



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

FINAL LOCAL
ACTION NOTICE
REFERENCE # 3-SLO-09-274
APPEAL PERIOD 10/6-10/19/09

RECEIVED

OCT 05 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

October 1, 2009

CA Coastal Commission
ATTN: Jonathan Bishop
725 Front St. # 300
Santa Cruz, CA 95060

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: September 29, 2009

SUBJECT: Appeal of Los Osos Wastewater Project / COUNTY FILE NUMBER:
DRC2008-00103

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the San Luis Obispo County Board of Supervisors on the hearing date shown. A copy of the Resolution of approval, with final findings and conditions attached, is enclosed. The conditions of approval must be carried out as set forth in that document.

This action may be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

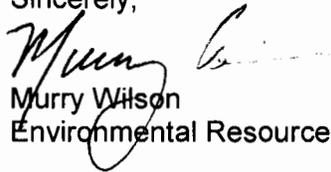
Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

If you have any questions regarding these procedures, please contact me at (805) 788-2352 or email me at mwilson@co.slo.ca.us.

Sincerely,



Murry Wilson
Environmental Resource Specialist

CC. Department of Public Works (Internal)

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, September 29, 2009

PRESENT: Supervisors Frank Mecham, Adam Hill, K. H. 'Katcho' Achadjian,
James R. Patterson and Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2009-313

RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO
FOR A DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2008-00103

The following resolution is now offered and read:

WHEREAS, on August 13, 2009, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of the County of San Luis Obispo for a Development Plan / Coastal Development Permit DRC2008-00103; and

WHEREAS, Don Bearden, Steven Paige, Vivian & Barry Bramin, Bruce Corelitz, Los Osos Valley Memorial Park, J.H. Edwards Company, Piper Reilly, Linde Owen, Los Osos Sustainability Group, Martha Goldin, Elaine Watson, Citizens For Affordable & Safe Environment & Coalition for Low Income Housing, Surfrider Foundation – San Luis Bay Chapter, Los Osos Legal Defense Fund, Sierra Club, and Chuck Cesena have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 29, 2009, and a determination and decision was made on September 29, 2009; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and Exhibit C attached hereto and incorporated by reference herein as though set forth in full.

3. That the Final Environmental Impact Report prepared for this project is hereby certified and approved as having been prepared in accordance with the provisions of the California Environmental Quality Act and the CEQA Guidelines.

4. That the Board of Supervisors certifies that it has reviewed and considered the information contained in the Final Environmental Impact Report together with all comments received during the public review process prior to approving the project.

5. That the Final Environmental Impact Report reflects the Board of Supervisors' independent judgment and analysis.

6. That the appeals filed by Don Bearden, Steven Paige, Vivian & Barry Branin, Bruce Corelitz, Los Osos Valley Memorial Park, J.H. Edwards Company, Piper Reilly, Linde Owen, Los Osos Sustainability Group, Martha Goldin, Elaine Watson, Citizens For Affordable & Safe Environment & Coalition for Low Income Housing, Surfrider Foundation – San Luis Bay Chapter, Los Osos Legal Defense Fund, Sierra Club, and Chuck Cesena are hereby denied and the decision of the Planning Commission is affirmed that the application of the County of San Luis Obispo for Development Plan / Coastal Development Permit DRC2008-00103 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor /Chairperson Gibson, seconded by Supervisor Hill, and on the following roll call vote, to wit:

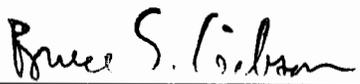
AYES: Supervisors Gibson, Hill, Mecham, Achadjian and Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.



Chairperson of the Board of Supervisors
BRUCE S. GIBSON

ATTEST:

JULIE L. RODEWALD

By  Deputy Clerk
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: /s/ Timothy McNulty
Deputy County Counsel

Dated: 09/29/09

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 1st day of October, 2009.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: 
Deputy Clerk

DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2008-00103
FINDINGS - EXHIBIT A

Environmental Determination

A. An Environmental Impact Report was prepared and circulated for the proposed project. Impacts were identified and mitigation measures were proposed for: visual resources, agricultural resources, air quality, biological resources, cultural resources, geology & soils, public health and safety, noise, traffic/circulation, groundwater resources, drainage and surface water quality, environmental justice, and land use & planning. The Final EIR also considers several project alternatives. Significant and unavoidable impacts to agricultural resources were identified for the project alternative (Giacomazzi treatment plant site) that was selected by the Planning Commission at the July 24, 2009 hearing. The EIR process was completed in accordance with CEQA and a Final EIR has been certified by the Planning Commission.

Coastal Development Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Program because:

1. Public Utility Facilities are allowed under Table O of Framework for Planning in all land use categories except Recreation and Open Space, and as limited by planning area standards in the Estero Area Plan. The wastewater treatment facility is an allowable use at the proposed location (Giacomazzi site) because there is no other feasible location within the urban reserve boundary and is the environmentally superior alternative as determined through the Planning Commission hearing process, testimony at public hearings, and all the information included in the record for the Los Osos wastewater project.
2. The proposed Los Osos Wastewater Treatment Facility components are in conformity with the County's adopted general plan or part thereof applicable to the proposed project.
3. The project will balance protection of resources (e.g. groundwater resources, sensitive resources, etc.) with the necessity of providing a community sewer for the prohibition zone of the community of Los Osos as defined by Resolution No. 83-13 issued by the Regional Water Quality Control Board.
4. Agriculture policies encourage the preservation of viable agriculture. The proposed project is found to minimize agricultural impacts and will provide an additional water supply to promote the continuance of agriculture within the Los Osos Valley. Re-use of tertiary treated effluent for agricultural production would protect agricultural resources in the Los Osos Valley. The re-use of tertiary treated effluent would be consistent with the surrounding area because the water is treated to Title 22 standards (California Code of Regulations) which allows the water to be placed on edible food crops, landscape areas, etc. and would not result in impacts to surrounding uses.
5. Public Works policies ensure that adequate facilities are available for new and anticipated development. The proposed project will not increase the demand for services and will only allow development consistent with applicable area plan standards as conditioned herein.
6. Coastal Watershed policies are meant to maintain productivity of coastal waters and to manage new development so that the resource is

maintained. The proposed project, with the recommended conditions of approval, will not have a significant effect on coastal watersheds.

7. Visual and Scenic Resource policies encourage protection of coastal viewsheds. As revised by the Planning Commission, the proposed location of the treatment facility will be consistent with these policies because the project site will not hinder views of the scenic Morros and other vistas as seen from public views. The project will provide adequate and appropriate visual screening of facilities as viewed from public locations.
8. Environmentally Sensitive Habitat policies require protection of such areas. As revised by the Planning Commission, and conditioned, the project will avoid sensitive habitats to the extent feasible and provide appropriate mitigation for any impacts resulting from the project.
9. Hazard policies provide for the protection of life and property from natural and man made hazards. The location of the proposed project will not increase the risk of hazard to the public or property because the project has been sited to avoid potential conflicts with the Los Osos fault zone. Preliminary geologic evaluation indicate that no significant impacts resulting from hazardous conditions will result from project development, and as conditioned, will be required to incorporate final recommendations of a site and design specific geologic hazards evaluation for project related components and buildings.
10. Archaeology polices relate to the identification and preservation of archaeological resources will be met by implementation of the required Cultural Resource Treatment Plan and other conditions associated with the protection and preservation of cultural resources.
11. Air Quality policies encourage the enhancement of air quality. Compliance with the conditions of approval and APCD rules and procedures will preserve air quality. Because the project has been conditioned to not allow connections to the sewer system outside the Service Area, the project will limit sprawl around the community of Los Osos and associated vehicle trips. The removal of septic tanks and the operation of a centralized wastewater treatment system will result in an overall reduction in Greenhouse Gas generated by the community.
12. The project is consistent with the Agriculture and Open Space Element AG Policy 24 regarding conversion of agricultural lands because there is no other feasible location to site the treatment facility within the urban reserve boundary and is the environmentally superior alternative as determined through the Planning Commission hearing process, testimony at public hearings, and all the information included in the record for the Los Osos wastewater project. Expansion of urban uses (e.g. essential public facilities such as a sewer treatment facility) should only occur where they are located contiguous to an existing urban reserve boundary and this project will be located contiguous to the urban reserve boundary. The conversion of agricultural land, in this situation, will support existing row crop terrain and soils because the project will provide tertiary treated water for agricultural purposes in the surrounding vicinity. The re-use of tertiary treated water would be consistent with the surrounding area because the water is treated to Title 22 standards (California Code of Regulations) which

allows the water to be placed on edible food crops, landscape areas, etc. and would not result in impacts to surrounding uses. The conversion of land to a non-agricultural use would not adversely affect existing or potential surrounding agricultural production because the proposed use will not be incompatible with these uses. Additionally, the conversion of land to non-agricultural uses will not reduce groundwater recharge in the vicinity of the treatment plant site.

13. The project would protect scenic views as seen from Los Osos Valley Road without interfering with agricultural production including scenic vistas of the Morros which helps to define the character of the area.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Plan because:

1. The project will not hinder access to the coast or tidelands;
2. The project will provide for protection of environmentally sensitive habitat areas and agricultural lands through dedication and acquisition of easements;
3. The project is consistent with all applicable Coastal Plan Policies as described herein;
4. All proposed structures, facilities, and acquisitions for the Los Osos wastewater project are in conformity with the County of San Luis Obispo general plan; and

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because:

1. A community-wide wastewater system is an essential public facility normally provided and expected in developed communities;
2. The project is intended and required to improve groundwater quality to meet State standards as established and described in Resolution No. 83-13 issued by the Regional Water Quality Control Board; and
3. The project will protect the public health, safety and welfare of area residents and the natural environment by constructing a wastewater treatment plant, collection and disposal system for a needed community sewer system.
4. The use of tertiary treated water is considered a safe and appropriate use of the effluent because the water is treated to Title 22 standards (California Code of Regulations) which allows the water to be placed on edible food crops, landscape areas, etc. and would not result in impacts to surrounding uses.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because:

1. As conditioned by the Planning Commission, the project minimizes agricultural impacts, visual impacts, odors and noise, and has minimal traffic impact on the surrounding neighborhood and community;
2. A variety of land uses are present in the vicinity of the project site including public facilities, agriculture, residential rural, and residential suburban;
3. The treatment plant would be located adjacent to existing row-crop areas which are proposed for the agricultural re-use program which would minimize power and infrastructure needed to provide the tertiary treated water to the identified re-use areas. The re-use of tertiary treated water would be consistent with the surrounding area because the water is treated to Title 22 standards (California Code of Regulations) which allows the water to be placed on edible food crops, landscape areas, etc. and would not result in impacts to surrounding uses;
4. The treatment plant would be located adjacent to existing grazing lands and Warden Lake. The project will be set back from Warden Lake and provide enhancement of on-site drainage features which drain into Warden Lake;
5. The treatment plant would be located adjacent to an existing public utility corridor consisting of a 230 kV and 500 kV high voltage transmission lines and a future 500 kV high voltage line corridor; and
6. The characteristics of the area are of an agrarian and pastoral setting. The treatment plant facility will incorporate agrarian features into its design. As conditioned, the treatment plant site would be screened from public views and be consistent with the agrarian and pastoral setting.

F. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Los Osos Valley Road that would serve the daily employee traffic for the wastewater treatment plant is an arterial road, capable of handling all operational traffic generated by the proposed use. Construction traffic throughout the community will create temporary inconveniences but has been shown in the traffic analysis contained within the EIR to not create significant traffic or circulation related impacts.

G. The proposed use (portions thereof that are located between the first public road and the sea or the shoreline of any body of water), is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because there are existing coastal access easements within the community that adequately provides for access to coastal waters and recreation areas. In addition, the project itself will not interfere with coastal access to the shoreline or bay.

Sensitive Resource Areas (SRA)

Portions of the proposed project are located within Environmentally Sensitive Habitat areas (ESHA's). The ESHA's are Sensitive Resource Area's (SRA's) as identified in the Estero Area Plan and include Terrestrial Habitats, Riparian Vegetation, Wetlands, Marine Habitats, and Coastal Streams.

- H. The development will not create significant adverse effects on the natural features of the project site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design because:
1. The project would avoid sensitive resources to the extent feasible and mitigate for all project related impacts that result from project related activities; and
 2. Monitoring is required as a condition of approval to ensure that project avoidance and mitigation measures will be effective in mitigating project related impacts.
 3. On balance, the project will be more protective of the environment because it will improve water quality in Morro Bay, reduce seawater intrusion, and promote coastal agriculture.
- I. Natural features and topography have been considered in the design and siting of all physical improvements and the project has been conditioned to avoid and minimize impacts to the sensitive resources adjacent to the project areas.
- J. The proposed clearing of topsoil and trees, is the minimum necessary to establish the use – the wastewater treatment plant and associated appurtenances. The majority of the collection system and disposal system components will be located within existing developed right-of-ways and will not necessitate the clearing of topsoil or trees. Erosion control measures, revegetation, drainage features, are proposed to mitigate for potential impacts that could result from grading and other ground disturbing activities as described herein.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. These conditions will be verified as part of the final geotechnical report required from the design of project facilities as conditioned herein.

Environmentally Sensitive Habitats

- L. There will be no significant negative impact on the identified sensitive habitats and the proposed use will be consistent with the biological continuance of the habitats because mitigation measures are incorporated into the project that reduce impacts to less than significant.
- M. The proposed use will not significantly disrupt the identified sensitive habitats because:
1. Restoration and enhancement of native vegetation is required for all disturbed areas and native plants will be used where any vegetation is removed;
 2. Development has been sited to minimize disruption of the identified habitats; and
 3. Development has been sited and measures have been applied to the project through conditions of approval (e.g. welded pipes in areas of high groundwater and areas subject to future sea level rise) that will provide protection to the adjacent marine habitats.

Streams and Riparian Vegetation

- N. Alternative locations and routes were evaluated and determined to be infeasible because the location of the wastewater treatment plant requires crossing Los Osos Creek in order to construct the collection system and disposal system which are required elements of the wastewater treatment project.
- O. Adverse environmental effects have been mitigated to the maximum extent feasible based on implementation of the proposed mitigation measures outlined in the DEIR and FEIR and will be verified by the required mitigation and monitoring program. Pipelines will be connected to the existing bridge which would minimize impacts to Los Osos Creek.
- P. The riparian adjustment to the riparian setback is necessary to allow the permitted use (pipelines for wastewater collection and treated effluent disposal) within the setback. Redesign or an alternate route is not feasible because the location of the collection system, disposal system, and treatment plant site requires crossing Los Osos Creek.
- Q. The riparian adjustment is the minimum that would allow for the establishment of the collection system to direct the wastewater flows to the treatment plant.

Wetlands

- R. The location of existing residential development with respect to wetlands requires a setback reduction in order to allow collection of effluent from all portions of the community that are required to connect to the community sewer system per Resolution No. 83-13 issued by the Regional Water Quality Control Board.
- S. The wetland setback reduction is the minimum that would enable the establishment of the principal permitted use after all design modifications have been considered because effluent must be collected from areas near existing wetlands so it can be transferred to the treatment facility; therefore the adjustment must be granted to allow for collection of effluent from individual residences within the community of Los Osos.
- T. The wetland adjustment would not allow the proposed development (effluent collection system piping) to be located closer to the wetland than allowed by using the stringline setback method because the stringline method is no longer applicable and the specific situation where the setback adjustment would be required would be co-located within an existing developed street right-of-way.
- U. The soil types located in the area necessitating the setback adjustment are suitable for the proposed activities because the area where the setback adjustment is requested is within an existing right-of-way which contains structural base and appropriate backfilling will be utilized along the pipeline route.
- V. Topographic features of the site where the setback adjustment is requested will minimize impacts to the wetland because the area has been previously disturbed and elevated with the construction of the roadway (Third Street at Paso Robles Avenue).
- W. The wetland setback adjustment will not affect the functional capacity of the adjacent identified wetland because construction will occur within the existing disturbed street right-of-way and appropriate erosion and sedimentation measures will be in place to ensure protection of the adjacent wetland.
- X. The type and intensity of the proposed development will not have an impact on the wetland because the pipes will be buried within the existing right-of-way.

- Y. Configuration of existing development requires placement of the collection system pipes to allow collection of effluent from individual residences near the bay and wetlands.

Archaeological Sensitive Area

- Z. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because mitigation measures have been incorporated into the project including the requirements associated with the Cultural Resource Treatment Plan that provides for avoidance of resources, data collection, monitoring, and appropriate treatment of significant resources.

DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2008-00103
EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes construction and operation of a community-wide sewer system for the portion of Los Osos described in Resolution No. 83-13 issued by the Regional Water Quality Control Board (see Attachment 1) and as described by application materials, supplemental materials made a part of the record, and shown in the EIR, including:
 - a. A wastewater treatment facility, including all appurtenant structures, landscaping and site access to be located on the Giacomazzi site (APN 067-011-022);
 - b. A wastewater collection system, including lateral lines from individual structures to the street, connection lines at each property, sewer mains, back-up power facilities and pump stations;
 - c. Construction staging areas;
 - d. Wastewater disposal facilities, distribution lines for urban and agricultural re-use, and monitoring wells;
 - e. Wastewater sludge handling facilities at the wastewater treatment plant to enable the hauling of sludge to a disposal, recycling facility or co-generation facility;
 - f. Primary staging areas at East Paso Robles Street including minor and temporary staging areas in the project area including the Giacomazzi site;
 - g. Construction activities associated with the installation of approved facilities, including dewatering operations;
 - h. A program for the mitigation of direct impacts to habitat for endangered species and agricultural resources;
 - i. Construction of an underground pump station located at 3rd Street and the intersection of Paso Robles Avenue (unimproved), within 75' of a coastal wetland;
 - j. Construction of harvesting wells and their associated piping and facilities are NOT authorized by this approval; and
 - k. A water conservation program allowing a maximum water usage of 50 gallons per day / person for indoor water usage.
2. Except as otherwise required by the conditions of this permit, all development shall be substantially consistent with the site plan attached as Attachment 2, as well as with all final architectural elevations, color boards and landscape plans to be reviewed and approved by the Planning Director.
3. All development shall be consistent with the conditions contained herein. Prior to final design / layout of the East Paso Robles Avenue pump station and the Doris Avenue / Lupine Street pump station, the applicant shall provide verification to the satisfaction of the Planning Director, that the required 75 foot wetland setback will be met with the redesign / layout of said pump stations.
4. The approved service area for the wastewater treatment facilities corresponds to the area shown on the Service Area Map attached (see Attachment 1)
Future additions to the wastewater treatment service area shall require a separate coastal development permit, and must be preceded or submitted concurrently with an Local Coastal Plan (LCP) amendment that incorporates the proposed service area expansion within the Urban Service Line designated by the LCP.
5. No Guarantees of Development Approvals. Approval of this permit, or any method of financing the project utilized by the County (e.g., the established assessment program), does not guarantee County approval of any new or intensified uses within the service area. All new development proposals must be reviewed for consistency with the San

Luis Obispo County certified Local Coastal Program (and/or the California Coastal Act, as applicable); such review shall consider, among other issues, the environmental impacts of the new development, including the impacts associated with the installation of lateral connections necessary to tie into the approved collection system. Wastewater treatment service shall only be provided to developments that have obtained the required coastal development approvals in a manner consistent with such approvals. Prior to construction, the County shall prepare a public notice to all property owners of record within the service area that includes a copy of this condition, and an explanation of its effect upon the ability to obtain wastewater treatment service for future development.

Prior to the commencement of construction, said notice shall be mailed to all property owners within the service area, or noticed in three local newspapers and included in public information handouts provided by the County.

6. Tertiary Treatment. The treatment plant shall provide Disinfected Tertiary Recycled Water as defined at Section 60301.230 of Title 22 of the California Code of Regulations, which means a filtered and subsequently disinfected wastewater that meets the following criteria:

(a) The filtered wastewater has been disinfected by either:

(1) A chlorine disinfection process following filtration that provides a CT (the product of total chlorine residual and modal contact time measured at the same point) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; or

(2) A disinfection process that, when combined with the filtration process, has been demonstrated to inactivate and/or remove 99.999 percent of the plaque-forming units of F-specific bacteriophage MS2, or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.

(b) The median concentration of total coliform bacteria measured in the disinfected effluent does not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

Prior to providing tertiary treated water for agricultural uses the applicant shall develop a Recycled Water Management Plan for Agricultural Re-use. The use of tertiary treated water shall be consistent with resource protection strategies including but not limited to those designed to protect on and off site soils, and surface and groundwater resources through the use of appropriate site-specific management practices. The applicant shall consult with technical resource providers such as the University of California Cooperative Extension and USDA Natural Resources Conservation Service. The Plan shall be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner's Office prior to providing tertiary treated water for agricultural uses.

Prior to Construction

Permits

7. [Mitigation 5.5-C1] Prior to construction, an application for a Nationwide or Individual Permit shall be submitted by the County to the United States Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act (CWA). If required, the County shall obtain a Nationwide or Individual Permit from the USACE for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County shall implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development / construction.
8. [Mitigation 5.5-C2] Prior to construction, an application for a Water Quality Certification shall be submitted by the County to the Central Coast RWQCB pursuant to Section 401 of the Clean Water Act and the State Porter-Cologne Water Quality Act. If required, a Water Quality Certification shall be obtained from the Central Coast RWQCB for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters of the State. The County shall implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development / construction.
9. [Mitigation 5.5-C3] Prior to construction, a Notification of Lake or Streambed Alteration shall be submitted by the County to the CDFG pursuant to CFG Code Section 1602. If required, a Streambed Alteration Agreement shall be obtained from the CDFG for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County shall implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development / construction.
10. Prior to construction, an NPDES Construction Activity Storm Water Permit shall be obtained. Appropriate BMPs, as established in the project NPDES Construction Storm Water Permit, shall be employed during project construction, which may include, but are not limited to, temporary sand bagging; construction of berms; installation of geofabric, and revegetation of areas by hydroseeding and mulching; actions for control of potential fuel or drill tailing release; the use of trench stabilizing and de-watering and requirements for disposal (i.e., location, quality) of water from dewatering activities. The NPDES permit shall apply to all proposed facilities, and shall address 50 to 100-year precipitation events to the extent feasible. Any erosion and sedimentation control netting or other erosion and sedimentation control devices used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.
11. Prior to construction, the applicant shall provide an approved Fire Safety Plan from CalFire (consistent with their letter dated February 5, 2009) and prior to operation of the waste water treatment facility shall implement the requirements of the plan.
12. [Mitigation 5.9-C3] Prior to initiating grading activities, if it is determined that portable engines and portable equipment would be utilized, the contractor shall contact the SLOAPCD and obtain a permit to operate portable engines or portable equipment, and such engines or equipment shall be registered in the statewide portable equipment registration program. The SLOAPCD Compliance Division shall be contacted in order to determine the implementation requirements of this mitigation measure.

13. Prior to construction, the applicant shall obtain an encroachment permit from the County Department of Public Works for all work to be done in the County rights-of-way.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System General Discharge, the Industrial Stormwater Program, and the County's Stormwater Pollution Control and Discharge Ordinance 3143. All discharges and dewatering activities shall be authorized by the Regional Water Quality Control Board.

Facility Design

15. Building heights for structures shall conform to the following, as measured in accordance with CZLUO 23.04.122:
 - a. Treatment Plant. The buildings at the wastewater treatment facility will not exceed the following:
 - i. Administrative Building: 28 feet
 - ii. Maintenance Building: 35 feet
 - iii. Bio-Air Building: 30 feet
 - iv. Solids Building: 35 feet
 - v. RAS WAS Station and Storage Tank: 31 feet
 - vi. Secondary Clarifier (A): 25 feet
 - vii. Secondary Clarifier (B): 23 feet
 - viii. Electrical Building: 35 feet
 - ix. Tertiary Treatment Building: 26 feet
 - b. Standby Power Stations. Buildings shall not exceed 14 feet.
16. All facilities shall be designed to provide adequate and safe parking for facility operations personnel.
17. Signs shall conform to LUO 23.04.300. Prior to completion, the County shall provide signage at the treatment plant site indicating the facility and public amenities. Signs shall be approved by the Planning Director.
18. Buildings shall be designed to conform to energy efficiency requirements outlined in Title 24 of the California Code. Additional measures to be shown on construction plans include:
 - a. Provide an on-site lunch room with refrigeration and food preparation (i.e., microwave) appliances to reduce daily trips to and from the treatment facility;
 - b. Use of double paned windows in office area where interior heating/air conditioning will occur; and
 - c. Use of energy efficient interior lighting where applicable.

Geologic Hazards

19. [Mitigation 5.4-E1] Prior to commencement of grading activities for each facility, erosion control measures shall be incorporated into the grading plans to minimize the potential for erosion or loss of top soil during grading to the satisfaction of the Planning Director. Any erosion and sedimentation control netting or other erosion and sedimentation control devices used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.

