providing the extent, terms and conditions respecting the use and consumption of water. The notice shall be published, at a minimum, for three consecutive days in the newspaper used for official City notices. The City may also post notice of the Condition on its website or include it in its regular billing statement.

C. The existence of Level 4 Condition may be declared upon recommendation by the City Manager. The mandatory conservation measures applicable to Level 2, Level 3, or Level 4 Conditions will take effect on the fourth day after the date the shortage level is declared. Within 24 hours following the declaration of the shortage level, the City Manager or his designee will publish a notice giving the extent, terms and conditions respecting the use and consumption of water. The notice shall be published, at a minimum, for three consecutive days in the newspaper used for official City notices. The City may also post notice of the Condition on its website or include it in its regular billing statement.

D. The City Council may declare an end to a particular Condition upon the recommendation of the City Manager by the adoption of a resolution at any regular or special meeting of the City Council.

14.02.100 Hardship Variance

A. If, due to unique circumstances, a specific requirement of this Chapter would result in undue hardship to a customer using City of El Paso de Robles water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water uses, then the customer may apply for a variance to the requirements as provided in this Section 14.02.100.

B. The variance may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a customer or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance will be in written form prescribed by the City Manager or his designee and will be accompanied by a non-refundable processing fee in an amount set by resolution of the City Council.

2. Supporting Documentation. The written application will be accompanied by photographs, maps, drawings, or other pertinent information as applicable, including a written statement of the applicant.

3. Approval Authority. The City Manager or his designee will exercise approval authority and act upon any completed application after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance will be promptly notified in writing of any action taken. The decision of the City Manager or his designee is final unless the applicant files a written appeal to the City Council within 10 days. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the applicable Condition.

4. Required Findings for Variance. An application for a variance will be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of El Paso de Robles, all of the following:

a. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other City of El Paso de Robles *customers*.

b. That because of special circumstances applicable to the property or its use, the strict application of this Chapter would have a disproportionate impact on the property or use that exceeds the impacts upon customers generally.

c. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of El Paso de Robles to effectuate the purpose of this Chapter 14.02 and will not be detrimental to the public interest.

d. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

5. No relief will be granted to any customer for any reason in the absence of a showing by the customer that the customer has achieved the maximum practical reduction in water consumption in the customer's residential, commercial, industrial, institutional, agricultural or governmental water consumption.

14.02.110 Violations and Penalties

It is unlawful for any *customer* to violate the mandatory provisions of this Chapter. Violations are subject to criminal, civil, and administrative penalties and remedies as provided in Chapter 1 of this Code. In addition, service of water may be discontinued or appropriately limited through the installation of flow-restricting devices to any *customer* who willfully uses water in violation of this Chapter. {Editors Note: As specified in Chapter 1.02 Penalties, Section 1.02.010, following the issuance of two warnings, a fine not exceeding one hundred dollars shall be assessed for a first violation, a fine not exceeding two hundred dollars shall be assessed for a second violation of this ordinance within one year, and a fine not exceeding five hundred dollars shall be assessed for a third violation of this ordinance within one year.}

SECTION 3. Section 14.04.180 of the Municipal Code of the City of El Paso de Robles is hereby repealed.

SECTION 4. Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. Publication

The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.

SECTION 6. Effective Date.

This Ordinance will take effect thirty (30) days after its final passage and only if Ordinance No. XXX is determined to be invalid.

Introduced at a regular meeting of the City Council held on June 16, 2009 for first reading by the City Council of the City of El Paso de Robles, and adopted on the 16th day of June, 2009 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

Exhibit B - Conservation Easement Monitoring Policy and Procedure

THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY

CONSERVATION EASEMENT MONITORING POLICY

Adopted by the Board of Trustees on: May 11, 2010 *RF*

Date of last review (if applicable): _____

This Policyⁱ will include the purpose, frequency, qualifications of the monitor, method, documentation and recordkeeping.

Purpose

It is the policy of The Land Conservancy of San Luis Obispo County (LCSLO) to visually inspect (monitor) each conservation easement property it holds at least once each year (more frequently if circumstances warrant) to ensure that the terms of the easements are being upheld and conservation values are protected, to identify changes in property conditions, to maintain working relationships with landowners, and to maintain legal records.

Frequency of Monitoring

At a minimum, LCSLO monitors all conservation easement properties once each calendar year and maintains an annually updated monitoring schedule for all LCSLO properties to assure that every property will be monitored. The frequency of monitoring may be increased given, but not limited to, the following:

- Change of ownership - LCSLO will follow the LCSLO Policy on Landowner Relationshipsⁱⁱ Practice 11D, for new property owners of an easement property
- Following a natural catastrophe
- Easements with a greater potential for violation. Examples: Unusually restrictive easements, easements with allowed development, easements in heavily used areas, small easements or those with many abutters
- Violation of the conservation easement is known or thought to have occurred

Qualifications of the Monitor

LCSLO staff member(s) with training in monitoring and the appropriate field experience will conduct the conservation easement monitoring. LCSLO has determined that using trained and experienced staff to monitor its properties provides valuable continuity, better interpretation of conservation easement terms, pro-active relations with landowners, and long term organizational accountability. LCSLO recognizes that it shall use staff members to monitor its properties rather than volunteers, or contract monitors, except in extraordinary circumstances.

It is encouraged although not required that the property holder accompany the LCSLO staff at the time of the monitoring. Other relevant parties may also be encouraged to attend.

Method of Monitoring

All LCSLO easement properties will be monitored according to a regularly updated Conservation Easement Monitoring Procedure to assure that all easement properties are inspected in a similar

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manner. The Conservation Easement Monitoring Procedure provides instructions to create a Monitoring Report that provides evidence (see Documentation below) to substantiate the monitor's observations for each monitoring visit. The Monitoring Report is designed to provide an assessment of the property, its condition and the uses and practices on the property according to the easement terms and conservation values. The Monitoring Report will also provide thorough documentation of any violation of the provisions of the conservation easement along with follow-up procedures.

The entire property will be viewed on each visit unless noted by the monitor. (It is not necessary to physically go to every place on the property if access is prohibitively difficult, although overview photos of every portion of the conservation property should be taken.) Ground monitoring is the normal inspection mode of travel (using a vehicle or by foot). Aerial Monitoring (by airplane) will be scheduled if it is determined the property is not adequately accessible based on the size and/or terrain of the property. A follow-up of ground monitoring will be scheduled if there are specific areas of concern following the aerial monitoring. If any violation(s) of the provisions of the conservation easement are observed during the inspection, the LCSLO shall follow the LCSLO Policy on Enforcements of Easements.

Documentation

The Monitoring Report will be completed for each monitoring visit and will include:

- A Monitoring Checklist specific to the easement property's conservation values, rights and restrictions to document the monitor's observations. Also included in the Monitoring Checklist is the mode of travel (aerial, foot, vehicle), weather/ground conditions.
- Photographs with a Photo Index which is a photograph log prepared to identify the photo points and document each photograph, along with the name and signature of photographer.
- Monitoring Map (aerial map with photo points and route of travel), to include inspecting the easement perimeter(s) and along anticipated photo points (and photo direction) deemed necessary to document conservation values and terms.
- Post-monitoring letter to the landowner, and any follow-up procedures to be completed.

The Monitoring Report will be prepared by LCSLO staff, and reviewed and signed by the Executive Director.

Record Keeping

Original records and photos in the Monitoring Report will be archived as Permanent Files according to our Record Keeping Policy and Procedures to maintain legal records.

A Stewardship Binder for each easement property will be updated each year with the annual Monitoring Report and will include a copy of the Conservation Easement Monitoring Procedure to describe the process along with a copy of the Baseline Conditions Report and Easement for the property.

An Annual Monitoring Report (scanned to a digital format) will be prepared for the Board of Trustees. This report will include the complete Monitoring Report (Checklist, Photographs, Photo Index, Monitoring Map and Post Monitoring Letter) for all conservation easements for each year. A copy of the Conservation Easement Monitoring Procedure will be included with Annual Monitoring Report for reference in the event of future litigation. The report will be put before the Board of

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Trustees for approval (resolution) by February in the following year, and made part of the Permanent Files according to our Record Keeping Policy and Procedures.

¹ *Policies are the formalized approach to guide and determine present and future decisions to comply with the Land Trust Alliance (LTA) Standards and Practices. Policies must be reviewed and adopted by the Board of Trustees. Procedures are written by staff to implement Policies adopted by the Board of Trustees, and are guidelines or a series of steps followed in a regular order by LCSLO staff, board or volunteers. Procedures will be created and updated as needed by LCSLO staff according to the most recent relevant LTA Guidance Document(s) and do not require Board of Trustees approval.*

ⁱⁱ *Underlined documents can be referenced in LCSLO Policy and Procedure Manual available at 547 Marsh Street, San Luis Obispo.*

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THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY

CONSERVATION EASEMENT MONITORING PROCEDURE

Approved by the Executive Director on: May 2010
Date of last review (if applicable): _____



Purpose

This Procedure is a step by step process for LCSLO staff to fulfill the LCSLO Conservation Easement Monitoring Policy for the creation, completion and archiving of monitoring records which include: Monitoring Checklist, photographs, Photo Index, Monitoring Map (aerial map w/photo points and route), Post Monitoring Letter, and any follow-up correspondence, collectively called the Monitoring Report. The LCSLO Director of Conservation Science will be responsible for the completion of these monitoring procedures and archiving of the monitoring records.

