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UNITED WATER CONSERVATION DISTRICT
"Conserving Water Since 1927"

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Notice of Preparation

To: California State Clearinghouse
California Responsible and Trustee Agencies
Other Interested Public Agencies
Interested Parties and Organizations

Subject: Notice of Preparation of a Draft Environmental Impact Report for
United Water Conservation District's Multiple Species Habitat
Conservation Plan and Associated Facility and Operations
Modifications

Lead Agency: United Water Conservation District

Project Title: United Water Conservation District Multiple Species Habitat
Conservation Plan and Associated Facility and Operations
Modifications

Project Description Summary: United Water Conservation District (United) will prepare an Environmental Impact Report (EIR) to evaluate the environmental effects of its proposed Multiple Species Habitat Conservation Plan (MSHCP) and facility and operations modifications associated with implementation of the MSHCP. The MSHCP is being prepared by United as part of United's application package to the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) (collectively referred to as the "resources agencies" in this Notice of Preparation [NOP]) for incidental take permits (ITP) under Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) and Sections 2080.1 and/or 2081(b) of the California Fish and Game Code (the California Endangered Species Act [CESA]).

The MSHCP will address various activities including conservation measures, elements of existing and future operations, monitoring, adaptive management, and funding. Consistent with the requirements of the California Environmental Quality Act (CEQA), the EIR will focus on those activities that could result in a significant effect on the environment, defined in Section 15382 of the State CEQA Guidelines as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..."

The primary elements of the proposed project that could result in changes in the physical environment relative to existing conditions are the construction, operation, and maintenance of a new fish passage facility at the Freeman Diversion; modified water diversion operations and potential development of supporting infrastructure; replacement of the fish screen at the Freeman Diversion, and habitat restoration and enhancement in the Santa Clara River watershed. These elements are primarily conservation measures of the MSHCP, although modified water diversion operations may include both decreases and increases in instantaneous or annual amounts of diversion at the Freeman Diversion.

Supported by the ecological benefits provided by the MSHCP conservation measures, United will ask the resources agencies to issue ITPs for a set of covered activities, including certain ongoing facility operations and maintenance activities. United is proposing that the ITPs authorize incidental take of six species that are currently listed as threatened or endangered under the ESA, CESA, or both. Five



additional species are included in the MSHCP. One is currently proposed for listing as a threatened species under the ESA. Four are not currently listed as threatened or endangered, but may become listed during the life of the permits. United is seeking a term of 50 years for the ITPs.

Project Location: There are approximately 334 square miles within United's boundaries, located in central Ventura County in southern California, including: parts of the cities of Ventura, Oxnard, Port Hueneme, Santa Paula, and Fillmore; a portion of the Santa Clara River Valley; and the Oxnard Plain (Exhibit 1). The MSHCP and the EIR address activities that encompass a portion of this area, including the sites of conservation measures, the Freeman Diversion facility along the Santa Clara River near Saticoy, and several spreading ground facilities adjacent to the Santa Clara River near Saticoy and Oxnard (Saticoy, Noble, Rose, Ferro). The project area also consists of the areas potentially affected by the operation and maintenance of these facilities (Exhibit 2), including the lower Santa Clara River from the estuary, upstream to the area just above the Freeman Diversion.

PUBLIC SCOPING

The purpose of this NOP is to solicit the views of interested persons, organizations, and agencies as they relate to the scope and content of the information to be included and analyzed in the EIR. Agencies should comment on the elements of the environmental information that are relevant to their legal authority and statutory responsibilities in connection with the proposed action.

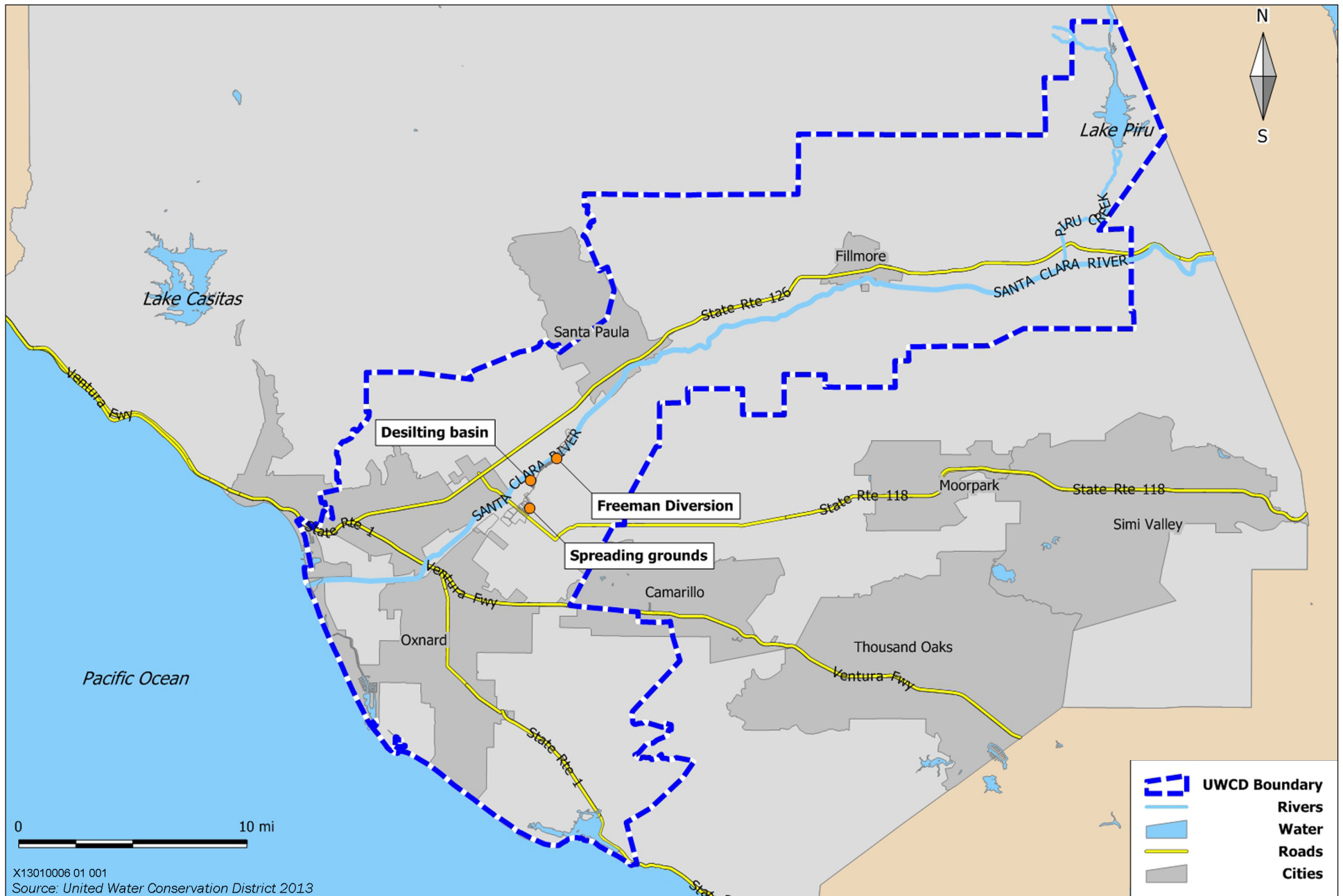
The designated public scoping period will extend until January 10, 2014. Please send your written comments to United Water Conservation District at HCP_CEQA_Scoping@unitedwater.org or 106 N. 8th Street, Santa Paula, California, 93060. Responses should include the name of the commenter or a contact person at your agency or organization.

