

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: San Luis Obispo Creek Total Maximum Daily Load and Implementation Plan for Nitrate-Nitrogen

Location: San Luis Obispo Watershed, San Luis Obispo County, San Luis Obispo California

Project Proponent: Central Coast Regional Water Quality Control Board,
Central Coast Region
895 Aerovista Place, Suite 101,
San Luis Obispo, CA 93401-7906

Project Description:

San Luis Obispo Creek is listed as "impaired waters" under the federal Clean Water Act, Section 303(d). The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) has prepared a Total Maximum Daily Load (TMDL) for nitrate-nitrogen (nitrate-N) for San Luis Obispo Creek (Creek). The TMDL describes the assimilative capacity of the Creek and allocates nitrate-N discharges. The magnitude of the allocations are such that the capacity of the Creek is not exceeded, subsequently ensuring that water quality objectives are met and beneficial uses protected. The TMDL includes a technical report that describes impacts from nitrate-N to beneficial uses. The TMDL also evaluates sources of nitrate-N, establishes numeric targets, and calculates maximum allowable loads while still being protective of beneficial uses. It also includes an Implementation and Monitoring Plan that describes course of actions to be taken to achieve desired water quality objectives. Together, these comprise the "project" in this finding.

The Total Maximum Daily Load is expressed as a nitrate-N concentration in San Luis Obispo Creek. The Total Maximum Daily Load is:

Receiving water nitrate-N concentration of 10 mg/L-N.

The TMDL is based on a nitrate-N water quality objective protecting of the municipal and domestic water supply (MUN) beneficial use. Seasonality is considered in the TMDL; nitrate-N allocations are designed to achieve the TMDL during low-flow months, thereby achieving the TMDL during wet-weather months as well.

Findings of Exemption:

The Environmental Checklist has "no impact" listed for all questions. It is expected that implementing and achieving the TMDL will result in no environmental impacts to the Creek or its watershed.

Please see the attached Environmental Checklist.

September 9, 2005

Certification:

I hereby certify that the Central Coast Water Board has made the above findings of fact and that based upon the Environmental Checklist, written report and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Roger W. Briggs
Executive Officer
Central Coast Water Board
September 9, 2005

Attachment: Environmental Checklist: Staff Report Attachment C: California Environmental Quality Act "Functional Equivalent" Report for Basin Plan Amendment (Resolution No. R3-2005-0106)