Pre-monitoring activities

1. Scheduling the visit:
 - a. To ensure all easement properties are monitored once a year, the Director of Conservation Science schedules all monitoring events via a Microsoft Outlook calendar and contacts the landowner 30 days prior to the scheduled visit, with a follow up call 1-2 days prior. A paper calendar is also used for a visual reference for upcoming monitoring visits.
 - b. Landowner presence is not required although it is encouraged. If this is the first visit for a new owner, please see the LCSLO Policy for Landowner Relationships.
 - c. At least two persons should monitor a property; one with appropriate field experience and training is required. Discuss potential pitfalls to avoid or safety issues that may occur such as an encounter with a trespasser or other potentially risky situation (e.g. firewood theft or marijuana plot).
2. Review of Information in Monitoring Binder:
 - a. Review Baseline Document, Easement, Management Plan (if applicable), and previous Monitoring Report(s); look for specific items or issues identified. These items should be listed and attached to the Monitoring Checklist if not already listed.
 - b. Put the date of the Baseline Conditions Report (or most recent update) on the Monitoring Checklist. In reviewing the Baseline Conditions Report, determine if it meets the minimum standards required by the Land Trust Alliance Standards and Practices (see Baseline Condition Report Policy). Any updates required will be completed by the next scheduled monitoring visit or no later than one year after the adoption of the Baseline Conditions Report Policy.
 - c. Review Monitoring Checklist prepared for easement property, obtain Photo Index form.
 - d. Monitoring Map: Aerial Photo with the route of travel and photo points:
 - i. Obtain new aerial photo every three to five years
 - ii. Compare to the Baseline aerial photo to determine if there are changes to the easement areas(s) that need investigation during the field visit.
 - iii. Identify the route of travel, and identify photo points preferably on the Monitoring Map. The route should include inspecting the easement perimeter(s) and traveling along established photo points.
3. Load field bag with the required/needed items:
 - a. Checklist of conservation values, reserved rights, and prohibitions to document
 - b. Clipboard

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- c. Property Maps Aerial and TOPO
 - d. Photo Index - Photographic Documentation Log Sheets
 - e. Pens
 - f. Film Camera (check batteries) with 200 speed film, set up on automatic and no zoom
 - g. Compass
 - h. GPS Receiver
 - i. Tape Measure
 - j. Plant and habitat ID guides
 - k. Water, sunscreen, and first aid kit
-

Monitoring Activities

1. Check in with owner, or others present when arriving. Ask about any changes, or planned implementation of conditional rights, or potential sale of property. Follow safety procedures if suspected trespassers are observed.
2. Traverse property following pre-determined route stopping at photo points. Take photographs, fill in the Photo Index form and mark location on Monitoring Map.
3. Photographs:
 - a. The first photograph for each property should be of a map or name of the property and date.
 - b. Photo Index form: For each photograph taken, note the photo point number, coordinates, compass direction, and brief description of content on the photo index form.
 - c. Retake all Baseline Condition Report photographs documenting conservation values and infrastructure (LCSLO policy/not LTA requirement).
 - d. Photos to document unplanned or unusual event (e.g. flood, fire, erosion, or vandalism).
 - e. Photos to document implementation/effectiveness of practices regarding a management plan (if applicable) and long term changes.
4. Using the Monitoring Checklist developed for the specific property, inspect and describe any changes observed since the creation of the baseline report in relation to the conservation values, rights and restrictions.
5. When finished, inform landowner that you are leaving and thank them for their hospitality (if applicable).

Post-monitoring visit activities

Photographs, Monitoring Checklist, and Post Monitoring Letter completion and archiving

1. Photographs:
 - a. Develop film to 4x6 color glossy prints on archival paper (e.g. ProlineTM) and in a digital format - CD-ROM of archival quality (e.g. Gold Archival).
 - b. Label photos on back in archival quality ink with date, property, monitor, photo point number and signature with prepared labels
 - c. Place 4x6 photos with negatives along with entire Monitoring Report original documents for the Permanent Files.
2. Monitoring Checklist:
 - a. Transcribe report form if field copy is not legible and sign.
 - b. Summarize findings, particularly significant changes or problems that are pertinent to the easement, to the Executive Director (ED), and have the ED sign the report.
 - c. Determine if any follow-up action is necessary, and schedule.
 - d. Original signed copy of the Checklist is part of the Monitoring Report original documents for the Permanent Files.

3. Monitoring Map
 - a. Monitoring Map (boundary, photo points and route) is part of the Monitoring Report original documents for the Permanent Files.
4. Post Monitoring Letter
 - a. Draft a follow up letter to the landowner to thank them for the visit and to inform them of general findings. Refer briefly to issues of concern and compliment good practices as appropriate.
 - b. Information regarding any changes to the monitoring procedures and the reasons (e.g. compliance with the Land Trust Alliance) will be included in the letter to the landowner.
 - c. Executive Director will review the post-monitoring letter to the landowner before posting. If there is a potential corrective action, the letter will be sent with return receipt notification.
 - d. Post-Monitoring Letter is part of the Monitoring Report original documents for the Permanent Files.
5. If there is a potential easement violation, initiate LCSLO Enforcement of Easement Procedure (Indicator Practice 11E). A copy of all correspondence (signed/letterhead) will be kept with the original Monitoring Report archive and in the Project Binder.
6. Archiving (please see the Conservation Easement Archiving Checklist):

Digital Copies

- a. Download the Photographs from the CD-Rom onto computer, and save one copy in a folder named 'originals' and write protect, save the photos in a second folder for use in baseline and monitoring photo documents. Scan the original signed Checklist, signed Photo Index, and signed copy of landowner correspondence on letterhead, and Monitoring Map of photo points and route; Save in appropriate file by year as a PDF titled: "Monitoring Report".
(e.g. active\Land\Landarchive\Easement\PropertyName\MonitoringRecords\2010)
- b. The Monitoring Reports for the prior year for all conservation easements will be combined and sent digitally in a board packet along with a resolution to approve the monitoring visits for the year. The Board will receive the combined Monitoring Reports for review within 90 days following the close of the year.

Permanent Files - Original Documents/signed hard copies

- a. The original Monitoring Report which includes the original signed Checklist, signed 4x6 photos, signed Photo Index, Monitoring Map with photo points, and copy of all signed correspondence (on letterhead).
- b. Annual Monitoring Report which includes the board resolution approving of the combined Monitoring Reports for the year, and a copy of a contemporary Conservation Easement Monitoring Procedure along with the combined Monitoring Reports.

Working Copies

- a. Stewardship Binder¹: To include a copy of the Baseline Conditions Report, Easement (or summary of terms), correspondence log, updated Conservation Easement Monitoring Procedure along with the Monitoring Report for each year which includes: Copy of the signed Monitoring Checklist, copy of signed landowner correspondence, copy of photographs, copy of Photo Index, and Monitoring Map with photo points.
- b. Project Binder: Project Binders are the in-office copy of the essential documents for the easement see Records Procedure. A copy of the correspondence to the landowner is placed in the property's Land Binder in the Critical Correspondence section.

¹ Stewardship Binder and Project Binders are available for review at 547 Marsh Street, San Luis Obispo, CA 93401.

**Exhibit C - Sediment, Nutrient and Pathogen Pollution from
Livestock Facilities, Reports**

WATER MASTER PLAN
FOR
SAN MIGUEL COMMUNITY SERVICES DISTRICT

MARCH 2002

PREPARED BY:
JOHN L. WALLACE AND ASSOCIATES
4115 BROAD STREET, SUITE B-5
SAN LUIS OBISPO, CA 93401

Clarion Copy

**WATER MASTER PLAN
FOR
SAN MIGUEL COMMUNITY SERVICES DISTRICT**

This technical memorandum presents the Water Mater Plan for the San Miguel Community Services District. The San Miguel CSD supplies its customers with domestic water service and fire protection, among other services. The current population within the San Miguel CSD boundary is approximately 1,500 and is expected to increase to 3,742 at build-out within the existing CSD boundary. As older infrastructure is replaced and new development projects are constructed, it is the San Miguel CSD's intent to construct water improvements consistent with the current and ultimate needs of the District. In to order facilitate this goal, and to adequately plan for the capital resources needed to meet this goal, the District has elected to prepare a comprehensive Water Master Plan.

Preparation of a water systems master plan will assist the District in prioritizing both present and future water system needs and set forth a mechanism for addressing those needs. Present needs addressed in the water system master plan will include the "three R's": Repair, Rehabilitation, and Replacement. Future needs will address those capital improvements required to support the anticipated growth of San Miguel through the next twenty years. The master planning process will also tie the needs assessment, both existing and future, to the budgeting process.

AUTHORIZATION AND SCOPE OF WORK

On January 9, 2001, the San Miguel CSD authorized JLWA to prepare a comprehensive water system master plan. This water master plan is prepared in accordance with JLWA's proposal dated December 1, 2000, and includes analyses of the CSD's land uses, water demands, supply, distribution, storage, and quality; and a prioritized capital improvement program. The Draft Water Master Plan was completed in July 2001, and final comments to this draft plan were received in February 2002.