20. [Mitigation 5.4-E2] Prior to commencement of grading activities for each facility, vegetation/landscaping shall be provided on the graded cut and fill slopes to reduce the long-term potential for soil erosion or loss of topsoil to the satisfaction of the Planning Director.
21. [Mitigation 5.4-E3] Prior to commencement of grading activities for each facility, the plans shall provide for the control of surface water away from slopes to the satisfaction of the Planning Director in consultation with the Public Works Department.
22. All proposed facilities shall be designed and constructed in accordance with UBC Seismic Zone 4 regulations.
23. [Mitigation 5.4-B1] Prior to the commencement of construction for buildings at each proposed facility, the design of each facility shall be based on a facility-specific geotechnical report prepared by a California registered geotechnical engineer and professional geologist. The geotechnical report shall provide seismic data for use with at least the minimum requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo.
24. [Mitigation 5.4-C1] Prior to completion of the improvement plans for the proposed project, a geotechnical report that addresses liquefaction hazards shall be prepared and approved by the Planning Director. The geotechnical report shall state the recommended actions for the collection system, effluent disposal system, treatment plant site, and all appurtenant facilities so that potential impacts from seismically-induced liquefaction would be reduced to less than significant. These recommendations shall be incorporated into the design of all proposed facilities that are part of the collection system and at the treatment plant site.
25. [Mitigation 5.4-C2] Prior to completion of improvement plans, an Emergency Response Plan (ERP) shall be prepared as part of the operation and maintenance plan for the proposed collection system. The ERP shall recognize the potential for liquefaction, seismic hazards and ground lurching, to impact the pipeline or other proposed facilities, and specific high hazard areas shall be inspected for damage following an earthquake. "Soft Fixes" shall be incorporated in the ERP. Soft fixes typically consist of having a plan in-place to address the hazards, such as can be achieved by storing supplies and equipment for repair.
26. [Mitigation 5.4-F1] Prior to completion of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant shall be prepared and approved by the Planning Director. These recommendations shall be incorporated into the design of the improvement plans for the proposed facilities.
27. [Mitigation 5.4-G1] Prior to completion of improvement and building plans for the proposed project, a design-level geotechnical report shall be prepared that addresses and reduces potential expansive soil impacts to less than significant. The expansive soil data shall be used with the requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo. These recommendations shall be incorporated into the design of all proposed facilities that are part of the collection system and at the treatment plant site.

Cultural Resources

28. [Mitigation 5.6-B1] Avoidance of cultural resources is the paramount mitigation measure to protect cultural resources potentially impacted during project development. Avoidance of all known and unknown cultural resources shall be the primary and preferred mitigation. If avoidance is infeasible, then work shall only continue when it has been determined to be consistent with the required Treatment Plan and testing requirements.
29. [Mitigation 5.6-B2] A Treatment Plan shall be prepared that would detail the extensive scope of the proposed project, establish site types with corresponding levels of effort for mitigation, and detail data recovery and monitoring plans for the extent of the proposed project. The former Treatment Plan (Far Western 2001) prepared for the wastewater project shall be adapted and modified where appropriate for the current project.
30. [Mitigation 5.6-B4] If avoidance of recorded archaeological sites within any portion of the approved project design is not possible through project redesign, a phased program of site testing shall be undertaken to establish boundaries and evaluate the resources' potential eligibility to the California Register of Historical Resources under CEQA and the National Register of Historic Places under NEPA. If a site is determined ineligible, no further work is required. If a site is determined eligible, data recovery excavations shall be required to mitigate adverse effects incurred from project development.
31. [Mitigation 5.6-B6] Preconstruction monitoring shall occur in areas ranked as high in sensitivity for buried deposits. The area subject to this requirement is located along Los Osos Valley Road from Los Osos Creek east to the Cemetery Parcel. Mechanical backhoe trenching shall be conducted within the sensitive areas where any construction impacts will occur and shall be monitored by a qualified geo-archaeologist. Any identified intact deposits will be evaluated, and any deposits determined to be eligible to the California Register and/or National Register shall require project redesign to avoid impacts, or data recovery to mitigate unavoidable impacts.

Traffic

32. [Mitigation 5.8-A1] Prior to construction, a traffic management plan shall be prepared for review and approval by the County of San Luis Obispo Traffic Department in consultation with the Planning Director. The traffic management plan shall be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan shall include:
 - a) Advertisement. An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction. The advertising shall include notification of changes to bus schedules and potential changes to bus stop locations, potential impacts during school drop-off and pick-up times, and major intersections that may be impacted during construction.
 - b) Property Access. Access to parcels along the construction area shall be maintained to the greatest extent feasible. Affected property owners shall receive advance notice of work adjacent to their property access and when driveways would be potentially closed.
 - c) Schools. Any construction adjacent to schools shall ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.

- d) Buses, Bicycles and Pedestrians. The work zone shall provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
- e) Intersections. Traffic control (i.e. use of flag men) shall be used at intersections that are determined to be unacceptably congested due to construction traffic.

Access

- 33. Prior to commencement of grading activities, the applicant shall submit driveway construction plans to Public Works Encroachment for review and approval in consultation with the Planning Director. The plans shall show the reconstruction of the project driveway approach(es) at the Giacomazzi site in accordance with County Public Improvement Standard Drawing Numbers B-1e and A-5a (sight distance). The applicant shall secure an encroachment permit from Public Works prior to commencing any work within the public right-of-way.
- 34. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works in consultation with the Planning Director shall:
 - a) Submit a copy of all such permits to the Department of Public Works and Planning Department; OR
 - b) Documentation that the regulatory agencies have determined that said permit is not required.

Air Quality

- 35. [Mitigation 5.9-C1] Prior to commencement of grading activities, the applicant shall submit a Construction Activities Management Plan for the review and approval of the SLOAPCD. This plan shall include but not be limited to the following Best Available Control Technologies for construction equipment:
 - a. Minimize the number of large pieces of construction equipment operating during any given period.
 - b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions and overall daily and quarterly emissions.
 - c. Properly maintain and tune all construction equipment according to manufacturer's specifications.
 - d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel.
 - e. All diesel construction equipment shall meet ARB's Tier 3 standard for off-road heavy duty diesel engines.
 - f. All on-road heavy-duty trucks shall meet the ARB's 2007 or newer certification standard for on-road heavy-duty diesel engines.
 - g. All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

- h. Electrify portable equipment where possible throughout the project area.
 - i. All diesel powered portable equipment used shall have tier 2 or tier 3 engines and retrofitted with an ARB level 3 verified diesel emissions control strategy (VEDEC).
 - j. Locate construction staging areas at least 1000 feet from sensitive receptors.
36. The Construction Activity Management Plan (CAMP) should include but not be limited to the following elements:
- a. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
 - b. Limit the length of the construction work-day period, if necessary;
 - c. Phase construction activities to minimize overlapping emissions; and
 - d. Construction Equipment composition and schedule including:
 - 1. Equipment Type
 - 2. Equipment Model
 - 3. Equipment Year
 - 4. Engine Type
 - 5. Engine Model
 - 6. Engine Year
 - 7. Engine Horsepower
 - 8. Schedule of use
37. APCD and the County will establish an off-site mitigation program based on the ozone precursor, PM exceedence, and greenhouse gas emissions. The County may use the funding of this program to implement APCD approved emission reduction projects near the project site or may pay that funding level plus a 15 percent administration fee to the APCD for the APCD to implement emission reduction projects in close proximity to the project. The County will provide the funding at a time or schedule approved by the APCD to help facilitate emission offsets that are as timely.
38. Prior to commencement of grading activities, an updated air quality emissions analysis consistent with the CAMP and mitigation measures above will be submitted to determine if additional measures (e.g. off-site mitigation) are required to reduce the air quality impact below the levels of significance.
39. Prior to any grading activities associated with the project, the project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occuring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912.

40. An Odor Control Plan shall be submitted for review and approval of the San Luis Obispo County Air Pollution Control District prior to commencement of grading activities which shall be incorporated as conditions of the permit issued by the County for the construction and operation of the Los Osos wastewater project. The Odor Control Plan shall contain a Complaint Response Plan to address at least the following:
- a. A public outreach plan, including operator training in the handling of complaints; a program for informing the public regarding the complaint process; periodic neighborhood surveys of performance and responsiveness to complaints; and, a complaint hotline phone number. This public outreach plan shall be in place upon startup;
 - b. An odor point identification map, which will aid the wastewater system operators and the SLOAPCD by identifying potential odor sources, a description of the odor point. This identification map and related information shall be completed within the first 3 months of startup;
 - c. A list of immediate responses or actions to be taken to complaints, including, but not limited to:
 1. The upstream addition of ferrous chloride (or other) injection system adjustments;
 2. On-site odor checks to identify odor sources or system malfunctions, neighborhood complaint patrol and actions to be taken;
 - d. A Contingency Action Plan detailing the methods to which odor sources will be studied and a response action plan to control odors over the long term. This Plan shall be in place upon startup. Possible responses include, but are not limited to, the following:
 1. Providing additional “negative air” containment or recovery system areas;
 2. Additional treatment containment enclosure;
 3. Additional or improved odor control, dispersal and/or air movement at pump stations, wet wells and the wastewater treatment plant;
 4. Additional study of odor sources and possible solutions, which may include a dilution to threshold measurement for each potential odor source using the Bay Area Air Quality Management District’s procedure outlined in their Regulation 7 “Odor Substances” 7-400 et seq and “Manual for Procedures”, Volume IV, ST-I, ST-8, ST-ii, 51-16 and ST-22 or SLOAPCD equivalent.

Noise

41. [Mitigation 5.10-A1] The County shall require that the treatment plant be designed so that the mechanical aeration system is located a minimum of 250 feet away from the nearest residence.
42. [Mitigation 5.10-A2] The County shall require that the treatment plant be designed so that the backup diesel generator is enclosed in a structure and is located a minimum of 250 feet away from the nearest residence.

43. Operation and maintenance plans for the treatment facility will ensure that all pumps and aerators are kept in proper working order.
44. [Mitigation 5.10-A3] The County shall require that the backup power facility structures for the in-town collection system be designed so that the noise created from the backup diesel generator that would be located inside the structure would not exceed 45 dBA Leq at the nearest property line. The noise from the backup diesel generator may be attenuated through the use of a “manufacturer enclosure” or through incorporation of noise attenuation design features into the backup power facility structure.

Hazards

45. [Mitigation 5.7-A1] Prior to any onsite construction activities at the proposed treatment plant sites, soils shall be sampled and analyzed by a licensed engineer or geologist approved by the County of San Luis Obispo Health Department to determine the level of residue for pesticides, herbicides, chemicals, and associated metals. If residues are found to be within acceptable amounts in accordance with the San Luis Obispo County Health Department (SLOCHD) and Environmental Protection Agency/Department of Toxic Substance Control (DTSC) standards, then grading and construction may begin. If the residue is found to be greater than the SLOCHD and DTSC standards, all contaminated soils exceeding the acceptable limits shall be remediated and/or properly disposed of in accordance with SLOCHD and DTSC requirements. An appropriate verification closure letter from SLOCHD and DTSC shall be obtained and submitted to the County of San Luis Obispo Planning Department. Depending on the extent of contaminated soils, a verification closure letter from the California Regional Water Quality Control Board may also need to be submitted to the County of San Luis Obispo Planning Department. Site remediation can occur by the use of onsite transportable thermal treatment units or bio-remediation. The soil can also be excavated and shipped offsite to fixed incineration or bio-remediation facilities.
46. [Mitigation 5.7-B1] Prior to operation of the wastewater treatment system, a Hazardous Materials Management Plan shall be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan shall identify hazardous materials utilized at the proposed wastewater facilities and their characteristics, storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan shall identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures shall include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, use of vacuum trucks, and use of water booms to contain spills within open water areas. Furthermore, the Plan shall address response and containment of fuel at pump station sites.
47. [Mitigation 5.7-D1] To reduce the potential temporary loss of water for firefighting that may occur as a result of construction activities, the project shall compensate for the potential temporary loss of water through means determined by the County Fire Chief.
48. All contractors shall comply with relevant provisions of CAL-OSHA CAC Title 8 regarding the provision of safety and rescue equipment, to the satisfaction of the County Department of Public Works in consultation with the Planning Director.

Aesthetics

49. At the time of construction, walls, roofs, and other building components shall be constructed in colors and tones compatible with the surrounding environment.

Landscaping that will either screen from in front or grow over from above any fencing shall be established prior to operation of the facility.

50. [Mitigation 5.12-D1] A final lighting plan shall be prepared for the treatment and disposal facilities in accordance with Estero Area Plan AES-5. The lighting plan shall meet County design standards. This shall include proper shielding, proper orientation, and applicable height standards. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties or public areas. Light hoods shall be dark-colored. Lighting associated with all project components shall be the minimum needed for plant/pump station operations which require lighting for operations and/or during emergency situations.
51. [Mitigation 5.12-C3] Any buildings associated with collection facilities at the Broderson and Mid-Town parcels shall be designed in such a manner so they are architecturally compatible with other buildings in the vicinity.
52. [Mitigation 5.12-F1] Any building (equipment areas, pumping stations) associated with treatment and disposal facilities shall be designed to conform to an agricultural / rural landscape. Buildings shall be designed to appear as barns or other farm related structures.
53. Prior to construction, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, sand dunes, etc. Darker or neutral, non-reflective, earth tone colors shall be selected for walls and buildings, and darker green, gray, slate blue, or brown colors for the roof structures.
54. [Mitigation 5.12-C1] Construction staging areas shall conform to Estero Area Plan AES-1 and be located away from sensitive viewing areas to the extent feasible. Before construction activities begin, an area of construction equipment storage away from direct views of sensitive viewing corridors (e.g. residences and major roads in the project area) shall be designated.
55. [Mitigation 5.12-C2] A final landscaping plan shall be prepared for the entire project site and approved by the County prior to commencement of construction activities. Said landscaping plan shall emphasize native plant materials and shall include sufficient planting to screen views of the project from nearby roads, public areas, and residential developments. The landscaping plan shall be designed to visually integrate the project into the rural landscape, while preserving and enhancing existing views.

Biological Resources

56. Prior to the initiation of any vegetation clearing, soil disruption, grading, or any other construction related activities, the County shall formalize a "no take agreement" with the CDFG for the Morro Bay kangaroo rat. The "no take agreement" shall outline a monitoring and contingency plan for the Broderson leach field, as on-going maintenance of the leach field may create suitable Morro Bay kangaroo rat habitat.
57. Where construction will necessitate disturbance in undeveloped lots and other potentially sensitive areas, a pre-construction survey will be conducted to assess and minimize any potential impacts to sensitive resources in these areas.

58. [Mitigation 5.5-A9] The proposed project shall avoid Monarch butterfly winter roost habitats where feasible. If the proposed project will impact potential winter roost habitat, a qualified biologist with expertise in positively identifying the Monarch butterfly and winter roosting behavior shall conduct preconstruction surveys within all suitable habitat that occurs within the proposed impact area during the months of October through February. All potential roost sites that have a potential to be impacted as a result of construction activities shall be fenced and avoided. No construction activities shall be permitted in the vicinity (within 500 feet) of potential roost sites during the winter roosting months.
59. [Mitigation 5.5-A10] Prior to construction activities on the Broderson and Mid-town properties, a qualified biologist shall be retained to identify and demarcate all host silver dune lupine (*Lupinus chamissonis*) shrubs that occur within the impact area. The qualified biologist shall inspect each host lupine for the presence of any Morro blue butterfly eggs, larvae, or pupae. In an effort to avoid mortality of butterfly eggs, larvae, or pupae prior to the onset of adult emergence, any host lupine specimens determined to contain eggs, larvae, or pupae shall be considered for relocation outside of the impact area and within suitable coastal dune scrub habitat on either the Broderson or Mid-town properties. To avoid take of the Morro shoulderband snail (*Helminthoglypta walkeriana*) while conducting Morro blue butterfly survey activities, any person conducting such surveys shall be a qualified biologist knowledgeable in the general habitat requirements of the Morro shoulderband snail and familiar with the diagnostic features of all native and introduced snail species. Any planting and restoration efforts proposed as mitigation for the project shall include silver dune lupine within the plant palette to encourage the species to continue to use the area.
60. [Mitigation 5.5-A15] Prior to project construction, land containing coastal dune scrub and maritime chaparral habitat shall be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail and other sensitive species on the Broderson and Mid-town properties, and sensitive areas in the collection system. Seventy-three acres of the Broderson property not used for the proposed leachfields shall be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve as determined during agreements with USFWS, CDFG, and the County. A long-term management and monitoring program shall be prepared for the area to be preserved. The County shall be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land. Such funding expense may be recouped through fees imposed upon wastewater system users and others.
61. [Mitigation 5.5-A16] Immediately following construction of the leachfields within the Broderson property, the disturbance area and all existing and unaffected coastal sage scrub (or coastal dune scrub) within the property shall be restored, enhanced, and maintained to promote the land's function and value as suitable habitat for sensitive plants and wildlife that are local or endemic to the area. Restoration and enhancement efforts, including at minimum, seeding with native plant species and eradication of exotic non-native plant species, shall be repeated immediately following all long-term maintenance activities resulting in temporary disturbance of the leachfields. This shall be applied to the ripping and backfilling activities that will be required every 5 to 10 years to maintain the leachfield function.

Restoration activities shall be conducted according to a Restoration Plan or similar plan specifically prepared for the effort and approved by USFWS, CDFG, and/or the CNPS. The Restoration Plan shall require at minimum, a description of the prescribed
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restoration and methodology, feasibility and likelihood for success, and a schedule and program for maintenance, monitoring and reporting the progress of the restoration effort. All restoration activities shall be conducted by qualified personnel with expertise in restoration ecology and knowledge of sensitive plant and wildlife species in the area. The restoration effort shall include the implementation of a seed collection program to gather seeds to be used during restoration from native sources. The seed collection program shall be prepared for approval by the County prior to project construction activities. The seed collection program shall include the use of native plants that will be removed as a result of the project, including but not limited to: mock heather (*Ericameria ericoides*), silver dune lupine (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), bush monkey flower (*Mimulus aurantiacus*), and deerweed (*Lotus scoparius*). Collection shall take place by qualified personnel with expertise in botanical resources during the appropriate time of year for seed production and harvesting.

Unless otherwise determined during consultation with the USFWS, the restoration effort shall be monitored against performance standards for a minimum of five years, or until the first ripping event for the restored areas within the leachfield area, after which the maintenance and monitoring of the restored areas shall be covered within specific management directives contained within a Resource Management Plan. The performance standards shall include, at minimum, at least 80 percent native plant species coverage and no greater than 1 percent coverage of invasive non-native plant species (e.g. pampass grass, veldt grass). At minimum, the restored areas must demonstrate a continued ability to support the functions and values necessary to sustain the Morro shoulderband snail. Quarterly monitoring shall be conducted for the first two years of the restoration effort, with annual monitoring efforts to follow for the remaining three years. All monitoring and maintenance of restoration areas shall be conducted by qualified personnel with expertise in botanical resources and knowledge of sensitive species that occur in the local area, including the Morro shoulderband snail, Morro Bay kangaroo rat, and Morro blue butterfly.

The County shall provide annual reports to the USFWS documenting the results of all restoration and monitoring activities. Annual reports shall be provided to the USFWS for a minimum of five years or until it is determined by the USFWS that requisite performance criteria have been met. These reports should include any noted changes in the plant community structure or composition or surface hydrology down-slope of the Broderson leachfields, in addition to other requirements as determined through USFWS consultation and stipulated within permit conditions.

All on-going and long-term restoration, enhancement, and maintenance of preserved lands on the Broderson property shall be implemented according to a Resource Management Plan or similar mitigation and monitoring plan that may be developed during consultation with the USFWS. The Resource Management Plan shall include management directives that are specific to the preserve and the resources present. The Resource Management Plan shall include measures for the removal and eradication of invasive exotic plant species known to occur in the local area, including veldt grass and pampas grass. Activities that involve the removal of invasive species should not result in unnecessary trampling or removal of native species, and techniques for invasive removal shall be least damaging to native species.

62. [Mitigation 5.5-A1] The proposed project may affect federally-listed species (including Morro shoulderband snail and California red-legged frog) and as such, the EPA shall initiate formal consultation with USFWS pursuant to Section 7(a)(2) of the federal ESA. All mandatory terms and conditions, and reasonable and prudent measures pertaining to

incidental take prescribed within the Biological Opinion and Nationwide Permit for the project the shall be fulfilled and implemented.

63. [Mitigation 5.5-A4] Prior to construction, a biologist authorized by the USFWS shall conduct intensive surveys to identify and relocate all Morro shoulderband snails within the proposed impact area on the Broderson and Mid-town properties, and all suitable habitat areas within the proposed collection system. Only USFWS authorized biologists shall survey for, monitor, handle, or relocate Morro shoulderband snails.

A biologist authorized by the USFWS shall be retained to monitor all construction activities that will take place within suitable habitat for the Morro shoulderband snail. Monitoring activities shall be required daily until completion of initial disturbance at each construction area. The monitoring biologist shall be granted full authority to stop work at his or her discretion. The monitoring biologist shall be responsible for implementing avoidance and minimization measures during construction. The monitoring biologist shall stop work if project-related activities occur outside the demarcated boundaries of the construction footprint. The monitoring biologist shall stop work if any Morro shoulderband snails are detected within the proposed construction footprint, and shall implement measures to relocate them to suitable habitat out of harms way prior to construction activities resuming. If no suitable habitat opportunities are available in the immediate vicinity of the construction footprint, salvaged and relocated specimens may also be transported to an offsite location approved by the USFWS.

The County shall provide a written report to USFWS within 90 days following the completion of the proposed project. The report must document the number of Morro shoulderband snails removed and relocated from project areas, the locations of all Morro shoulderband snail relocations, and the number of Morro shoulderband snails known to be killed or injured. The report shall contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

64. [Mitigation 5.5-A8] Prior to project construction, the County shall retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the USFWS. Surveys shall be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

To avoid potential timing conflicts with the California red-legged frog breeding period, construction activities in the vicinity of California red-legged frog habitat shall be completed between April 1 and November 1. This measure shall apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

Prior to construction, the County shall retain a USFWS-approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The USFWS-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County shall retain a USFWS-approved biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a

description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County shall retain a USFWS-approved biologist responsible for monitoring construction activities. Ground disturbance shall not be authorized to begin until written approval is received from the USFWS that the biologist is qualified to conduct the work. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times. A USFWS-approved biologist shall be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or County shall designate a qualified person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support. During work activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas shall occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the EPA shall ensure that the County has prepared a plan to allow a prompt and effective response to any accidental spills. A copy of this plan shall be provided to the Department of Planning and Building. Wet weather storage ponds shall be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County shall monitor wet weather storage ponds for bullfrog activity.

65. [Mitigation 5.5-A13] Prior to project construction and within all areas on the Broderson property that contain suitable habitat for the Monterey spineflower, a qualified biologist shall be retained to conduct botanical surveys for Monterey spineflower presence. Surveys shall be conducted during the local blooming period for the species, which typically occurs between April and June, and according to recommendations and guidelines prepared by the USFWS, CDFG, and CNPS. If positively identified, all specimens shall be clearly demarcated with flagging, and avoided to the maximum extent feasible during construction. A qualified monitoring biologist shall be retained to monitor all construction activities in the immediate vicinity (within 25 feet) of any flagged specimens that will not be removed as a result of construction activities. If specimens are positively identified within the leachfield impact area, the seeds of those specimens shall be collected and sown within suitable habitat located outside of the leachfield impact area and within the Broderson property.

The County shall provide a written report to USFWS within 90 days following the completion of the project. The report shall document the number of Monterey spineflower specimens removed from project areas, the locations of areas seeded with Monterey spineflower seeds, and the number of Monterey spineflower specimens found to be dead or damaged as a result of construction activities. The report shall contain a brief discussion of any problems encountered in implementing minimization measures.

results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

66. [Mitigation 5.5-A14] The proposed project shall minimize to the maximum extent feasible any potential impacts to non-listed plant and lichen species designated as sensitive by the CNPS, including Blochman leafy daisy, saint's daisy, San Luis Obispo wallflower, curly-leafed monardella, dune almond, spiraled old man's beard, Los Osos black and white lichen, long-fringed parmotrema, and splitting yarn lichen. The County shall retain a qualified biologist to conduct botanical surveys within suitable habitat on the Broderson and Mid-town properties to identify all sensitive plant and lichen species within and in the immediate vicinity of the impact areas. Surveys shall be conducted during the local blooming periods for each species, where applicable, and according to recommendations and guidelines prepared by the USFWS, CDFG, and CNPS. All specimens shall be clearly demarcated with flagging and avoided to the maximum extent feasible during construction.
67. [Mitigation 5.5-A5] Prior to construction, the County shall formalize a "no take agreement" with the CDFG for the Morro Bay kangaroo rat. The "no take agreement" shall outline a monitoring and contingency plan for the Broderson leachfield, as on-going maintenance of the leachfield may create suitable Morro Bay kangaroo rat habitat.
68. [Mitigation 5.5-A3] A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the USFWS shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.
69. [Mitigation 5.5-A11] If any construction activities are proposed during the general bird breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to the onset of construction activities to identify any active non-raptor bird nests within 250 feet of the proposed impact area. If an active nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. For sensitive species, including Allen's hummingbird, yellow warbler, and loggerhead shrike, the distance and placement of the construction avoidance shall be a minimum of 250 feet unless otherwise determined through consultation with the CDFG.
70. [Mitigation 5.5-A12] If any construction activities are proposed during the general raptor breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to onset of construction to identify any active raptor nests within 500 feet of the proposed impact area. If an active raptor nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 500 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Pursuant to Section 2050 of the CFG Code, the CDFG will not permit any impacts to the California state fully protected white-tailed kite. If an active nest or breeding territory is detected during preconstruction surveys for nesting birds, no construction activities shall take place within 500 feet of the location of the active nest. The area shall be completely avoided and fenced to allow for an adequate buffer from construction activities. A qualified biologist shall be retained to monitor the activity of the nest during the breeding season until it is determined that the nest is no longer active (i.e., all young have fledged the nest and there are no individual kites that are dependent on the nest).