Two public scoping meetings will be conducted to provide an opportunity to learn more about the proposed action and to provide oral or written comments to United as to the scope and content of the EIR. The scoping meetings will be held on December 12, 2013 from 1 to 3pm and 6 to 8 pm. Both meetings will be held at:

Courtyard by Marriott - Oxnard Ventura
600 East Esplanade Drive
Oxnard, California 93036

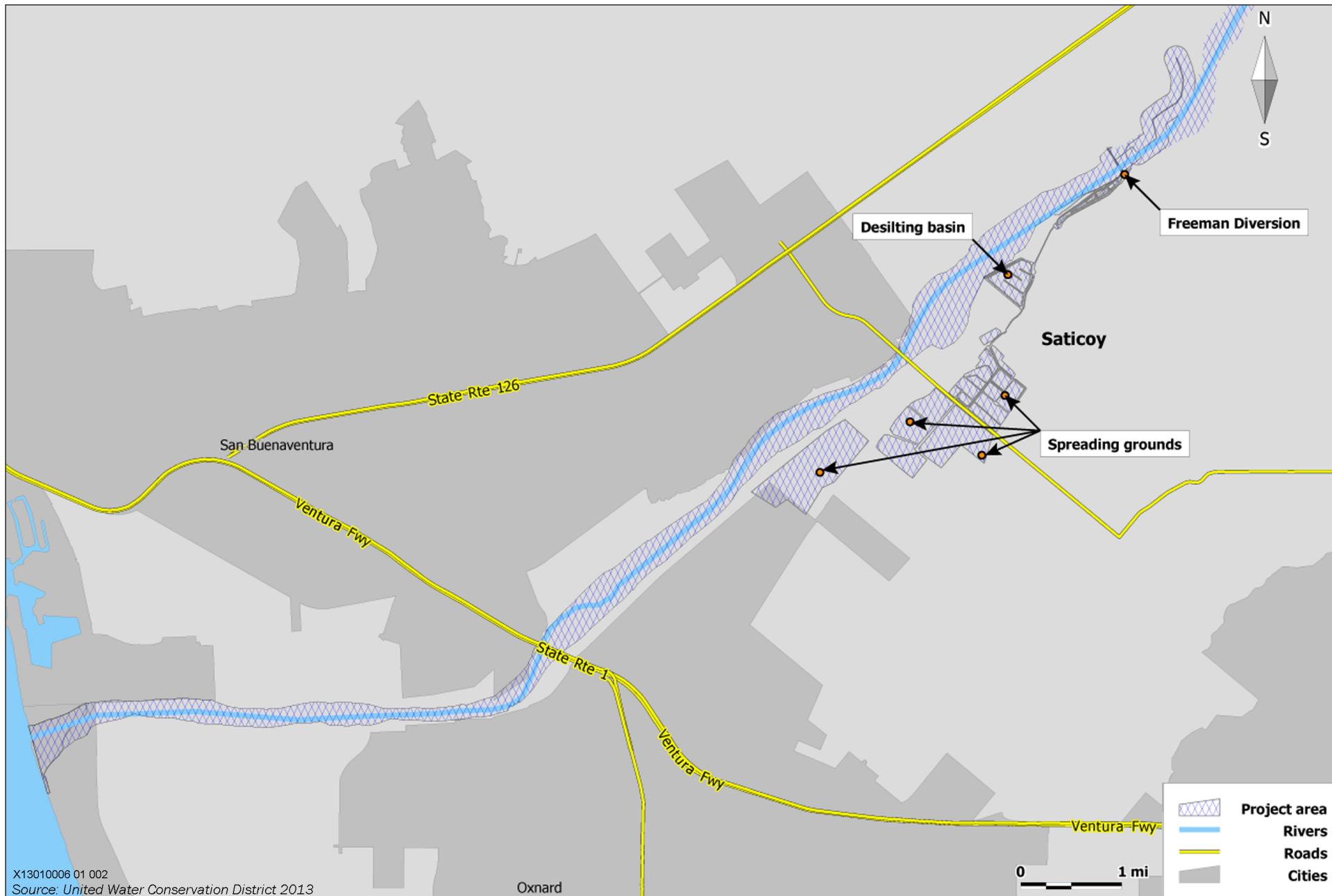
Information on the MSHCP, United's operations, the environmental review process, and other topics will be provided at the scoping meeting. A brief description of the proposed project and anticipated environmental effects of project implementation are provided below. General information on the MSHCP is also available at www.unitedwater.org.

Concurrent with posting of this NOP and scoping in support of the EIR, NMFS and USFWS (collectively referred to as "the Services" in this NOP) are publishing a separate Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The EIS will evaluate the environmental effects resulting from the Services' proposed issuance of ITPs for activities covered by the MSHCP. The U.S. Army Corps of Engineers (USACE) is also acting as a cooperating agency for the EIS in anticipation of activities associated with the MSHCP requiring authorization under Section 404 of the Clean Water Act for discharge of dredge or fill material to waters of the United States (including wetlands meeting the definition of waters of the United States). The public scoping meeting identified above in support of the CEQA process will also function as a scoping meeting in support of the federal EIS. For further information related to the EIS please contact Darren Brumback, National Marine Fisheries Service, Southwest Regional Office, 501 West Ocean Blvd, Suite 4200, Long Beach, CA 90802, 562-980-4060; or David Simmons, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Rd, Suite B, Ventura, CA 93003, 805-644-1766.



Regional Location and United Water Conservation District Boundaries

Exhibit 1



Project Area

Exhibit 2



THE PROPOSED PROJECT

Background

United is a special district established in accordance with California Water Code Section 74000 et seq. The District is authorized to, among other things, conduct water resource investigations, acquire water rights, build facilities to store and recharge water, construct wells and pipelines for water deliveries, commence actions involving water rights and water use, prevent interference with or diminution of stream/river flows and associated natural subterranean supply of water, and to acquire and operate recreational facilities. As a public agency, United is governed by a seven-person elected board of directors and receives revenue from property taxes, groundwater extraction (pump) charges, recreation fees, and water delivery charges.

United serves as the steward for managing surface water and groundwater resources within all or portions of eight groundwater basins. To accomplish its objectives, United currently operates a number of water collection, distribution, storage, and infiltration facilities built over the past decades in the Santa Clara River Watershed and Oxnard Plain. These facilities allow United to store winter runoff from the Piru Creek watershed for release into Piru Creek and the Santa Clara River during the dry season, divert water from the Santa Clara River, extract and treat groundwater, recharge the aquifers in its jurisdiction, and deliver water to cities and growers so that groundwater pumping is reduced in critically overdrafted aquifers in its jurisdiction. A primary location for diversion of water from the Santa Clara River is the Freeman Diversion facility (Exhibits 1, 2, and 3). At the Freeman Diversion a weir wall directs water to the diversion structure. Water enters the Freeman canal after passing through a trash rack to remove debris. The water then passes through a fish screen and is transported to the water distribution system and spreading grounds. Water may also be directed to an existing fish ladder or may pass through a roller gate that can be opened to allow flows to bypass the diversion structure.

Only a subset of United's activities is proposed to be within the covered activities in the MSHCP. For activities not proposed for inclusion, United has determined that either they will not affect any federally or state protected species, or compliance with ESA and CESA is handled through other means (e.g., Section 7 consultation pursuant to ESA for activities permitted by a federal agency).

United's operations and maintenance activities at the Freeman Diversion facility have the potential to affect steelhead and other species that are, or could become listed in the future (e.g. Pacific lamprey). To ensure compliance with the ESA and CESA, United intends to obtain ITPs from the services pursuant to Section 10 of the federal ESA and from CDFW pursuant to Sections 2080.1 and/or 2081 of the California Fish and Game Code, or CESA. United has engaged in substantial effort and study to identify covered species and activities, define the desired term of the ITPs, and develop conservation measures including modifications to facilities and operations for improved fish passage and migration. The result is to propose a MSHCP that includes species and activities that can be addressed successfully and in a timely manner given United's schedule objectives of initiating construction of fish passage facility modifications in March of 2016.



