

Report and CEQA Environmental Checklist Pursuant to Title 23, Division 3,  
Chapter 27, Section 3777

PROJECT DESCRIPTION AND BACKGROUND

Project Title:	Proposed Amendment to the Water Quality Control Plan for the Regional Water Quality Control Board, San Diego Region, to Include the Definition of a Commercial Growing Operation in Conditional Waiver No. 4 for Agricultural and Nursery Operations
Lead agency name and address:	Regional Water Quality Control Board, San Diego Region
Contact person and phone number:	Peter Peuron (858) 637-7137
Project Location:	Growing Operations in the San Diego Region
Project sponsor's name and address:	San Diego Water Board Office, 9174 Sky Park Court, Suite 100, San Diego CA, 92123
General plan description:	Intensive Agriculture/Multiple Rural Use
Zoning:	Agricultural
Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)	The project is the adoption of Resolution No. R9-2011-0020. The proposed action is to amend Conditional Waiver No. 4 for Agricultural and Nursery Operations (from Resolution No. 2008-0081) to define the term "agricultural and nursery operations" as it appears in the waiver. The proposed definition specifies that only commercial operations that generate gross sales of at least \$1,000 per year, as an average, are subject to the waiver's requirements. The amendment also provides that growers must supply information to substantiate their claim of exemption if the San Diego Water Board requests such information.
Surrounding land uses and setting; briefly describe the project's surroundings:	Growing operations are generally surrounded by rural conditions and other agricultural operations. Some nurseries are located in urban areas, however.
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):	No other public agency approvals are required.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

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

**REASONABLE ALTERNATIVES TO THE PROPOSED ACTIVITY**

Addition of language that defines the term, "agricultural and nursery operations", which clarifies the original intent of Conditional Waiver No. 4, does not cause significant impacts to occur. It is possible to interpret the current language of the waiver to mean that all growing activities including non-commercial growing operations (such as backyard vegetable gardens, fruit trees and flower gardens) should be included within the waiver's purview or alternatively ambiguity with respect to the definition of a "agricultural and nursery operation" could cause some growers to believe they are not a large enough commercial enterprise to require coverage under the permit. Therefore, it might be surmised that this amendment significantly changes the scope of the waiver and that significant environmental impacts could result from the amendment.

To evaluate the impact of excluding backyard vegetable gardens, fruit trees and flower gardens it is necessary to consider what controls would be in place (or be more likely to be in place) if such "operations" were included in the waiver. Likely controls would be non-structural such as employing practices that conserve water and fertilizer and reduce the use of pesticide. However, water, fertilizer and pesticide use by homeowners when it is used on vegetable gardens and fruit trees is clearly negligible when compared to 1) water, fertilizer and pesticide use of commercial growing operations and 2) water, fertilizer and pesticide use for landscaping in the same residential environments. In addition, because hobby farmers or those farmers that generate less than \$1,000 gross annually produce crops on a scale comparable to a typical homeowner, these operations have a similarly negligible effect. Therefore, it is concluded that there are less than significant environmental impacts when non-commercial operations are excluded and reasonably foreseeable non-structural controls are not implemented at those operations.

Given that the definition of "agricultural and nursery operations" is ambiguous, it is possible that a grower who earns \$2,000 or \$3,000 per year might have erroneously believed that they were small enough to not be considered "non-commercial" and therefore, that coverage under the waiver was not necessary.

Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 includes a thorough analysis of the potential environmental effects resulting from the implementation of Best Management Practices pursuant to the 11 waivers contained in the Resolution. In this analysis, it is concluded that the environmental effects associated with implementation of these controls on a regional basis will result either in no impact whatsoever, or result in less than insignificant impacts. Therefore, it can be concluded that the reasonably foreseeable effect of increasing the amount of Best Management Practices as the result of increasing implementation of such practices (by lowering the threshold for a commercial operation) would also be less than significant.

Significant environmental impacts are not associated with the Basin Plan amendment, which makes developing alternatives unnecessary. Inclusion of a definition of "agricultural and nursery operations" in Conditional Waiver No. 4 is necessary to designate who is subject to the waiver, and who is exempt. Furthermore, a no action alternative (not providing a definition) would create confusion with regard to who is subject to the waiver, or would require everyone generating any amount of income to be subject to the waiver.

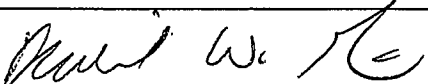
#### **MITIGATION MEASURES TO MINIMIZE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIVITY**

Since there is no potential for significant adverse impacts (as discussed above) mitigation measures are not needed.