During Construction

71. [Mitigation 5.6-D1] A draft Memorandum of Agreement has been prepared for the treatment and disposition of human remains and associated burial items. This document lays out the procedures agreed upon by interested local Native Americans and stipulated under State law, including proper and respectful handling of remains, identification of reburial areas, acceptable analyses, and resolution of conflicts. It includes a list of Most Likely Descendants approved by the Native American Heritage Commission; these individuals are signatories on the Agreement.
72. [Mitigation 5.6-D2] For sites with known human remains or which have a potential for human remains, pre-construction excavations shall take place within the direct impact areas to insure that no human remains are present.
73. [Mitigation 5.6-D3] If human remains are encountered within the project area, the County shall be responsible for complying with provisions of Public Resources Code Sections 5097.98 and 5097.99, and 7050.5 of the California Health and Safety Code, as amended by Assembly Bill 2641. Restrictions or procedures for excavation, treatment, or handling of human remains shall be established in consultation with the individuals designated by the Native American Heritage Commission as the Most Likely Descendants.
74. [Mitigation 5.6-C1] Although unlikely, should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered by anyone working on the site, all activities in the immediate vicinity of the find are to cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved for the benefit of current and future generations.
75. [Mitigation 5.9-C2] Prior to initiating grading activities, the proponent's contractor or engineer shall:
 - a. Include the following specifications on all project plans: One catalyzed diesel particulate filter (CDPF) shall be used on the piece of equipment estimated to generate the greatest emissions. If a CDPF is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts (DOC) shall be used.
 - b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays. This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids.
 - c. Contact the SLOAPCD Compliance Division to initiate implementation of this mitigation measure at least two months prior to start of construction.

76. [Mitigation 5.9-C4] Project contract documents would include the following dust control measures:
- a. Reduce the amount of the disturbed area where possible,
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - c. All dirt stockpile areas will be sprayed daily as needed,
 - d. Permanent dust control measures identified in the revegetation and landscape plans will be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation will be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD. Any erosion and sedimentation control netting or other erosion and sedimentation control devices used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.
 - g. All roadways, driveways, sidewalks, etc. to be paved will be completed as soon as possible. In addition, building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or will maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures shall be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph).
 - m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport.

dust offsite. Their duties will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the SLOAPCD prior to the start of construction.

77. [Mitigation 5.9-C5] If the above mitigation measures do not bring the construction emissions below the thresholds, off-site mitigation funds can be used to secure emission reductions from projects located in close proximity to this construction site. In this instance, emissions in excess of construction phase thresholds are multiplied by the cost effectiveness value defined in the State's current Carl Moyer Incentive Program Guidelines to determine the off-site mitigation amount associated with the construction period. Examples of off-site emission reduction measures are contained in Section 5.9 of the 2003 CEQA Air Quality Handbook. The actual mix of mitigation measures that would be required to meet the reduction in NOX to less than a total of 185 lbs per day or 6.0 tons per quarter over the term of construction and would be finalized and mutually agreed to by the Applicant and appropriate staff of the SLOAPCD prior to commencement of construction of the project.
78. [Mitigation 5.10-C1] The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:
- a. A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.
 - b. Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
 - c. Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.
 - d. All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
 - e. The noise produced by construction activities shall be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in source document, FHWA Construction Noise Model, page 3).
 - f. Measures to minimize back-up alarm issues shall be established including such techniques as: 1) use of self-adjusting ambient sensitive back-up alarms, 2) manual adjustable alarms on lower settings, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, and 5) construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.
 - g. Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
 - h. Stationary combustion equipment such as pumps or generators operating near any noise sensitive receptor shall, if necessary, be shielded with a noise

protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

79. [Mitigation 5.10-C2] The construction contractor shall notify all property owners and tenants adjacent to the proposed pile driving activities of the days and hours of operation. The construction contractor shall also require that a noise damper be utilized between the pile driver and the object that is being driven into the ground.
80. [Mitigation 5.10-B1] Prior to initiation of construction of the collection system, the contractor/designer shall identify all areas where pile driving, or other construction methods that would result in severe ground vibrations, could occur. Deep pile foundation designs shall favor techniques that can be constructed with minimal vibration effects. Prior to construction, using technology and standards recommended in the Caltrans Transportation and Construction Induced Vibration Manual, the contractor shall calculate the vibration effects of pile driving and other high vibration activities using the Peak Particle Velocity (PPV) metric, and shall ensure that the PPV does not exceed the following thresholds at any affected building: 0.5 at modern industrial/commercial or residential buildings; 0.3 for any building composed of masonry, unreinforced concrete, lath & plaster interiors or of similar construction; and 0.25 for any building identified as particularly sensitive to vibration impacts. Alternative design and/or construction methods shall be used to meet these limits. In addition, the construction contractor shall notify all property owners and tenants adjacent to the proposed pile driving or other vibration inducing activities of the days and hours of operation. Prior to construction activities associated with this type of work, the construction contractor shall inspect all structures within the area predicted to experience vibration in excess of 0.25 PPV to document existing characteristics of the structures. During construction, vibration shall be monitored and recorded and adjustments made to operation or to the radius of concern if the level of vibration differs from estimates. If a post construction survey indicates that damages to structures (e.g., residences, pools) occurred during the work, the property owner shall be fairly compensated for the cost of remediating damages.
81. Control Introduction of Invasive Exotic Plants. To control introduction of invasive exotic plants on site, implement the following measures during construction and incorporate into the design guidelines of the proposed percolation fields, as appropriate.
- a. Use only clean fill material (free of weed seeds) within the construction zone of the proposed project.
 - b. Thoroughly clean all construction equipment prior to being moved onto and used at the site.
 - c. Prohibit planting or seeding of disturbed areas with nonnative plant species;
 - d. Control the establishment of invasive exotic weeds in all disturbed areas. Remove existing stands of invasive exotic plants, including but not limited to veldt grass, pampas grass and ice plants, in order to limit their spread.
82. [Mitigation 5.5-A6] All construction activities across Los Osos Creek shall be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County shall retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident. Prior to construction, a spill prevention plan for potentially hazardous materials shall be prepared and implemented. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing shall be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications shall only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites shall be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins shall be constructed to intercept sediment before it reaches the channels. If required, spoil sites shall be graded to reduce the potential for erosion.

During construction, equipment and materials shall be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils shall be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles shall be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used shall be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling shall be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas shall be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks shall be returned to original grade slope and appropriate bank stabilization techniques shall be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods shall be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria shall be prepared prior to construction.

83. [Mitigation 5.5-A7] Implementation of trenchless technologies shall be considered as a feasible option for the installation of conveyance pipelines within and adjacent to areas containing wetlands, streams, and riparian vegetation. Trenchless technologies that are feasible for all Proposed Projects include microtunneling and horizontal directional drilling.

drilling (HDD) within all areas along the proposed conveyance routes, and pipe suspension at areas supporting existing bridge crossings along the proposed conveyance routes (at the Los Osos Creek crossing).

Microtunneling and HDD entrance and exit locations shall be set back as far away from wetlands, streams, and riparian vegetation as feasible and consistent with the setback requirements of the CZLUO and Estero Area Plan. Implementation of microtunneling and HDD methodologies shall incorporate a frac-out contingency plan and all relevant Best Management Practices during construction.

Maintenance activities associated with pipe suspension that may result in activity within the streambed of Los Osos Creek shall be restricted to periods when the streambed is dry and does not support any flowing water or pooling water in the proposed maintenance area.

Post Construction

84. Prior to operation of the wastewater treatment system, the applicant shall:
- a) Obtain final inspection approval of all required fire/life safety measures.
 - b) Prior to operation of the wastewater treatment system, all Public Works Encroachment permit provisions shall be completed to the satisfaction of the Department.
85. Rehabilitation of disposal percolation fields shall be rotated so that no more than one field is under re-construction at a time.
86. Consistent with condition of approval # 34 is for Coastal Development Permit (CDP A-3-SLO-03-113 / D020283). To prevent the wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the sewer authority is prohibited from providing service to existing undeveloped parcels within the service area, unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates that there is water available to support such development without impacts to wetlands and habitats.
87. Concurrent with the operation of the facility, the County shall implement the Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. The Plan includes provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.
88. In order to maintain existing levels of groundwater recharge and protect coastal water quality, the County shall evaluate and, where appropriate, assist property owners in the implementation of opportunities to re-use existing septic tank effluent disposal systems (e.g., leach fields) to filter and percolate stormwater runoff. Prior to the connection of individual properties the County shall, at the consent of the landowner, evaluate whether existing on site wastewater disposal facilities have adequate capacity and depth to groundwater to accommodate and percolate stormwater runoff, and if so, provide site-specific recommendations on how to connect such a system.

89. The Los Osos wastewater project (including collection, treatment and disposal) shall be operated in a manner that prevents the emission of nuisance odors that are perceptible at or beyond the property lines of the project site, consistent with the requirements of Health and Safety Code Section 41700. Nuisance odors, problems with the operation of the wastewater treatment plant or dust complaints shall be directed to the operators of the wastewater treatment plant. The San Luis Obispo County Air Pollution Control District (SLOAPCD) will also respond to complaints and communicate immediately with the operators of the wastewater treatment plant. All complaints, breakdowns, or parameter exceedence shall be reported to the SLOAPCD within four (4) hours of receipt or event.

90. **Condition eliminated**

91. Screen Planting - Trees and shrubs shall be planted along the perimeter of the wastewater treatment facility prior to facility operation or at the earliest time feasible after completion grading activities. To provide effective screening, the size and variety of evergreen trees shall be planted which will reach a minimum height of 25 feet within five years. Large shrubs shall be included to provide lower height screening. Italian Cypress and other distinctly-shaped non-native plants shall not be used. The screen planting shall be designed to appear as a naturally appearing swath of vegetation. Evidence shall be submitted to the Department of Planning and Building to show that 75% screening has been achieved within 5 years. Landscape must be maintained to provide the required or better screening in perpetuity.

92. Prior to providing wastewater treatment service to undeveloped parcels, the County, in coordination with the California Department of Fish and Game (CDFG), the US Fish and Wildlife Service (USF&WS), San Luis Obispo County and the California Coastal Commission shall prepare and implement a Habitat Conservation Plan (HCP) for the long-term preservation of habitat remaining within the Los Osos Greenbelt, including habitat remaining on individual vacant lots. The HCP shall:

- a. identify the habitat resources and the quality of those resources on the remaining vacant properties within the South Bay Urban Area and Los Osos Greenbelt;
- b. specify measures to avoid and minimize impacts to ESHA from buildout of the Service area, and to mitigate unavoidable impacts through acquisition, protection, and/or restoration of equivalent habitat within the planning area; and
- c. implement such measures through an amendment to the Estero Area Plan that integrates the HCP, as approved by the US Fish and Wildlife Service and Department and Fish and Game, with LCP standards for development in the South Bay Urban Area. This LCP amendment must become fully effective, and all permits required by state and federal Endangered Species Acts shall be issued, before County makes any final commitment to provide wastewater treatment service to undeveloped properties.

The range of potential conservation programs to be considered in the HCP shall include, but not be limited to the following:

- a. New development programs and standards that maximize preservation of sensitive biological resources in the Los Osos area, such as:

- i. Transfer of development credits
- ii. Clustering

- iii. Avoidance of sensitive resources in site design
 - iv. Changes in density and land use
 - v. Incorporation of open space into the design of new development
- b. Programs aimed at facilitating coordination among agencies and organizations involved in management and conservation/preservation of sensitive resources, including USF&WS, CDFG, California Coastal Commission, San Luis Obispo County, MBNEP, Land Conservancy of San Luis Obispo County, and others;
 - c. The creation of a land bank program to facilitate the purchase of properties with high quality habitat within the Greenbelt, to be repaid over time from fees on new building permits; and
 - d. Programs for the acquisition of properties within the Greenbelt that contain significant habitat resources.

The County may apply for amendment to this permit condition at, or prior to the time that the treatment plant is operational, to authorize the County to issue Will Serve letters to properties that would otherwise qualify.

93. **Condition eliminated**

94. Installation of lateral lines will conform to the mitigation procedures contained in the "Lateral Line Installation — Biological Resources & Mitigation" report dated 10-16-02.

95. [Mitigation 5.11-A1] Prior to operation of the wastewater treatment system, the County Department of Public Works shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism burdening an off-site agricultural mitigation parcel has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of not less than 2:1 for the loss of agricultural land. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved shall be at least 32 acres (to offset direct impacts from the treatment plant facility), and shall be of a quality that is reasonably (as determined by the County Agricultural Commissioner or designee) similar to that of the farmland within the project limits. The area to be conserved shall be located within San Luis Obispo County within reasonable proximity to the project site.

96. Site Management Plan. Prior to operation of the facility, the County, in consultation with resource agencies, will develop a Site Management Plan for the remainder of the new public lot to be created out of the Giacomazzi property. The Site Management Plan will provide for the continued operation of agricultural activities on those portions of the property not used for the project and/or associated mitigation consistent with the affirmative agricultural easement requirements described herein. Implementation of the Plan will ensure that uses or land stewardship practices do not impede adjacent agricultural uses and practices and may include, but not be limited to:

- (a) Maintenance of fences sufficient to clearly delineate property lines, contain livestock, prevent trespass, and manage non-native invasive species.

- (b) Prevention and management actions to avoid the proliferation of weeds and noxious plants that are incompatible with adjacent agricultural practices.
- (c) Management of all on-site water features, including springs, streams, and ponds in a manner that does not result in erosion or sedimentation impacts on downstream properties.

The Site management will be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner prior to implementation.

97. Nothing in this condition shall preclude disposal of treated effluent in accordance with a court judgment arising from the current groundwater litigation involving the Los Osos Groundwater Basin.

Disposal of treated effluent shall be reserved for the following sites/uses:

- a. Broderon (not to exceed 448 AFY on an average annual basis),
- b. Urban re-use within the urban reserve line (as identified in the Effluent Re-Use and Disposal Tech Memo, July 2008),
- c. Agricultural re-use overlying the Los Osos Groundwater Basin,
- d. Environmental reservations (not less than 10% of the total volume of treated effluent), and
- e. Other agricultural re-use within Los Osos Valley.

Total agricultural re-use shall not be less than 10% of the total treated effluent. Disposal shall be prioritized to reduce seawater intrusion and return/retain water to/in the Los Osos groundwater basin. Highest priority shall be given to replacing potable water uses with tertiary treated effluent consistent with Water Code Section 13550.

No amount of treated effluent may be used to satisfy or offset water needs that result from non-agricultural development outside the Urban Reserve Line of the community of Los Osos.

98. Where the collection system pipes will be located in areas of high groundwater, or areas subject to future 5 foot sea level rise, as shown on the June 29 and 30, 2009 PC Memo – page: 1-16 (see Attachment 3), and as identified in the field during construction; the applicant shall utilize fusion welded pipes or chemically sealed pipes. In areas of high groundwater, additional inspections to ensure proper installation shall be completed prior to backfilling the trenches. All laterals to individual residences shall utilize fusion welded pipes or chemically sealed pipes. Lateral connections at the property line shall utilize fusion welded pipes, chemically sealed pipes, or collars.
99. Within one year of adoption of a due diligence resolution by the Board of Supervisors, electing to proceed with a wastewater project, a water conservation program shall be developed by the applicant in consultation with the local water purveyors within the prohibition zone for the community of Los Osos, that meets the goal of 50 gallons per day / per person for indoor use. The applicant shall provide 5 (five) million dollars of funding towards a water conservation program for indoor water conservation. Incentives shall be provided to homeowners and other property owners who install conservation measures within the first year:

100. Prior to operation of the wastewater treatment system, the applicant shall provide a new on-site well for facility operations in accordance with California Well Standards and County Ordinances and to the satisfaction of the Environmental Health Department.
101. The applicant shall utilize the existing Bayridge leach field (APN 074-491-033) to dispose of approximately 33 acre feet per year of treated effluent upon decommissioning of the existing leach field and connection to the community sewer system. The applicant shall consult with the Los Osos Community Services District (LOCSD) prior to the design phase of the project regarding use of said facilities to ensure all their concerns are addressed.
102. The applicant shall design the layout of the proposed sewer treatment facility to allow for structures to have roofs with “due south orientation” to maximize solar orientation for future solar photovoltaic and / or solar water panel installation, as feasible. No evergreen trees (with mature heights over 12 feet) shall be planted near structure that could potentially block the sun to these portions of the roofs unless necessary for visual screening. This shall be reflected in any landscape plans prepared / required. As a part of roof design / construction, these portions of the roofs shall be designed to be able to handle the “dead” loads associated with the weight of these panels. To further maximize solar efficiency, where possible, roof pitch of this portion of roof shall be as close to 20 degrees as practical. The applicant shall provide verification to the satisfaction of the County Planning and Building Department that the above measures have been incorporated into the project.
103. Prior to individual property connections to the waste water system, each property owner shall provide verification to the satisfaction of the Planning Director that all toilets, showerheads and faucets have been replaced with high efficiency versions of the same.
104. Agriculture irrigation lines and other wastewater effluent disposal lines shall be located within existing right-of-ways (including agricultural field access ways) and other areas known to not include, or that can be demonstrated to not include, cultural or biological resources. Use of the effluent shall be consistent with all other local, State, and Federal regulatory requirements including but not limited to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands requirement of the Central Coast Regional Water Quality Control Board.
105. Bio-solids shall be disposed of at the closest approved facility within the San Luis Obispo County region. The San Luis Obispo County region shall be limited to the northern San Luis Obispo county line and south to the Santa Maria area within Santa Barbara County. If an approved facility is not available within the San Luis Obispo County region at the time of project start-up, then the closest approved facility shall be utilized. If an approved facility becomes available for disposal of bio-solids within the San Luis Obispo County region, that facility shall be utilized for disposal of bio-solids.
106. If the County acquires more land area than is necessary to site the treatment facility and appurtenant facilities, then prior to transferring title of the surplus area, the County shall record an affirmative agricultural easement over such surplus land. This easement shall take into consideration biological, cultural, sedimentation and erosion constraints on the project site. Agricultural activities chosen to take place on the remainder of the wastewater treatment facility site shall be consistent with the long term protection of the identified resources.
107. The applicant shall apply for and record a public lot prior to commencement of construction activities at the wastewater treatment site.

108. Prior to individual property connections to the wastewater treatment project, each property owner shall provide verification to the satisfaction of the Public Works Department (in consultation with the Planning Director) that a water meter meeting American Water Works Association (AWWA) standards, and approved by the water company serving the individual property, has been installed or is existing on the connection site. A water meter shall be installed on each legally established residential / commercial unit prior to connection to the wastewater treatment project. Water usage information shall be made available to the sewer authority on a quarterly basis or on a schedule agreed to by the water purveyors and the County to verify the water savings derived from the water conservation program.
109. Prior to commencing construction activities at the Giacomazzi site, the applicant shall submit to the Department of Public Works for review and approval a Roadway Safety Analysis (RSA) for the intersection of the treatment plant access road with Los Osos Valley Road. The RSA shall be prepared by a registered civil engineer with expertise in transportation design and familiarity with the Los Osos Valley Road corridor, and shall include but not be limited to the following:
- a) Evaluate the proximity of the cemetery access road with the project access road and discuss corrective options including realignment, road mergers (sharing) and alternative project access road locations;
 - b) Analyze the project access road sight distance with respect to Los Osos Valley Road and recommend improvements, if required;
 - c) Analyze Los Osos Valley Road left turn lane warrants and traffic queuing at the project access road and recommend improvements, if required;
 - d) Evaluate Los Osos Valley Road traffic safety a minimum of 1-mile either side of the treatment plant access road and provide recommendations for improvements, if required;
 - e) Evaluate erosion control measures such as gravel pads, rumble strips and wheel washers to avoid the tracking of dirt and sediment onto adjacent private and public roadways during construction, and recommend best management practices to be implement; and
 - f) Evaluate onsite circulation with specific emphasis on truck maneuvering, access for emergency vehicles, onsite parking, and all-weather roadbed materials, provide recommendations and an implementation plan.

All RSA recommendations shall be implemented prior to commencing construction activities.

110. The aboveground facilities for the mid-town pump station shall be re-located to Palisades Avenue (south of the Library) on APN 074-229-017.
111. Routine flushing of sewer system lines shall utilize recycled water. In the event of an emergency situation, potable water may be used to flush the sewer system if non-potable water is determined to be infeasible.

DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2008-00103
EXHIBIT C – CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) FINDINGS

**SECTION 1:
GENERAL CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

1.1 - BACKGROUND

In compliance with the requirements of the California Environmental Quality Act, (Public Resources Code Section 21000 et seq. and the California Environmental Quality Act Guidelines), the County of San Luis Obispo has conducted environmental review of the Los Osos Wastewater Project. The County issued two Notices of Preparation for the Draft Environmental Impact Report. The first Notice of Preparation was issued in December 2007 and a supplemental Notice of Preparation was issued in June 2008 when additional information was available concerning the proposed project alternatives. In November 2008, the Draft Environmental Report was released. After receiving public comment on the Draft Environmental Impact Report the County prepared a document entitled Final Environmental Impact Report. The Final Environmental Impact Report includes the verbatim comments received on the Draft Environmental Impact Report, a list of persons, entities, and agencies providing comments, and the County's responses to the environmental points raised in the comments. These Findings are based upon the information contained in the record of proceedings, including the Final Environmental Impact Report which includes the Draft Environmental Impact Report and technical appendices, the responses to comments, Appendix Q which provides additional detailed project information, staff reports, the Mitigation Monitoring Program, the testimony and additional information presented at public hearings, and all of the materials set forth in the Record of Proceedings.

The California Environmental Quality Act provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code Section 21002 [emphasis added].) The procedures are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Public Resources Code Section 21002.)

The California Environmental Quality Act's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which Environmental Impact Reports are required. For each significant environmental effect identified in an Environmental Impact Report for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

- (1) that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR,"

(2) “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency,” or

(3) “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report.” (Public Resources Code Section 21081; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15091.) The California Environmental Quality Act defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors.” (Public Resources Code Section 21061.1; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15364.)

Because the Los Osos Wastewater Project Draft Environmental Impact Report identified significant effects that may occur as a result of the project, and in accordance with the provisions of the California Environmental Quality Act and the California Environmental Quality Act Guidelines, the County of San Luis Obispo hereby adopts these Findings of Fact and Statement of Overriding Considerations. For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the County makes the finding under Public Resources Code Section 21081(a)(1). For each of the significant effects identified in Section 3, as set forth in greater detail in these findings below, the County makes the finding under Public Resources Code Section 21081(a)(3).

In accordance with the provisions of California Environmental Quality Act and the California Environmental Quality Act Guidelines, the County of San Luis Obispo has independently reviewed the record of proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact and Statement of Overriding Considerations.

1.2 - PROJECT LOCATION

The community of Los Osos is located at the south end of Morro Bay, 12 miles west of the City of San Luis Obispo in the County of San Luis Obispo. The project will provide wastewater treatment for properties within the Wastewater Service Area, which includes all the properties within the Regional Water Quality Control Board designated prohibition zone except for the Martin Tract and Bayview Heights subdivisions and open space properties. The Martin Tract and Bayview Heights subdivisions are designated as prohibition zone exceptions by the Regional Water Quality Control Board; open space properties generally do not have a need for wastewater service. One exception is the Sweet Springs

Preserve, which, although designated as open space, has a visitor-serving component that may require wastewater service in the future. Some of the Los Osos Wastewater project components for wastewater collection, treatment, and effluent disposal are contained within the prohibition zone while other components are located outside the Wastewater Service Area.

1.3 - PROJECT DESCRIPTION

As described in the Environmental Impact Report, the Los Osos Wastewater Project that the County selects could be any one of the four proposed projects described in the Draft Environmental Impact Report, or a different combination of project components. Based on the findings of the Environmental Impact Report, ongoing technical analysis, and testimony and evidence presented at the public hearings on the project, the County Planning Commission selected a modified version of Proposed Project 2 by combining project components for wastewater collection, conveyance, treatment process and site selection, wet weather effluent storage, and effluent and biosolids disposal. Proposed Project 2 included a wastewater treatment plant and effluent storage located at the Giacomazzi site as well as a gravity wastewater collection system. The modifications that improve the environmentally superior characteristics of the proposed project are that urban and agricultural reuse of treated effluent has replaced the Tonini spray fields from Proposed Project 2. All treated effluent will be reused or disposed of in one of the following ways:

- a. Returned to the groundwater basin at the Broderson site as described in the Environmental Impact Report; or
- b. Provided to existing urban irrigation uses within the community as described in the Project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse technical memorandum, and discussed during the public hearings by the Planning Commission, County staff, and numerous public speakers; or
- c. Provided to agricultural irrigation uses within the Los Osos Valley as described in the Project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse technical memorandum, and discussed during the public hearings by the Planning Commission, County staff, and numerous public speakers; or
- d. Existing disposal at Bayridge Estates leach field to mitigate impacts to Willow Creek.

The County Planning Commission also modified the project's water conservation plan by increasing the conservation target to achieve 50 gallons per day per capita indoor water use, which is approximately equivalent to a 25% reduction in current water use rates.

The County Planning Commission also determined, based on the findings of the Environmental Impact Report, ongoing technical analysis, and testimony and

evidence presented at the public hearings on the project, that the project as approved is the Environmentally Superior Alternative.

1.3.1 – Findings for Project Modifications

Modifications

After consideration of the significant unavoidable adverse environmental effects that would result from developing the treatment plant and spray fields at the Tonini site, the Planning Commission determined that a modified version of Proposed Project 2, as fully described and analyzed in the project's Environmental Impact Report, would eliminate all impacts to agricultural and biological resources at the Tonini site. Proposed Project 2 included a wastewater treatment plant and effluent storage located at the Giacomazzi site as well as a gravity wastewater collection system. Under the Planning Commission approved project, all treated effluent will be:

- a. Returned to the groundwater basin at the Broderson site as described in the Environmental Impact Report; or
- b. Provided to existing urban irrigation uses within the community as described in the Project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse technical memorandum, and discussed during the public hearings by the Planning Commission, County staff, and numerous public speakers; or
- c. Provided to agricultural irrigation uses within the Los Osos Valley as described in the Project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse technical memorandum, and discussed during the public hearings by the Planning Commission, County staff, and numerous public speakers; or
- d. Existing disposal at Bayridge Estates leach field to mitigate impacts to Willow Creek.