Exhibit 3

Overview of the Freeman Diversion Facility



The MSHCP'S Covered Species

“Covered species” means those species for which coverage under an ITP is requested in the MSHCP. In cooperation with the USFWS, NMFS, and CDFW, United has identified 11 species for proposed coverage in the MSHCP (Table 1), 10 of which could be covered under the ITP issued under CESA. Six of the species are currently listed as threatened or endangered under the ESA, CESA, or both. Five additional species are included in the MSHCP. One is currently proposed for listing as a threatened species under the ESA. Four are not currently listed as threatened or endangered, but may become listed during the life of the ESA and CESA incidental take permits. Species may ultimately be added or deleted in the course of plan development based on further analysis, new information, agency consultation, and public comment. The MSHCP will also include contingencies for amending the ITPs in the event that additional species need to be added to the permits (e.g., a new species is listed under ESA or CESA).

Table 1 Species Covered Under the Multispecies Habitat Conservation Plan

<i>Species</i>	<i>Federal Status</i>	<i>State Status</i>	<i>Critical Habitat Present in the MSHCP Area¹</i>
Southern California steelhead (<i>Oncorhynchus mykiss</i>)	E	SSC	Yes
Tidewater goby (<i>Eucyclogobius newberryi</i>)	E	SSC	Yes
Least Bell's vireo (<i>Vireo bellii pusillus</i>)	E	E	No (designated critical habitat on the Santa Clara River falls outside MSHCP area)
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	E	E	Yes
California least tern (<i>Sternula antillarum browni</i>)	E	E, FP	No
Pacific lamprey (<i>Entosphenus tridentatus</i>)	None	None	No
Western pond turtle (<i>Emys marmorata</i>)	None	SSC	No
Two-striped garter snake (<i>Thamnophis hammondi</i>)	None	SSC	No
Yellow warbler (<i>Dendroica petechia</i>)	None	SSC	No
Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	PT	E	No
Yellow-breasted chat (<i>Icteria virens</i>)	None	SSC	No

E = endangered, T = threatened, PT = proposed threatened, SSC = California Species of Special Concern, FP = Fully Protected

¹ Critical habitat for a threatened or endangered species, as designated by NMFS or USFWS under section 4 of the ESA, is or is not present in the MSHCP covered area

Project Goals

United is preparing the MSHCP to obtain incidental take authorization for specific activities, referred to as “covered activities” that could result in take of covered species. United will seek to obtain ITPs for current and ongoing operations as well as for additional activities comprising the MSHCP and



project that may themselves result in take. United's goal is to implement necessary modifications to existing facilities or operations while ensuring sufficient water remains available to continue offsetting overdraft of groundwater aquifers through deliveries to customers and recharging groundwater aquifers. United intends to provide these services at a reasonable cost to rate payers.

Proposed Actions (the CEQA Project)

The proposed actions to be evaluated in the EIR are United's adoption and implementation of the MSHCP and associated facility and operations modifications. The procedural step of considering adoption of the MSHCP is what triggers the need for CEQA review; however, it is implementation of various elements of the MSHCP and related activities that could cause physical changes in the environment that will be analyzed in the EIR. It is anticipated that the analysis in the EIR will divide MSHCP activities and facility and operations modifications associated with implementation of the MSHCP into the following categories;

- ▲ conservation measures and related facilities and operations changes,
- ▲ monitoring and adaptive management, and
- ▲ current operations and maintenance.

These are described further below. It should be noted that some activities or types of activities to be identified as conservation measures in the MSHCP have been implemented by United in recent years (e.g., fish trapping and trucking, certain modified water diversions), and the MSHCP will address several current operations and maintenance activities in order to provide incidental take authorization for these ongoing actions. Continuation of existing activities does not result in a change in the environment relative to existing conditions; however, existing activities will be described and included in the EIR to provide context and a comprehensive consideration of all elements of the MSHCP.

CONSERVATION MEASURES AND RELATED FACILITIES AND OPERATIONAL CHANGES

Under the MSHCP, United will propose to minimize and mitigate the effects of activities that could have adverse effects on the covered species through implementation of a set of conservation measures. Key components of the proposed conservation measures involve construction, operation, and maintenance of a new fish passage facility at the Freeman Diversion and modified operations of water diversions that would result in less diversion than allowed under existing water rights. As an activity to offset water losses resulting from conservation measures, United would approve (and seek authorization for rights to) increased diversion in certain respects, as discussed below. Other additional conservation measures to be considered include installation of a new fish screen at the Freeman Diversion; continued, and potentially enhanced, trapping and trucking of downstream migrant steelhead and lamprey; further modification of operation and maintenance activities; and restoration and enhancement of target habitat. Implementation of some of these conservation measures could result in take of covered species (e.g., disturbance of riparian birds during construction of the fish passage facility). Measures will be included in the MSHCP to address these effects.

Freeman Diversion

United proposes to implement various measures at the existing Freeman Diversion facility, focusing on construction, operation, and maintenance of a new fish passage facility, modifications to the management of flows and diversions, installation of a new fish screen, juvenile migrating steelhead ("smolts") and lamprey ("macrophthalmia") trapping and trucking, and modification to general operations and maintenance practices.

**Hardened Ramp Fish Passage Facility**

United currently operates and maintains an existing fish ladder at the Freeman Diversion (Exhibit 3). In collaboration with NMFS, United convened a panel of fish passage experts to evaluate the efficacy of, and alternatives to the existing ladder. While steelhead have been documented passing through the existing fish ladder, the panel found that it is not an adequate fish passage system for several reasons, including inadequate attraction flows, operational restrictions at high flows, and excessive turbulence in resting pools within the ladder. Based on recommendations from the panel and coordination with the resource agencies, United elected to propose installation of a hardened ramp fish passage facility, one of the conceptual design alternatives recommended by the panel.

A proposed hardened ramp fish passage facility (ramp) is currently in an early design phase, with United working closely with the resource agencies on developing the design. The conceptual design calls for the proposed ramp to be a gently sloping concrete ramp (less than 8% slope) cut into the south side of the roller-compacted concrete Freeman Diversion structure, next to the existing sediment flushing channel (Exhibit 4). The surface of the ramp would consist of raised friction elements (e.g. baffles) (Exhibit 5) to slow the flow of water. The width, length, slope, and shape of the ramp, along with the configuration and nature of the baffles, will be designed to provide appropriate water velocity, depth, and turbulence conditions to allow adult steelhead and Pacific lamprey (lamprey) to swim up the ramp under a variety of flow conditions in the Santa Clara River. Depending on the operational range of the new ramp, the existing fish ladder may continue to be operated, with a few alterations to better accommodate steelhead and lamprey, under conditions when it provides more optimal passage than the proposed ramp.

United is proposing to construct the new ramp during a period of low flows in the Santa Clara River and currently is planning for construction to occur in the 10-month period of March - December 2016. If necessary, a temporary dam may be installed to divert water around the ramp work area and dewatering operations in excavated areas may be needed. Any water pumped out of the work area could be placed in settling basins or otherwise treated consistent with Regional Water Quality Control Board construction dewatering standards.