DEMOGRAPHICS

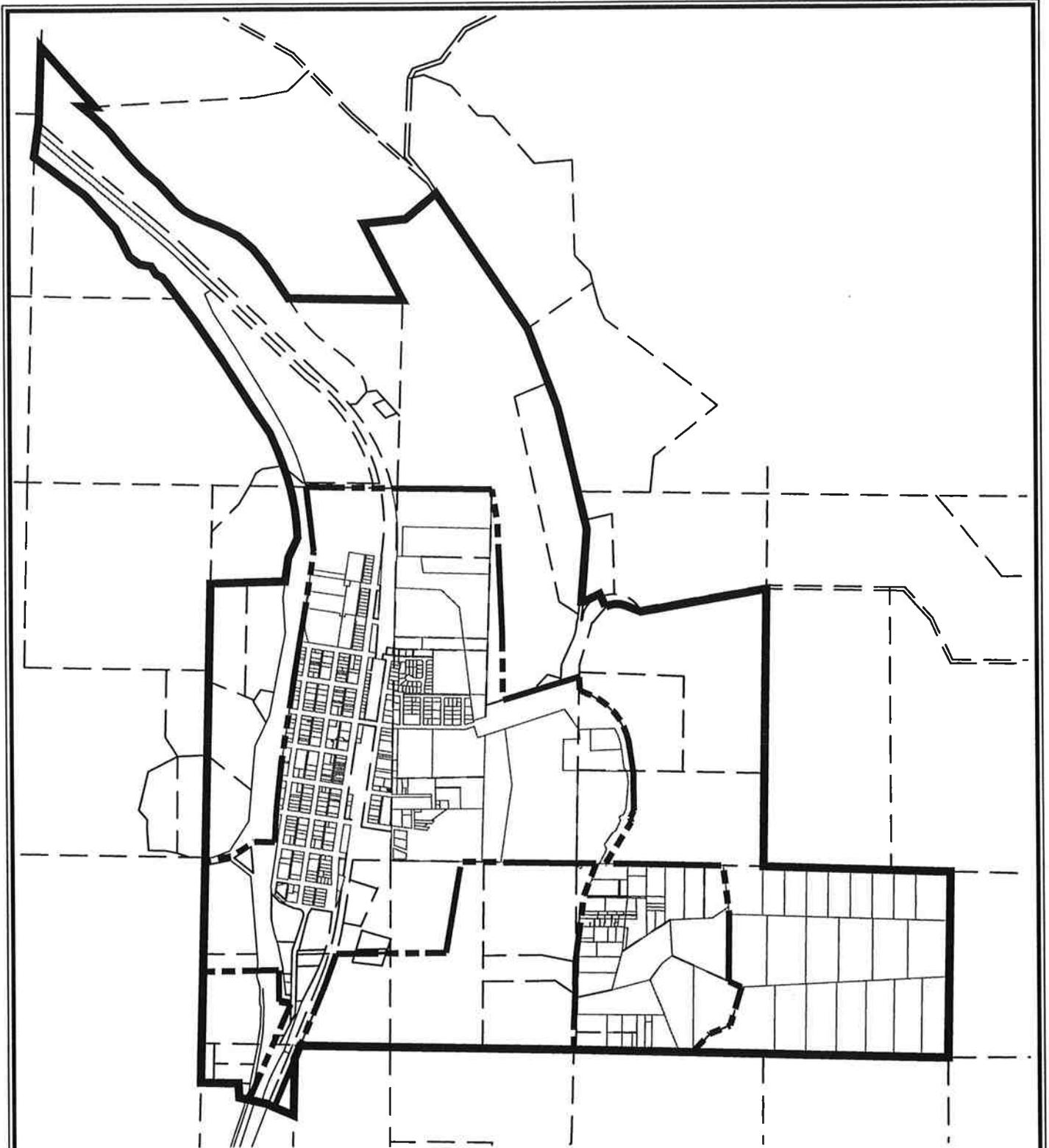
The unincorporated Community of San Miguel is one of 6 urban areas within the County of San Luis Obispo Salinas River Planning Area Plan. The County Planning Department estimated the year 2000 population of the community of San Miguel to be approximately 1,245, which includes a 5% vacancy rate. The 1990 US Census estimated the population to be approximately 1,123, which means the area grew by 1.2% over a 10-year period due to the building moratorium in place from 1990 to 2000. In the summer of 2000, the Sanitary District expanded the Wastewater Treatment Plant, which allowed the moratorium to be lifted.

The 2000 US Census estimated the population to be approximately 1,427 within the San Miguel CDP¹ which is approximately the same geographical dimensions of the Community of San Miguel. However, the San Miguel CSD Service Area boundary is larger than the census CDP and the County's town Urban Reserve Line (URL) boundaries. In order to estimate 2000 population for the entire CSD boundary, the 2000 US Census was referenced and the population of the area outside the URL boundary was calculated. Based on parcel size and land use zoning the additional population was calculated to be 80 using a household per capita of 2.84. The San Miguel CSD population for 2000 is estimated to be 1,507. The URL and CSD boundaries are depicted in Figure 1.

Growth Rate

The County has a mandatory growth cap set at 2.3 percent county-wide per the Growth Management Ordinance of 1990 (amended in June 2000). This growth rate can be modified per the direction and approval of the Board of Supervisors on a yearly basis. The estimated build-out population for the community of San Miguel is 3,599, however, the additional build-out population for the areas within the CSD boundary but outside of the URL has been estimated at 145. Therefore, build-out for the San Miguel CSD Service Area is estimated at 3,744. Given the build-out population and the mandatory growth rate, the San Miguel CSD may reach build-out as late as 2040 (refer to Table 1). The projected build-out population is based on existing land uses and service area boundaries. Should land use or other demographic parameters change in the coming years, the District should make appropriate adjustments to these projections at that time.

¹ Census Designated Place is an area designated by the Department of Interior for the 2000 US Census, which is not incorporated.



S.M.C.S.D.

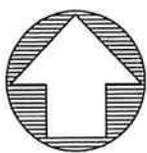
Water System Master Plan

CSD Boundary

Figure 1

Legend

-  CSD Boundary
-  Urban Reserve Line



1" = 2000'



John L. Wallace & Associates



Comprehensive Conservation and Management Plan For the Morro Bay Estuary

2012 Draft

Prepared by: Morro Bay National Estuary Program

Morro Bay, CA

*This is a draft document released by the Morro Bay National Estuary Program to gather public comment and input on the document. **The public comments period ends April 13, 2012.** The final document will be released upon approval by the Estuary Program's Management Committees in fall 2012. To best incorporate a wide range of comments and suggestions, the draft document has been left with little formatting or illustrations. The final document will include additional figures, pictures, charts, and other formatting components to make the document easier to read and reference. Therefore, the Estuary Program requests that comments focus on the content of the document, not the formatting. In addition, the Estuary Program encourages readers to focus their attention on Chapter 3, the action plans chapter. The action plans are the heart of the document and represent the strategic direction for the Estuary Program and its partners for future conservation and restoration efforts. Thank you for your time and consideration in providing comments on this document. If you have any questions or concerns throughout the comment period, please contact Assistant Director Lexie Bell at lbell@mbnep.org or 805-772-3834, ext. 16.*

Executive Summary

The Comprehensive Conservation and Management Plan (CCMP) defines the priority issues facing the health of the Morro Bay estuary and watershed and presents action plans to effectively address those issues. The CCMP is the guiding document for the Morro Bay National Estuary Program (Estuary Program). The Estuary Program is a collaborative, non-regulatory, nonprofit organization that brings citizens, local governments, non-profit organizations, state and federal agencies, and landowners together to protecting and restore the Morro Bay Estuary.

The Estuary Program has four watershed goals:

- Water Quality Protection and Enhancement – Water quality in the Morro Bay watershed and estuary supports diverse habitats and wildlife populations, recreation, clean drinking water, and well-balanced economic uses.
- Ecosystem Restoration and Conservation – The Morro Bay watershed and estuary sustain a resilient community with high habitat connectivity, ample biological integrity, proper ecosystem function, and a vibrant economy.
- Public Education, Outreach, and Stewardship – Citizens and visitors around Morro Bay understand basic estuary science and the impacts of specific actions on estuary health, and are engaged stewards of the Morro Bay estuary and watershed.
- Fostering Collaboration – Local citizens, local government, non-profits, state and federal agencies, and public and private landowners collaborate and leverage resources to facilitate effective management and increased scientific knowledge of the Morro Bay estuary and watershed.

The CCMP describes seven priority issues impacting the health of the Morro Bay estuary and watershed. These issues were identified through grassroots public participation, scientific study, and more than a decade of conservation and restoration experience. The priority issues, explained in detail in Chapter 2, are

- Accelerated sedimentation
- Bacterial contamination
- Elevated nutrient levels
- Toxic pollutants
- Scarce freshwater resources
- Preserving biodiversity
- Environmentally balanced uses

Over the next five years, the Estuary Program will prioritize its work and support for partners on the seven priority issues into specific focus areas. The focus areas are not meant to limit the Estuary Program or its partners but instead to provide strategic direction about what projects and partnerships to pursue. The focus areas are described with more detail in the beginning of Chapter 3.

Sedimentation Focus Areas

- Floodplains
- Riparian buffers
- Upland erosion sources

Bacteria Focus Areas

- Disposal of waste in the estuary
- Stormwater management
- Determining bacteria sources in specific areas

Nutrients Focus Areas

- Reducing nutrient loads in Los Osos valley from agricultural sources
- Monitoring efforts to track changes in bay water quality

- Stormwater Management

Toxics Focus Areas

- Marina and boat-related toxics
- Education to reduce toxics use near the bay
- Emerging contaminants

Freshwater Flow Focus Areas

- Water budgets
- Integrated water management
- Water conservation and education
- Increase infiltration

Biodiversity Focus Areas

- Management of invasive species
- Supporting the integration of disparate planning efforts that impacts habitats and biodiversity in the Morro Bay watershed
- Increasing the understanding of reference conditions to inform effective restoration

Environmentally Balanced Uses Focus Areas

- Over the next five years, the Estuary Program will focus on determining the key areas of concern under this priority issue and developing approaches to address them. The Estuary Program will gather input from local stakeholders, including resource managers, the general public, and specific user groups, to determine their concerns about balancing a variety of uses in the watershed while maintaining a healthy and robust environment. At the end of this time period, the Estuary Program anticipates completing a well-developed plan outlining the organization's role in addressing this priority issue and implementation actions that can be taken to fulfill that role.