Therefore, no treated effluent will be disposed of at a spray field site on the Tonini property. Additionally, the Planning Commission determined that the project's water conservation target is set to achieve 50 gallons per day per capita indoor water use, which is approximately equivalent to a 25% reduction in current water use rates.

Findings

Based on documentary evidence contained in the record and public testimony presented at the Public Hearing for the project, the Commission finds:

- a) The modifications to the project described above will not result in any new significant environmental effects, or a substantial increase in the severity of previously identified significant effects already analyzed in the project's Environmental Impact Report; and

- b) The modifications to the project are not substantial in that they would not result in significant environmental impacts; and
- c) The modifications to the project will implement a feasible project alternative and would clearly lessen the environmental impacts of the project; and
- d) No major revisions of the Environmental Impact Report are required; therefore, the document does not require recirculation.

Facts in Support of Findings

All elements of the Planning Commission approved project have been fully analyzed in the Project's Environmental Impact Report, except for the proposal to include urban and agricultural reuse of treated effluent in the scope of the project's effluent disposal approach. Inclusion of urban and agricultural reuse in the project along with higher conservation targets will not result in any new significant environmental effects because:

- All urban reuse sites were identified in the project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse Technical Memorandum. These documents have been incorporated by reference into the project's environmental impact report in numerous locations and subject to public scrutiny through numerous public meetings; and
- All urban reuse sites are fully developed; the only physical change is the conversion of irrigation systems to reclaimed water use, as allowed by California law and encouraged by numerous State resource agencies, including the State Department of Water Resources; and
- Any excavation needed to physically make plumbing connections will occur in areas already fully developed and previously disturbed; and
- All urban reuse sites are within the areas to be served by the wastewater collection system. Therefore, as documented in the project's Environmental Impact Report, all pipeline routes have been previously surveyed as part of the wastewater project; and
- Agricultural reuse was identified as a potential option in the project's Rough Screening Report, Fine Screening Report, and Effluent Disposal and Reuse Technical Memorandum. These documents have been incorporated by reference into the Project's Environmental Impact Report in numerous locations and subjected to public scrutiny through numerous public meetings; and
- All agricultural reuse sites are currently developed with agricultural uses. The primary physical change is the conversion of irrigation systems to

reclaimed water use, as allowed by California law and encouraged by numerous State resource agencies, including the State Department of Water Resources; and

- Any excavation needed to physically make plumbing connections will occur in areas previously disturbed by agricultural operations; and
- Spray field irrigation of the Tonini Ranch, an existing agricultural operation consisting of both irrigated and non-irrigated agriculture, was contained in the original project description and fully analyzed in the Environmental Impact Report. No significant effects from irrigation with reclaimed wastewater effluent were identified. Therefore, irrigation of other agricultural lands in the immediate area would likewise result in no significant environmental effects; and
- As conditioned by the Planning Commission, no reclaimed water connection will be allowed if the connection would result in impacts to important cultural or biological resources; and
- Reducing indoor water use will have the effect of reducing the volume of wastewater that requires treatment. There is no evidence that such water use reduction will result in any negative environmental effects beyond those analyzed in the project's Environmental Impact Report.

1.3.2 – Findings for Determination of the Environmentally Superior Alternative

Modifications

The Project's Final Environmental Impact Report suggested that a modified version of Proposed Project 4, as evaluated in the Draft Environmental Impact Report, was the Environmentally Superior Alternative. The change to Proposed Project 4 was the substitution of an extended aeration treatment system in place of the pond treatment system described in the Draft Environmental Impact Report. However, the modified version of Proposed Project 4 would still result in significant unavoidable adverse impacts to agricultural resources because it would:

- Require purchase of the entire 645 acre Tonini Ranch and removal of the ranch from the Williamson Act Program; and
- Directly convert 20 acres of prime agricultural soils to wastewater treatment plant use; and
- Directly convert up to 268 acres of prime and non-prime soils to spray field use; and
- Indirectly convert up to 158 acres of prime and non-prime soils to environmental buffer areas.

In consideration of the loss of agricultural soils and potential impacts to biological, cultural, and aesthetic resources as described in the Environmental Impact Report, the Planning Commission modified the project as described in section 1.3.1 above.

Findings

Modifications required by the Planning Commission will result in a project with fewer environmental impacts than the alternative described in the Environmental Impact Report. Therefore, the project required by the Planning Commission is the Environmentally Superior Alternative.

Facts in Support of Findings

The Planning Commission approved project is the Environmentally Superior Alternative because it:

- Requires the purchase of approximately 38 acres of agricultural land (607 acres less than the prior alternative); and
- Removes no land from the Williamson Act Program; and
- Directly converts no prime agricultural soils to wastewater treatment plant use (20 acres less than the prior alternative); and
- Directly converts no agricultural soils, prime or non-prime, to spray field use (268 acres less than the prior alternative); and
- Indirectly converts up to 8 acres of non-prime soils to environmental buffer areas (150 acres less than the prior alternative); and
- Sets the water conservation target at 50 gallons per capita per day indoor water use, approximately equivalent to a 25% reduction in current water use, as opposed to the initially proposed 10% reduction; and
- Results in no additional significant unavoidable adverse impacts to any category of environmental resources; and
- Is consistent with State Water Code sections 13550 – 13557.

1.4 - PROJECT OBJECTIVES

The primary goal of the Los Osos Wastewater Project is to construct and operate a community wastewater collection, treatment and disposal system and, thereby, comply with the Regional Water Quality Control Board's Resolution 83-13. Eliminating discharges from onsite wastewater, as directed by the Regional Water Quality Control Board, will also help accomplish the Los Osos Wastewater Project's second primary goal: alleviating groundwater contamination, primarily from nitrates, that has occurred at least partially because of the use of septic systems throughout the community.

One of the wastewater project's secondary objectives involves water resource issues. Water resource issues are important because of seawater intrusion that is contaminating the Los Osos groundwater basin. On March 27, 2007, the County Board of Supervisors certified a "Level of Severity III" for the community of Los Osos while adopting a Resource Capacity Study of the Los Osos groundwater basin. The Level of Severity III determination is the highest determination of a resource problem under the County's Resource Management System. The wastewater project can be an important first step to solving water resource problems. While the primary purpose of the Los Osos Wastewater Project is to construct a community wastewater system and, thereby, to alleviate groundwater contamination, how that goal is met can create or hinder opportunities for the water purveyors to improve the local water resources.

To summarize, the specific objectives of the Los Osos Wastewater Project are:

- RWQCB Waste Discharge Requirements. Address the issues of water quality defined by the Waste Discharge Requirements (WDR) for discharge limits issued by the RWQCB.
- Groundwater Quality. Alleviate groundwater contamination—primarily nitrates—that has occurred at least partially because of the use of septic systems throughout the community.
- Secondary Objectives:
 - a) *Water Resources*. Address water resource issues by mitigating the project's impacts on water supply and saltwater intrusion. Further, the wastewater project will maintain the widest possible options for beneficial reuse of treated effluent.
 - b) *Environmental Impacts*. Incorporate measures to minimize potential environmental impacts on the Los Osos community and surrounding areas, (including, but not limited to, habitat conservation, endangered species and habitat, air and water quality, greenhouse gas emissions, social and economic sustainability, wetlands and estuary preservation or enhancement, cultural resources protection, and agricultural land enhancements).
 - c) *Project Costs*. Meet the project water quality requirements while minimizing life-cycle costs and the related affordability impacts to residents.
 - d) *Regulatory Compliance*. Comply with applicable local, State, and federal permits, land uses, and other requirements including the Local Coastal Plan, Environmentally Sensitive Habitat Areas (ESHA standards), State Marine Reserve, and archaeological concerns.

1.5 - RECORD OF PROCEEDINGS

For purposes of the California Environmental Quality Act and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation, Supplemental Notice of Preparation, and all other public notices issued by the County in conjunction with the proposed project;
- The Final Environmental Impact Report for the proposed project which consists of the Draft Environmental Impact Report, the technical appendices, the Response to Comments, and Appendix Q;
- The Draft Environmental Impact Report;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft Environmental Impact Report;
- All responses to written comments submitted by agencies or members of the public during the public review and comment period on the Draft Environmental Impact Report;
- All written and verbal public testimony presented during noticed public hearings for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The documents, reports and technical memoranda included or referenced in the technical appendices of the Final Environmental Impact Report;
- All documents, studies, Environmental Impact Reports, or other materials incorporated by reference in the Draft and Final Environmental Impact Report;
- The Ordinances and Resolutions adopted by the County in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the County, including but not limited to federal, state and local laws and regulations and policy documents;
- Written correspondence submitted to the County in connection with the project;
- All documents, County Staff Reports, County studies, and all written or oral testimony provided to the County in connection with the project;

- The County's Local Coastal Plan, General Plan and related ordinances;
- All testimony and deliberations received or held in connection with the project;
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials).

1.6 - CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials which constitute the administrative record for the County's actions related to the project are located at the San Luis Obispo County Department of Public Works, County Government Center, Room 207, San Luis Obispo, California 93408, and at the San Luis Obispo County Department of Planning and Building, County Government Center, Room 300, San Luis Obispo, California 93408. Many of the documents that constitute the record may be accessed on the County's website at www.ca.gov/PW/LOWWP.htm. The County is the custodian of the record of proceedings for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been, and will continue to be, available upon request at the office of the Department of Public Works and/or Department of Planning and Building. This information is provided in compliance with Public Resources Code Section 21081.6(a) (2) and California Environmental Quality Act Guidelines Section 15091(e).

1.7 - ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The County issued two Notices of Preparation for the Draft Environmental Impact Report. The first Notice of Preparation was issued in December 2007. A supplemental Notice of Preparation was issued in June 2008 when additional information was available concerning the proposed project alternatives.

Fourteen agencies and other interested parties responded to the 2007 Notice of Preparation. Four agencies and other interested parties responded to the 2008 supplemental Notice of Preparation. A copy of the Notice of Preparation and the majority of the responses received during the public review period are contained in Appendices A-1 and A-2 of the Draft Environmental Impact Report, respectively. Any response not included in the Draft Environmental Impact Report has been separately placed in the record.

The Draft Environmental Impact Report for the proposed project was prepared and then circulated for a 74-day public review period beginning November 17, 2008 and ending January 30, 2009. The public comment period exceeded the minimum 45-day review period identified in California Environmental Quality Act Guidelines Section 15105. A Notice of Completion of the Draft Environmental Impact Report was sent to the State Clearinghouse and the Draft Environmental Impact Report was circulated to State agencies for review through the State Clearinghouse,

Office of Planning and Research (SCH. No. 2007121034). All of the comments received on the Draft Environmental Impact Report were responded to in writing in the Final Environmental Impact Report/Response to Comments document.

1.8 - GENERAL FINDINGS

The County hereby finds as follows:

- The County is the “Lead Agency” for the Los Osos Wastewater Project evaluated in the Final Environmental Impact Report;
- The Draft Final Environmental Impact Report and the Final Environmental Impact Report were prepared in compliance with the California Environmental Quality Act and the Guidelines;
- The County has independently reviewed and analyzed the Draft Environmental Impact Report and the Final Environmental Impact Report, and these documents reflect the independent judgment of the Lead Agency;
- A Mitigation Monitoring and Reporting Plan has been prepared requiring mitigation measures and/or changes to the proposed project. The County has adopted and made these requirements conditions of approval of the proposed project. The Mitigation Monitoring and Reporting Plan is incorporated herein by reference and is considered part of the record of proceedings for the proposed project;
- The Mitigation Monitoring and Reporting Plan designates responsibility and anticipated timing for the implementation of mitigation; the County will serve as the Mitigation Monitoring and Reporting Plan Coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of California Environmental Quality Act, the County has complied with California Environmental Quality Act Sections 21081.5 and 21082.2;
- The impacts of the proposed project have fully been analyzed to the extent feasible at the time of certification of the Final Environmental Impact Report;
- The County reviewed the comments received on the Draft Environmental Impact Report, and the responses thereto. The County has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final Environmental Impact Report;
- The comments and responses to the comments on the Draft Environmental Impact Report contained in the Final Environmental Impact Report clarify and amplify the analysis in the Draft Environmental Impact Report;

- Having reviewed the information contained in the Draft Environmental Impact Report, Final Environmental Impact Report and the record of proceedings, as well as the requirements of the California Environmental Quality Act and the Guidelines regarding recirculation of Draft Environmental Impact Reports, and having analyzed the changes in the Final Environmental Impact Report which have occurred since the close of their respective public review periods, the County finds that there is no new significant information in the Final Environmental Impact Report and finds that recirculation is not required;
- The County has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification on the Final Environmental Impact Report, nor has the County previously committed to a definite course of action with respect to the proposed project;
- The County has independently analyzed the project and the Final Environmental Impact Report prepared for the project, and has independently considered the imposition of mitigation measures and all other matters related thereto.
- Copies of all the documents incorporated by reference in the Draft and Final Environmental Impact Report are and have been available upon request at all times at the offices of the County custodian of records for such documents or other materials.

Having received, reviewed, and considered all information and documents in the record, the County hereby conditions the proposed project as set forth in the Conditions of Approval and Mitigation Monitoring Program and finds as stated in these Findings of Fact.

**SECTION 2:
ADVERSE PROJECT-SPECIFIC AND CUMULATIVE IMPACTS WHICH CAN
BE MITIGATED TO A LEVEL OF INSIGNIFICANCE**

2.1.1 - Geology

Impact 5.4-B: **The project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving a strong seismic ground shaking.**

Potentially Significant Impact

The Project could expose people or structures to strong seismic ground shaking.

Strong seismic ground shaking can occur in response to local or regional earthquakes. The sites under the Project are located within a seismically active area, and the potential exists for strong ground motion to affect the proposed facilities at the sites under the Project during the design lifetime. In general, the primary effects will be those phenomena associated with shaking and/or ground acceleration. Given that it is likely for the proposed facilities to be impacted by strong ground motion, potential seismic ground shaking impacts are considered significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.4-B1 Prior to the approval of building plans for each proposed facility, the design of each facility will be based on a facility-specific geotechnical report prepared by a California registered geotechnical engineer and professional geologist. The geotechnical report will provide seismic data for use with at least the minimum requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo.

Since the Project could expose people and structures to strong seismic ground-shaking, implementation of Mitigation Measure Q5.4-B1 is required to lower this significant impact to a level of less than significant. The mitigation measure includes specific measures that will be incorporated into the design of the

structures. The implementation of this measure will reduce potential ground-shaking impacts to less than significant.

Impact 5.4-C: **The project may expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction.**

Potentially Significant Impact

The Project's collection system may expose people or structures to potential substantial adverse effects due to the potential for liquefaction.

Loose sand blankets are located within the upper 5 to 10 feet of ground surface area over most of the collection system area. Portions of the collection system network traverse areas having a relatively high potential for liquefaction. The potential for liquefaction and seismic settlement to impact pipelines may be governed by the depth of the pipeline relative to the depth of liquefiable soils. The proposed collection system for the project may experience significant liquefaction impacts. Furthermore, this potential significant impact could result in pipeline breaks and release of untreated and/or treated effluent along the proposed collection/conveyance system, including within Los Osos Creek and Warden Creek.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.7-B1 Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using vacuum trucks, and

using water booms to contain spills within open water areas. Furthermore, the plan will address response and containment of fuel at pump station sites.

5.4-C1 Prior to approval of the improvement plans for the proposed facilities that are part of the collection system and at the treatment plant site, a geotechnical report that addresses liquefaction hazards will be prepared and approved by the County of San Luis Obispo. The geotechnical report will state the recommended actions for the collection system and treatment plant site so that potential impacts from seismically induced liquefaction will be reduced to less than significant.

5.4-C2 Prior to approval of improvement plans, an Emergency Response Plan will be prepared as part of the operation and maintenance plan for the proposed collection system. The Emergency Response Plan will recognize the potential for liquefaction, seismic hazards and ground lurching, to impact the pipeline or other proposed facilities, and specific high hazard areas will be inspected for damage following an earthquake. "Soft Fixes" will be incorporated in the Emergency Response Plan. Soft fixes typically consist of having a plan in-place to address the hazards, such as can be achieved by storing supplies and equipment for repair.

Implementation of Mitigation Measure 5.7-B1 will reduce impacts from accidental spills along the collection system due to seismic conditions. Mitigation Measure 5.4-C1 will reduce liquefaction impacts because specific measures will be incorporated into the design of the collection system structures. Finally, implementation of Mitigation Measure 5.4-C2 includes the preparation of an Emergency Response Plan for the collection system as part of the operation and maintenance plan. The Emergency Response Plan will require storing supplies and equipment for repairing damage caused by a seismic event. The implementation of these mitigation measures will reduce potential liquefaction impacts to the proposed collection system facilities.

Potentially Significant Impact

The Project's treatment plant site may expose people or structures to potential substantial adverse effects due to the potential for liquefaction.

Based on an investigation of the treatment plant site at Giacomazzi, materials of undifferentiated Paso Robles Formation and/or alluvium were encountered in each of the explorations. The upper 3 to 4 feet of materials appeared to be relatively loose/soft and likely represent topsoil/colluvial materials disturbed during previous agricultural/plowing activities. There appears to be a low potential for liquefaction to impact these sites based on currently available information.

Although the potential is low, the proposed facilities at the treatment plant site may experience significant liquefaction impacts.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.7-B1 Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using vacuum trucks, and using water booms to contain spills within open water areas. Furthermore, the plan will address response and containment of fuel at pump station sites.

5.4-C1 Prior to approval of the improvement plans for the proposed facilities that are part of the collection system and at the treatment plant site, a geotechnical report that addresses liquefaction hazards will be prepared and approved by the County of San Luis Obispo. The geotechnical report will state the recommended actions for the collection system and treatment plant site so that potential impacts from seismically induced liquefaction will be reduced to less than significant.

5.4-C2 Prior to approval of improvement plans, an Emergency Response Plan will be prepared as part of the operation and maintenance plan for the proposed collection system. The Emergency Response Plan will recognize the potential for liquefaction, seismic hazards and ground lurching to impact the pipeline or other proposed facilities. Specific high hazard areas will be inspected for damage following an

earthquake. "Soft fixes" will be incorporated in the Emergency Response Plan. Soft fixes typically consist of having a plan in-place to address the hazards, such as can be achieved by storing supplies and equipment for repair.

Implementation of Mitigation Measure 5.7-B1 will reduce impacts from accidental spills at the treatment plant due to seismic conditions. Mitigation Measure 5.4-C1 will reduce liquefaction impacts because specific measures will be incorporated into the design of the treatment plant facilities. Finally, implementation of Mitigation Measure 5.4-C2 includes the preparation of an Emergency Response Plan for the treatment plant as part of the operation and maintenance plan. The Emergency Response Plan will require storage of supplies and equipment for repairing damage caused by a seismic event. The implementation of these mitigation measures will reduce potential liquefaction impacts to the proposed treatment plant facilities.

Potentially Significant Impact

The combination of the collection system and treatment plant facilities under the Project has the potential to contribute considerably to cumulative liquefaction impacts; therefore resulting in a significant cumulative impact.

The proposed facilities that are part of the collection system and at the treatment plant site for the project may expose structures to liquefaction impacts. Therefore, implementation of the project may contribute to cumulative liquefaction impacts within the vicinity of Los Osos. This contribution is considered cumulatively considerable, therefore, significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.7-B1 Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify

procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using vacuum trucks, and using water booms to contain spills within open water areas. Furthermore, the plan will address response and containment of fuel at pump station sites.

5.4-C1 Prior to approval of the improvement plans for the proposed facilities that are part of the collection system and at the treatment plant site, a geotechnical report that addresses liquefaction hazards will be prepared and approved by the County of San Luis Obispo. The geotechnical report will state the recommended actions for the collection system and treatment plant site so that potential impacts from seismically induced liquefaction will be reduced to less than significant.

5.4-C2 Prior to approval of improvement plans, an Emergency Response Plan will be prepared as part of the operation and maintenance plan for the proposed collection system. The Emergency Response Plan will recognize the potential for liquefaction, seismic hazards and ground lurching to impact the pipeline or other proposed facilities. Specific high hazard areas will be inspected for damage following an earthquake. "Soft fixes" will be incorporated in the Emergency Response Plan. Soft fixes typically consist of having a plan in-place to address the hazards, such as can be achieved by storing supplies and equipment for repair.

Implementation of Mitigation Measure 5.7-B1 will reduce impacts from accidental spills along the collection system and at the treatment plant due to seismic conditions. Mitigation Measure 5.4-C1 will reduce liquefaction impacts because specific measures will be incorporated into the design of the collection system and treatment plant facilities. Finally, implementation of Mitigation Measure 5.4-C2 includes the preparation of an Emergency Response Plan for the collection system and the treatment plant as part of the operation and maintenance plan. The Emergency Response Plan will require storing supplies and equipment for repairing damage caused by a seismic event. The implementation of these mitigation measures will reduce potential cumulative liquefaction impacts to the proposed collection system and treatment plant facilities

Impact 5.4-E: The project could result in substantial soil erosion or the loss of topsoil.

Potentially Significant Impact

The Project's construction activities for the proposed facilities could result in substantial erosion or loss of topsoil.

The sites of the proposed facilities are located within a relatively flat topography. Construction activities associated with the proposed facilities will result in grading and excavation at the sites and these sites could be prone to erosion. Graded cut and fill slopes associated with the site development will be subject to sheet and rill erosion. Erosion of soils can be accelerated where soils are exposed directly to runoff and/or areas of concentrated storm runoff, such as at culvert outlets. Therefore, construction activities associated with the proposed facilities could result in substantial soil erosion or the loss of topsoil; therefore, a significant impact could occur.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.4-E1** Prior to the approval of grading plans for each facility, erosion control measures will be incorporated into the grading plans to minimize the potential for erosion or loss of top soil during grading to the satisfaction of the County of San Luis Obispo.
- 5.4-E2** Prior to the approval of grading plans for each facility, plans for vegetation/ landscaping will be provided on the graded cut and fill slopes to reduce the long-term potential for soil erosion or loss of topsoil to the satisfaction of the County of San Luis Obispo.
- 5.4-E3** Prior to the approval of grading plans for each facility, the plans will provide for the control of surface water away from slopes to the satisfaction of the County of San Luis Obispo.

The Project's construction activities for the proposed facilities could result in the potential significant impact of soil erosion or the loss of topsoil, therefore the implementation of Mitigation Measures 5.4-E1 through 5.4-E3 are required. These mitigation measures set forth the proper means to control soil erosion and the loss of topsoil prior to construction efforts. Therefore, the implementation of these mitigation measures will reduce potential soil erosion impacts to less than significant. In addition, the project is legally obligated to prepare and implement a Storm Water Pollution Prevention Plan pursuant to the General Statewide Construction Stormwater Permit issued by the State Water Resources Control

Board. Adherence to the requirements of the Statewide General Construction Stormwater Permit will ensure that no substantial erosion or sedimentation impacts occur as a result of the construction of the project.

Potentially Significant Impact

The Project's routine maintenance of the proposed facilities could result in the increased likelihood of soil erosion.

Periodic maintenance of the collection system, treatment plant facilities and disposal system could result in temporary increases in the potential for erosion. The periodic maintenance could range from minor maintenance of the pipelines and landscaping to major excavations every 5 to 10 years of the leach field at the Broderson site associated with the need to reconstruct the leach field to maintain an effective flow rate. The potential for erosion during periodic maintenance could be significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.4-E1** Prior to the approval of grading plans for each facility, erosion control measures will be incorporated into the grading plans to minimize the potential for erosion or loss of top soil during grading to the satisfaction of the County of San Luis Obispo.

- 5.4-E2** Prior to the approval of grading plans for each facility, plans for vegetation/ landscaping will be provided on the graded cut and fill slopes to reduce the long-term potential for soil erosion or loss of topsoil to the satisfaction of the County of San Luis Obispo.

- 5.4-E3** Prior to the approval of grading plans for each facility, the plans will provide for the control of surface water away from slopes to the satisfaction of the County of San Luis Obispo.

The Project's routine maintenance activities for the proposed facilities could result in the potential significant impact of soil erosion or the loss of topsoil, therefore the implementation of Mitigation Measures 5.4-E1 through 5.4-E3 are required.

These mitigation measures set forth the proper means to control soil erosion and the loss of topsoil prior to construction efforts. Therefore, the implementation of these mitigation measures will reduce potential soil erosion impacts to less than significant.

Potentially Significant Impact

The Project's facilities have the potential to contribute considerably to potential significant cumulative impacts associated with soil erosion and loss of top soil.

Construction and maintenance activities associated with the facilities that are part of the Project could result in substantial soil erosion or the loss of topsoil. Therefore, implementation of the Project may contribute to cumulative impacts associated with soil erosion or loss of topsoil within the vicinity of Los Osos. This contribution is considered cumulatively considerable, therefore, significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.4-E1 Prior to the approval of grading plans for each facility, erosion control measures will be incorporated into the grading plans to minimize the potential for erosion or loss of top soil during grading to the satisfaction of the County of San Luis Obispo.

5.4-E2 Prior to the approval of grading plans for each facility, plans for vegetation/ landscaping will be provided on the graded cut and fill slopes to reduce the long-term potential for soil erosion or loss of topsoil to the satisfaction of the County of San Luis Obispo.

5.4-E3 Prior to the approval of grading plans for each facility, the plans will provide for the control of surface water away from slopes to the satisfaction of the County of San Luis Obispo.

The Project's routine maintenance and construction activities for the proposed facilities could result in the potential cumulatively significant impact of soil erosion or the loss of topsoil, therefore the implementation of Mitigation Measures 5.4-E1 through 5.4-E3 are required. These mitigation measures set forth the proper

means to control soil erosion and the loss of topsoil prior to construction and routine maintenance efforts. Therefore, the implementation of these mitigation measures will reduce potential cumulative soil erosion impacts to less than significant.