The size of the construction work area is estimated to be up to 700 feet by 1,600 feet, including the permanent footprint of the ramp and areas that would only be temporarily disturbed during construction. The existing concrete diversion structure would be breached and earth and sediment behind the diversion structure would be excavated to create the space for the ramp. United proposes using excavated concrete, rock, and sediment in the foundation construction or removing it from the site. A temporary concrete batch plant would likely be installed just upstream of the Freeman Diversion to provide concrete for construction of the ramp. Existing roads leading to the Freeman Diversion (i.e., State Route 118 and Southern Pacific Milling Road) would be used for access, as well as The Nature Conservancy's (TNC's) Hanson-Villanueva Property on the north side of the Santa Clara River (Exhibit 2). United has been coordinating with TNC regarding this access. TNC plans to implement a habitat restoration, enhancement, and creation plan (habitat plan) on the Hanson-Villanueva property. TNC expects that implementing the habitat plan will take several years and would likely overlap with the anticipated construction schedule for the Freeman fish passage ramp. TNC will be creating or improving existing roads across the property to provide access for trucks and heavy equipment to implement the habitat restoration plan including removing arundo and making grade modifications to support wetland creation. United intends to use these temporary access roads as much as possible to provide construction access from Mission Rock Road to the north side of the Freeman Diversion structure. Where United creates segments of new access road, these roads would be restored to native habitat once construction of the fish ramp is complete.

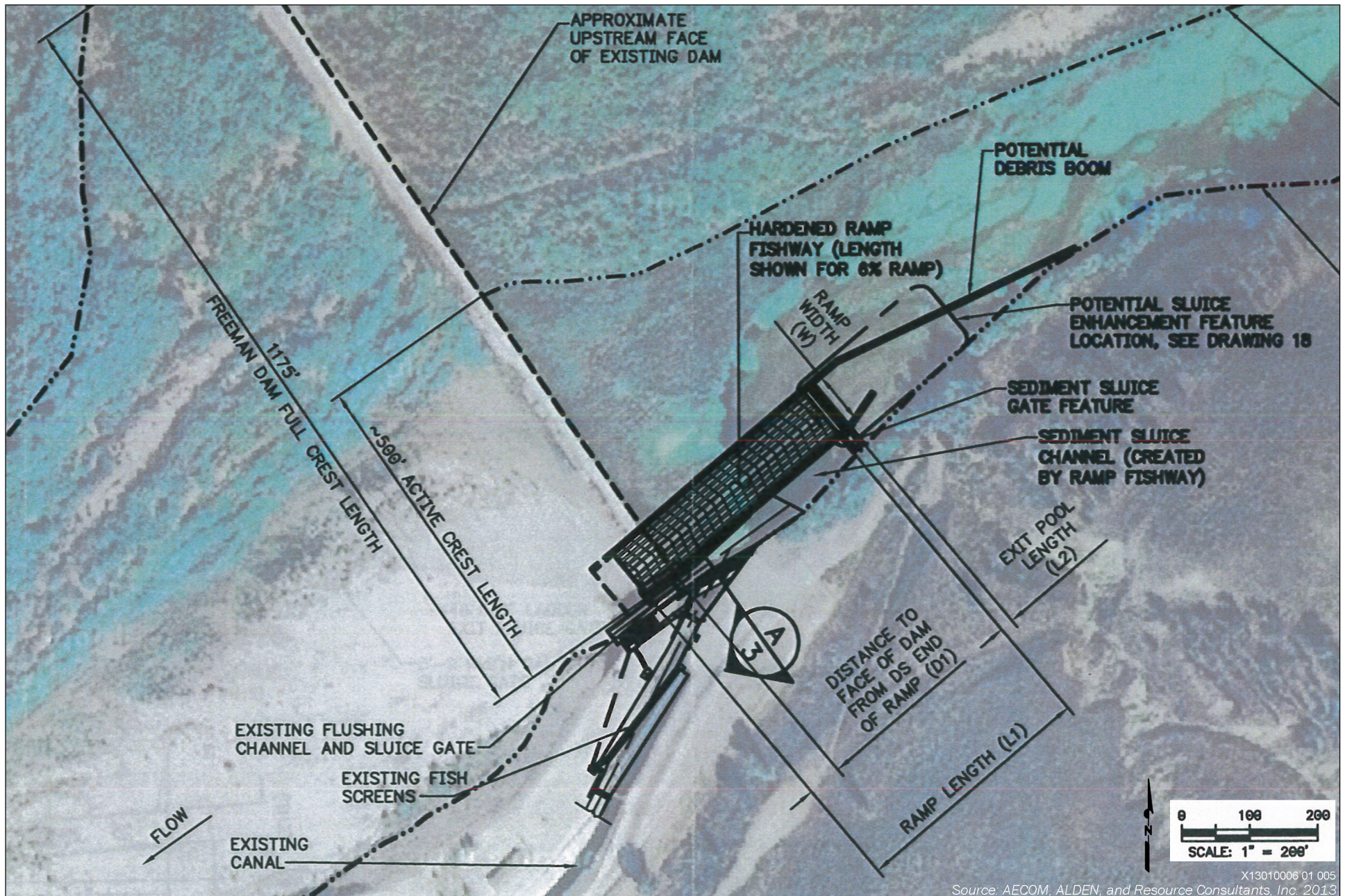
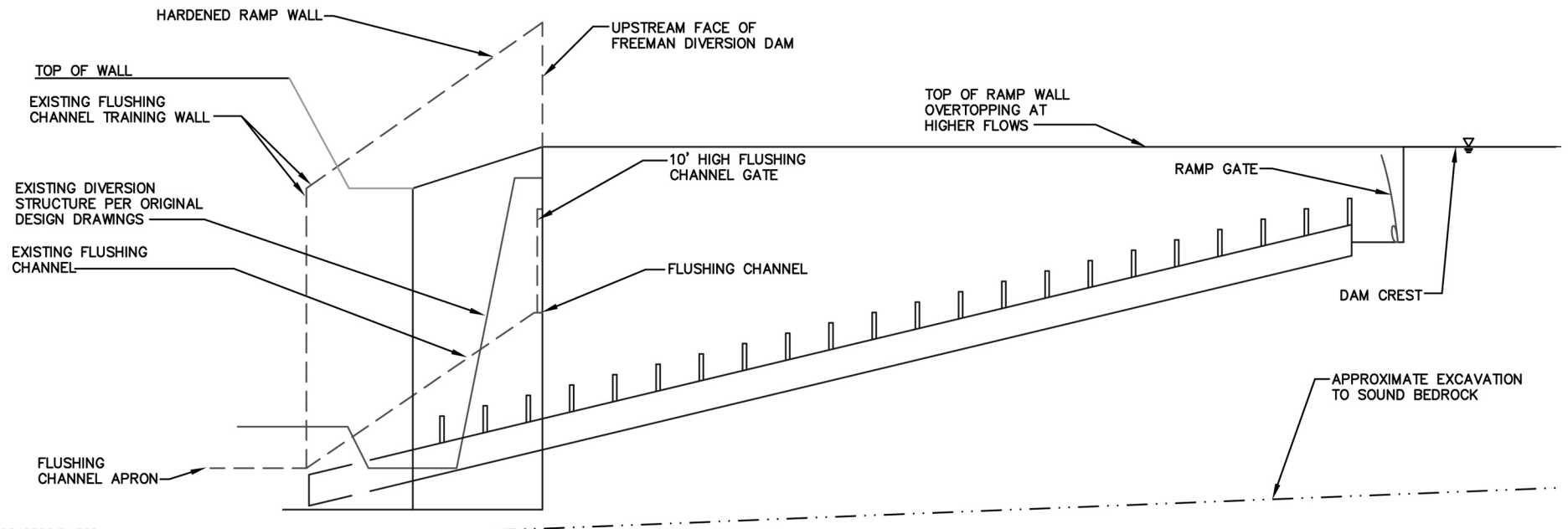
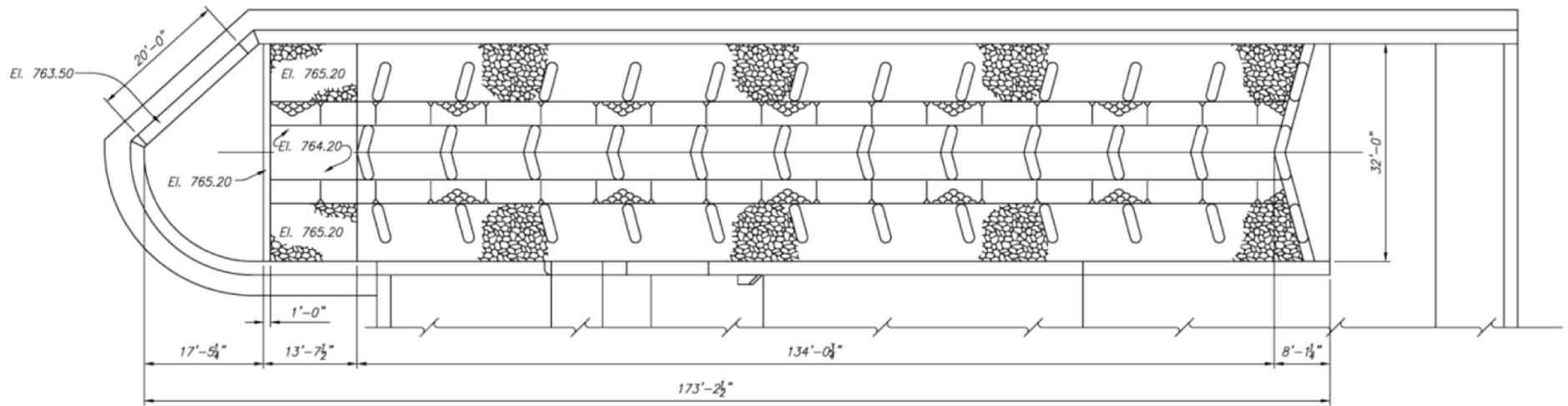