To address the priority issues and their focus areas for the next five years, the CCMP outlines a number of action plans to bring about positive environmental change in the watershed and estuary. Many of these actions plans are based on those described in the 2001 CCMP; some are new action plans to address new and emerging issues or techniques. All of the action plans are presented in Chapter 3 and are organized based on general type of action. Each action plan can address multiple priority issues and focus areas. The action plans are tools to achieve conservation success and they will be implemented as they are relevant to the focus areas and priority issues of the Estuary Program. The Estuary Program prepares an annual workplan that specifies the action plans to be implemented each year.

Acknowledgements

The Estuary Program would like to thank the many individuals and organizations that have participated so far in the 2012 update to the CCMP.

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Technical Working Group Participants: Rachel Couch (*State Coastal Conservancy*), Sylas Cranor (*County of San Luis Obispo*), Mark Davis (*County of San Luis Obispo*), Margaret Falkner (*Los Osos Community Services District*), Henriette Groot (*Sierra Club*), Adrienne Greve (*California Polytechnic University*), Dan Gilmore (*Los Osos Community Services District*), Damaris Hanson (*City of Morro Bay*), Meredith Hardy (*California Conservation Corps*), Mark Horney (*California Polytechnic University*), Darla Inglis (*Low Impact Development Initiative*), Kathleen Jenkins (*Cal-Trans*), Rob Livick (*City of Morro Bay*), Christopher Kitts (*California Polytechnic University*), Howard Kolb (*Central Coast Regional Water Quality Control Board*), Suzanne Marr (*U.S. EPA*), Matt McGoogan (*National Marine Fisheries Service*), Dennis Michniuk (*California Department of Fish and Game*), Vicki Milledge (*Los Osos Community Advisory Council*), Sara Newkirk (*The Nature Conservancy*), Cathy Novak (*Cathy Novak Consulting*), Pete Riegelhuth (*Cal-Trans*), Dominic Roques (*Central Coast Regional Water Quality Control Board*), Chris Rose (*Central Coast Regional Water Quality Control Board*), Nichole Smith (*Coastal San Luis Resource Conservation District*), Kelly Sypolt (*County of San Luis Obispo*), Milena Viljoen (*National Marine Fisheries Service*), Patrick Vowell (*Golden State Water*), Stephanie Wald (*Central Coast Salmon Enhancement*), Mike Walgren (*CA State Parks*), Dean Wendt (*California Polytechnic University*), Karen Worcester (*Central Coast Regional Water Quality Control Board*)

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This updated document would not have been possible without the people and organizations that made the first CCMP possible. Hundreds of individuals donated countless hours to that first effort and created a strong document that provided 10 years of conservation direction to the Estuary Program. The individuals and organizations involved in the completion of the first CCMP are listed in the Appendices to this document.

Table of Contents

Executive Summary	2
Acknowledgements	4
Chapter 1: Introduction	6
Chapter 2: Priority Issues	10
Chapter 3: Action Plans	21
Land Acquisition.....	30
Water Quality Standards and Monitoring.....	37
Best Management Practices.....	44
Ecosystem Conservation and Restoration.....	57
Watershed Crew.....	78
Freshwater Resources.....	79
Climate Change.....	88
Environmentally Sound Estuarine Resource Use.....	92
Education and Outreach.....	101
Chapter 4: Acronyms and Abbreviations	106
Appendices	108

San Antonio and Nacimiento Rivers Watershed Management Plan



October 2008

Prepared by
the Nacitone Watersheds Steering Committee and
Central Coast Salmon Enhancement, Inc.

Prepared for
the Monterey County Water Resources Agency and
the State Water Resources Control Board



Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the State Water Resources Control Board, nor does mention of trade names or commercial products constitute endorsement or recommendations for use.

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Ann Beckett, Lockwood resident

Marilyn Breland, Heritage Ranch resident

Bill Capps, Nacimiento Regional Water Management Advisory Committee

Terry Chavis, Heritage Ranch resident

Ken Ekelund, Program Manager, Monterey County Water Resources Agency

Letty French, Nacimiento watershed resident

Adrienne Greve, Assistant Professor, City & Regional Planning Department, Cal Poly San Luis Obispo

Michel Hardoy, Lockwood resident

Wally Haussamen, Fort Hunter Liggett, Natural Resources Manager

Phil Humfrey, Nacimiento Regional Water Management Advisory Committee

Mary Ann Martinus, Lockwood resident

David Osgood, Nacimiento watershed resident; Chair, Adelaide Farm Center

Dennis Palm, Ventana Wilderness Alliance

Lester Patterson, Lockwood resident

Eric Peterson, Lime Mountain Mining Company

Bill Phillips, MCWRA Deputy General Manager

Kim Roth, Lockwood resident

Tom Shepherd, Monterey County Parks & Recreation

Scott Smith, Vice Chair, Adelaide Farm Center

Lisa Wallender, Water Systems Chemist, Public Works Department, County of San Luis Obispo

Mark Williams, Camp Roberts, Environmental Chief

Duane Wolgamott, Lockwood resident

The members of the Technical Advisory Committee made themselves available for the betterment of this document and are listed below.

Ann Beckett, Historian and Lockwood resident

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John D'Ornellas, Heritage Ranch Community Service District Manager

Ken Ekelund, Monterey County Water Resources Agency

Jill Falcone, Environmental Resource Specialist, County of San Luis Obispo, Dept. of Public Works

Joy Fitzhugh, San Luis Obispo County Farm Bureau

Howard Franklin, Hydrologist, Monterey County Water Resources Agency

DJ Funk, Executive Directory, Upper Salinas Las Tablas Resource Conservation District

Steve Knudsen, San Luis Obispo County Farm Bureau

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Paul Robins, Executive Director, Resource Conservation District of Monterey County

Mary Root, Conservation Partnerships Coordinator, U.S. Fish & Wildlife Service

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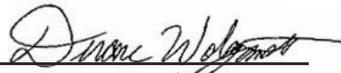
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Kathy Thomasberg, Water Quality Specialist, Monterey County Water Resources Agency

Lisa Wallender, Water Systems Chemist, SLO County Public Works

Mark Williams, Environmental Chief, Camp Roberts


Duane Wolgamott


Phil Humfrey

Executive Summary

There are two aspects to the development of any watershed plan. Dedicated people spent countless hours discussing concerns, issues and potential solutions to problems. This dedication leads to the production of documents that hope to articulate the outcome of the dialog in a way that is useful for the community. The executive summary identifies the Nacitone Watersheds Management process and products, and attempts to capture the major core findings arising out of both efforts.

The Vision

The Nacimiento/San Antonio River Watersheds Management Plan should protect water quality and watershed uses for all stakeholders.

The Purpose

The purpose of the Nacitone Watersheds Management Plan is to identify the existing conditions of and stresses in these watersheds as they relate to water quality, and recommend methods for reducing or eliminating those stressors such as alternative land use practices.

The Process

The Nacitone Watersheds Management planning process is a stakeholder driven process that represents the interests of residents, agencies and businesses that work and live in the watersheds. The stakeholder process used to produce these products presents an investment of 8800 volunteer hours of time in meetings, field trips, community outreach and planning. The magnitude of the effort includes far more than this if one includes the hundreds of contacts made through flyers, press releases and web-site visits. Each of the products was placed on the web-site for public review. Public comment periods were held for the Goals and Strategies document and the Watershed Management Plan. There were Steering and Technical Advisory Committees as well as a staff team guiding the process and development of the products. The members of each are listed in the acknowledgement section of the plan and referenced in Part 1 "How the Plan was Prepared."

The Products

The Nacitone Watersheds Plan was initiated by the Monterey County Water Resources Agency (MCWRA) and funded by a grant from the Regional Water Quality Control Board. As part of the grant, several products were produced to assist the watershed stakeholders in gathering and analyzing existing information about the watersheds to discern critical issues facing the watersheds and potential remedies. These products include:

Watershed Resources Inventory (WRI) – Existing watershed information was identified including reports, studies, maps, Geographic Information System (GIS) files, and technical data covering land use, water supply, water quality, ecology, hydrology, habitat and vegetation, agricultural and grazing practices, and planning efforts. The inventory is comprised of a spreadsheet file containing over 300 entries as well as an annotated bibliography of a select number of the entries.

Analysis of the WRI (Analysis)– Existing information was compiled in order to establish a baseline describing existing watershed conditions including land use, major water features, water quality, water supply, designated beneficial uses, point and nonpoint sources of water pollution, population, infrastructure, vegetation and habitat, and agricultural and grazing practices. Trends were identified for those items that had sufficient historical data. The Analysis did not include a technical review of compiled information.

Grazing Land Management Plan– the Upper Salinas/Las Tablas Resource Conservation District conducted an assessment of the 24,000 acres of grazing land owned and managed by the MCWRA at the Nacimiento and San Antonio Reservoirs to determine impacts on water quality, maintenance of ecological communities, and management of sustainable and restorative grazing.