Impact 5.4-F: **The project could be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.**

Potentially Significant Impact

The Project's collection system includes components located on land that has the potential for lateral spreading.

The proposed facilities under the Project may be exposed to unstable soils or geologic units. Lateral spreading is slope instability that can occur in response to liquefaction. Lateral spreading typically develops on ground underlain by liquefiable soils or where free-face conditions can develop in a liquefiable soil, such as along a riverbank or drainage. The proposed collection system will cross drainages that could be vulnerable to lateral spreading and could result in a significant lateral spreading impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.4-F1 Prior to approval of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant will be prepared and approved by the County of San Luis Obispo.

The Project's collection system could be exposed to lateral spreading after construction, therefore the implementation of Mitigation Measure 5.4-F1 is required. The mitigation measure will reduce the potential for lateral spreading because specific measures will be incorporated into the design of the collection

system. Therefore, implementation of this mitigation measure will reduce potential lateral spreading impacts to less than significant.

Potentially Significant Impact

The Project's construction dewatering efforts could result in facilities at the treatment plant to subside or settle.

The sites of the proposed facilities are not in an area where the withdrawal of subsurface fluids is known to have caused ground subsidence. The greatest potential for subsidence will be if potentially compressible soils were impacted by lowering of the groundwater table during construction dewatering. The buoyancy of the soil above a specific depth decreases as groundwater levels are lowered. Lowering of the groundwater level, therefore, increases the effective weight of the soil above that depth, which can cause the soil to subside (settle) under the increased weight of the ground above it. Although the proposed facilities are not in an area known to cause ground subsidence, there could be some areas where potentially compressible soils could be impacted by lowering of the groundwater table during construction dewatering. This potential for ground subsidence is therefore considered significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.4-F1** Prior to approval of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant will be prepared and approved by the County of San Luis Obispo.

The Project's facilities could be exposed to ground subsidence during construction, therefore the implementation of Mitigation Measure 5.4-F1 is required. The mitigation measure will reduce the potential for ground subsidence because specific measures will be incorporated into the design of the proposed facilities. Therefore, implementation of this mitigation measure will reduce potential ground subsidence impacts to less than significant.

Potentially Significant Impact

The Project's facilities could be exposed to ground lurching due to a seismic event.

Ground lurching is another potential hazard to be considered. As evidenced by the Loma Prieta, Landers, Northridge, and San Simeon earthquakes, the effects of ground lurching can damage facilities and buried pipelines. Ground lurching occurs due to detachment of underlying stratigraphic units, allowing near-surface soil to move differentially from underlying soil. The site is within a seismically active region of central California that is prone to moderate to large earthquakes. Therefore, there is a potential for significant impacts to occur on the proposed facilities from ground lurching.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.4-F1** Prior to approval of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant will be prepared and approved by the County of San Luis Obispo.

The Project's facilities could be exposed to ground lurching, therefore the implementation of Mitigation Measure 5.4-F1 is required. The mitigation measure will reduce the potential for ground lurching because specific measures will be incorporated into the design of the proposed facilities. Therefore, implementation of this mitigation measure will reduce potential ground lurching impacts to less than significant.

Potentially Significant Impact

The Project facilities may be exposed to unstable soils or geologic units due to the potential for lateral spreading, ground subsidence, and ground lurching, and therefore, may cause a significant cumulative impact.

The proposed facilities for the Project may be exposed to unstable soils or geologic units due to the potential for lateral spreading, ground subsidence, and ground lurching. Therefore, implementation of the Project may contribute to cumulative impacts associated with lateral spreading, ground subsidence and ground lurching within the vicinity of Los Osos. This contribution is considered cumulatively considerable, therefore, significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.4-F1 Prior to approval of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant will be prepared and approved by the County of San Luis Obispo.

The Project's facilities could be exposed to lateral spreading, ground subsidence, and ground lurching, therefore the implementation of Mitigation Measure 5.4-F1 is required. The mitigation measure will reduce the potential for lateral spreading, ground subsidence, and ground lurching because specific measures will be incorporated into the design of the proposed facilities. Therefore, implementation of this mitigation measure will reduce potential lateral spreading, ground subsidence, and ground lurching cumulative impacts to less than significant.

Impact 5.4-G: The project will 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.

Potentially Significant Impact

The Project's facilities within the collection system, at the Giacomazzi site, and the Broderson site could be exposed to expansive soils as defined by Table 18-1-B of the Uniform Building Code (1994).

Near surface soils in the collection system area predominantly consist of dune sands having a low potential for expansion and alluvial sediments having a low to

high potential for expansion. Soils mapped at the Giacomazzi site have moderate to high potential for expansion. These soils are characterized as having slow to very slow permeability and high shrink-swell (expansion) potential. After swelling, water infiltration is typically low and surface water is more likely to runoff or pond. The facilities proposed within the collection system areas and at the Giacomazzi site could be significantly affected by the potential for expansive soil. The soils at the Broderson site have a low potential for expansive soil; however, this potential is considered significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.4-G1** Prior to approval of improvement and building plans for the proposed collection system facilities, facilities at the treatment plant site and facilities at Broderson, a design-level geotechnical report will be prepared that addresses and reduces potential expansive soil impacts to less than significant. The expansive soil data will be used with the requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo.

The Project's facilities could be exposed to expansive soils, therefore this impact requires the implementation of Mitigation Measure 5.4-G1. The mitigation measure will reduce the potential for expansive soil impacts because specific measures will be incorporated into the design of the proposed facilities. Therefore, implementation of this mitigation measure will reduce potential expansive soil impacts to less than significant.

Potentially Significant Impact

The Project may contribute considerably to cumulative impacts associated with expansive soils within the vicinity of Los Osos.

The facilities proposed as part of the collection system and at the treatment plant and disposal sites may be affected by expansive soils. Therefore, implementation of the Project may contribute to cumulative impacts associated with expansive soils within the vicinity of Los Osos. This contribution is considered cumulatively considerable, therefore, significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.4-G1 Prior to approval of improvement and building plans for the proposed collection system facilities, facilities at the treatment plant site and facilities at Broderson, a design-level geotechnical report will be prepared that addresses and reduces potential expansive soil impacts to less than significant. The expansive soil data will be used with the requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo.

The Project may contribute considerably to cumulative impacts associated with expansive soils, therefore this cumulative impact requires the implementation of Mitigation Measure Q5.4-G1. The mitigation measure will reduce the potential for expansive soil impacts because specific measures will be incorporated into the design of the proposed facilities. Therefore, implementation of this mitigation measure will reduce potential cumulative expansive soil impacts to less than significant

2.1.2 - Biological Resources

Impact 5.5-A: **The project will 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

The Project's disposal site on the Broderson property could result in significant impacts to the federally threatened Monterey spineflower.

Construction of the leachfields will occur within areas that are potentially occupied by this species. Construction and long-term maintenance activities could result in incidental "take" of individuals within the disturbance area.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A3 A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A13 Prior to project construction and within all areas on the Broderson property that contain suitable habitat for the Monterey spineflower, a qualified biologist will be retained to conduct botanical surveys to Monterey spineflower presence. Surveys will be conducted during the local blooming period for the species, which typically occurs between April and June, and according to recommendations and guidelines prepared by the United States Fish and Wildlife Service, California Department of Fish and Game, and the California Native Plant Society. If positively identified, all specimens will be clearly demarcated with flagging, and avoided to the maximum extent feasible during construction. A qualified monitoring biologist will be retained to monitor all construction activities in the immediate vicinity (within 25 feet) of any flagged specimens that will not be removed as a result of construction activities. If specimens are positively identified within the leach field impact area, the seeds of those specimens will be collected and sown within suitable habitat located outside of the leach field impact area and within the Broderson property.

The County will provide a written report to United States Fish and Wildlife Service within 90 days following the completion of the project. The report will document the number of Monterey spineflower specimens removed from project areas, the locations of areas seeded with Monterey spineflower seeds, and the number of Monterey spineflower specimens found to be dead or damaged as a result of construction activities. The report will contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

Mitigation Measure 5.5-A3 proposes that a worker education program be developed, and a biologist approved by the United States Fish and Wildlife Service be retained, to provide construction personnel specific instruction on general detection and avoidance of sensitive resources, including the Monterey spineflower, during construction activities. Implementation of this measure will ensure that potential "take" of spineflower individuals is minimized during construction activities in suitable habitat for the species.

Mitigation Measure 5.5-A13 proposes minimization measures in the unlikely event that this species is found within the area proposed for the leachfields. Prior to construction, seeds will be collected from the impact area and later sown within the unaffected portions of Broderson site that will be preserved in perpetuity. This method is considered feasible for this annual herb. Implementation of this measure will minimize and reduce potential impacts to the Monterey spineflower to less than significant levels.

Potentially Significant Impact

The Project's collection system and disposal site on the Broderson property could result in significant project-specific and cumulative impacts to the federally endangered Morro shoulderband snail.

Installation of sewer collection lines, force main lines, lateral lines, and pump stations within the collection system, and construction of the leachfields on the Broderson property will occur within habitat that is potentially occupied by this species. Construction activities will result in the temporary or permanent disturbance of habitat thereby displacing and potentially harming individuals. Construction activities could result in incidental "take" of this federally listed species. This potential significant impact could contribute to cumulative impacts on the species such as from the construction of the Los Osos Valley Road Palisades Storm Drain project which could result in the removal of habitat and potential take of individuals. Therefore, the Project's collection system and

leachfields could contribute considerably to potential significant impacts on the Morro shoulderband snail.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

Q5.5-A1 The project may adversely affect federally listed species and their habitat. Prior to project approval, the lead Federal agency (Environmental Protection Agency through State Water Resources Control Board) will enter into formal consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service. A Biological Opinion will be prepared by the United States Fish and Wildlife Service and/or National Marine Fisheries Service for any action which may result in take of a listed species and its habitat. Pending the determinations made by the United States Fish and Wildlife Service and/or National Marine Fisheries Service in a forthcoming Biological Opinion, the project will be required to fulfill all mitigation obligations and conservation measures conditioned in the Biological Opinion regarding federally listed species and their habitat.

5.5-A3 A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A4

Prior to the onset of construction activities, a biologist authorized by the United States Fish and Wildlife Service will conduct intensive surveys to identify and relocate all snail specimens within the impact area on the Broderson and Mid-Town properties, and all suitable habitat areas within the collection system. Only United States Fish and Wildlife Service authorized biologists will survey for, monitor, handle, or relocate Morro shoulderband snails.

A biologist authorized by the United States Fish and Wildlife Service will be retained to monitor all construction activities that will take place within suitable habitat for the Morro shoulderband snail. Monitoring activities will be required daily until completion of initial disturbance at each construction area. The monitoring biologist will be granted full authority to stop work at his or her discretion. The monitoring biologist will be responsible for implementing avoidance and minimization measures during construction. The monitoring biologist will stop work if project-related activities occur outside the demarcated boundaries of the construction footprint. The monitoring biologist will stop work if any Morro shoulderband snails are detected within the construction footprint, and will relocate them to suitable habitat out of harm's way prior to construction activities resuming. If no suitable habitat exists in the immediate vicinity of the construction footprint, salvaged specimens may also be transported to an offsite location approved by the United States Fish and Wildlife Service.

The County will provide a written report to the United States Fish and Wildlife Service within 90 days following the completion of the project. The report must document the number of Morro shoulderband snails removed and relocated from project areas, the locations of all Morro shoulderband snails' relocations, and the number of Morro shoulderband snails known to be killed or injured. The report will contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

5.5-A15

Prior to project construction, land containing coastal sage scrub habitat and/or other habitat will be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail, the Morro Bay kangaroo rat, and other sensitive species on the Broderson and Mid-Town properties, and areas in the community of Los Osos that will be served by the collection system. Mitigation lands for the project will be acquired within the remaining acres of land on the Broderson property that will not be impacted by the leachfields.

Mitigation lands within the Broderson property will include land that is designated as Critical Habitat for the Morro shoulderband snail; contiguous with existing preservation lands within the Morro Dunes Ecological Reserve and areas studied for the Greenbelt Program by the Land Conservancy; currently supports appropriate soils to accept native plantings for restoration; is capable of being cleared of unfavorable debris and structures; supports primarily windblown sand deposits that are in a stabilized condition (i.e. not mobile dune habitat); is characterized by habitat types with an open canopy; contains appropriate slopes to accommodate snail mobility to and from adjacent lands; and is of appropriate aspect and meteorological conditions.

Within two years of project operation all mitigation land will be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve, as determined during agreements between the United States Fish and Wildlife Service, California Department of Fish and Game, and the County. A long-term management and monitoring program will be prepared. The County will be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land, as determined through agreements between the United States Fish and Wildlife Service, California Department of Fish and Game, and the County.

5.5-A16

Immediately following construction of the leachfields within the Broderson property, the disturbance area and all existing and unaffected coastal sage scrub (or coastal dune scrub) within the property will be restored, enhanced, and maintained to promote the land's function and value as suitable habitat for sensitive plants and wildlife that are local or endemic to the area. Restoration and enhancement efforts, including at minimum, seeding with native plant species and eradication of exotic non-native plant species, will be repeated immediately following all long-term maintenance activities resulting in temporary disturbance of the leachfields. This will be applied to the ripping and backfilling activities that may be required every 5 to 10 years to maintain the leach field function.

Restoration activities will be conducted according to a Restoration Plan or similar plan specifically prepared for the effort and approved by the United States Fish and Wildlife Service, California Department of Fish and Game, and/or the California Native Plant Society. The Restoration Plan will require at minimum, a description of the prescribed restoration and methodology, feasibility and likelihood for success, and a schedule and program for

maintenance, monitoring and reporting the progress of the restoration effort. All restoration activities will be conducted by qualified personnel with expertise in restoration ecology and knowledge of sensitive plant and wildlife species in the area.

The restoration effort will include the implementation of a seed collection program to gather seeds to be used during restoration from native sources. The seed collection program will be prepared for approval by the County prior to project construction activities. The seed collection program will include the use of native plants that will be removed as a result of the project, including but not limited to: mock heather (*Ericameria ericoides*), silver dune lupine (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), bush monkey flower (*Mimulus aurantiacus*), and deerweed (*Lotus scoparius*). Collection will take place by qualified personnel with expertise in botanical resources during the appropriate time of year for seed production and harvesting.

Unless otherwise determined during consultation with the United States Fish and Wildlife Service, the restoration effort will be monitored against permanence standards for a minimum of five years, or until the first ripping event for the restored areas within the leach field area, after which the maintenance and monitoring of the restored areas will be covered within specific management directives contained within a Resource Management Plan. The performance standards will include, at minimum, at least 80 percent native plant species coverage and no greater than 1 percent coverage of invasive non-native plant species (e.g. pampass grass, veldt grass). At minimum, the restored areas must demonstrate a continued ability to support the functions and values necessary to sustain the Morro shoulderband snail. Quarterly monitoring will be conducted for the first two years of the restoration effort, with annual monitoring efforts to follow for the remaining three years. All monitoring and maintenance of restoration areas will be conducted by qualified personnel with expertise in botanical resources and knowledge of sensitive species that occur in the local area, including the Morro shoulderband snail, Morro Bay kangaroo rat, and Morro blue butterfly.

The County will provide annual reports to the United States Fish and Wildlife Service documenting the results of all restoration and monitoring activities. Annual reports will be provided to the United States Fish and Wildlife Service for a minimum of five years or until it is determined by the United States Fish and Wildlife Service that requisite performance criteria have been met. These reports should include any noted changes in the plant community structure or

composition or surface hydrology down-slope of the Broderson leachfields, in addition to other requirements as determined through United States Fish and Wildlife Service consultation and stipulated within permit conditions.

All on-going and long-term restoration, enhancement, and maintenance of preserve lands on the Broderson property will be implemented according to a Resource Management Plan or similar mitigation and monitoring plan that may be developed during consultation with the United States Fish and Wildlife Service. The Resource Management Plan will include management directives that are specific to the preserve and the resources present. The Resource Management Plan will include measures for the removal and eradication of invasive exotic plant species known to occur in the local area, including veldt grass and pampas grass. Activities that involve the removal of invasive species should not result in unnecessary trampling or removal of native species, and techniques for invasive removal will be least damaging to native species.

Mitigation Measure 5.5-A1 is proposed as a standard condition for the project to ensure that formal consultation is initiated and carried out by the appropriate agencies. The proposed measure identifies that the project will be subject to all mandatory reasonable and prudent measures that will be developed through the consultation process as part of the forthcoming Biological Opinion provided by the United States Fish and Wildlife Service. The mandatory reasonable and prudent measures will ensure that impacts are minimized to federally listed species, including the Morro shoulderband snail.

Mitigation Measure 5.5-A3 proposes that a worker education program be developed, and a biologist approved by the United States Fish and Wildlife Service be retained, to provide construction personnel specific instruction on general detection and avoidance of sensitive resources, including the Morro shoulderband snail, during construction activities. Implementation of this measure will ensure that potential "take" of the Morro shoulderband snail is minimized during construction activities in suitable habitat for the species.

Mitigation Measure 5.5-A4 proposes surveys for the Morro shoulderband snail prior to construction, monitoring and relocation during construction, and reporting to the United States Fish and Wildlife Service. Implementation of this measure will ensure that potential "take" of the Morro shoulderband snail is avoided to the maximum extent feasible during construction activities within areas determined to be occupied by the species.

Mitigation Measure 5.5-A15 proposes habitat-based compensatory mitigation for the loss of 1.0 acre of habitat potentially occupied by Morro shoulderband snail. This measure will ensure that 72 acres of coastal dune scrub and central maritime

chaparral are acquired and preserved in perpetuity on the Broderson site, and that plans are prepared and implemented for restoration and long-term management of the preserve. This includes coastal dune scrub and central maritime chaparral that is contained within United States Fish and Wildlife Service -designated Critical Habitat (Unit 2) and is considered occupied by the species. Implementation of this measure will fully compensate the loss of occupied habitat and promote the long-term viability and recovery of the species.

Mitigation Measure 5.5-A16 proposes measures for restoring areas within the Broderson site that will be impacted as a result of construction and long-term maintenance of the leachfields, in addition to areas outside of the proposed leachfields that will be unaffected and preserved in perpetuity. Implementation of this measure will restore damaged areas and enhance preserve lands to provide functioning live-in habitat for the Morro shoulderband snail as well as other sensitive species with the potential to occur in the area.

Potentially Significant Impact

The Project's collection system could result in significant impacts to the federally threatened and California state species of special concern steelhead (south-central California coast ESU).

Installation of the raw wastewater and treated effluent conveyance pipelines will occur within habitat that is potentially occupied by this species within Los Osos Creek. The installation of pipelines could result in the temporary degradation of steelhead habitat through alterations of the stream substrate during construction, downstream sedimentation during and after construction, and the temporary loss of riparian vegetation and stream function as fishery habitat during construction. Indirect injury or mortality to steelhead individuals could result from an accidental spill of hazardous materials or careless fueling or oiling of vehicles or equipment near sensitive upland or aquatic habitats. Remnant materials left within the streambed or adjacent areas after construction could runoff and enter the creek during a time when it may be occupied by steelhead, potentially resulting in injury or mortality of this federally threatened species.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A3

A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A6

All construction activities across Los Osos Creek will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County will retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident.

Prior to construction, a spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing will be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications will only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites will be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins will be constructed to

intercept sediment before it reaches the channels. If required, spoil sites will be graded to reduce the potential for erosion.

During construction, equipment and materials will be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling will be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas will be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks will be returned to original grade slope and appropriate bank stabilization techniques will be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods will be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria will be prepared prior to construction.

5.5-C1

Prior to construction, an application for a Nationwide or Individual Permit will be submitted by the County to the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. If required, the County will obtain a Nationwide or Individual Permit from the United States Army Corps of Engineers for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County will implement all required

conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development.

5.5-C2 Prior to construction, an application for a Water Quality Certification will be submitted by the County to the Central Coast Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. If required, a Water Quality Certification will be obtained from the Central Coast Regional Water Quality Control Board for any impacts, temporary and permanent, to any areas within the project which are determined to qualify as jurisdictional waters of the State. The County will implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development.

5.5-C3 Prior to construction, a Notification of Lake or Streambed Alteration will be submitted by the County to the California Department of Fish and Game pursuant to California Fish and Game Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the California Department of Fish and Game for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County will implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development.

Mitigation Measure 5.5-A3 proposes that a worker education program be developed, and a biologist approved by the United States Fish and Wildlife Service and/or National Marine Fisheries Service, depending on the affected species, be retained, to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction activities, including the south-central California coast steelhead and its critical habitat within Los Osos Creek. Implementation will ensure that adverse impacts to this species and its critical habitat are minimized during construction activities in the Los Osos Creek vicinity.

Mitigation Measure 5.5-A6 proposes avoidance, minimization, monitoring, and restoration measures that will be implemented during and immediately after construction. The construction schedule will be restricted to the time of year when Los Osos Creek will be dry thereby eliminating the potential for direct impacts to individuals. Minimization measures that include site-specific Best Management Practices and a Spill Prevention Plan will restrict construction activities and contain potential pollutants within safe upland areas that are setback from Los Osos Creek. A qualified biological monitor will be required on-site during any construction activities that must occur within Los Osos Creek to direct and contain

activities within construction boundaries and minimize disturbance. Lastly, all disturbance areas will be restored to pre-project conditions immediately after construction to ensure that the functions and values of Los Osos Creek are not lost. Implementation this measure will ensure that adverse impacts to this species and its critical habitat are avoided and minimized during and immediately after construction activities in the Los Osos Creek vicinity.

Mitigation Measures 5.5-C1, 5.5-C2, and 5.5-C3 will require that appropriate permits be obtained from the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game for impacts to waters and wetlands, and riparian-vegetated streambeds associated with Los Osos Creek. These permits, along with the project's forthcoming Coastal Development Permit from the California Coastal Commission, may contain additional conditions that will further reduce impacts to Los Osos Creek and associated resources. Any impacts to riparian and wetland habitat will be mitigated for through replacement mitigation at a minimum ratio of 1:1 so that there is no net loss, or at a set ratio as determined through the permitting process. Where the mitigation requirements of separate policy under the Coastal Zone Land Use Ordinance, or the requirements of the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game or other agency with jurisdiction over an affected areas or resources are different, the more restrictive regulations will apply. Implementation of these measures will further reduce impacts to this species.

Potentially Significant Impact

The Project's collection system and treatment plant site could result in significant impacts to the federally threatened and California state species of special concern California red-legged frog.

Installation of raw wastewater and treated effluent conveyance pipelines, and construction of the treatment plant facility on the Giacomazzi property will occur within habitat that is potentially occupied by this species. Installation of pipelines will result in the temporary disturbance of stream and wetland habitat that could be used by California red-legged frog during construction. These impacts could result from the construction activities associated with the installation of conveyance pipelines on existing bridge structures across Los Osos Creek and Warden Creek, and construction activities associated with open-cut installation of conveyance pipelines within tributary waters to Warden Creek on the Giacomazzi property. Construction activities could result in injury or mortality of individuals as a result of being crushed by earth moving equipment, construction debris, and worker foot traffic. Construction noise and disturbance from instream activities could also resulting displacement of individuals from suitable habitat, including breeding and aestivation sites, as well as degradation of habitat. Improper containment and use of hazardous materials, including fuel or oil, could also result in the injury or mortality of individuals and degradation of habitat. Additionally, the

improper handling, containment, or transport of individuals, or release of individuals into unsuitable habitat could result in injury or mortality.

The treatment plant site for the Project will also require construction activities in the vicinity of stream, wetland, and upland habitat that could be used by California red-legged frog for breeding, dispersal, and aestivation. Operation of the treatment plant site could result in indirect impacts to this species through the introduction of predators and exotic species at the proposed wet-weather storage ponds.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A1 The project may adversely affect federally listed species and their habitat. Prior to project approval, the lead Federal agency (Environmental Protection Agency through State Water Resources Control Board) will enter into formal consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service. A Biological Opinion will be prepared by the United States Fish and Wildlife Service and/or National Marine Fisheries Service for any action which may result in take of a listed species and its habitat. Pending the determinations made by the United States Fish and Wildlife Service and/or National Marine Fisheries Service in a forthcoming Biological Opinion, the project will be required to fulfill all mitigation obligations and conservation measures conditioned in the Biological Opinion regarding federally listed species and their habitat.

5.5-A3 A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of

the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A8

Prior to project construction, the County will retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the United States Fish and Wildlife Service. Surveys will be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

To avoid potential timing conflicts with the California red-legged frog-breeding period, construction activities in the vicinity of California red-legged frog habitat will be completed between April 1 and November 1. This measure will apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

Prior to construction, the County will retain a United States Fish and Wildlife Service - approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The United States Fish and Wildlife Service -approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County will retain a United States Fish and Wildlife Service –approved biologist to conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County will retain a United States Fish and Wildlife Service -approved biologist responsible for monitoring construction activities. Ground disturbance will not be authorized to

begin until written approval is received from the United States Fish and Wildlife Service that the biologist is qualified to conduct the work. Only United States Fish and Wildlife Service -approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the United States Fish and Wildlife Service -approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A United States Fish and Wildlife Service -approved biologist will be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or permittee will designate a qualified person to monitor on-site compliance with all minimization measures. The United States Fish and Wildlife Service -approved biologist will ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support.

During work activities, all trash that may attract predators will be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas will occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The permittee will ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the Environmental Protection Agency will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills.

Recycled water storage ponds will be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County will monitor recycled water storage ponds for bullfrog activity.

5.5-C1

Prior to construction, an application for a Nationwide or Individual Permit will be submitted by the County to the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. If required, the County will obtain a Nationwide or Individual Permit from the United States Army Corps of Engineers for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and

wetlands of the U.S. The County will implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development.