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature: 	Date: 1/7/2010
Printed Name: David Gibson	

## CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. The discussion of the factors is included at the end of the checklist. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

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

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**II. AGRICULTURE AND FOREST**

**RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES:** Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies; or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. CULTURAL RESOURCES:** Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS:** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**VII. GREENHOUSE GAS EMISSIONS:**

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**VIII. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IX. HYDROLOGY AND WATER QUALITY:**

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. LAND USE AND PLANNING:</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XI. MINERAL RESOURCES:** Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XII. NOISE:** Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XIII. POPULATION AND HOUSING:** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XIV. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XV. RECREATION:**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XVI. TRANSPORTATION/TRAFFIC:** Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XVII. UTILITIES AND SERVICE SYSTEMS:**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**DISCUSSION**

The environmental analysis must include an analysis of the reasonably foreseeable environmental impacts of the methods of compliance and the reasonably foreseeable feasible mitigation measures relating to those impacts. This section, consisting of answers to the questions in the checklist, discusses compliance methods and mitigation measures as they pertain to the checklist.

Potential reasonably foreseeable impacts were evaluated with respect to earth, air, water, plant life, animal life, noise, light, land use, natural resources, risk of upset, population, housing, transportation, public services, energy, utilities and services systems, human health, aesthetics, recreation, and archeological/historical concerns. Additionally, mandatory findings of significance regarding short-term, long-term, cumulative and substantial impacts were evaluated.

A significant effect on the environment is defined in statute as "a substantial, or potentially substantial, adverse change in the environment" where "Environment" is defined as "the physical conditions which exist within the area which will be affected by a proposed project, including air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." In this analysis, the level of significance was based on baseline conditions (i.e., current conditions).

The current Ag Waiver is ambiguous because there is no definition of "agricultural and nursery operations." Therefore, different groups of individuals may have interpreted the waiver differently, and defining the term will exclude individuals that thought they might be included and include some individuals that thought they were excluded. Specifically, without a definition, the current waiver could apply to all growing activities, including non-commercial growing operations. As well, some smaller growing operations may have argued that they were not included in the Ag Waiver because they were too small to be considered "commercial." If their annual gross is over a \$1,000 on average, those individuals will need to meet the requirements of the Ag Waiver. Because the definition clarifies the applicability of the Ag Waiver to different agricultural and nursery operations, it might be surmised that this amendment significantly changes the scope of the waiver and that significant environmental impacts could result from the amendment.

To evaluate the impact of excluding backyard vegetable gardens, fruit trees and flower gardens it is necessary to consider what controls would be in place (or be more likely to be in place) if such "operations" were included in the waiver. Likely controls would be non-structural such as employing practices that conserve water and fertilizer and reduce the use of pesticide. However, water, fertilizer and pesticide use by homeowners when it is used on vegetable gardens and fruit trees is clearly negligible when compared to 1) water, fertilizer and pesticide use of commercial growing operations and 2) water, fertilizer and pesticide use for landscaping in the same residential environments. In addition, because hobby farmers or those farmers that generate less than \$1,000 gross annually produce crops on a scale comparable to a typical homeowner, these operations have a similarly negligible effect. Therefore, it is concluded that there are less than significant environmental impacts when non-commercial operations are excluded and reasonably foreseeable non-structural controls are not implemented at those operations.

Given that the definition of "agricultural and nursery operations" is ambiguous, it is possible that a grower who earns \$2,000 or \$3,000 per year might have erroneously believed that they were small enough to not be considered "non-commercial" and therefore, that coverage under the waiver was not necessary. Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 includes a thorough analysis of the potential environmental effects resulting from the implementation of Best Management Practices pursuant to the 11 waivers contained in the Resolution. In this analysis, it is concluded that the environmental effects associated with implementation of these controls on a regional basis will result either in no impact whatsoever, or result in less than insignificant impacts. Therefore, it can be concluded that the reasonably foreseeable effect of increasing the amount of Best Management Practices as the result of increasing implementation of such practices (by lowering the threshold for a commercial operation) would also be less than significant.

## AESTHETICS

- I.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not have a substantial adverse effect on a scenic vista because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- I.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially damage scenic resources because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- I.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially degrade the existing visual character or quality of any site or surroundings because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented.

The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- I.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create a new source of substantial glare because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

## **AGRICULTURE AND FOREST RESOURCES**

- II.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not convert any farmlands to non-agricultural use because the additional waiver language does not alter; but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural

and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- II.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with existing zoning for agricultural use, or a Williamson Act contract because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
  
- II.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with any existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
  
- II.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the loss of forest land or conversion of forest land to non-forest use because the additional

waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- II.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

### **AIR QUALITY**

- III.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with or obstruct implementation of the applicable air quality plan because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of

implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- III.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not violate any air quality standard or contribute substantially to an existing or projected air quality violation because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- III.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

III.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not expose sensitive receptors to substantial pollutant concentrations because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

III.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create objectionable odors that could affect a substantial number of people because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **BIOLOGICAL RESOURCES**

IV.a) III.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative



interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IV.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IV.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical

Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IV.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IV.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with any local policies or ordinances protecting biological resources because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IV.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat

conservation plan because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

## **GEOLOGY AND SOILS**

V.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

V.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in

Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

V.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

V.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not disturb any human remains because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VI.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not expose people or structures to potential substantial adverse effects because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional

Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VI.a)i. The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- VI.a)ii. The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause strong seismic ground shaking. Furthermore, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation

of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VI.a)iii. The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause seismic-related ground failure. Furthermore, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- VI.a)iv. The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause landslides because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- VI.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in substantial soil loss or loss of topsoil because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls

being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VI)c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in conditions under which any project is located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VI)d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in conditions under which any project is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VI)e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in conditions under which any project has soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **GREENHOUSE GAS EMISSIONS**

- VII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in conditions in which any project will generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in conditions in which any project will conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not



originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **HAZARDS AND HAZARDOUS MATERIAL**

VIII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VIII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical

Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VIII.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create a condition wherein any project emits hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VIII.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause projects to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

VIII.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not cause a condition wherein a

project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard for people residing or working in the project area because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VIII.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not (for projects within the vicinity of a private airstrip) result in a safety hazard for people residing or working in the project area because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- VIII.g) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver,,it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural

and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- VIII.h) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **HYDROLOGY AND WATER QUALITY**

- IX.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the violation of any water quality standards or waste discharge requirements, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially alter the existing drainage pattern of a site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially alter the existing drainage pattern of a site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site because the additional waiver language does not alter, but rather,

clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not otherwise substantially degrade water quality because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be

less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.g) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the placement of housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.h) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the placement of structures within a 100-year floodplain which impede or redirect flood flows because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

IX.i) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to

have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- IX.j) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in inundation by seiche, tsunami, or mudflow. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **LAND USE AND PLANNING**

- X.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not physically divide any established community because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation



of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

X.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

X.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with any applicable habitat conservation plan or natural community conservation plan because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

## **MINERAL RESOURCES**

XI.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state because the additional waiver language does not

alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XI.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

## **NOISE**

- XII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural

and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XII.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in a substantial permanent increase in ambient noise levels in any project vicinity above levels existing without the project because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XII.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in a substantial temporary or periodic increase in ambient noise levels in the project

vicinity above levels existing without the project because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XII.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not (for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport) expose people residing or working in the project area to excessive noise levels because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XII.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not (for projects located within the vicinity of a private airstrip) expose people residing or working in the project area to excessive noise levels because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural

and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

## **POPULATION AND HOUSING**

- XIII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not induce substantial population growth in an area, either directly or indirectly. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XII.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **PUBLIC SERVICES**

- XIV.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including fire protection, police protection, schools, parks and other public facilities. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **RECREATION**

- XV.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in an increase the use of

existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XVb) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in the construction or expansion of recreational facilities which might have an adverse physical effect on the environment because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **TRANSPORTATION/TRAFFIC**

- XVI.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that

was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

XVI.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

XVI.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. Furthermore, the additional waiver language does not alter, but rather, clarifies the original intent of the waiver; it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D -



Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XVI.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVI.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in inadequate emergency access because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVI.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities because the additional waiver language does not alter, but

rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **UTILITIES AND SERVICE SYSTEMS**

- XVII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire

region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XVII.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVII.d) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in a lack of sufficient water supplies to serve the project from existing entitlements and resources, nor will new or expanded be entitlements needed because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVII.e) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not affect the wastewater treatment

provider's ability provide adequate capacity to serve the project's projected demand in addition to the provider's existing commitments because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

- XVII.f) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not affect the ability of any landfill to provide sufficient permitted capacity to accommodate the project's solid waste disposal needs because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.
- XVII.g) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not affect compliance with federal, state, and local statutes and regulations related to solid waste because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented.

The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

#### **MANDATORY FINDINGS OF SIGNIFICANCE**

XVIII.a) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it has no potential to have any effect on the environment that was not originally intended by the Conditional Waiver.

In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.

XVIII.b) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in impacts that are individually limited, but cumulatively considerable because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that

are required to be covered under the waiver will, similarly have less than significant effects.

- XVIII.c) The inclusion of the definition of "agricultural and nursery operations" into Conditional Waiver No. 4 should not result in environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly because the additional waiver language does not alter, but rather, clarifies the original intent of the waiver. Therefore, it does not have the potential to have any effect on the environment that was not originally intended by the Conditional Waiver. In addition, alternative interpretations of the definition, such as interpretations that might include non-commercial growing entities or interpretations that might exclude operations that gross more than \$1,000 per year will result in a small change in the amount of structural and non-structural controls being implemented. The total net effect of implementation of structural and non-structural controls for the entire region was analyzed in Appendix D - Environmental Analysis and Checklist of the Technical Report for Resolution R9-2007-0104 and the effects were found to be less than significant. Therefore, the minor changes in the interpretation of the number of growing operations that are required to be covered under the waiver will, similarly have less than significant effects.