Exhibit 4

Conceptual Hardened Ramp Fish Passage Facility Overview



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Source: United Water Conservation District 2013

Exhibit 5

Conceptual Example of Potential Hardened Ramp Raised Friction Elements



During construction of the ramp, United is proposing to resurface the downstream side of the existing diversion structure to repair existing damage caused by erosion and large debris flowing over the diversion structure. A material such as concrete or gunite (a cement and sand mixture) would be applied to the downstream side of the diversion structure to achieve the desired effect. The resurfacing would make the diversion structure more resilient to future erosive forces and debris damage, would seal existing cracks which would minimize the seepage of water through the diversion structure, and would smooth the surface to minimize turbulence for fish passing over the diversion structure during high flows.

Modifications to the Management of Flows and Diversions

Currently, United's water rights and permits allow for diversions at the Freeman Diversion of up to 375 cfs for groundwater recharge and an additional 38 cfs for surface water deliveries at any given time and an annual maximum diversion limit of 144,000 AF. To maximize the potential for groundwater recharge, United historically has attempted to divert as much water as possible, within the water right and permit limits, which include prescribed flows for steelhead. However, under the MSHCP, a regime of restrictions on diversions and modified or increased water releases may be implemented to provide more benefits to steelhead and would also benefit Pacific lamprey. Adult steelhead and lamprey migrate up the Santa Clara River during periods of sufficient flows (typically tied to storm events) primarily between January 1 and May 31. Steelhead smolts typically migrate downstream between March 15 and May 31 and lamprey macrophthalmia migrate during the peaks of storms. During the migration periods, United could consider making various adjustments to the volume of water diverted to the Freeman Diversion facility to allow for additional bypass flows downstream above what is called for in United's water permit. Any adjustments made will be based on the volume of flow within the Santa Clara River and whether the flow is resulting from a storm event that could trigger adult steelhead and lamprey migration. The specific changes to historical practices regarding diversion and flow regime are being evaluated by United in coordination with the resources agencies and any that are adopted will be described in the EIR. The changes may be similar to modifications United has implemented in recent years on a year-by-year basis in order to generate more favorable conditions for steelhead and lamprey. The proposed diversion practices will be developed to address several issues including:

- ▲ the need to release flows at the current time, pattern and duration for sufficient water depth in a shallow portion of the Santa Clara River downstream of the Freeman Diversion (known as a "critical riffle") to provide a properly functioning migration corridor to allow passage of adult and juvenile steelhead and lamprey, and
- ▲ the need to maintain diversions of water into the United's groundwater recharge and water conveyance system to minimize effects to existing water resources.

Modification to the management of flows and diversions would improve conditions for migrating steelhead and lamprey in the Santa Clara River, but would also reduce the overall annual volume of water entering United's system.

Related to the above-described modification of flow management, United is evaluating possible mechanisms to increase water yields from diversions to replace a portion of the yield that would be lost under the bypass flows proposed as part of the conservation measures described above. United has identified a potential future activity to be covered by the ITPs. United proposes to increase the existing 375 cfs instantaneous maximum diversion rate to a maximum of 750 cfs and the existing 144,000 AF total annual diversion limit to 188,000 AF, dependent on United having sufficient water rights. (A new water right permit or any modification of existing water rights requires approval of the State Water Resources Control Board.)



In many normal and wet years, storm runoff in the Santa Clara River will often be over 1,000 cfs for several days. Under this proposed future activity, United would be permitted to divert up to 750 cfs during these higher flow events while still allowing for sufficient water for the migration of steelhead and lamprey. To minimize potential effects on steelhead and lamprey from the increased diversion volume, United proposes to conduct diversions above the existing 375 cfs following a specific operational protocol. United would divert no more than 30 percent of the remaining river flow for the first three days after peak flows and after providing at least 160 cfs for steelhead and lamprey at the critical riffle between January 1 and May 31 (the period when adult steelhead and lamprey might be present). This operational protocol would assure that the natural hydrograph is mimicked in the bypass flows when water levels are receding after a storm.

New construction would be necessary to accomplish increased diversions that are being considered. Currently United passes diverted waters through approximately 2,500 lineal feet of canal and pipe with limited infrastructure or “pinch points” that provide a restrictive capacity of 375 cfs. Any such “pinch points” would require modification to allow for planned increases in diversions. Additionally, present recharge capacity is similarly limited. However, United has purchased two abandoned gravel mining pits, one of which is identified as Ferro, that would be added to its recharge system. A segment of expanded pipeline or canal and a segment of new canal or pipeline along the south side of the Santa Clara River (Exhibit 6) are being evaluated as a mechanism to connect the Ferro to the water distribution system and to develop the Ferro as a spreading ground. The future decision for the physical modification of diversion capacity and the new facilities necessary to convey additional flows to recharge will be considered in this EIR, and may also be subject to individual future CEQA considerations.

The additional yield obtained from the increased diversions is intended to replace a portion of the yield United would lose under the bypass flows proposed as part of the conservation measures described above. All applicable MSHCP impact minimization and conservation measures would be applied to the proposed increase in authorized annual quantity and peak diversion and any directly related infrastructure modifications.

Installation of a New Fish Screen

There is currently a fish screen located in a fish screen bay on the most upstream end of the Freeman Canal at the Freeman Diversion that prevents fish from entering the Freeman Canal water delivery system and being transported into United’s groundwater recharge and water conveyance system. When flows are sufficient in the Santa Clara River to allow steelhead smolts to migrate through the lower river, the screen directs fish to a “bypass return” pipe that releases them back to the river. When flows are not sufficient for steelhead smolt migration in the Santa Clara River, a “fish trap” is operated at the end of the screen where fish are collected and then are trucked to the estuary as described below.