5.5-C2 Prior to construction, an application for a Water Quality Certification will be submitted by the County to the Central Coast Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. If required, a Water Quality Certification will be obtained from the Central Coast Regional Water Quality Control Board for any impacts, temporary and permanent, to any areas within the project which are determined to qualify as jurisdictional waters of the State. The County will implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development.

5.5-C3 Prior to construction, a Notification of Lake or Streambed Alteration will be submitted by the County to the California Department of Fish and Game pursuant to California Fish and Game Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the California Department of Fish and Game for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County will implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development.

Mitigation Measure 5.5-A1 is proposed as a standard condition for the project to ensure that formal consultation is initiated and carried out by the appropriate agencies. The County of San Luis Obispo Department of Public Works will prepare Biological Assessments for the project that specifically addresses project impacts to this and other federally listed species. The Biological Assessments will incorporate the findings and proposed measures contained herein, and will accompany the consultation process with the United States Fish and Wildlife Service and/or National Marine Fisheries Service. The proposed measure identifies that the project will be subject to all mandatory reasonable and prudent measures that will be developed through the consultation process as part of the forthcoming Biological Opinion provided by the United States Fish and Wildlife Service and/or National Marine Fisheries Service. The mandatory reasonable and prudent measures will ensure that impacts are minimized to federally listed species, including the California red-legged frog.

Mitigation Measure 5.5-A3 proposes that a worker education program be developed, and a biologist approved by the United States Fish and Wildlife Service and/or National Marine Fisheries Service be retained, to provide

construction personnel specific instruction on general detection and avoidance of sensitive resources during construction activities, including the California red-legged frog. Implementation of this measure will ensure that adverse impacts to this species and its habitat are minimized during construction activities.

Mitigation Measure 5.5-A8 proposes pre-construction survey, avoidance, minimization, monitoring, and restoration measures to reduce the risk of incidental "take" of individuals and minimize disturbance of habitat. The construction schedule will be restricted to the time of year when stream and wetland habitat will be dry, with the exception of Warden Creek (which supports perennial flows year-round), thereby minimizing the potential for incidental direct impacts to individuals. Aligning with Mitigation Measure 5.5-A3, all biologists retained to conduct initial survey and relocation and monitoring activities for the California red-legged frog will be approved by the United States Fish and Wildlife Service. The pre-construction surveys will confirm presence/absence of individuals within the affected areas and immediate vicinity so that appropriate avoidance and relocation measures can be undertaken prior to construction. The measure will ensure that the functions and values of all affected areas and immediate vicinity are restored to pre-project conditions and enhanced to eradicate exotic predators, create additional live-in habitat, and promote the long-term viability of the species.

Minimization measures that include site-specific Best Management Practices and a Spill Prevention Plan will also be implemented and will restrict construction activities and contain potential pollutants within safe upland areas that are setback from habitat for the California red-legged frog. Additionally, Mitigation Measures 5.5-C1, 5.5-C2, and 5.5-C3 will be required to obtain the appropriate permits from the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game for impacts to waters and wetlands, and riparian-vegetated streambed associated with Los Osos Creek, Warden Creek, and tributaries to Warden Creek. These permits, along with the project's forthcoming Coastal Development Permit from the California Coastal Commission, will contain additional conditions that will further reduce impacts to California red-legged frog habitat. Any impacts to riparian and wetland habitat will be mitigated for through replacement mitigation at a minimum ratio of 1:1 so that there is no net loss, or at a set ratio as determined through the permitting process. Where the mitigation requirements of separate policy under the Coastal Zone Land Use Ordinance, or the requirements of the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game or other agency with jurisdiction over an affected area are different, the more restrictive regulations will apply. Implementation of these measures will further reduce impacts to this species.

Impact 5.5-B: **The project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.**

Potentially Significant Impact

The Project's collection system and disposal site on the Broderson property could result in significant impacts to riparian habitat and other natural communities.

Installation of raw wastewater and treated effluent conveyance pipelines will result in the temporary disturbance and removal of riparian habitat associated with Los Osos Creek, Warden Creek, and tributaries to Warden Creek. Construction of pump stations and the leachfields on the Broderson property will result in the removal of coastal dune scrub habitat, a non-sensitive but narrowly distributed natural community.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A5 Prior to construction, the County shall formalize a "no take agreement" with the California Department of Fish and Game for the Morro Bay kangaroo rat. The "no take agreement" shall outline a monitoring and contingency plan for the Broderson leach field, as on-going maintenance of the leach field may create suitable Morro Bay kangaroo rat habitat.

5.5-A6 All construction activities across Los Osos Creek will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County will retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident.

Prior to construction, a spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and

reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing will be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications will only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites will be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins will be constructed to intercept sediment before it reaches the channels. If required, spoil sites will be graded to reduce the potential for erosion.

During construction, equipment and materials will be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling will be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas will be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks will be returned to original grade slope and appropriate bank stabilization techniques will be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods will be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria will be prepared prior to construction.

5.5-A8

Prior to project construction, the County will retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the United States Fish and Wildlife Service. Surveys will be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

To avoid potential timing conflicts with the California red-legged frog-breeding period, construction activities in the vicinity of California red-legged frog habitat will be completed between April 1 and November 1. This measure will apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

Prior to construction, the County will retain a United States Fish and Wildlife Service - approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The United States Fish and Wildlife Service -approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County will retain a United States Fish and Wildlife Service –approved biologist to conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County will retain a United States Fish and Wildlife Service -approved biologist responsible for monitoring construction activities. Ground disturbance will not be authorized to

begin until written approval is received from the United States Fish and Wildlife Service that the biologist is qualified to conduct the work. Only United States Fish and Wildlife Service -approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the United States Fish and Wildlife Service -approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A United States Fish and Wildlife Service -approved biologist will be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or permittee will designate a qualified person to monitor on-site compliance with all minimization measures. The United States Fish and Wildlife Service -approved biologist will ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support.

During work activities, all trash that may attract predators will be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas will occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The permittee will ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the Environmental Protection Agency will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills.

Wet weather storage ponds will be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County will monitor wet weather storage ponds for bullfrog activity.

5.5-A11

If any construction activities are proposed during the general bird breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to the onset of construction activities to identify any active non-raptor bird nests within 250 feet of the proposed impact area. If an active nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended or until a

qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. For sensitive species, including Allen's hummingbird, yellow warbler, and loggerhead shrike, the distance and placement of the construction avoidance shall be a minimum of 250 feet unless otherwise determined through consultation with the California Department Fish and Game.

5.5-A12

If any construction activities are proposed during the general raptor breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to the onset of construction activities to identify any active raptor nests within 500 feet of the proposed impact area. If an active raptor nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 500 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Pursuant to Section 2050 of the California Fish and Game Code, the California Department Fish and Game will not permit any impacts to the California state fully protected raptor white-tailed kite. If an active nest or breeding territory is detected during preconstruction surveys for nesting birds, no construction activities shall take place within 500 feet of the location of the active nest. The area shall be completely avoided and fenced to allow for an adequate buffer from construction activities. A qualified biologist shall be retained to monitor the activity of the nest during the breeding season until it is determined that the nest is no longer active (i.e. all young have fledged the nest and no individual kites are dependent on the nest).

5.5-A15

Prior to project construction, land containing coastal dune scrub and maritime chaparral habitat will be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail and other sensitive species on the Broderson and Mid-town properties, and sensitive areas in the collection system. Seventy-three acres of the Broderson property not used for the proposed leachfields will be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve as determined during agreements with the United States Fish and Wildlife Service, California Department of Fish and Game, and the County. A long-term management and monitoring program will be prepared. The County will be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land.

5.5-A16

Immediately following construction of the leachfields within the Broderson property, the disturbance area and all existing and unaffected coastal sage scrub (or coastal dune scrub) within the property will be restored, enhanced, and maintained to promote the land's function and value as suitable habitat for sensitive plants and wildlife that are local or endemic to the area. Restoration and enhancement efforts, including at minimum, seeding with native plant species and eradication of exotic non-native plant species, will be repeated immediately following all long-term maintenance activities resulting in temporary disturbance of the leachfields. This will be applied to the ripping and backfilling activities that will be required every 5 to 10 years to maintain the leach field function.

Restoration activities will be conducted according to a Restoration Plan or similar plan specifically prepared for the effort and approved by United States Fish and Wildlife Service and/or the California Department of Fish and Game. The Restoration Plan will require at minimum, a description of the prescribed restoration and methodology, feasibility and likelihood for success, and a schedule and program for maintenance, monitoring and reporting the progress of the restoration effort. All restoration activities will be conducted by qualified personnel with expertise in restoration ecology and knowledge of sensitive plant and wildlife species in the area.

The restoration effort will include the implementation of a seed collection program to gather seeds to be used during restoration from native sources. The seed collection program will be prepared for approval by the County prior to project construction activities. The seed collection program will include the use of native plants that will be removed as a result of the project, including but not limited to: mock heather (*Ericameria ericoides*), silver dune lupine (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), bush monkey flower (*Mimulus aurantiacus*), and deerweed (*Lotus scoparius*). Collection will take place by qualified personnel with expertise in botanical resources during the appropriate time of year for seed production and harvesting.

Unless otherwise determined during consultation with the United States Fish and Wildlife Service, the restoration effort will be monitored against permanence standards for a minimum of five years, or until the first ripping event for the restored areas within the leach field area, after which the maintenance and monitoring of the restored areas will be covered within specific management directives contained within a Resource Management Plan. The performance standards will include, at minimum, at least 80 percent

native plant species coverage and no greater than 1 percent coverage of invasive non-native plant species (e.g. pampass grass, veldt grass). At minimum, the restored areas must demonstrate a continued ability to support the functions and values necessary to sustain the Morro shoulderband snail. Quarterly monitoring will be conducted for the first two years of the restoration effort, with annual monitoring efforts to follow for the remaining three years. All monitoring and maintenance of restoration areas will be conducted by qualified personnel with expertise in botanical resources and knowledge of sensitive species that occur in the local area, including the Morro shoulderband snail, Morro Bay kangaroo rat, and Morro blue butterfly.

The County will provide annual reports to the United States Fish and Wildlife Service documenting the results of all restoration and monitoring activities. Annual reports will be provided to the United States Fish and Wildlife Service for a minimum of five years or until it is determined by the United States Fish and Wildlife Service that requisite performance criteria have been met. These reports should include any noted changes in the plant community structure or composition or surface hydrology down-slope of the Broderson leachfields, in addition to other requirements as determined through United States Fish and Wildlife Service consultation and stipulated within permit conditions.

All on-going and long-term restoration, enhancement, and maintenance of preserve lands on the Broderson property will be implemented according to a Resource Management Plan or similar mitigation and monitoring plan that may be developed during consultation with the United States Fish and Wildlife Service. The Resource Management Plan will include management directives that are specific to the preserve and the resources present. The Resource Management Plan will include measures for the removal and eradication of invasive exotic plant species known to occur in the local area, including veldt grass and pampas grass. Activities that involve the removal of invasive species should not result in unnecessary trampling or removal of native species, and techniques for invasive removal will be least damaging to native species.

5.5-C3

Prior to construction, a Notification of Lake or Streambed Alteration will be submitted by the County to the California Department of Fish and Game pursuant to California Fish and Game Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the California Department of Fish and Game for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional

streambed or riparian habitat. The County will implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development.

Mitigation Measures 5.5-A6 and 5.5-A8 for southern steelhead and California red-legged frog include avoidance and minimization measures that will significantly reduce adverse effects to riparian habitat during construction. Mitigation Measures 5.5-A15 and 5.5-A16 will fully compensate the loss of coastal dune scrub through the acquisition, preservation, restoration, and enhancement of in-kind habitat on the Broderson property.

As a standard condition within Mitigation Measures 5.5-C3, the Project will be required to obtain a Streambed Alteration Agreement from the California Department of Fish and Game for all impacts to riparian-vegetated streambed pursuant to Section 1600 et seq of the California Fish and Game Code. If required, the agreement will include measures to compensate the temporary loss of riparian habitat. Therefore, implementation of this measure will reduce impacts to riparian habitat to less than significant levels.

Impact 5.5-C: **The project will 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.**

Potentially Significant Impact

The Project's collection system and treatment plant site could result in significant impacts to federally protected wetlands.

Construction of the collection system and effluent pipelines for the Project could result in the temporary fill of federally regulated waters and wetlands. Construction and operation of the treatment plant site could result in permanent impacts to waters and wetlands through the operation of the storm drain system.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A6

All construction activities across Los Osos Creek will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County will retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident.

Prior to construction, a spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing will be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications will only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites will be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins will be constructed to intercept sediment before it reaches the channels. If required, spoil sites will be graded to reduce the potential for erosion.

During construction, equipment and materials will be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling will be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas will be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks will be returned to original grade slope and appropriate bank stabilization techniques will be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods will be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria will be prepared prior to construction.

5.5-A8

Prior to project construction, the County will retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the United States Fish and Wildlife Service. Surveys will be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

To avoid potential timing conflicts with the California red-legged frog-breeding period, construction activities in the vicinity of California red-legged frog habitat will be completed between April 1 and November 1. This measure will apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

Prior to construction, the County will retain a United States Fish and Wildlife Service - approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent

possible. The United States Fish and Wildlife Service -approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County will retain a United States Fish and Wildlife Service –approved biologist to conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County will retain a United States Fish and Wildlife Service -approved biologist responsible for monitoring construction activities. Ground disturbance will not be authorized to begin until written approval is received from the United States Fish and Wildlife Service that the biologist is qualified to conduct the work. Only United States Fish and Wildlife Service -approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the United States Fish and Wildlife Service -approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A United States Fish and Wildlife Service -approved biologist will be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or permittee will designate a qualified person to monitor on-site compliance with all minimization measures. The United States Fish and Wildlife Service -approved biologist will ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support.

During work activities, all trash that may attract predators will be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas will occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The permittee will ensure that contamination of habitat does not occur during such operations.

Prior to the onset of work, the Environmental Protection Agency will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills.

Wet weather storage ponds will be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County will monitor wet weather storage ponds for bullfrog activity.

5.5-C1 Prior to construction, an application for a Nationwide or Individual Permit will be submitted by the County to the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. If required, the County will obtain a Nationwide or Individual Permit from the United States Army Corps of Engineers for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County will implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development.

5.5-C2 Prior to construction, an application for a Water Quality Certification will be submitted by the County to the Central Coast Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. If required, a Water Quality Certification will be obtained from the Central Coast Regional Water Quality Control Board for any impacts, temporary and permanent, to any areas within the project which are determined to qualify as jurisdictional waters of the State. The County will implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development.

Mitigation Measures Q5.5-A6 and Q5.5-A8 for southern steelhead and California red-legged frog include avoidance and minimization measures that will significantly reduce adverse effects to waters and wetlands during construction.

As a standard condition within Mitigation Measures 5.5-C1 and 5.5-C2, the Project will be required to obtain a Nationwide or Individual permit and a Water Quality Certification for all impacts to waters and wetlands pursuant to Section 404 and 401 of the federal Clean Water Act and State Porter-Cologne Water Quality Control Act. The permits and certifications will include additional measures to compensate for the temporary and permanent fill of waters and wetlands. Therefore, implementation of this measure will also reduce impacts to waters and wetlands to less than significant levels.

Impact 5.5-D: The project will 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 wildlife nursery sites.

Potentially Significant Impact

The Project's collection system and treatment plant site could substantially interfere with the movement of migratory fish and wildlife, including established corridors and the use of nursery sites.

Construction of the collection system and the pipelines for the spray fields for the Project will result in temporary impacts to linear habitat and drainage features that may function to facilitate wildlife movement for both common and special status species. The installation of pipelines will occur across coastal streams that contain habitat for the southern steelhead and California red-legged frog. These areas represent corridors that provide migration routes and dispersal opportunities and access to and from spawning and aquatic breeding sites.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A1 The project may adversely affect federally listed species and their habitat. Prior to project approval, the lead Federal agency (Environmental Protection Agency through State Water Resources Control Board) will enter into formal consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service. A Biological Opinion will be prepared by the United States Fish and Wildlife Service and/or National Marine Fisheries Service for any action which may result in take of a listed species and its habitat. Pending the determinations made by the United States Fish and Wildlife Service and/or National Marine Fisheries Service in a forthcoming Biological Opinion, the project will be required to fulfill all mitigation obligations and conservation measures conditioned in the Biological Opinion regarding federally listed species and their habitat.

5.5-A3

A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A6

All construction activities across Los Osos Creek will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County will retain a qualified biological monitor to be on site during all stream crossing activities associate with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident.

Prior to construction, a spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing will be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications will only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites will be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins will be constructed to intercept sediment before it reaches the channels. If required, spoil sites will be graded to reduce the potential for erosion.

During construction, equipment and materials will be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling will be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas will be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks will be returned to original grade slope and appropriate bank stabilization techniques will be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods will be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria will be prepared prior to construction.

5.5-A8

Prior to project construction, the County will retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the United States Fish and Wildlife Service. Surveys will be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

To avoid potential timing conflicts with the California red-legged frog-breeding period, construction activities in the vicinity of California red-legged frog habitat will be completed between April 1 and November 1. This measure will apply to construction activities at the Los Osos Valley Road Bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

Prior to construction, the County will retain a United States Fish and Wildlife Service - approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The United States Fish and Wildlife Service -approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County will retain a United States Fish and Wildlife Service –approved biologist to conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County will retain a United States Fish and Wildlife Service -approved biologist responsible for monitoring construction activities. Ground disturbance will not be authorized to begin until written approval is received from the United States Fish and Wildlife Service that the biologist is qualified to conduct the work. Only United States Fish and Wildlife Service -approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the United States Fish and Wildlife Service -approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A United States Fish and Wildlife Service -approved biologist will be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or permittee will designate a qualified person to monitor on-site compliance with all minimization measures. The United States Fish and Wildlife Service

-approved biologist will ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support.

During work activities, all trash that may attract predators will be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas will occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The permittee will ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the Environmental Protection Agency will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills.

Wet weather storage ponds will be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County will monitor wet weather storage ponds for bullfrog activity.

5.5-C1

Prior to construction, an application for a Nationwide or Individual Permit will be submitted by the County to the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. If required, the County will obtain a Nationwide or Individual Permit from the United States Army Corps of Engineers for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County will implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development.

5.5-C2

Prior to construction, an application for a Water Quality Certification will be submitted by the County to the Central Coast Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. If required, a Water Quality Certification will be obtained from the Central Coast Regional Water Quality Control Board for any impacts, temporary and permanent, to any areas within the project which are determined to qualify as jurisdictional waters of the State. The County will implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development.

5.5-C3 Prior to construction, a Notification of Lake or Streambed Alteration will be submitted by the County to the California Department of Fish and Game pursuant to California Fish and Game Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the California Department of Fish and Game for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County will implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development.

Mitigation Measure 5.5-A1 is proposed as a standard condition for the project to ensure that formal consultation for California red-legged frog is initiated and carried out by the appropriate agencies. The County of San Luis Obispo Department of Public Works will prepare a Biological Assessment for the project that specifically addresses project impacts to this and other federally listed species. The Biological Assessment will incorporate the findings and proposed measures contained herein, and will accompany the consultation process with the United States Fish and Wildlife Service. The proposed measure identifies that the project will be subject to all mandatory reasonable and prudent measures that will be developed through the consultation process as part of the forthcoming Biological Opinion provided by the United States Fish and Wildlife Service. The mandatory reasonable and prudent measures will ensure that impacts are minimized to federally listed species, including those impacts which may affect California red-legged frog dispersal.

Mitigation Measure 5.5-A3 proposes that a worker education program be developed, and a biologist approved by the United States Fish and Wildlife Service be retained, to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction activities, including areas that could be used by the California red-legged frog and southern steelhead. Implementation of this measure will ensure that adverse impacts to these species and their habitat are minimized during construction activities.

Mitigation Measure 5.5-A6 proposes avoidance, minimization, monitoring, and restoration measures pertaining to steelhead habitat that will be implemented during and immediately after construction. The construction schedule will be restricted to the time of year when Los Osos Creek will be dry thereby minimizing temporary degradation of habitat. Minimization measures that include site-specific Best Management Practices and a Spill Prevention Plan will restrict construction activities and contain potential pollutants within safe upland areas that are setback from Los Osos Creek. A qualified biological monitor will be required on-site during any construction activities that must occur within Los Osos Creek to direct and contain activities within construction boundaries and minimize

disturbance. All disturbance areas will be restored to pre-project conditions immediately after construction to ensure that the functions and values of Los Osos Creek are not lost. Implementation this measure will ensure that adverse impacts steelhead habitat are avoided and minimized during and immediately after construction activities in the Los Osos Creek vicinity.

Mitigation Measure 5.5-A8 proposes pre-construction survey, avoidance, minimization, monitoring, and restoration measures to minimize disturbance of habitat. The construction schedule will be restricted to the time of year when stream and wetland habitat will be dry, with the exception of Warden Creek (which supports perennial flows year-round), thereby minimizing temporary degradation of habitat. The measure will ensure that the functions and values of all affected areas and immediate vicinity are restored to pre-project conditions and enhanced to eradicate exotic predators, create additional live-in habitat, and promote the long-term viability of the species.

Minimization measures that include site-specific Best Management Practices and a Spill Prevention Plan will also be implemented and will restrict construction activities and contain potential pollutants within safe upland areas that are setback from habitat for the California red-legged frog and southern steelhead. Additionally, Mitigation Measures 5.5-C1, 5.5-C2, and 5.5-C3 will be required to obtain the appropriate permits from the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game for impacts to waters and wetlands, and riparian-vegetated streambed associated with Los Osos Creek, Warden Creek, and tributaries to Warden Creek. These permits, along with the project's forthcoming Coastal Development Permit from the California Coastal Commission, will contain additional conditions that will further reduce impacts to California red-legged frog and steelhead habitat. Any impacts to riparian and wetland habitat will be mitigated for through replacement mitigation at a minimum ratio of 1:1 so that there is no net loss, or at a set ratio as determined through the permitting process. Where the mitigation requirements of separate policy under the Coastal Zone Land Use Ordinance, or the requirements of the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game or other agency with jurisdiction over an affected area are different, the more restrictive regulations will apply. Implementation of these measures will further reduce impacts to this species.

Impact 5.5-E: The project will conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Potentially Significant Impact

The Project's collection system, treatment plant site, and disposal site on the Broderson property will conflict with policies protecting Sensitive Resource Areas and Environmentally Sensitive Habitat Areas, as stipulated in the County of San Luis Obispo Coastal Zone Land Use Ordinance .

Construction of the raw wastewater and treated effluent pipelines, the bridge improvements and facilities for the treatment plant site, and the leach fields on the Broderson property for the Project will result in temporary and permanent construction impacts to Sensitive Resource Areas, and terrestrial, coastal stream, wetland, and riparian vegetation Environmentally Sensitive Habitat Areas protected under the Coastal Zone Land Use Ordinance. Essentially all of the Sensitive Resource Areas and Environmentally Sensitive Habitat Areas to be impacted have been addressed under different resource names within the other biological resources impacts. These resources include coastal dune scrub on the Mid-town and Broderson property, and stream, wetland, and riparian resources associated with Los Osos Creek, Warden Creek, tributaries to Warden Creek along Los Osos Valley Road, Turri Road, and on the Giacomazzi property.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.5-A1 The project may adversely affect federally listed species and their habitat. Prior to project approval, the lead Federal agency (Environmental Protection Agency through State Water Resources Control Board) will enter into formal consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service. A Biological Opinion will be prepared by the United States Fish and Wildlife Service and/or National Marine Fisheries Service for any action which may result in take of a listed species and its habitat. Pending the determinations made by the United States Fish and Wildlife Service and/or National Marine Fisheries Service in a forthcoming Biological Opinion, the project will be required to fulfill all mitigation obligations and conservation measures conditioned in the Biological Opinion regarding federally listed species and their habitat.

5.5-A3 A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the United States Fish and Wildlife Service

shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

5.5-A4

Prior to the onset of construction activities, a biologist authorized by the United States Fish and Wildlife Service will conduct intensive surveys to identify and relocate all snail specimens within the impact area on the Broderson and Mid-Town properties, and all suitable habitat areas within the collection system. Only United States Fish and Wildlife Service authorized biologists will survey for, monitor, handle, or relocate Morro shoulderband snails.

A biologist authorized by the United States Fish and Wildlife Service will be retained to monitor all construction activities that will take place within suitable habitat for the Morro shoulderband snail. Monitoring activities will be required daily until completion of initial disturbance at each construction area. The monitoring biologist will be granted full authority to stop work at his or her discretion. The monitoring biologist will be responsible for implementing avoidance and minimization measures during construction. The monitoring biologist will stop work if project-related activities occur outside the demarcated boundaries of the construction footprint. The monitoring biologist will stop work if any Morro shoulderband snails are detected within the construction footprint, and will relocate them to suitable habitat out of harm's way prior to construction activities resuming. If no suitable habitat exists in the immediate vicinity of the construction footprint, salvaged specimens may also be transported to an offsite location approved by the United States Fish and Wildlife Service.

The County will provide a written report to the United States Fish and Wildlife Service within 90 days following the completion of the project. The report must document the number of Morro shoulderband snails removed and relocated from project areas, the locations of all Morro shoulderband snails' relocations, and the number of Morro shoulderband snails known to be killed or injured. The report will contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information

such as the acreages affected and restored, or undergoing restoration, of each habitat type.

5.5-A6

All construction activities across Los Osos Creek will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County will retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident.

Prior to construction, a spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing will be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications will only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites will be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins will be constructed to intercept sediment before it reaches the channels. If required, spoil sites will be graded to reduce the potential for erosion.