Watershed Goals and Strategies– The WRI and Analysis were utilized by the stakeholder group to articulate goals and planning strategies for future watershed activities that focus on water quality improvements. These include non-regulatory approaches to watershed protection, integration of watershed planning with existing government planning activities, land use planning strategies for watershed protection and potential partnership scenarios which could serve to protect the health of the watershed. In addition, the stakeholders identified research and monitoring opportunities to fill data gaps to address issues of concern, identified many roles and associated responsibilities of stakeholders in implementation of the proposed actions and strategies as well as draft time frames for implementation.

Watersheds Management Plan– The Plan is an integration of the above products and includes the geographic boundaries of the watershed, a description of the natural resource conditions within the watershed, a series of goals, objectives and implementation measures for achieving and sustaining water quality improvements, and description of how to monitor, update and maintain the Plan as a living document. The plan is divided into four sections.

- Part 1 includes purpose and need for the plan and plan preparation.
- Part 2 is the Existing Conditions section which identifies physical and current conditions of the watersheds.
- Part 3 is the Watershed Strategy which identifies roles, responsibilities and potential implementation measures for protecting watershed health.
- Part 4 includes the jurisdictional and regulatory framework.

Appendices to the Plan include complete auxiliary supporting documents (The Grazing Lands Management Plan and the Nacitone Watershed Resources Inventory Final Technical Memorandum– Water Resources, Water Quality and Sediment Supply prepared by Swanson Hydrology and Geomorphology), WRI Spreadsheet and Annotated Bibliography, public and Technical Advisory Committee (TAC) comments, Low Impact Development (LID) primer, Resources for Residents and Landowners, Community Services Area (CSA) 7 Interceptor Bypass Study Executive Summary, Watershed Strategy Priorities Chart and maps.

The Core Findings

There is an abundance of information about the watersheds and while there is great concern about present and future water quality, the Klau/Buena Vista Mines Mercury situation appears to be the only documented water quality issue in either watershed. Stakeholders have become aware that while there may be additional water quality problems, there is no coordinated monitoring approach to determine level of concern.

The complexity of landownership and cross-jurisdictional authority of both San Luis Obispo and Monterey Counties present unique challenges for resolving present and future water quality concerns. The addition of state and federal regulations for source water supply and water quality can add further complexity to local efforts in that finding solutions to water quality issues can lead residents and landowners to conflicting regulations.

The interests of stakeholders living and working in the watersheds and the interests of the MCWRA and other agencies have not always been well aligned. This plan attempts to, in part, rectify this situation as the MCWRA and the stakeholders begin to share responsibility in finding ways to effectively manage watershed resources.

The Watershed Strategy (Part 3) is structured toward partnership approaches to water quality protection.

Legacy landowners (those who have been stewards of the land for generations and may date back to original land grants) play a central role in establishing desired outcomes in terms of defining future trends within a watershed.

The Steering Committee considered the following list to be the top priorities for action in the Nacitone Watersheds over the short and long term. (See table on following page.)

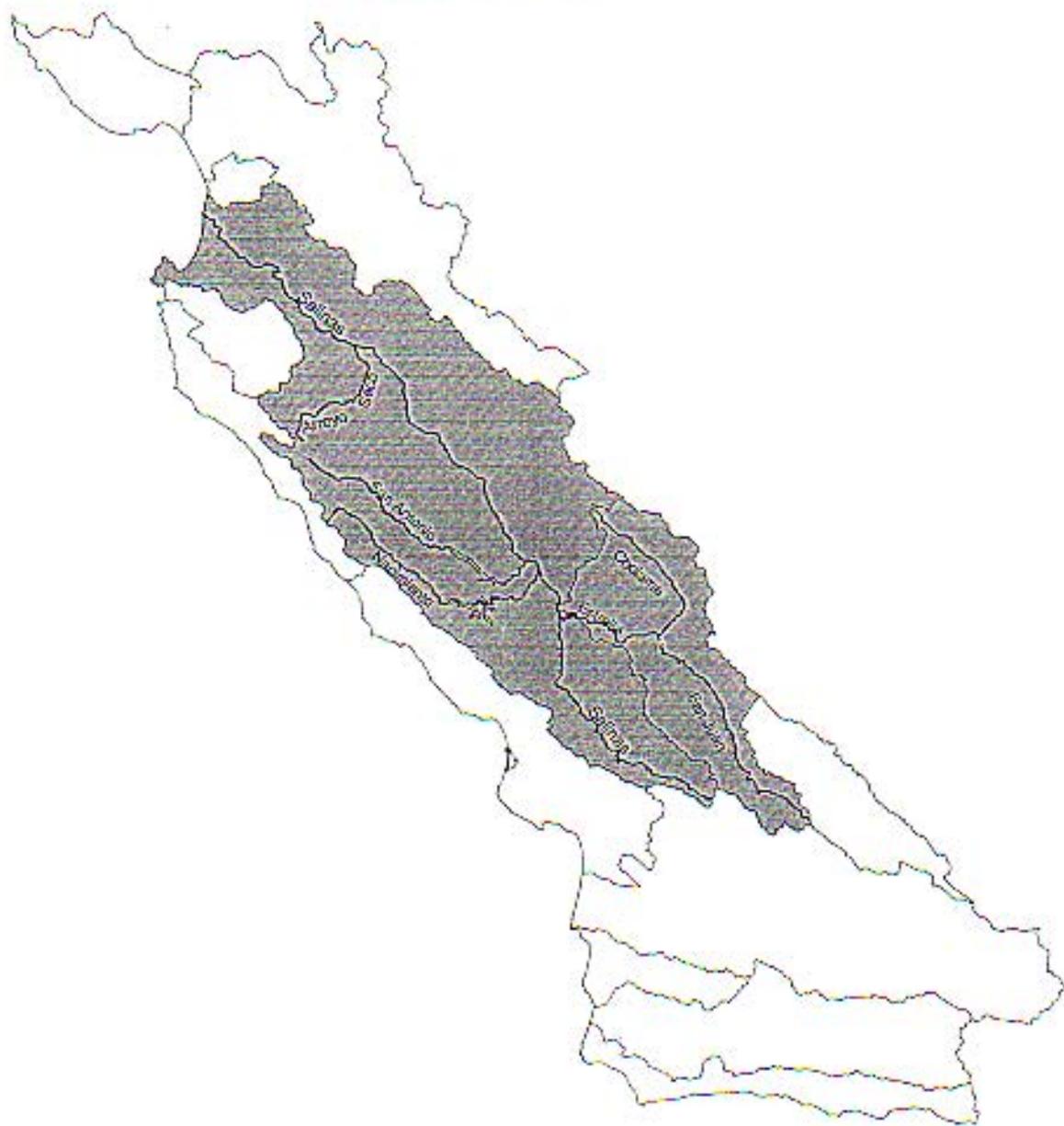
Prioritization of Plan implementations (recommended actions)

Top priorities that emerged from the stakeholder process :	
Short term (1-2 years)	Long term (5-10 years)
<p>Continue the Nacitone Watersheds Steering Committee by seeking funding and contracting with a watershed coordinator/grant writer.</p> <p>Support the development and maintenance of Round Tables with an Inter-county Task Force on land use and water resources planning as the top priority Round Table (Issue 7)</p> <p>Monterey County, San Luis Obispo County and resident associations should work together to develop and implement programs to control invasive species. (Issue 11, Implementations 1C)</p> <p>Water quality monitoring, interpretation, and coordination across multiple entities.</p> <p>Continue existing water quality monitoring. In addition, establish a comprehensive water quality monitoring program with uniform collection, analysis and reporting protocols across pertinent jurisdictions for technical and public sector use. As part of this information gathering, encourage EPA to conduct a lake bottom sediment study of Nacimiento reservoir to better understand mercury contamination.</p> <p>Support the work of existing Local Fire Safe Councils (Issue 5, Implementation 1B)</p>	<p>Support for SLO County to eliminate the risk to water quality of the Oak Shores Interceptor line at Nacimiento reservoir.</p>
<p>Conduct road system survey to prioritize needs for erosion control. Include a focused survey on the Tank Road in coordination with military, etc. (Issue 9, Implementations 1B and 2B)</p> <p>Collaborate on the design and implementation of educational stewardship campaigns targeting watershed residents and visitors with customized messages such as “Be A Watershed Citizen.”</p>	<p>Implement proposed upgrades to the Tank Road and others within these watersheds in coordination with others. (Issue 9, Implementation 2B)</p>

Table of Contents

ACKNOWLEDGEMENTS	3
EXECUTIVE SUMMARY	5
PART 1 Introduction	
A. Purpose and Need for the Plan	11
B. How the Plan was Prepared	11
C. Vision Statement & Guiding Principles	12
D. Balancing Watershed Uses through Thoughtful Communication	13
E. Water Quality and Watershed Health by Identifying and Preventing Impacts	13
PART 2 Existing Conditions	
I. Physical Features of the Watershed	15
A. Location and Overview of the Area	15
B. Geology	19
II. Description of Current Conditions of the Watershed	
A. Hydrology	21
B. Vegetation and Habitat	30
C. Water Quality	39
D. Watershed Uses	59
E. Reservoir Features and Management	75
F. Demographics	83
PART 3 Watershed Strategies	
A. From Issues to Recommendations	89
B. Prioritizing Recommendations	90
C. Watershed Issues, Goals and Recommendations	93
D. From Recommendation to Action: A Living Plan	132
E. Pending Changes in the Watersheds	135
PART 4 Jurisdictional and Existing Regulatory Frameworks	
A. Regulatory Agencies	137
B. Legal Regulatory Framework	149
C. Resource Agencies - Non-Regulatory Entities	150
D. Relationship to Other Existing Plans	156
References	165
Glossary	171
Abbreviations	173
Resources for Residents and Landowners	175
Appendices	
A. WRI Spreadsheet	
B. WRI Annotated Bibliography	
C. Agency Grazing Lands Management Plan	
D. Technical Memorandum – Water Resources, Water Quality and Sediment Supply	
E. Comments from Public and TAC	
F. LID Primer	
G. Resources for Residents and Landowners	
H. CSA 7 Interceptor Bypass Study Executive Summary	
I. Watershed Strategy Priorities Chart	
J. Maps	