The screen is approximately 160 feet long and 8 feet high and is comprised of 3/16-inch wedge-wire, designed to exclude fish as small as first year steelhead fry. The fish screen is cleaned while in operation by a set of automatic brushes that sweep back and forth to loosen floating matter that impinges on it. The screen and brush system is regularly damaged by sediment accumulations at the base of the screen. The accumulated sediment pushes against the bottom of the individual screen panels and eventually may bend or break the panel. Although the screen operates adequately, the need for maintenance and repairs resulting from sediment accumulations adversely affects the efficiency of the facility. As part of the MSHCP the existing screen would be replaced with an updated design that elevates the screen panels. This would allow several inches of sediment to accumulate at the base of the screen without adverse effects to the screen panels or automatic brushes. The

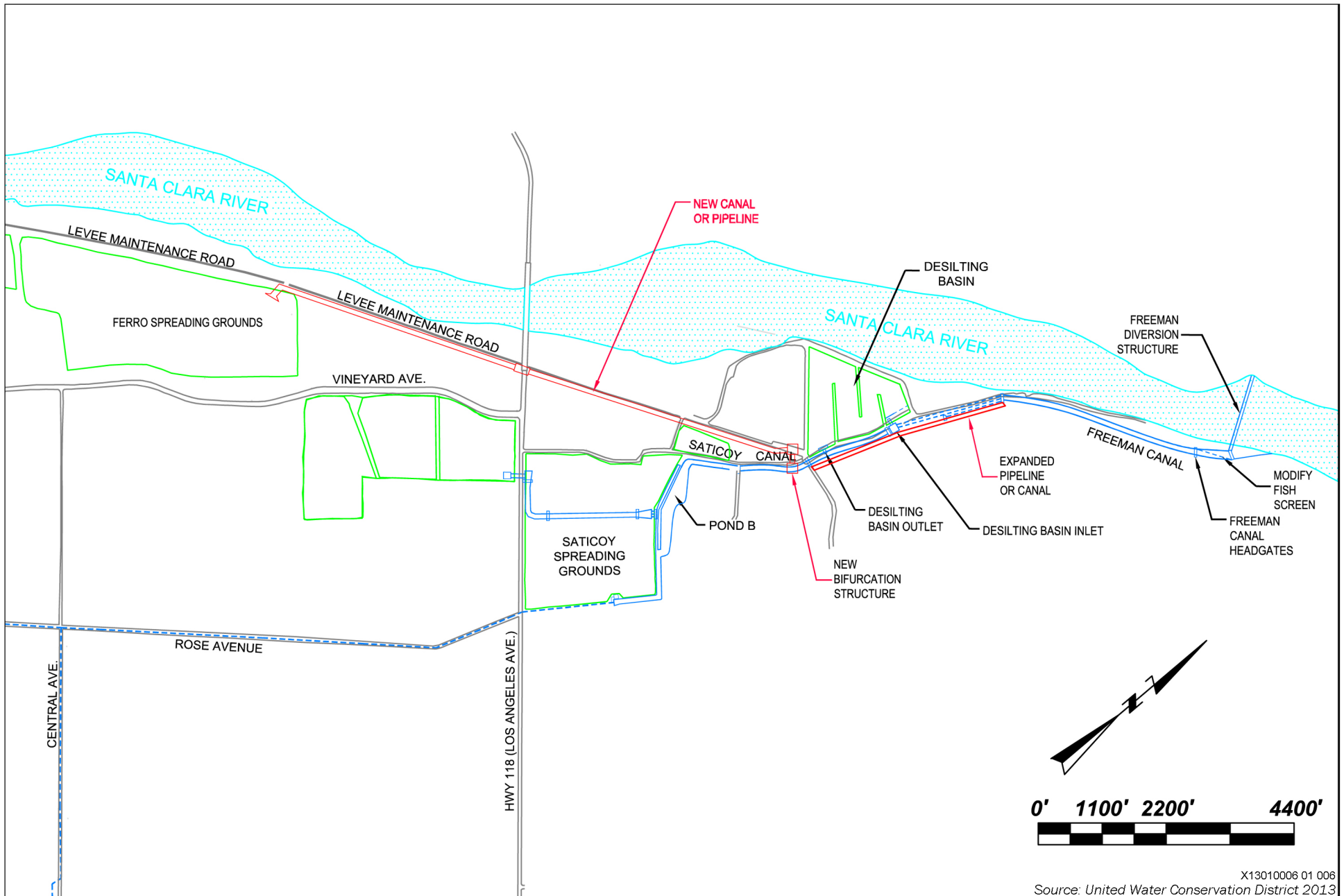


Exhibit 6

Potential Upgrades to Water Delivery/Infiltration Infrastructure





new screen would allow for a more reasonable interval between sediment removal, less damage to screen panels and the brush system from accumulated sediment, and longer periods of all screen panels being fully operational. The new fish screen would also be designed to exclude fish as small as first year steelhead fry.

Fish Trapping and Trucking

At the downstream end of the fish screen bay is a fish trap designed to capture downstream-migrating steelhead smolts, steelhead kelts (post-spawn adults), and lamprey macrophthalmia. United operates the trap when flow in the Santa Clara River below the Freeman Diversion does not provide sufficient depth for downstream migrant steelhead and lamprey to reach the ocean. When in operation, United checks the trap daily. Under the protocol for this activity, any smolts, kelts, and lamprey macrophthalmia in the trap are to be transported to and released in the estuary. Resident rainbow trout and lamprey ammocoetes (juveniles not yet mature enough to migrate to the ocean) are to be transported to suitable habitat upstream of the Freeman Diversion. Operation of the fish trapping and trucking program would be continued under the MSHCP, although some modifications could be implemented, such as replacing the existing trap with an updated design, or incorporating research efforts into the trapping program such as tagging and tracking fish.

General Freeman Operation and Maintenance

The volume and pathway of flows at the Freeman Diversion can be adjusted to achieve various purposes, such as clearing of sediment and inducing scour at the intake entrance to maintain a flow pathway toward the diversion headworks. These activities are typically implemented on an as needed basis and when river flows and other conditions provide the opportunity. It is proposed as part of the MSHCP that flow releases supporting Freeman Diversion operations and maintenance be better coordinated to benefit steelhead and lamprey. For example, rather than waiting to pass sediment flushing flows when there is a critical need, the flushing may be implemented at an earlier date that would also improve river conditions for migrating steelhead and lamprey.

Spreading Grounds Operation

There is the potential for one covered species, the California least tern, to occur in the Saticoy, Noble, Rose, and Ferro Spreading Ground facilities. Adult terns are known to forage in the area of the Saticoy spreading grounds. If adult terns, a ground nesting species, were to nest in the spreading grounds or the access roads, mortality to eggs and chicks could result from normal vehicle operation, vegetation management activities, and inundation of the spreading grounds. No California least terns have been observed nesting in the spreading grounds or adjacent lands. The MSHCP will include conservation measures to survey and monitor for California least tern nesting activity in the spreading grounds. If nesting is detected, United will implement measures to avoid the nests. If surveys or monitoring indicate a high potential for nesting in an area where disturbance is expected to occur, United will explore methods to discourage California least tern from initiating nesting in that location. United will also implement practices to avoid disturbing adult terns that are foraging in the area.

Habitat Preservation, Restoration, and Enhancement

The MSHCP may include measures to compensate for unavoidable take of covered species resulting from United's activities. Such measures are anticipated to be some form of habitat preservation, restoration, or enhancement. United may accomplish this in a number of ways, including conducting the preservation, restoration, or enhancement on land it owns or providing funding to others to implement such activities on appropriate lands. The type of habitat preserved/restored/enhanced will be consistent with the habitat affected. The specific location and extent of necessary habitat preservation/restoration/enhancement has not yet been determined. The MSHCP will include specific criteria and parameters for habitat preservation/restoration/enhancement activities.