During construction, equipment and materials will be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling will be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas will be restored to pre-construction channel conditions, including streambed composition, compaction, and gradient. If required, channel banks will be returned to original grade slope and appropriate bank stabilization techniques will be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods will be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria will be prepared prior to construction.

5.5-A8

Prior to project construction, the County will retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the United States Fish and Wildlife Service. Surveys will be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

To avoid potential timing conflicts with the California red-legged frog-breeding period, construction activities in the vicinity of California red-legged frog habitat will be completed between April 1 and November 1. This measure will apply to construction activities at the Los Osos Valley Road Bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through United States Fish and Wildlife Service consultation.

Prior to construction, the County will retain a United States Fish and Wildlife Service - approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and

centrarchid fishes from the project area, to the maximum extent possible. The United States Fish and Wildlife Service -approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County will retain a United States Fish and Wildlife Service –approved biologist to conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County will retain a United States Fish and Wildlife Service -approved biologist responsible for monitoring construction activities. Ground disturbance will not be authorized to begin until written approval is received from the United States Fish and Wildlife Service that the biologist is qualified to conduct the work. Only United States Fish and Wildlife Service -approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the United States Fish and Wildlife Service -approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. A United States Fish and Wildlife Service -approved biologist will be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or permittee will designate a qualified person to monitor on-site compliance with all minimization measures. The United States Fish and Wildlife Service -approved biologist will ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support.

During work activities, all trash that may attract predators will be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas will occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The permittee will ensure that

contamination of habitat does not occur during such operations. Prior to the onset of work, the Environmental Protection Agency will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills.

Wet weather storage ponds will be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County will monitor wet weather storage ponds for bullfrog activity.

5.5-A9 The proposed project will avoid Monarch butterfly winter roost habitats where feasible. If the proposed project will impact potential winter roost habitat, a qualified biologist with expertise in positively identifying the Monarch butterfly and winter roosting behavior will conduct preconstruction surveys within all suitable habitat that occurs within the proposed impact area during the months of October through February. All potential roost sites that have a potential to be impacted as a result of construction activities will be fenced and avoided. No construction activities will be permitted in the vicinity (within 500 feet) of potential roost sites during the winter roosting months.

5.5-A10 Prior to construction activities on the Broderson and Mid-town properties, a qualified biologist shall be retained to identify and demarcate all host silver dune lupine (*Lupinus chamissonis*) shrubs that occur within the impact area. The qualified biologist shall inspect each host lupine for the presence of any Morro blue butterfly eggs, larvae, or pupae. In an effort to avoid mortality of butterfly eggs, larvae, or pupae prior to the onset of adult emergence, any host lupine specimens determined to contain eggs, larvae, or pupae shall be considered for relocation outside of the impact area and within suitable coastal dune scrub habitat on either the Broderson or Mid-town properties. To avoid take of the Morro shoulderband snail (*Helminthoglypta walkeriana*) while conducting Morro blue butterfly survey activities, any person conducting such surveys shall be a qualified biologist knowledgeable in the general habitat requirements of the Morro shoulderband snail and familiar with the diagnostic features of all native and introduced snail species. Any planting and restoration efforts proposed as mitigation for the project shall include silver dune lupine within the plant palette to encourage the species to continue to use the area.

Any planting and restoration efforts proposed as mitigation for the project will include silver dune lupine within the plant palette to encourage the species to continue to use the area.

5.5-A13

Prior to project construction and within all areas on the Broderson property that contain suitable habitat for the Monterey spineflower, a qualified biologist will be retained to conduct botanical surveys to Monterey spineflower presence. Surveys will be conducted during the local blooming period for the species, which typically occurs between April and June, and according to recommendations and guidelines prepared by the United States Fish and Wildlife Service, California Department of Fish and Game, and the California Native Plant Society. If positively identified, all specimens will be clearly demarcated with flagging, and avoided to the maximum extent feasible during construction. A qualified monitoring biologist will be retained to monitor all construction activities in the immediate vicinity (within 25 feet) of any flagged specimens that will not be removed as a result of construction activities. If specimens are positively identified within the leach field impact area, the seeds of those specimens will be collected and sown within suitable habitat located outside of the leach field impact area and within the Broderson property.

The County will provide a written report to United States Fish and Wildlife Service within 90 days following the completion of the project. The report will document the number of Monterey spineflower specimens removed from project areas, the locations of areas seeded with Monterey spineflower seeds, and the number of Monterey spineflower specimens found to be dead or damaged as a result of construction activities. The report will contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

5.5-A14

The proposed project will minimize to the maximum extent feasible any potential impacts to non-listed plant and lichen species designated as sensitive by the CNPS, including Blochman leafy daisy, saint's daisy, San Luis Obispo wallflower, curly-leafed monardella, dune almond, spiraled old man's beard, Los Osos black and white lichen, long-fringed parmotrema, and splitting yarn lichen. The County will retain a qualified biologist to conduct botanical surveys within suitable habitat on the Broderson and Mid-town properties to identify all sensitive plant and lichen species within and in the immediate vicinity of the impact areas. Surveys will be conducted during the local blooming periods for each species, where applicable, and according to recommendations and guidelines prepared by the United States Fish and Wildlife Service, California Department of Fish and Game, and the California Native Plant Society. All specimens will be clearly demarcated with flagging and avoided to the maximum extent feasible during construction.

5.5-A15

Prior to project construction, land containing coastal sage scrub habitat and/or other habitat will be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail, the Morro Bay kangaroo rat, and other sensitive species on the Broderson and Mid-Town properties, and areas in the community of Los Osos that will be served by the collection system. Mitigation lands for the project will be acquired within the remaining acres of land on the Broderson property that will not be impacted by the leachfields.

Mitigation lands within the Broderson property will include land that is designated as Critical Habitat for the Morro shoulderband snail; contiguous with existing preservation lands within the Morro Dunes Ecological Reserve and areas studied for the Greenbelt Program by the Land Conservancy; currently supports appropriate soils to accept native plantings for restoration; is capable of being cleared of unfavorable debris and structures; supports primarily windblown sand deposits that are in a stabilized condition (i.e. not mobile dune habitat); is characterized by habitat types with an open canopy; contains appropriate slopes to accommodate snail mobility to and from adjacent lands; and is of appropriate aspect and meteorological conditions.

Within two years of project operation all mitigation land will be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve, as determined during agreements between the United States Fish and Wildlife Service, California Department of Fish and Game, and the County. A long-term management and monitoring program will be prepared. The County will be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land, as determined through agreements between the United States Fish and Wildlife Service, California Department of Fish and Game, and the County.

5.5-A16

Immediately following construction of the leachfields within the Broderson property, the disturbance area and all existing and unaffected coastal sage scrub (or coastal dune scrub) within the property will be restored, enhanced, and maintained to promote the land's function and value as suitable habitat for sensitive plants and wildlife that are local or endemic to the area. Restoration and enhancement efforts, including at minimum, seeding with native plant species and eradication of exotic non-native plant species, will be repeated immediately following all long-term maintenance activities resulting in temporary disturbance of the leachfields. This

will be applied to the ripping and backfilling activities that may be required every 5 to 10 years to maintain the leach field function.

Restoration activities will be conducted according to a Restoration Plan or similar plan specifically prepared for the effort and approved by the United States Fish and Wildlife Service, California Department of Fish and Game, and/or the California Native Plant Society. The Restoration Plan will require at minimum, a description of the prescribed restoration and methodology, feasibility and likelihood for success, and a schedule and program for maintenance, monitoring and reporting the progress of the restoration effort. All restoration activities will be conducted by qualified personnel with expertise in restoration ecology and knowledge of sensitive plant and wildlife species in the area.

The restoration effort will include the implementation of a seed collection program to gather seeds to be used during restoration from native sources. The seed collection program will be prepared for approval by the County prior to project construction activities. The seed collection program will include the use of native plants that will be removed as a result of the project, including but not limited to: mock heather (*Ericameria ericoides*), silver dune lupine (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), black sage (*Salvia mellifera*), bush monkey flower (*Mimulus aurantiacus*), and deerweed (*Lotus scoparius*). Collection will take place by qualified personnel with expertise in botanical resources during the appropriate time of year for seed production and harvesting.

Unless otherwise determined during consultation with the United States Fish and Wildlife Service, the restoration effort will be monitored against permanence standards for a minimum of five years, or until the first ripping event for the restored areas within the leach field area, after which the maintenance and monitoring of the restored areas will be covered within specific management directives contained within a Resource Management Plan. The performance standards will include, at minimum, at least 80 percent native plant species coverage and no greater than 1 percent coverage of invasive non-native plant species (e.g. pampass grass, veldt grass). At minimum, the restored areas must demonstrate a continued ability to support the functions and values necessary to sustain the Morro shoulderband snail. Quarterly monitoring will be conducted for the first two years of the restoration effort, with annual monitoring efforts to follow for the remaining three years. All monitoring and maintenance of restoration areas will be conducted by qualified personnel with expertise in botanical resources and knowledge of sensitive species that occur in the local area, including

the Morro shoulderband snail, Morro Bay kangaroo rat, and Morro blue butterfly.

The County will provide annual reports to the United States Fish and Wildlife Service documenting the results of all restoration and monitoring activities. Annual reports will be provided to the United States Fish and Wildlife Service for a minimum of five years or until it is determined by the United States Fish and Wildlife Service that requisite performance criteria have been met. These reports should include any noted changes in the plant community structure or composition or surface hydrology down-slope of the Broderson leachfields, in addition to other requirements as determined through United States Fish and Wildlife Service consultation and stipulated within permit conditions.

All on-going and long-term restoration, enhancement, and maintenance of preserve lands on the Broderson property will be implemented according to a Resource Management Plan or similar mitigation and monitoring plan that may be developed during consultation with the United States Fish and Wildlife Service. The Resource Management Plan will include management directives that are specific to the preserve and the resources present. The Resource Management Plan will include measures for the removal and eradication of invasive exotic plant species known to occur in the local area, including veldt grass and pampas grass. Activities that involve the removal of invasive species should not result in unnecessary trampling or removal of native species, and techniques for invasive removal will be least damaging to native species.

5.5-C1

Prior to construction, an application for a Nationwide or Individual Permit will be submitted by the County to the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. If required, the County will obtain a Nationwide or Individual Permit from the United States Army Corps of Engineers for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County will implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development.

5.5-C2

Prior to construction, an application for a Water Quality Certification will be submitted by the County to the Central Coast Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. If required, a Water Quality Certification will be obtained from the Central Coast Regional Water Quality Control Board for any impacts, temporary

and permanent, to any areas within the project which are determined to qualify as jurisdictional waters of the State. The County will implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development.

- 5.5-C3** Prior to construction, a Notification of Lake or Streambed Alteration will be submitted by the County to the California Department of Fish and Game pursuant to California Fish and Game Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the California Department of Fish and Game for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County will implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development.

The Project has incorporated the goals and development standards identified in the Coastal Zone Land use Ordinance for siting and design that ensure avoidance and minimization of impacts to Sensitive Resources Areas and Environmentally Sensitive Habitat Areas in the short- and long-term. The majority of the project effects on Sensitive Resources Areas and Environmentally Sensitive Habitat Areas will be temporary in nature as a result of the installation of bridge-suspended or belowground pipelines. As required, pump station and treatment plant siting for the Project incorporates adequate setbacks from sensitive resource areas and design features that minimize potential indirect impacts, and enhance the surrounding environment.

With the siting and design features incorporated into the Project, implementation of Mitigation Measures 5.5-A1, 5.5-A3, 5.5-A4, 5.5-A6, 5.5-A8, 5.5-A9, 5.5-A10, 5.5-A13, 5.5-A14, 5.5-A15, 5.5-A16, and 5.5-C1 through 5.5-C3 will reduce impacts to Sensitive Resources Areas, and terrestrial habitat, coastal stream, wetland, and riparian vegetation Environmentally Sensitive Habitat Areas to less than significant levels. Implementation will ensure consistency of the Project with the Coastal Zone Land Use Ordinance.

2.1.3 - Cultural Resources

Impact 5.6-B: The project will cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Potentially Significant Impact

The construction of the Project's collection and treated effluent distribution system could result in a substantial project –specific and cumulative adverse change in the significance of archeological resources.

The collection system within the community of Los Osos extends across areas of high archaeological sensitivity where trenching may have a significant project-specific and cumulative impact to unknown archaeological sites.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.6-B1 Avoidance of cultural resources is the paramount mitigation measure to protect cultural resources potentially impacted during project development.

5.6-B2 A Treatment Plan will be prepared that will detail the extensive scope of the proposed project; establish site types with corresponding levels of effort for mitigation, and detail data recovery and monitoring plans for the extent of the proposed project. The former Treatment Plan (Far Western 2001) prepared for the wastewater project will be adapted and modified where appropriate for the current project.

5.6-B4 If avoidance of recorded archaeological sites within any portion of the approved project design is not possible through project redesign, a phased program of site testing will be undertaken to establish boundaries and evaluate the resources' potential eligibility to the California Register of Historical Resources and the National Register of Historic Places. If a site is determined ineligible, no further work is required. If a site is determined eligible, data recovery excavations will be required to mitigate adverse effects incurred from project development.

5.6-B6 Preconstruction monitoring will occur in areas ranked as high in sensitivity for buried deposits. Mechanical backhoe trenching will be conducted within the sensitive areas where any construction impacts will occur and will be monitored by a qualified geoarchaeologist. Any identified intact deposits will be evaluated, and any deposits determined to be eligible to the California Register

and/or National Register will require project redesign to avoid impacts, or data recovery to mitigate unavoidable impacts.

5.6-B7 While prior survey, excavation, and monitoring have been conducted for the majority of the collection system in the community of Los Osos, redesign in the placement of pipelines and location of pump stations and other facilities requires additional consideration. Areas of high archaeological sensitivity, including the locations of human burials, have been identified. Continued avoidance or addition testing, monitoring, and/or data recovery will be required to reduce impacts to a less-than-significant level.

5.6-B8 As full analysis, processing, documentation, curation, and reporting of the project collections were not achieved because of the stop-work order on the 2005 wastewater project. These tasks will be completed by qualified archaeologists as an important mitigation effort for overall project impacts and to fulfill requirements associated with past Section 106 consultations. Study findings will be made available to the general public and local Native Americans, as well as to the scientific community.

The Project could result in the significant adverse impact in the importance of archeological resources, therefore the implementation of Mitigation Measures 5.6-B1, 5.6-B1, 5.6-B4, and 5.6-B6 through 5.6-B8 are required. The mitigation measures will require an array of pre-construction and construction monitoring that will preserve the importance of unrecorded archeological resources. Therefore, implementation of these mitigation measures will reduce impacts on unknown archaeological resources to less than significant.

Impact 5.6-C: The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Potentially Significant Impact

The Project has the potential to directly or indirectly destroy fossil deposits due to the implementation of the collection system and treated effluent disposal system.

The entire collection system within the community extends across areas of recent eolian and alluvial deposits that have an extremely low potential to contain fossils. Although the potential for fossil-bearing deposits in the area is low, the Project facilities may significantly affect such resources.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.6-C1 Although unlikely, should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered by anyone working on the site, all activities in the immediate vicinity of the find are to cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) will be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved for the benefit of current and future generations.

Although unlikely, the Project has the potential to impact fossil deposits related to the construction of the collection systems, therefore the implementation of Mitigation Measure 5.6-C1 is required. If paleontological deposits are found or unearthed during construction efforts, all work will be halted until a qualified paleontologist examines the fossils and, if the fossils are important, ensures their proper scientific treatment. This mitigation measure will reduce potential impacts on fossils to less than significant.

Impact 5.6-D **The project will disturb human remains, including those interred outside of formal cemeteries.**

Potentially Significant Impact

The Project has the potential to disturb human remains and result in project-specific and cumulative impacts due to the implementation of the collection system and treated effluent disposal system.

The collection system and treated effluent disposal system could disturb human remains within the identified sensitive areas of the community of Los Osos. Human remains have been identified during data recovery excavations undertaken for the previously proposed wastewater project. These were located around the bay and Sweet Springs; proposed collection lines and pump stations are within these areas. For the prior project, burials were left in place, to be avoided by construction, and isolated human remains were placed with the burials; new alignments were cleared for human remains during data recovery. If the design plan varies in any way from the proposed 2005 plan, human remains may be disturbed. The collection system within the community of Los Osos extends across areas of high archaeological sensitivity where trenching could

have a significant project-specific and cumulative impact, primarily on the dense midden deposits rimming the bay.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.6-D1** A draft Memorandum of Agreement has been prepared for the treatment and disposition of human remains and associated burial items. Although not required by law, this document lays out the procedures agreed upon by interested local Native Americans and stipulated under State law, including proper and respectful handling of remains, identification of reburial areas, acceptable analyses, and resolution of conflicts. It includes a list of Most Likely Descendants approved by the Native American Heritage Commission; these individuals would be signatories on the Agreement.

- 5.6-D2** For sites with known human remains or which have a potential for human remains, pre-construction excavations will take place within the direct impact areas to insure that no human remains are present.

- 5.6-D3** If human remains are encountered within the project area, the County will be responsible for complying with provisions of Public Resources Code Sections 5097.98 and 5097.99, and 7050.5 of the California Health and Safety Code, as amended by Assembly Bill 2641. Restrictions or procedures for excavation, treatment, or handling of human remains will be established in consultation with the individuals designated by the Native American Heritage Commission as the Most Likely Descendants.

The Project's construction of the collection system and treated effluent disposal system has the potential to significantly impact and disturb human remains, therefore the implementation of Mitigation Measures 5.6-D1 through 5.6-D3 are required. These mitigation measures will require the proper handling and notifications if human remains are found or present on any sites where the construction of the collection system and treated effluent disposal system will be taking place. Therefore, the implementation of these mitigation measures will reduce potential impacts on human remains to less than significant.

Impact 5.6-E: The project will conflict with the California Coastal Act of 1976, Section 30244.

Potentially Significant Impact

The Project could conflict with the California Coastal Act of 1976 due to the implementation of the collection system and treated effluent disposal system and the potential to disturb archeological resources, and therefore, result in potential project-specific and cumulative impacts.

The collection system within the community of Los Osos extends across areas of high archaeological sensitivity where trenching will have a significant impact, primarily on the dense midden deposits rimming the bay. This potential project-specific and cumulative impact could conflict with the California Coastal Act; therefore result in a significant impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.6-B1 Avoidance of cultural resources is the paramount mitigation measure to protect cultural resources potentially impacted during project development.

5.6-B2 A Treatment Plan will be prepared that will detail the extensive scope of the proposed project, establish site types with corresponding levels of effort for mitigation, and detail data recovery and monitoring plans for the extent of the proposed project. The former Treatment Plan (Far Western 2001) prepared for the wastewater project will be adapted and modified where appropriate for the current project.

Q5.6-B4 If avoidance of recorded archaeological sites within any portion of the approved project design is not possible through project redesign, a phased program of site testing will be undertaken to establish boundaries and evaluate the resources' potential eligibility to the California Register of Historical Resources or the National Register of Historic Places. If a site is determined ineligible, no further work

is required. If a site is determined eligible, data recovery excavations will be required to mitigate adverse effects incurred from project development.

5.6-B6 Preconstruction monitoring will occur in areas ranked as high in sensitivity for buried deposits. Mechanical backhoe trenching will be conducted within the sensitive areas where any construction impacts will occur and will be monitored by a qualified geoarchaeologist. Any identified intact deposits will be evaluated, and any deposits determined to be eligible to the California Register and/or National Register will require project redesign to avoid impacts, or data recovery to mitigate unavoidable impacts.

5.6-B7 While prior survey, excavation, and monitoring have been conducted for the majority of the collection system in the community of Los Osos, redesign in the placement of pipelines and location of pump stations and other facilities requires additional consideration. Areas of high archaeological sensitivity, including the locations of human burials, have been identified. Continued avoidance or additional testing, monitoring, and/or data recovery will be required to reduce impacts to a less-than-significant level.

5.6-B8 As full analysis, processing, documentation, curation, and reporting of the project collections were not achieved because of the stop-work order on the 2005 wastewater project. These tasks will be completed by qualified archaeologists as an important mitigation effort for overall project impacts and to fulfill requirements associated with past Section 106 consultations. Study findings will be made available to the general public and local Native Americans, as well as to the scientific community.

The Project could result in the significant adverse impact in the importance of archeological resources as it pertains to the California Coastal Act of 1976, therefore the implementation of Mitigation Measures 5.6-B1, 5.6-B2, 5.6-B4, and 5.6-B6 through 5.6-B8 are required. The mitigation measures will require an array of pre-construction and construction monitoring that will save the importance of recorded and unrecorded archeological resources. Therefore, implementation of these mitigation measures will remove the potential conflict with the California Coastal Act; therefore, resulting in a less than significant impact.

2.1.4 - Public Health and Safety

Impact 5.7-A: **The proposed project could result in exposing residents, visitors, and construction personnel to health hazards from the routine transport, use, or disposal of hazardous materials during construction activities.**

Potentially Significant Impact

The Project's treatment plant site has the potential of exposure from chemicals associated with past agricultural operations.

Past uses of pesticides and chemicals associated with agricultural operations can leave measurable residues in soils. The Project's treatment plant site has been used for agricultural production in which agricultural chemicals could have been used. Potential hazardous impacts from the potential past application of chemicals to the sites are considered a potentially significant impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

5.7-A1

Prior to any onsite construction activities at the proposed treatment plant site, soils will be sampled and analyzed by a licensed engineer or geologist approved by the County of San Luis Obispo Health Department to determine the level of residue for pesticides, herbicides, chemicals, and associated metals. If residues are found to be within acceptable amounts in accordance with the San Luis Obispo County Health Department and Environmental Protection Agency/Department of Toxic Substance Control standards, then grading and construction may begin. If the residue is found to be greater than the San Luis Obispo County Health Department and Environmental Protection Agency/Department of Toxic Substance Control standards, all contaminated soils exceeding the acceptable limits will be remediated and/or properly disposed of in accordance with San Luis Obispo County Health Department and Environmental Protection Agency/Department of Toxic Substance Control requirements. An appropriate verification closure letter from San Luis Obispo County Health Department and Environmental Protection Agency/Department of Toxic Substance Control will be obtained and submitted to the County of San Luis Obispo Planning Department. Depending on the extent of contaminated soils, a verification closure letter from the California Regional Water Quality Control Board may also need to be submitted to the County of San

Luis Obispo Planning Department. Site remediation can occur by the use of onsite transportable thermal treatment units or bio-remediation. The soil can also be excavated and shipped offsite to fixed incineration or bio-remediation facilities.

The Project's treatment plant site could expose sensitive receptors to hazardous materials such as pesticides, herbicides, chemicals, and associate metals due to past agricultural uses, therefore the implementation of Mitigation Measure 5.7-A1 is required. This mitigation measure will ensure soils will be tested by a certified engineer or geologist for these hazardous materials. Furthermore, if hazardous materials are found to be above set standards, then the soil will be remediated. Therefore, the implementation of this mitigation measure will reduce potential hazardous materials impacts to less than significant.

Impact 5.7-B: **The proposed wastewater facilities could result in exposing offsite residents and visitors to health hazards from the routine transport, use, or disposal of hazardous materials.**

Potentially Significant Impact

The Project's treatment facilities will handle, store, and use materials that are considered hazardous and therefore could result in exposure to offsite residents and visitors.

Operation and maintenance of the treatment facility will include the storage, handling, and use of such hazardous materials as sodium hydroxide, which is corrosive and can cause severe irritation to eyes, skin, and mucous membranes and sodium hypochlorite, which can result in a pronounced irritant effect and may cause severe burns to skin and eyes. These hazardous materials could result in potential significant impacts from the storage, handling, and use.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

5.7-B1 Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the

proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using vacuum trucks, and using of water booms to contain spills within open water areas. Furthermore, the Plan will address response and containment of fuel at pump station sites.

The Project will store, handle, and utilize hazardous materials for treatment purposes at the treatment facilities, therefore implementation of Mitigation Measure 5.7-B1 is required. This mitigation measure will require a Hazardous Materials Management Plan that will train employees in the use of hazardous materials as well as proper training in the event of an accident. The implementation of this mitigation measure will reduce potential hazardous materials impacts to less than significant.

Impact 5.7-C: The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the hazardous materials into the environment.

Potentially Significant Impact

The Project's collection system pipes and pump stations could break or malfunction resulting in the release of raw wastewater that is considered a public health and safety impact.

Although unlikely, there is a potential for the proposed collection system piping to experience a break and result in an accidental release of raw wastewater. Potential accidental releases could occur within streets or at creek crossings. This untreated wastewater is considered hazardous; therefore, if there is a break, this potential impact is considered significant.

In addition, the collection system includes the collection lines connecting to pump stations. There is the potential for a break or malfunction of the collection system at the pump stations. This could result in an accidental release of untreated effluent. This potential accidental release is considered a potential significant public health and safety impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project

which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.7-B1** Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using of vacuum trucks, and using water booms to contain spills within open water areas. Furthermore, the Plan will address response and containment of fuel at pump station sites.

The Project will store, handle, and utilize hazardous materials for the collection system and facilities, therefore implementation of Mitigation Measure 5.7-B1 is required. This mitigation measure will require a Hazardous Materials Management Plan that will train employees in the use of hazardous materials as well as proper training in the event of an accident. The implementation of this mitigation measure will reduce potential hazardous materials impacts to less than significant.

Impact 5.7-D: **The project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.**

Potentially Significant Impact

The Project's construction of the collection system and treated effluent disposal system could result in the foreseeable break of a main water line.

The Project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. Construction activities could result in an accidental break in a main water supply line that could create a localized loss of water for fire fighting. This potential impact is considered significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.7-D1** To reduce the potential temporary loss of water for firefighting that may occur as a result of construction activities, either of the following will occur: (1) acquiring a water tender, to the satisfaction of the County Fire Chief; or (2) compensating for the potential temporary loss of water through some other equivalent means as determined by the County Fire Chief.