Salinas River Watershed Management Action Plan



Central Coast Regional Water Quality Control Board
October 22, 1999

SALINAS RIVER WATERSHED MANAGEMENT ACTION PLAN

Table of Contents

TOPIC

Executive Summary.....	1
Description of the Salinas River Watershed.....	2
Assessment of Water Resource Issues.....	3
Regional Board Responsibilities and Regulatory Authority.....	3
California's Watershed Management Initiative.....	4
Partners/Watershed Activities in the Salinas River Watershed.....	6
Regional Board Watershed Management Activities in the Salinas River Watershed.....	6
Milestones.....	8
Reassessment and Future Actions.....	8

Figures

Figure 1	Salinas River Watershed
Figure 2	Salinas Valley Ground Water Basin
Figure 3	Paso Robles Ground Water Basin

Appendices

Appendix A	List of Regional Board Regulatory Authority and Programs
Appendix B	List of Stakeholder Watershed Efforts
Appendix C	List of Suggestions for Internal Coordination and Streamlining

Tables

Table One	Summary Schedule for Total Maximum Daily Load Development
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SALINAS RIVER WATERSHED MANAGEMENT ACTION PLAN

Executive Summary

The purpose of the Salinas River Watershed Management Action Plan is to describe the Central Coast Regional Water Quality Control Board's (Regional Board) approach to watershed management for the Salinas River drainage area. The goal of watershed management is to more effectively protect and improve water resources by supporting development of local solutions to local problems. The Regional Board has broad authority to control both point source and nonpoint source pollution through implementing Federal and State laws and regulations. Historically, most effort has focused on controlling point source pollution through a system of federal and state permits and enforcement actions. However, many significant identified water quality impacts in the Salinas River watershed, such as erosion and sedimentation, nitrates in ground water and surface waters, and older, discontinued pesticides in sediments and animal tissues, are primarily associated with nonpoint pollution sources. Additionally, widespread pumping of ground water has contributed significantly to seawater intrusion into coastal aquifers. The result is another significant nonpoint source impact to both water quantity and quality.

Typically, nonpoint source pollution results when water moves across the landscape and picks up pollutants from roads, parking lots, lawns, agricultural fields, mining areas, construction sites and other land uses. These pollutants are carried into streams, rivers and ground water, where they affect water quality and the beneficial uses of the waters. Control of nonpoint source pollution requires the efforts of individuals, local governments and resource agencies. An effective watershed approach, emphasizing cooperative solutions, increased education, and development of partnerships, will improve control of nonpoint source pollution, while enabling the Regional Board to continue effective oversight and control of point source discharges.

The most significant elements of the Regional Board's watershed approach include devoting additional resources (staff time and grant funding) to watershed activities, increasing Regional Board presence in the watershed through developing partnerships with landowners, local governments, resource agencies, and other stakeholder groups. A closely related internal effort will be to integrate existing Regional Board programs and improve internal communication and coordination to increase efficiency and provide better service. Through the combined efforts of many individuals, groups, and agencies with responsibilities and interests in the watershed, the Regional Board believes significant gains in water resource protection will be realized.

Santa Rosa Creek Watershed Management Plan



Santa Rosa Creek Watershed Management Plan

February 2012

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Table of Contents

EXECUTIVE SUMMARY ES-1

1 INTRODUCTION 1

1.1 Purpose of and Need for a Watershed Management Plan 1

1.2 Goals and Objectives 1

1.3 Overview of the Watershed 2

1.4 Stakeholder Involvement in the Watershed Management Plan 9

1.5 Related Studies and Management Actions in the Watershed 9

2 SYNTHESIS OF WATERSHED CONDITIONS 11

2.1 Historical Watershed Conditions and Watershed Impacts 11

2.2 Land Use 18

2.2.1 Current land uses 18

2.2.2 Land use planning 18

2.2.3 Growth trends in San Luis Obispo County 19

2.2.4 Rural to urban conversion 23

2.2.5 Land use controls 23

2.3 Climate 28

2.4 Geology, Tectonics, and Soils 32

2.5 Geomorphology 35

2.5.1 Sediment production, transfer, and storage 36

2.5.2 Channel morphology 41

2.6 Surface and Groundwater Hydrology 43

2.6.1 Hydrologic conditions 43

2.6.2 Groundwater extraction and surface water diversion 48

2.6.3 Lagoon hydrology 49

2.7 Infrastructure and Channel Modifications 50

2.7.1 Creek crossings and fish passage barriers 50

2.7.2 Bank revetment and floodplain development 57

2.8 Water Quality 57

2.8.1 Temperature 58

2.8.2 Dissolved oxygen 59

2.8.3 Mercury 59

2.8.4 Benthic macroinvertebrates 65

2.8.5 Storm water 70

2.9 Vegetation 75

2.9.1 Vegetation types and distribution 75

2.9.2 Rare plant species and vegetation types 81

2.9.3 Non-native invasive plant species 81

2.9.4 Riparian vegetation conditions 83

2.10 Wildlife 86

2.10.1 Steelhead 86

2.10.2 Other rare species 91

2.10.3 Non-native, invasive wildlife species 95

2.11 Critical Issues 97

2.11.1 Water quantity 97

2.11.2 Water quality 97

2.11.3 Fine sediment in the lower reaches 98

2.11.4 In-channel infrastructure 99

2.11.5 Non-native invasive species 99

2.11.6 Changes in land use..... 99

3 STEELHEAD LIMITING FACTORS ANALYSIS 101

3.1 Spawning Habitat..... 101

3.1.1 Access to spawning habitat 103

3.1.2 Spawning habitat quantity 104

3.1.3 Spawning habitat quality 105

3.2 Summer Rearing Habitat 106

3.3 Overwintering Habitat 108

3.4 Bioenergetics 110

3.5 Lagoon Habitat 111

3.6 Summary of Limiting Factors and Uncertainties 113

4 RECOMMENDATIONS..... 115

4.1 Increase Summer and Fall Instream Flows 116

4.1.1 Implement water conservation and reuse strategies 116

4.1.2 Construct off-stream closed water storage 117

4.1.3 Purchase water rights from willing sellers for instream flows 117

4.1.4 Conduct stream gauging and develop an updated water budget 118

4.1.5 Reduce future municipal groundwater pumping 118

4.2 Restore the Riparian Corridor..... 118

4.2.1 Revegetate degraded streambanks..... 119

4.2.2 Manage grazing to reduce impacts to the riparian corridor..... 119

4.2.3 Minimize the need for bank protection 120

4.2.4 Treat non-native invasive species..... 120

4.3 Reduce Fine Sediment Delivery to the Creek..... 121

4.3.1 Maintain roads to decrease hillslope and streambank erosion 122

4.3.2 Reduce and/or retain fine sediment delivery from the Perry/Green Valley
Creek sub-watershed 122

4.3.3 Implement Cambria drainage study recommendations 122

4.4 Conserve and Protect Open Spaces and Existing Land Uses..... 123

4.4.1 Conserve undeveloped floodplains 123

4.4.2 Conserve land uses in the upper watershed..... 123

4.5 Increase Woody Debris Supply and Retention 123

4.6 Remove Barriers to Fish Passage..... 124

4.7 Fill Key Data Gaps 125

4.7.1 Monitor adult steelhead population..... 125

4.7.2 Identify steelhead instream flow requirements..... 125

4.7.3 Assess lagoon habitat quality and steelhead smolt growth in and outside the
lagoon..... 125

4.7.4 Assess flows through the middle reaches of Santa Rosa Creek 126

4.7.5 Estimate juvenile steelhead abundance 126

4.7.6 Assess mercury uptake in the aquatic food chain..... 126

4.7.7 Assess the Perry/Green Valley Creek sub-watershed 126

4.7.8 Continue and expand citizen water quality monitoring..... 127

4.8 Reduce Mercury Supply 127

4.9 Summary of Recommendations..... 127

5 ACKNOWLEDGEMENTS 129

6 REFERENCES..... 131

6.1 Printed Sources 131

6.2 Personal Communications 142

Tables

Table 1-1. Santa Rosa Creek watershed and sub-watershed areas and stream lengths..... 3

Table 2-1. Completed development projects in the Adelaida and North Coast Planning Areas of San Luis Obispo County between 2003 and 2008. 19

Table 2-2. Sediment sources, storage, and transfer dynamics in the Santa Rosa Creek watershed. 37

Table 2-3. Stream gauges of Santa Rosa Creek. 43

Table 2-4. Potential fish passage barriers in the Santa Rosa Creek watershed. 52

Table 2-5. Beneficial uses of Santa Rosa Creek watershed surface waters. 58

Table 2-6. Sediment mercury levels in Santa Rosa Creek watershed. 61

Table 2-7. 2010 first flush results for lower Santa Rosa Creek. 71

Table 2-8. Vegetation types in the Santa Rosa Creek watershed. 75

Table 2-9. Tree canopy closure in the lower 13 mi (20 km) of Santa Rosa Creek. 85