Monitoring and Adaptive Management

United will propose a monitoring and adaptive management program as part of the MSHCP that integrates the conservation measures, monitoring, and study of covered species, to assess achievement of MSHCP goals and objectives. Consistent with NMFS and USFWS policies, the adaptive management program will include 1) periodic accounting of incidental take, 2) surveys to determine species status, 3) assessment of habitat conditions, 4) progress reports on fulfillment of specific conservation measures, and 5) evaluations of conservation measures and the degree to which they are meeting the goals and objectives.

In support of the MSHCP and the adaptive management program, United may also undertake, fund, and or assist with scientific research on covered species. No specific research projects have yet to be identified; however, during development of the MSHCP United may identify data gaps where research could provide valuable data that could inform the implementation of the MSHCP.

CURRENT OPERATIONS AND MAINTENANCE

The MSHCP addresses current operations and maintenance of the Freeman Diversion and related facilities. Based on discussions with the resources agencies, United is pursuing the MSHCP to provide incidental take authorization for these current activities to the extent such activities result in, or may result in, take of listed species. Where the MSHCP may evaluate the environmental effects of existing conditions, an EIR need not. An EIR must include a description of the physical environmental conditions in the vicinity of a project, generally as they exist at the time the notice of preparation is published. This environmental setting will normally constitute the baseline physical conditions used to assess an impact (i.e., a change in the environment) and determine whether the impact is significant (see CEQA Guidelines Section 15125 (a)). Existing operations and maintenance of the Freeman Diversion and related facilities (water diversions, spreading grounds operations, etc.) constitute part of the environmental baseline, and continuation of these activities would not result in a change in the physical environment relative to existing conditions. Therefore, the continuation of current operations and maintenance will be included in the project description in the EIR to provide a comprehensive consideration of all elements of the MSHCP, but are not anticipated to result in physical changes to the baseline condition that would result in significant effects on the environment.

PERMIT DURATION

The proposed duration of the ITPs to be supported by the MSHCP is 50 years. A shorter permit term would not satisfy United's need for permit coverage because its mission, as well as operations intended to meet that mission, are ongoing, long-term undertakings. Furthermore, the anticipated significant investment in the MSHCP is not consistent with a permit of shorter term. Some project elements may have effects for a longer or shorter time than the term of the ITPs.

Alternatives to be Evaluated in the EIR

In accordance with the State CEQA Guidelines (14 CCR Section 15126.6), the EIR will describe a range of reasonable alternatives to the proposed project that are capable of meeting most of the project objectives, and would avoid or substantially lessen any of the significant effects of the project. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why. The EIR will provide an analysis of the No-Project Alternative and will also identify the environmentally superior alternative. The MSHCP will also include consideration of alternatives, with the focus being on minimizing effects on covered species. With this approach to alternatives development that is centered on specific species, the MSHCP may ultimately address a different or narrower range of alternatives than those considered



in the EIR, which may include alternatives based on the avoidance of impacts to a variety of resources.

The EIR alternatives may be based on various factors, with the objective of having alternatives result in the avoidance or substantial lessening of significant environment effects identified for the proposed project. Factors that may be considered during alternatives development include, but are not limited to:

- ▲ the design and operation of the new Freeman fish passage facility,
- ▲ construction methods for the new Freeman fish passage facility,
- ▲ parameters for selecting the type, location, and extent of habitat preservation, restoration, and enhancement,
- ▲ changes in diversion, bypass flow, and/or flushing flow regimes,
- ▲ alternatives that may be identified in the MSHCP itself (if they result in the avoidance or lessening of significant environmental impacts of the proposed project), and
- ▲ input provided during the EIR scoping process.

POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will focus on disclosing the significant and potentially significant effects of the proposed project on various environmental resources. Those resources for which little to no effect would occur will not require detailed analysis and will be identified in the EIR with rationale supporting their dismissal. These issues are anticipated to include: land use; mineral resources; forestry; population and housing; public services (fire protection, law enforcement, schools, and parks); and utilities and service systems related to wastewater treatment, stormwater drainage, and solid waste. For each issue addressed in detail, the EIR section will include discussions of environmental setting, regulatory framework, environmental effects, and mitigation for significant impacts. The direct, indirect, and cumulative effects of the proposed project will be considered. Per Section 15082(a)(1)(C) of the State CEQA Guideline related to the contents of an NOP, the discussions below identify probable environmental effects of the project.

Aesthetics

Continuation of current activities would not alter existing aesthetic conditions in the MSHCP area. Implementation of some proposed conservation measures, particularly a new fish passage facility at the Freeman Diversion, would result in temporary scenic effects during construction. There would be some permanent, but likely minor long-term changes in localized views from installation of the fish passage facility at the Freeman Diversion and habitat restoration (where it converts an existing land use to habitat) activities. However, the Freeman Diversion is not visible from nearby publicly accessible areas, and it is likely that habitat restoration and other MSHCP activities would not have a high number of viewers. However, potential changes to aesthetic conditions will be evaluated in the EIR.

Agricultural Resources

United's boundaries include substantial agricultural areas, and its operations benefit agriculture. United works to abate seawater intrusion into groundwater by conducting groundwater recharge activities and providing direct delivery of surface water for agriculture. Changes in bypass flow and



diversion regimes under the MSHCP could affect the availability and quality of groundwater and surface water for agriculture. Most agriculture within United's boundary relies on groundwater pumping for irrigation. The areas supplied by aquifers recharged by the Freeman Diversion are subject to seawater and saline intrusion. Reductions in recharge with unchanged extractions would lead to increased intrusion. Lands overlying intruded aquifers may become unsuitable for agriculture without mitigation. In addition, habitat restoration activities, if located on agricultural lands, could convert existing agricultural land to habitat. These issues will be evaluated in the EIR.

Air Quality and Greenhouse Gas Emissions

The project area is located in the jurisdiction of the Ventura County Air Pollution Control District (VCAPCD) in the South Central Coast Air Basin. Air emissions associated with the continuation of ongoing activities (e.g., vehicle trips associated with operations and maintenance) would not differ from existing conditions. Near-term air quality impacts would primarily result from earthwork, vehicle and equipment emissions, and the onsite concrete batch plant operations required for construction of a new fish passage facility and related activities at the Freeman Diversion. Lesser emission levels would be associated with habitat restoration and enhancement activities, such as removal of non-native species and planting of native species. Increases in long-term emissions could result from increased energy used for groundwater pumping if changes in bypass flows and diversion regimes adversely affect the availability and quality of groundwater and surface water to agricultural customers. The air quality analysis in the EIR will estimate project-related emissions resulting from increased energy used for groundwater pumping, construction, and any operational emissions of criteria air pollutants and precursors (e.g., respirable particulate matter, fine particulate matter, reactive organic gases, and oxides of nitrogen) in accordance with guidance from VCAPCD (including VCAPCD's Ventura County Air Quality Assessment Guidelines). Potential emissions of toxic air contaminants (TACs) will also be evaluated, with the TAC of primary concern being the exhaust emissions of diesel particulate matter generated by diesel trucks, heavy equipment, and other diesel-powered equipment. Construction and operation activities included in the MSHCP also would emit greenhouse gases (GHGs) associated with the operation of vehicles and heavy equipment as well as pumps and other facilities. However, habitat restoration could result in greater sequestration of GHGs in plants and woody material. Net emissions of GHGs from MSHCP implementation, addressing mechanisms that would both increase and decrease GHG emissions, will be evaluated in the EIR.

Fisheries and Aquatic Resources

The EIR will address potential project effects on aquatic species including MSHCP covered aquatic species (see Table 1 above) and any other special-status aquatic species that may be present, federally protected wetlands, potential species nursery/breeding sites, and the use of aquatic habitats as movement corridors. The EIR will address anticipated beneficial effects (relative to existing conditions) associated with construction of a new fish passage facility at the Freeman Diversion, habitat restoration and enhancement activities, and other conservation measures. The EIR will also evaluate potential adverse effects that might result from construction of facilities as well as changes in diversion and other system operations. Impact mechanisms such as changes in habitat/instream flow relationships, disturbance of aquatic substrates, instream temperature, and water quality conditions will be considered. Handling of covered fish species as part of MSHCP monitoring and conservation activities will also be addressed.

Terrestrial and Wetland Resources

The EIR will address potential project effects on MSHCP terrestrial species including covered terrestrial species (see Table 1 above) and any other special-status terrestrial species that may be



present, potential wildlife nursery/breeding sites, and the potential disruption of habitats used as movement corridors. The EIR will address anticipated beneficial effects (relative to existing conditions) associated with habitat restoration and enhancement activities, and other conservation measures. The EIR will also evaluate potential adverse effects that might result from construction activities and system operations and maintenance. Impact mechanisms such as temporary and permanent losses of habitat resulting from facility construction (particularly high value habitats such as riparian vegetation), construction noise disturbance (e.g., resulting in nest abandonment by special-status bird species), and the potential for changes in flow regimes to affect terrestrial habitats will be considered. Potential handling of covered species as part of MSHCP monitoring and conservation activities will also be addressed.

Cultural Resources

No significant cultural resources sites are known to occur in areas that might be directly affected by the MSHCP. However, cultural resources surveys have not been completed in all areas, and there is the potential to encounter currently unknown subsurface resources during ground disturbing activities. Because the site of the Freeman Diversion was highly disturbed during construction of that facility, it is unlikely that any significant cultural resources would be encountered during construction of the fish passage structure or implementation of other MSHCP covered activities at that facility. It is also unlikely that significant cultural resources would be encountered during other MSHCP covered activities given the regular inundation and disturbance within the Santa Clara River floodplain and past disturbance by agriculture and other activities in much of the MSHCP area. However, potential adverse effects to cultural resources and mechanisms to avoid or mitigate any significant adverse effects will be addressed in the EIR.

Geology and Soils

Soils in the project area primarily consist of alluvial deposits of the Santa Clara River. The Oak Ridge Fault occurs in the area and other faults in the region could generate ground shaking. MSHCP activities related to habitat restoration enhancement and general operations would not be affected by seismic activity, but the new fish passage facility could be adversely affected by strong ground shaking. However, the fish passage facility would not impound water in a way that could place people at risk if a seismic event damaged the structure. The MSHCP does not include any other elements that would expose people to potential substantial adverse effects from seismic activity. If soils are not stabilized properly during ground disturbing activities associated with construction of the fish passage facility and possibly habitat restoration/enhancement (removal of non-native vegetation, ground preparation for planting of native species), substantial soil erosion could occur due to wind, rainfall, or if in the Santa Clara River floodway, high river flows. This issue will be evaluated in the EIR.

Hazards and Hazardous Materials

The continuation of United's ongoing operations and maintenance would not alter the use, transport, generation, or disposal of hazardous materials relative to existing conditions, such as use of fuels and lubricants to operate vehicles and equipment. Construction activities associated with installation of the fish passage facility at the Freeman Diversion and use of heavy equipment elsewhere, such as for site preparation for habitat restoration, would result in the storage, use, and transport of hazardous material such as fuels, lubricants, hydraulic fluid, and or solvents. It is also possible that during ground disturbing activities previously unreported contamination sites could be encountered, creating a risk of exposure to construction personnel. Construction activities could also increase the risk of an ignition of a wildland fire, with the possibility that the fire could spread to the urban/wildland interface and place development at risk. These issues will be addressed in the EIR.



Hydrology and Water Quality

The EIR will evaluate multiple potential impact mechanisms related to water quality, groundwater hydrology, and flood risk. Construction and ground disturbing activities in (Freeman Diversion fish passage facility) and near (site preparation for habitat restoration) the Santa Clara River and its tributaries could allow the mobilization of sediment that could adversely affect water quality. Accidental spills of lubricants, fuels, and other construction related materials could also result in water quality impacts. Ground disturbing activities in the Santa Clara River floodplain, if not properly stabilized after completion of these activities, could also lead to erosion and mobilization of sediment during high water events and could adversely affect water quality.

Implementation of the MSHCP may alter the timing and volume of diversions to United's spreading grounds and surface water delivery system, and therefore could affect groundwater recharge capabilities and the quantity and quality of groundwater available for extraction by groundwater users. A lowering of water levels in the recharged coastal aquifers would allow for increased seawater intrusion. This issue will be evaluated further in the EIR.

Modifications to the Freeman Diversion, including construction of the new fish passage facility, would not impound, obstruct, or divert river flows during high water events. Therefore, these project elements would not increase flood risk. Restoration of riparian habitat in the Santa Clara River floodway in locations where no woody vegetation currently exists could create an obstruction to water flows and increase upstream water elevations during high water events. This effect would be dependent on the location and extent of riparian restoration.

Noise

The continuation of United's ongoing operations and maintenance would not alter noise generation relative to existing conditions. Equipment used for construction of the fish passage structure and related facilities at the Freeman Diversion would generate noise during operation, such as heavy equipment (e.g., excavators, loaders, dozers), trucks, and the concrete batch plant. However, there are no sensitive noise receptors, such as homes, schools, and churches in the vicinity of the Freeman Diversion that would be affected. Trucks and vehicles travelling to and from the diversion structure could pass by sensitive receptors and potential increases in traffic noise will be evaluated in the EIR, as would potential construction and vehicle noise generated by habitat restoration activities. Potential effects of construction noise on terrestrial and aquatic wildlife would be evaluated in the discussion of biological resources.

Operation of new facilities (e.g., fish passage structure at the Freeman Diversion, habitat restoration sites) and modifications to the operation of existing facilities (e.g., spreading grounds) are not expected to generate significant increases in noise and are unlikely to be located near sensitive noise receptors; however, this potential impact will be evaluated in the EIR.

Recreation

The MSHCP does not include or promote housing or similar development that would generate increased demand for recreational facilities. Development of habitat restoration sites could provide increased recreational opportunities (a beneficial effect) if public access is permitted. Implementation of the MSHCP would not directly affect any existing recreation facilities. However, if there are potential changes in water diversions resulting from, and in response to, the MSHCP, this could affect downstream flows in the Santa Clara River and estuary, which may indirectly affect recreational uses and facilities. This issue will be evaluated in the EIR.



Transportation and Traffic

The continuation of United's ongoing operations and maintenance would not alter traffic generation or effects on roadways, and operation and maintenance activities would be expected to generate minimal new trips. Construction of facilities would result in construction worker commute trips and haul truck trips (for delivery and transport of materials and equipment) to and from the facility sites, resulting in increased traffic levels on local roadways. Similar traffic generation, although on a smaller scale, could result from some habitat restoration and enhancement activities. Increased vehicle trips associated with construction activities could result in decreased level of service, increased traffic hazards, roadway damage, and reduced emergency access due to increased traffic volumes. These issues will be evaluated in the EIR.

Utilities and Service Systems – Water supply

As stated in the introduction to this section addressing potential environmental effects, the proposed project is expected to have little to no effect on utilities and service systems related to wastewater treatment, stormwater drainage, and solid waste, and these issue areas would not be evaluated in detail in the EIR. However, another utility and service system category, water supply, could be affected by implementation of the MSHCP. Although United is not a utility, water supplied for municipal, agricultural, and other human uses will be considered a utility for purposes of the EIR. Implementation of the MSHCP may alter the timing and volume of diversions to United's spreading grounds and surface water delivery system, and therefore could affect the quantity and quality of available water supply for customers and groundwater users. In response to this potential reduction in available water supply, the MSHCP includes the option for further modifications in diversion regimes to allow increased diversions during high water events, for which United is pursuing supporting new or modified water rights. This could help to restore the available water supply. These issues will be evaluated further in the EIR.