Table 4-1. Summary of recommendations. 128

Figures

Figure 1-1. Santa Rosa Creek watershed and vicinity map. 5

Figure 1-2. Santa Rosa Creek watershed stream network and topography. 7

Figure 2-1. Chronology of watershed impacts and events. Precipitation records indicate periods of cumulatively wetter and drier periods in the watershed. 13

Figure 2-2. Illustration of Rancho Santa Rosa by Don Julian Estrada as part of his 1841 land grant application 15

Figure 2-3. Land uses within the Santa Rosa Creek watershed. 21

Figure 2-4. Land under Williamson Act contract within the Santa Rosa Creek watershed. 25

Figure 2-5. Distribution of average annual precipitation in the Santa Rosa Creek watershed. . 29

Figure 2-6. Predicted flood risk in 2100 in the Cambria area under a 1.4-m sea-level rise scenario. 31

Figure 2-7. Santa Rosa Creek watershed geology. 33

Figure 2-8. Sediment source and transfer areas in the Santa Rosa Creek watershed. 39

Figure 2-9. Water resources in the Santa Rosa Creek watershed. Perennial and intermittent streams, groundwater basin, and stream gauge locations are shown. 45

Figure 2-10. Monthly mean discharge for Santa Rosa Creek at Cambria based on USGS gauge 11142200 and SLO County Station 16. 47

Figure 2-11. Annual groundwater extraction by CCSO from the Santa Rosa and San Simeon groundwater wells to provide Cambria water supply 48

Figure 2-12. Potential fish passage barriers in the Santa Rosa Creek watershed 55

Figure 2-13. Mercury sample points in the Santa Rosa Creek watershed 63

Figure 2-14. Benthic macroinvertebrate sampling sites on Santa Rosa Creek. 66

Figure 2-15. Benthic macroinvertebrate taxonomic richness at sampling sites on Santa Rosa Creek in 2010. 67

Figure 2-16. Benthic macroinvertebrate sensitive EPT Index values at sampling sites on Santa Rosa Creek in 2010. 67

Figure 2-17. Percent of dominant benthic macroinvertebrate taxa at sampling sites on Santa Rosa Creek in 2010. 68

Figure 2-18. Southern California Index of Biological Integrity scores for benthic macroinvertebrate sampling sites on Santa Rosa Creek in 2010. 69

Figure 2-19. First flush sampling sites on lower Santa Rosa Creek..... 70

Figure 2-20. Total dissolved solids in 2010 lower Santa Rosa Creek first flush samples..... 72

Figure 2-21. Nitrate as nitrogen in 2010 lower Santa Rosa Creek first flush samples..... 72

Figure 2-22. Dissolved copper in 2010 lower Santa Rosa Creek first flush samples..... 73

Figure 2-23. Dissolved zinc in 2010 lower Santa Rosa Creek first flush samples..... 74

Figure 2-24. Vegetation/land cover types within the Santa Rosa Creek watershed..... 77

Figure 2-25. Historical and current aerial photographs of riparian corridor conditions in the lower reach of Santa Rosa Creek and near the town of Cambria. 84

Figure 2-26. Lineal density of YOY steelhead in Santa Rosa Creek from 1998 to 2006 89

Figure 2-27. Lineal density of age-1+/2+ steelhead in Santa Rosa Creek from 1998 to 2006.... 89

Figure 2-28. Mean lineal density of YOY steelhead at sample sites in the lower reaches, upper reaches, and creek-wide from 1998–2006..... 90

Figure 2-29. Mean lineal density of 1+/2+ steelhead at sample sites in the lower reaches, upper reaches, and creek-wide from 1998–2006..... 91

Figure 3-1. Steelhead life cycle with potential factors affecting each life stage. 102

Figure 3-2. Ratio of YOY steelhead lineal density in upper to lower reaches versus rainfall in the previous water year..... 104

Figure 3-3. Creek-wide YOY and age 1+/2+ steelhead population estimates from 1998 to 2006. 106

Appendices

- Appendix A. Santa Rosa Creek Watershed Geomorphology Assessment
- Appendix B. Santa Rosa Creek Benthic Macroinvertebrate Sampling Report
- Appendix C. Public Meeting Questionnaire
- Appendix D. Funding Resources

EXECUTIVE SUMMARY

The Santa Rosa Creek Watershed Management Plan was funded by California Department of Fish and Game's (CDFG) Fisheries Restoration Grant Program to develop a technically sound plan that addresses the strategic and scientific needs for watershed management, restoration planning, and south-central California coast steelhead (*Oncorhynchus mykiss*) recovery in the Santa Rosa Creek watershed, and that will be effective within current and foreseeable land use, water supply, and land ownership patterns in the watershed. Specifically, the objectives of the watershed management plan are to assess existing conditions, prioritize limiting factors for steelhead, and identify and prioritize restoration recommendations to address these limiting factors and improve physical functions and ecological conditions in the watershed. The watershed management plan was developed through the collaboration of a broad spectrum of participants. Stakeholders representing community sectors including agriculture, business, the community services district, planning advisory groups and fishing interests, and who work or live in the watershed, met periodically throughout the development of the watershed management plan to advise and inform the process, contribute historic and current information, assist in evaluating the accuracy of existing conditions and to review information and provide comments. In addition, a Technical Advisory Committee reviewed key watershed management plan elements, and input from the public was solicited at three public workshops.

Physical processes and ecological conditions in the Santa Rosa Creek watershed have been affected by historical clearing of land, groundwater pumping, urban development, bank revetment, historical mercury mining, land management practices, and road building. These activities have increased hillslope erosion and fine sediment supply to creek channels, resulted in channel incision, exacerbated low flows in the summer and fall, degraded riparian and aquatic habitat conditions, created barriers to fish migration, decreased water and sediment quality, and introduced non-native invasive species. Several of these effects limit the population of steelhead in the watershed by dramatically reducing instream flows in the summer and fall, decreasing pool habitat and large woody debris for summer and winter rearing, restricting their migration, and possibly limiting the potential for lagoon rearing.

The watershed management plan includes a suite of management, restoration, and study recommendations based on the synthesis of existing watershed conditions, steelhead limiting factors analysis, results of a geomorphic assessment and benthic macroinvertebrate sampling conducted specifically for the watershed management plan, and input from stakeholders and technical advisors. The recommendations present multiple ways to address steelhead limiting factors and conserve and improve physical processes and ecological conditions in the watershed, and are designed to be implemented individually, or in combination, on a voluntary basis, by or with the consent of willing landowners. Recommendations are presented by their ultimate objective and are listed in order of their relative importance to steelhead habitat restoration:

- Increase Summer and Fall Instream Flows
- Restore the Riparian Corridor
- Reduce Fine Sediment Delivery to the Creek
- Conserve and Protect Open Spaces and Existing Land Uses
- Increase Large Woody Debris Supply and Retention
- Remove Barriers to Fish Passage
- Fill Key Data Gaps
- Reduce Mercury Supply

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Waterway Management Plan

VOLUME I

San Luis Obispo Creek Watershed



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County of San Luis Obispo
Flood Control District - Zone 9
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VOLUME I

Table Of Contents

1. INTRODUCTION.....	1
1.1 BACKGROUND	1
1.2 PROJECT LOCATION.....	3
1.3 PURPOSE AND OBJECTIVES OF THE WATERWAY MANAGEMENT PLAN.....	3
1.4 PLANNING PROCESS, INFORMATION SOURCES AND STUDY TEAM.....	4
1.5 WMP COMPONENTS.....	6
1.6 WATERWAY MANAGEMENT PLAN ORGANIZATION	7
2. RESOURCE INVENTORY	9
2.1 INTRODUCTION	9
2.2 WATERSHED CHARACTERISTICS.....	9
2.3 CLIMATE.....	11
2.4 BIOLOGICAL RESOURCES	11
2.5 GEOLOGY.....	12
2.6 STREAMFLOW	15
2.7 HISTORICAL CHANNEL CHANGES.....	16
2.8 EXISTING CHANNEL CONDITIONS	24
2.9 CHANNEL HYDRAULICS AND STABILITY ANALYSIS	24
2.10 WATERHED PERSPECTIVE	24
2.11 REACH DESCRIPTIONS.....	25
3. PROBLEM IDENTIFICATION	30
AND WATERWAY MANAGEMENT NEEDS.....	30
3.1 INTRODUCTION.....	30
3.2 WATERSHED RECONNAISSANCE	30
3.3 PROBLEM IDENTIFICATION.....	31
3.4 WATERWAY PROBLEMS AND NEEDS	32
3.4.1 Flooding Problems	32
3.4.2 Bank Erosion	36
3.4.3 Channel Bed Erosion.....	38
3.4.4 Vegetation And Woody Debris Management	38
3.4.5 Sediment Management.....	40
3.4.6 Hydraulic Structures and Revetments.....	40
3.4.7 Flood Channel Constrictions.....	41
3.5 SENSITIVITIES, CONSTRAINTS, AND OPPORTUNITIES.....	41
3.5.1 Sensitivities	42
3.5.2 Constraints.....	42
3.5.3 Restoration and Enhancement Opportunities	43
4. WATERSHED MANAGEMENT FRAMEWORK	44
4.1 FLOODING.....	45
4.2 EROSION.....	45
4.3 WATER QUALITY.....	46
4.4 BIOLOGICAL RESOURCES	47
4.5 LAND USE.....	48
4.6 SOCIETAL VALUES.....	49
4.7 PUBLIC INVOLVEMENT AND EDUCATION.....	49
4.8 INTERAGENCY COORDINATION	50

5. WATERWAY MANAGEMENT PLAN COMPONENTS.....	51
5.1 INTRODUCTION.....	51
5.2 DRAINAGE DESIGN MANUAL (DDM).....	52
5.2.1 Special Floodplain Management Zones.....	55
5.2.2 Managed Fill Policy.....	55
5.2.3 No Adverse Impact Policy.....	55
5.2.4 Channel Design and Bank Stabilization Guidelines.....	56
5.2.5 Bank Stabilization and Revegetation.....	57
5.2.6 Drainage Impact, Stream Zone Impact Fees, and Design Review Fees.....	57
5.2.7 Revised Creek Design Flows.....	58
5.2.8 Erosion Control and Stormwater Quality Management.....	59
5.3 STREAM MAINTENANCE AND MANAGEMENT PROGRAM (SMMP).....	60
5.3.1 Environmental Issues addressed in SMMP.....	62
5.3.2 SMMP Program Approach.....	62
5.3.3 Mitigation for SMMP Activities.....	63
5.4 BANK STABILIZATION PROGRAM.....	64
5.5 HABITAT RESTORATION AND ENHANCEMENT PROGRAM.....	68
5.5.1 Program Approach.....	68
5.5.2 Fish Habitat Enhancement.....	69
5.5.3 Riparian Habitat Enhancement.....	70
5.6 PROJECT MITIGATION REQUIREMENTS.....	70
5.7 MITIGATION BANK.....	71
5.8 COORDINATED RESOURCE MANAGEMENT PLAN (CRMP).....	72
6. FLOOD MANAGEMENT PLAN.....	73
PREFERRED PROJECT.....	73
6.1 PREFERRED PROJECT STRUCTURAL FLOOD CONTROL.....	76
6.1.1 CHANNEL AND BRIDGE/CULVERT REPLACEMENT WORK AT LOS OSOS VALLEY ROAD (LOVR (PROJECT SLO I-1).....	78
6.1.2 ELKS LANE BYPASS CHANNEL (PROJECT SLO II 2).....	78
6.1.3 MID-HIGUERA BYPASS CHANNEL, TERRACE AND VEGETATION MANAGEMENT (PROJECT SLO I-3).....	80
6.1.4 CUESTA PARK DETENTION ENHANCEMENT (PROJECT SLO I-4).....	82
6.1.5 STENNER CREEK BRIDGE(S) REPLACEMENT (PROJECTS S I-1, S I-2, SI I-3).....	83
6.1.7 DETENTION BASIN AND CHANNEL WORK ALONG EAST FORK - AIRPORT SPECIFIC PLAN (PROJECTS EB I 1 TO 6).....	84
6.2 PREFERRED PROJECT NON-STRUCTURAL FLOOD CONTROL.....	84
6.2.1 Planning and Community Outreach.....	84
6.2.2 Building Relocation/Demolition.....	86
6.2.3 Flood Prone Property Land Acquisition.....	87
7. BENEFIT/COST ANALYSIS.....	88
7.1 DEFINITION OF BENEFIT/COST ANALYSIS.....	88
7.2 METHODOLOGY.....	88
7.3 RESULTS.....	92
8. IMPLEMENTATION AND FINANCING.....	99
8.1 PROJECT SCHEDULE AND BUILD-OUT ASSUMPTIONS.....	99
8.2 PROJECT PRIORITIZATION.....	99
8.3 FUNDING BACKGROUND.....	100
8.4 POTENTIAL LOCAL FINANCING AND FUNDING SOURCES.....	101
8.4.1 Zone 9 Funds.....	101
8.4.2 Capital Improvement Program (CIP).....	104
8.4.3 Benefit Assessment District.....	104
8.4.4 Mello-Roos District.....	105

8.4.5	<i>Landscape and Lighting District</i>	105
8.4.6	<i>Stormwater or Drainage Utility Fees</i>	106
8.4.7	<i>Development Impact Fees and Biological Impact Fees</i>	106
8.4.8	<i>Land Development Fees</i>	107
8.4.9	<i>Subdivision Drainage Fees</i>	107
8.4.10	<i>Sales Tax and Transient Occupancy Tax</i>	108
8.4.11	<i>Private Development Funding</i>	108
8.5	<i>STATE AND FEDERAL FUNDING PROGRAMS</i>	108
8.5.1	<i>FEMA Programs</i>	109
8.5.2	<i>U.S. Army Corps of Engineers Flood Control Programs</i>	110
8.5.3	<i>Section 205 Program-Small Flood Control Projects</i>	110
8.5.4	<i>Section 212 -Flood Mitigation and Riverine Restoration Program</i>	110
8.5.5	<i>State Grants</i>	111
9. REFERENCES AND LITERATURE CITED		113
10. GLOSSARY OF TECHNICAL TERMS		117

List of Figures

Figure	Follows Page Number	
1-1	Location Map..... 3	
2-1	Watershed Map..... 9	
2-2	Numbered Stream Reaches..... 17	
2-3	Historic Channel Changes	17
3-1A	Preliminary Problem Identification	31
3-1B	Preliminary Problem Identification	31
3-2	Flooding Problem Areas, Initial Identification.....	36
3-3	Priority Stream Management and Maintenance Needs	42
5-1	Special Floodplain Management Zones.....	55
5-2	No Net Fill Schematic	55
5-3	Channel Management Classifications.....	56
5-4	Constructed Natural Channel.....	56
5-5	Flood Bypass Channel	56
5-6	Vegetation Management.....	62
5-7	Boulder Clusters	62
5-8	Root Wads	62
5-9	Lunker Structures.....	62
5-10	Biotechnical Engineering Design – Willow Wattles	62
5-11	Biotechnical Engineering Design – Planted Geogrid	62
5-12	Biotechnical Engineering Design – Planted Rock Riprap.....	62
5-13	Biotechnical Engineering Design – Coir Logs (Fiber rolls – DDM).....	62
5-14	Biotechnical Engineering Design – Live Cribwall.....	62
5-15	Major Bank Instability, 1999-2000.....	64
5-16	Erosion Repair Concept – Brush Layer	64
5-17	Erosion Repair Concept – Flow Deflector.....	64
5-18	Erosion Repair Concept – Brush Mattress.....	64
5-19	Erosion Repair Concept – Live Willow Staking	64
6-1	Preferred Project	77

6-2	Channel/Bridge Replacements/LOVR.....	78
6-3	Elks Lane Bypass.....	78
6-4	Mid Higuera Flood Control.....	81
6-5	Cuesta Park Detention Storage.....	82

List of Tables

Table	Page	
2-1	Historic Channel Changes.....	17
3-1	Management Problems by Reach.....	34
5-1	Creek Policy Revisions.....	53
5-2	Channel Design Flow Requirements.....	58
5-3	Bank Repair Program Project Sites.....	66
6-1	Flood Management Projects Major Features.....	76
7-1	Unit Cost Summary.....	90
7-2	Flood Insurance Administration Depth Building Damage Data.....	91
7-3	Benefit/Cost Summary.....	93
7-4	SLO-1: Los Osos Valley Road – Prefumo/SLO Confluence Improvements.....	94
7-5	SLO-2: Elks Lane Bypass Channel.....	95
7-6	SLO-3: Mid-Higuera Bypass Channel.....	96
7-7	SLO-4: Cuesta Park Detention Enhancement.....	97
7-8	ST 1-3: Stenner Creek Bridge Improvements.....	98
8-1	Preferred Channel Improvement Priorities.....	100
8-2	Funding Matrix.....	103

Appendices

- Appendix A: GIS Inventory Data
- Appendix B: Biological Resources Inventory
- Appendix C: Hydraulic and Hydrologic Report
- Appendix D: Project Alternative(s)

Exhibit D - Project Questions on Condition of Well 3

Source: Steven G. Tanaka, SMCSO District Engineer
Wallace Group

Kelly Dodds, Utilities Supervisor, SMCSO

Question 1. Can you speak to the reliability of Well 3 as it exists Today?

Answer: Well 3 has a new pump but old motor and aging electronics and hardware. Although it pumps consistently it still produces a large amount of sand and the motor is very inefficient.

Question 2. Have there been any shut downs as a result of faulty equipment at Well 3?

Answer: Well 3 was down in 2010 for about three months, for replacement of casing and replace/install new pump. It was also down for about 2 weeks last year to have the head repaired and coated. It was also down for about 2 weeks couple months ago to install a new sand separator. Most of the shutdowns have been due to equipment repair and change outs due to age out and damage from lack of maintenance, except for the new pump/casing replacement described above (which was a failed pump).

Question 3. Can you quantify Well 3's reliability by number of shutdowns, etc.?

Answer: Other than the shutdowns described above, there have not been other documented shutdowns. However, a shutdown of several months, as described above, can be very serious when the District is operating on only two wells to serve the entire community.

Question 4. Will Well 3 become the lead well until new well is constructed?

Answer: Well 3 and well 4 both run daily, well 3 is normally in the lead due to water quality problems when it sits too long.

Question 5. Is this statement correct?

Well 3 upgrades will bring 40 year old technology and poor energy efficiencies to modern day standards of improved electrical equipment, pump design and control valve operations.

Answer: Along with the installation of the standby generator project, Well 3 will provide the highest efficiency in pumping costs resulting in the lowest per gallon operations cost. Well 4 will remain the most reliable well in the system until the new well is sited and constructed.

Question 6. What is the estimated reduction in energy consumption for the Well 3 rehabilitation.

Answer: Upgrading the motor and electronics (especially if upgraded to a VFD) would likely reduce energy consumption in the range of 15-25 percent.