The Project's construction of the collection system could result in the break of a main waterline, which will result in the loss of water for firefighting, therefore the implementation of Mitigation Measure 5.7-D1 is required. This mitigation measure will require remedies in the event a main water line is broken and water loss effects on firefighting services. The implementation of this mitigation measure will reduce potential hazard impacts to less than significant.

Impact 5.7-E: **The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

Potentially Significant Impact

The Project's collection system will be located within a quarter-mile of an existing school, there is a potential for pipe leaks that may expose hazardous wastewater into the environment within one-quarter-mile of an existing school.

Proposed pipelines along roadways adjacent to existing schools will be located within a quarter mile of the school sites. In the event of any leakage from a pipeline, there is a potential for an accidental release of untreated wastewater. This potential impact is considered significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.7-B1** Prior to operation of the wastewater project, a Hazardous Materials Management Plan will be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan will identify hazardous materials utilized at the proposed wastewater facilities and their characteristics; storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan will identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures will include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, using vacuum trucks, and using water booms to contain spills within open water areas. Furthermore, the plan will address response and containment of fuel at pump station sites.

The Project's collection system will have pipelines that will be within a quarter mile of school sites, therefore in the even of a break and release of hazardous materials from these pipelines, implementation of Mitigation Measure 5.7-B1 is required. This mitigation measure will train and have proper methodologies for addressing breaks and release of hazardous wastewater within the vicinity of schools. The implementation of this mitigation measure will reduce potential hazard impacts to less than significant.

2.1.5 - Traffic and Circulation

Impact Q5.8-A: The project could cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system or either individually or cumulatively exceed a level of service standard established by the county congestion management agency for designated roads or highways.

Potentially Significant Impact

The Project could result in a short-term impact on the existing capacity of roadways and intersections.

Construction of the collection system and treated effluent disposal system, and facilities at the treatment plant site and disposal sites, will generate additional traffic on the roadways and intersections within the community of Los Osos. These construction activities will result in temporary lane closures and limited

access to residences and businesses that may cause short-term significant impacts on the existing capacity of the roadways and intersections.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

5.8-A1 Prior to construction, a traffic management plan will be prepared for review and approval by the County of San Luis Obispo Traffic Department. The traffic management plan will be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan will include:

- a) **Advertisement.** An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction.
- b) **Property Access.** Access to parcels along the construction area will be maintained to the greatest extent feasible. Affected property owners will receive advance notice of work adjacent to their property access and when driveways will be potentially closed.
- c) **Schools.** Any construction adjacent to schools will ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
- d) **Buses, Bicycles and Pedestrians.** The work zone will provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.

- e) Intersections. Traffic control (i.e. use of flagmen) will be used at intersections that are determined to be unacceptably congested due to construction traffic.

The Project could result in a short-term increase in level of service standards. Therefore, implementation of Mitigation Measure 5.8-A1 will be required to reduce impacts to a less than significant level. This mitigation measure requires the preparation of a traffic management plan in order to mitigate for additional traffic generated on roadway and intersections during construction of the proposed collection system, treated effluent disposal system, treatment plant, and disposal sites.

Impact 5.8-C: The Proposed Project may substantially increase traffic hazards.

Potentially Significant Impact

The Project could result in short-term construction activities that will increase traffic hazards.

The construction of pipelines along roadways may generate short-term hazards to motorists and cyclists due to temporary lane closures, limited access to residences and businesses, and increase project truck traffic. It is noted that construction of the pipeline will affect limited areas for relatively short time periods (i.e. construction will not affect the entire street system within the community for the entire 2-year period). Short-term significant traffic impacts could occur during relatively short time periods at any one location during construction activities.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

5.8-A1 Prior to construction, a traffic management plan will be prepared for review and approval by the County of San Luis Obispo Traffic Department. The traffic management plan will be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan will include:

- a) **Advertisement.** An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction.
- b) **Property Access.** Access to parcels along the construction area will be maintained to the greatest extent feasible. Affected property owners will receive advance notice of work adjacent to their property access and when driveways will be potentially closed.
- c) **Schools.** Any construction adjacent to schools will ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
- d) **Buses, Bicycles and Pedestrians.** The work zone will provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
- e) **Intersections.** Traffic control (i.e. use of flagmen) will be used at intersections that are determined to be unacceptably congested due to construction traffic.

The Project could result in short-term construction activities that will increase traffic hazards. Therefore, implementation of Mitigation Measure 5.8-A1 will be required to reduce impacts to a less than significant level. This mitigation measure requires the preparation of a traffic management plan in order to mitigate for short-term construction impacts related to the construction of pipelines.

Impact 5.8-F: The project may conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Potentially Significant Impact

The Project could temporarily conflict with adopted bus routes.

The construction of pipelines along roadways may conflict with the Route 12 bus route, due to temporary lane closures and short-term closures or displacement of bus stops.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

Q5.8-A1 Prior to construction, a traffic management plan will be prepared for review and approval by the County of San Luis Obispo Traffic Department. The traffic management plan will be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan will include:

- a) **Advertisement.** An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction.
- b) **Property Access.** Access to parcels along the construction area will be maintained to the greatest extent feasible. Affected property owners will receive advance notice of work adjacent to their property access and when driveways will be potentially closed.
- c) **Schools.** Any construction adjacent to schools will ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
- d) **Buses, Bicycles and Pedestrians.** The work zone will provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
- e) **Intersections.** Traffic control (i.e. use of flagmen) will be used at intersections that are determined to be unacceptably congested due to construction traffic.

The Project could temporarily conflict with adopted bus routes. Therefore, implementation of Mitigation Measure Q5.8-A1 will be required to reduce impacts to a less than significant level. This mitigation measure requires the preparation of a traffic management plan in order to mitigate for temporary lane closures and short-term closures or the displacement of bus stops.

Impact 5.8-G: The project may conflict with local goals and policies relating to traffic and transportation.

Potentially Significant Impact

The Project could conflict with Bikeway Element Goal 4.

The construction of pipelines along roadways may conflict with cyclists due to temporary lane closures and limited access to residences and businesses. The Project may not be consistent with this goal.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

Q5.8-A1 Prior to construction, a traffic management plan will be prepared for review and approval by the County of San Luis Obispo Traffic Department. The traffic management plan will be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan will include:

- a) Advertisement. An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction.
- b) Property Access. Access to parcels along the construction area will be maintained to the greatest extent feasible. Affected property owners will receive advance notice of work adjacent to their property access and when driveways will be potentially closed.
- c) Schools. Any construction adjacent to schools will ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.

- d) Buses, Bicycles and Pedestrians. The work zone will provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
- e) Intersections. Traffic control (i.e. use of flagmen) will be used at intersections that are determined to be unacceptably congested due to construction traffic.

The Project could conflict with Bikeway Element Goal 4. Therefore, implementation of Mitigation Measure 5.8-A1 will be required to reduce impacts to a less than significant level. This mitigation measure requires the preparation of a traffic management plan in order to mitigate for the construction of pipelines along roadways, which may conflict with cyclists due to temporary lane closures and limited access to residences and businesses.

Potentially Significant Impact

The Project could conflict with Circulation Element Estero Area Plan Policy B2.

The construction of pipelines along roadways may result in the need for temporary lane closures along Los Osos Valley Road east of the Urban Reserve Line. The Project may conflict with this policy.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

Q5.8-A Prior to construction, a traffic management plan will be prepared for review and approval by the County of San Luis Obispo Traffic Department. The traffic management plan will be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan will include:

- a) Advertisement. An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning

work and periodically during the course of project construction.

- b) **Property Access.** Access to parcels along the construction area will be maintained to the greatest extent feasible. Affected property owners will receive advance notice of work adjacent to their property access and when driveways will be potentially closed.
- c) **Schools.** Any construction adjacent to schools will ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
- d) **Buses, Bicycles and Pedestrians.** The work zone will provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
- e) **Intersections.** Traffic control (i.e. use of flagmen) will be used at intersections that are determined to be unacceptably congested due to construction traffic.

The Project could conflict with Circulation Element Estero Area Plan Policy B2. Therefore, implementation of Mitigation Measure Q5.8-A1 will be required to reduce impacts to a less than significant level. This mitigation measure requires the preparation of a traffic management plan in order to mitigate for the construction of pipelines along roadways, which may result in the need for temporary lane closures along Los Osos Valley Road east of the Urban Reserve Line.

2.1.6 - Air Quality

Impact 5.9-C: **The project may 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).**

Potentially Significant Impact

The Project's construction efforts for the proposed facilities will cause significant project-specific and cumulative impacts to the net increase of any criteria pollutant.

The construction emissions associated with the Project will contribute to the potential to exceed the District's NO_x pounds per day and tons per quarter thresholds and the District's PM₁₀ tons per quarter threshold.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.9-C1 Prior to initiation of construction, the County will submit a Construction Activities Management Plan for the review and approval of the San Luis Obispo Air Pollution Control District. This plan will include but not be limited to the following Best Available Control Technologies for construction equipment:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Properly maintain and tune all construction equipment according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with CARB motor vehicle diesel fuel.
- e. Use 1996 or newer heavy duty off road vehicles to the extent feasible.
- f. Use Caterpillar pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of NOX.
- g. Electrify equipment where possible.
- h. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), biodiesel, or propane for on-site mobile equipment instead of diesel- powered equipment.

5.9-C2

Prior to initiating grading activities, the project will:

- a. Include the following specifications on all project plans: One catalyzed diesel particulate filter will be used on the piece of equipment estimated to generate the greatest emissions. If a catalyzed diesel particulate filter is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts will be used.
- b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays. This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids.
- c. Contact the San Luis Obispo Air Pollution Control District Compliance Division to initiate implementation of this mitigation measure at least two months prior to start of construction.

5.9-C3

Prior to initiating grading activities, if it is determined that portable engines and portable equipment will be utilized, the contractor will contact the San Luis Obispo Air Pollution Control District and obtain a permit to operate portable engines or portable equipment, and will be registered in the statewide portable equipment registration program. The San Luis Obispo Air Pollution Control District Compliance Division will be contacted in order to determine the requirements of this mitigation measure.

5.9-C4

Project contract documents will include the following dust control measures:

- a. Reduce the amount of the disturbed area where possible,
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stockpile areas will be sprayed daily as needed,
- d. Permanent dust control measures identified in the revegetation and landscape plans will be implemented as

soon as possible following completion of any soil disturbing activities.

- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation will be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
- g. All roadways, driveways, sidewalks, etc. to be paved will be completed as soon as possible. In addition, building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or will maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures will be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph)
- m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties

will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the San Luis Obispo Air Pollution Control District prior to the start of construction.

5.9-C5 If the above mitigation measures do not bring the construction emissions below the thresholds, off-site mitigation funds can be used to secure emission reductions from projects located in close proximity to this construction site. In this instance, emissions in excess of construction phase thresholds are multiplied by the cost effectiveness value defined in the State's current Carl Moyer Incentive Program Guidelines to determine the off-site mitigation amount associated with the construction period. Examples of off-site emission reduction measures are contained in Section 5.9 of the 2003 California Environmental Quality Act Air Quality Handbook. The actual mix of mitigation measures that will be required to meet the reduction in NO_x to less than a total of 185 lbs per day or 6.0 tons per quarter over the term of construction and will be finalized and mutually agreed to by the Applicant and appropriate staff of the San Luis Obispo Air Pollution Control District at the earliest feasible time, with the goal of reaching agreement prior to commencement of construction of the project.

The Project's construction efforts for the proposed facilities will cause a significant impact to the net increase of criteria pollutants. Therefore, implementation of Mitigation Measures 5.9-C1 through 5.9-C5 will help reduce project-specific and cumulative impacts related to a net increase of criteria pollutants to a less than significant level.

Impact 5.9-D: The project may expose sensitive receptors to substantial pollutant concentrations.

Potentially Significant Impact

The Project's short-term construction efforts of the proposed collection system and treated effluent disposal system will have a significant impact on exposing sensitive receptors to substantial pollutant concentrations.

Construction activities will occur on properties throughout the community that include sensitive land uses such as residential as well as along roadways that are adjacent to sensitive land uses. The construction activities have the potential to expose sensitive receptors to substantial pollutant concentrations during the construction phase.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project

which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.9-C1 Prior to initiation of construction, the County will submit a Construction Activities Management Plan for the review and approval of the San Luis Obispo Air Pollution Control District. This plan will include but not be limited to the following Best Available Control Technologies for construction equipment:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Properly maintain and tune all construction equipment according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with CARB motor vehicle diesel fuel.
- e. Use 1996 or newer heavy duty off road vehicles to the extent feasible.
- f. Use Caterpillar pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of NOX.
- g. Electrify equipment where possible.
- h. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), biodiesel, or propane for on-site mobile equipment instead of diesel- powered equipment.

5.9-C2 Prior to initiating grading activities, the project will:

- a. Include the following specifications on all project plans: One catalyzed diesel particulate filter will be used on the piece of equipment estimated to generate the greatest emissions. If a

catalyzed diesel particulate filter is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts will be used.

- b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays. This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids.
- c. Contact the San Luis Obispo Air Pollution Control District Compliance Division to initiate implementation of this mitigation measure at least two months prior to start of construction.

5.9-C4

Project contract documents will include the following dust control measures:

- a. Reduce the amount of the disturbed area where possible,
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stockpile areas will be sprayed daily as needed,
- d. Permanent dust control measures identified in the revegetation and landscape plans will be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation will be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
- g. All roadways, driveways, sidewalks, etc. to be paved will be completed as soon as possible. In addition, building pads will

be laid as soon as possible after grading unless seeding or soil binders are used.

- h. Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or will maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures will be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph)
- m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the San Luis Obispo Air Pollution Control District prior to the start of construction.

The Project's short-term construction efforts of the proposed collection system and treated effluent disposal system will have a significant impact on exposing sensitive receptors to substantial pollutant concentrations. Therefore, implementation of Mitigation Measures 5.9-C1, 5.9-C2 and 5.9-C4 will help to reduce impacts related to construction activities on properties that include sensitive land uses to less than significant levels.

Potentially Significant Impact

The Project's short-term construction activities at the Broderson disposal site will have a significant impact on exposing sensitive receptors to substantial pollutant concentrations.

The nearest sensitive receptors to the proposed leach field facilities at the Broderson site include residences that are approximately 0.2 mile west of the site and 0.3 mile south of the site. Construction activities associated with the proposed facilities at this site will have the potential to expose the nearby sensitive receptors to substantial pollutant concentrations. Therefore, this short-term exposure during construction activities is considered potentially significant..

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.9-C1 Prior to initiation of construction, the County will submit a Construction Activities Management Plan for the review and approval of the San Luis Obispo Air Pollution Control District. This plan will include but not be limited to the following Best Available Control Technologies for construction equipment:

- a. Minimize the number of large pieces of construction equipment operating during any given period.
- b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions.
- c. Properly maintain and tune all construction equipment according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with CARB motor vehicle diesel fuel.

- e. Use 1996 or newer heavy duty off road vehicles to the extent feasible.
- f. Use Caterpillar pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of NOX.
- g. Electrify equipment where possible.
- h. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), biodiesel, or propane for on-site mobile equipment instead of diesel- powered equipment.

5.9-C2

Prior to initiating grading activities, the project will:

- a. Include the following specifications on all project plans: One catalyzed diesel particulate filter will be used on the piece of equipment estimated to generate the greatest emissions. If a catalyzed diesel particulate filter is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts will be used.
- b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays. This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids.
- c. Contact the San Luis Obispo Air Pollution Control District Compliance Division to initiate implementation of this mitigation measure at least two months prior to start of construction.

5.9-C4

Project contract documents will include the following dust control measures:

- a. Reduce the amount of the disturbed area where possible,
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stockpile areas will be sprayed daily as needed,

- d. Permanent dust control measures identified in the revegetation and landscape plans will be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation will be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
- g. All roadways, driveways, sidewalks, etc. to be paved will be completed as soon as possible. In addition, building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or will maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures will be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph)

- m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the San Luis Obispo Air Pollution Control District prior to the start of construction.

The Project's short-term construction of the Broderson disposal site will have a significant impact on exposing sensitive receptors to substantial pollutant concentrations. Therefore, implementation of Mitigation Measures 5.9-C1, 5.9-C2 and 5.9-C4 will help to reduce impacts related to the proposed disposal systems to a less than significant level.

2.1.7 - Noise

Impact 5.10-A: The project will 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 and result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Potentially Significant Impact

The Project's on-going operation of standby power facilities (i.e., back-up diesel generators) within the collection system could cause a significant impact.

The standby power facilities will consist of a structure that will house electrical panels and a backup diesel generator. Since the standby power facilities will be located adjacent to a public roadway, the nearest residences will be located approximately 25 feet away from the facility. According to the Roadway Construction Noise Model, a diesel generator will produce a noise level of 80.6 dBA at 25 feet. The standby power facility structure will provide a minimum of 20 dB attenuation, however even with including this attenuation, this noise level produced by the diesel generator will exceed the County stationary noise standards of 50 dBA L_{eq} during the daytime and 45 dBA L_{eq} during the nighttime. Therefore, stationary noise impacts associated with the on-going operations of the backup diesel generators for the in-town collection system for the Project could create a significant noise impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.10-A3** The project applicant will require that the backup power facility structures for the in-town collection system be designed so that the noise created from the backup diesel generator that will be located inside the structure will not exceed 45 dBA Leq at the nearest residence. The noise from the backup diesel generator may be attenuated through the use of a “manufacturer enclosure” or through incorporation of noise attenuation design features into the backup power facility structure.

The Project’s on-going operation of standby power facilities (i.e., back-up diesel generators) within the collection system could cause a significant impact. Therefore, Mitigation Measure 5.10-A3 will help to reduce impacts related to stationary noise impacts associated with the on-going operations of the backup diesel generators for the in-town collection system to a less than significant level.

Impact 5.10-B: The project could expose people to or generation of excess ground borne vibration or ground borne noise levels.

Potentially Significant Impact

The Project’s construction of the in-town collection system, namely the pump stations, will cause a significant impact to nearby residents due to pile driving.

The in-town collection system for the Project will consist of both gravity sewers and force mains that will convey the wastewater to the Mid-town site. The construction of the pump stations will take approximately 90 to 120 days per station and will require cranes and possibly pile driving equipment. If used, pile driving will consist of either driving steel sheets down on the edge of the excavation area to slow the water down or to drive concrete caissons into the ground and where a precast pump station is placed on top of the caissons. Homes are located as near as 25 feet to the proposed pump stations. An impact pile driver will typically produce a vibration level of 104 VdB or 0.644 inches per second at 25 feet. This vibration level will exceed the 0.2 inches per second or 94 VdB construction vibration threshold discussed above. Therefore, the use of pile driving for construction of the pump stations for the in-town collection system for the Project may create a significant vibration impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project

which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.10-B1** Prior to initiation of construction of the collection system and effluent disposal system, the contractor/designer will identify all areas where pile driving, or other construction methods that will result in severe ground vibrations, could occur. Deep pile foundation designs will favor techniques that can be constructed with minimal vibration effects. Prior to construction, using technology and standards recommended in the Caltrans Transportation and Construction Induced Vibration Manual, the contractor will calculate the vibration effects of pile driving and other high vibration activities using the Peak Particle Velocity metric, and will ensure that the Peak Particle Velocity does not exceed the following thresholds at any affected building: 0.5 at modern industrial/commercial or residential buildings; 0.3 for any building composed of masonry, unreinforced concrete, lath & plaster interiors or of similar construction; and 0.25 for any building identified as particularly sensitive to vibration impacts. Alternative design and/or construction methods will be used to meet these limits. In addition, the construction contractor will notify all property owners and tenants adjacent to the proposed pile driving or other vibration inducing activities of the days and hours of operation. Prior to construction activities associated with this type of work, the construction contractor will inspect all structures within the area predicted to experience vibration in excess of .25 Peak Particle Velocity to document existing characteristics of the structures. During construction, vibration shall be monitored and recorded and adjustments made to operations or to the radius of concern if the level of vibration differs from estimates. If a post construction survey indicates that damage to structures (e.g., residences, pools) occurred during the work, the property owner will be fairly compensated for the cost of remediating damages.

The Project's construction of the in-town collection system, namely the pump stations, will cause a significant impact to nearby residents due to pile driving. Therefore, implementation of Mitigation Measure 5.10-B1 will help to reduce impacts related to vibration from pile driving equipment to a less than significant level.

Impact 5.10-C: The project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Potentially Significant Impact

The Project's temporary construction operations related to pile driving could cause a temporary significant impact.

The greatest noise impacts associated with the construction of the gravity collection system will occur during the installation of the pump stations, when pile driving is utilized, with an average noise level of 100.4 L_{eq} and a peak noise level of 107.3 dBA L_{max} . The gravity collection system construction noise will exceed the County stationary noise standards of 50 dBA L_{eq} and 70 dBA L_{max} , therefore a significant temporary noise impact will occur for the Project.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.10-C1 The County will require construction contractors to adhere to the following noise attenuation requirements:

- A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.
- Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
- Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

- The noise produced by construction activities should be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in the source document, FHWA Construction Noise Model, page 3).
- Measures to minimize back-up alarm issues shall be established including such techniques as; 1) use of self-adjusting ambient-sensitive backup alarms, 2) manually-adjustable alarms on low setting, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, 4) construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating near any noise sensitive use shall, if necessary, be shielded with a noise protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

5.10-C2 The construction contractor will notify all property owners and tenants adjacent to the proposed pile driving activities of the days and hours of operation. The construction contractor will also require that a noise damper be utilized between the pile driver and the object that is being driven into the ground.

The Project's temporary construction operations related to pile driving will cause a temporary significant impact. Noise generated by the construction of the gravity collection system will exceed the County stationary noise standards of 50 dBA Leq and 70 dBA Lmax. However, with incorporation of Mitigation Measures 5.10-C1 and 5.10-C2, impacts will be less than significant.

Potentially Significant Impact

The Project's temporary construction noise from the treatment plant site could expose sensitive receptors to above standard noise levels thereby causing a significant impact.

Construction of the treatment plant at the Giacomazzi site will create a noise levels that will exceed the County stationary noise standard of 50 dBA Leq,

therefore a significant temporary noise impact will occur for the construction of the treatment plant site for the Project.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.10-C1 The County will require construction contractors to adhere to the following noise attenuation requirements:

- A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.
- Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
- Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- The noise produced by construction activities should be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in the source document, FHWA Construction Noise Model, page 3).
- Measures to minimize back-up alarm issues shall be established including such techniques as; 1) use of self-adjusting ambient-sensitive backup alarms, 2) manually-adjustable alarms on low setting, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, 4)

construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.

- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating near any noise sensitive use shall, if necessary, be shielded with a noise protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

5.10-C2 The construction contractor will notify all property owners and tenants adjacent to the proposed pile driving activities of the days and hours of operation. The construction contractor will also require that a noise damper be utilized between the pile driver and the object that is being driven into the ground.

The Project's temporary construction noise from the treatment plant site will expose sensitive receptors to above standard noise levels. Therefore, implementation of Mitigation Measures 5.10-C1 and 5.10-C2 will reduce impacts related to temporary noise impacts resulting from the construction of the treatment plant site to a less than significant level.

Potentially Significant Impact

The Project's construction of the Broderson disposal site could result in a temporary significant impact to ambient noise levels.

Noise impacts associated with the construction of the disposal site will occur during construction of the Broderson Leach field, with an average noise level of 75.4 L_{eq} and a peak noise level of 77.6 dBA L_{max} at the nearest residence. The construction noise from both disposal sites could exceed the County stationary noise standards of 50 dBA L_{eq} and 70 dBA L_{max} , therefore a significant temporary noise impact will occur.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the

following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

5.10-C1 The County will require construction contractors to adhere to the following noise attenuation requirements:

- A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.
- Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
- Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- The noise produced by construction activities should be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in the source document, FHWA Construction Noise Model, page 3).
- Measures to minimize back-up alarm issues shall be established including such techniques as; 1) use of self-adjusting ambient-sensitive backup alarms, 2) manually-adjustable alarms on low setting, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, 4) construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating near any noise sensitive use shall, if necessary, be

shielded with a noise protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

- 5.10-C2** The construction contractor will notify all property owners and tenants adjacent to the proposed pile driving activities of the days and hours of operation. The construction contractor will also require that a noise damper be utilized between the pile driver and the object that is being driven into the ground.

The Project's construction of the Broderson disposal site could result in a temporary significant impact to ambient noise levels. Therefore, implementation of Mitigation Measures 5.10-C1 and 5.10-C2 will reduce impacts related to the construction noise from both disposal sites, which could exceed the County stationary noise standards of 50 dBA Leq and 70 dBA Lmax, to a less than significant level.

Impact 5.10-F: The project will not be consistent with the General Plan goals and policies.

Potentially Significant Impact

The Project's long-term operations at the treatment plant may result in substantial noise from power generators, and therefore, the ongoing use of diesel generators will not be consistent with the General Plan's Noise Element Goals and Policies.

The County of San Luis Obispo General Plan contains goals and policies to protect people from the harmful effects of excessive noise. The goals and policies that are relevant to the Los Osos Wastewater Project are identified in Table 5.10-8 of the Draft Environmental Impact Report. As discussed in Table 5.10-8, the project will not be consistent with all of the relevant goals and policies set forth in the General Plan Noise Element prior to the implementation of mitigation measures.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.10-A1** The County will require that the treatment plant be designed so that the mechanical aeration system is located a minimum of 250 feet away from the nearest residence.
- 5.10-A2** The County will require that the treatment plant be designed so that the backup diesel generator is enclosed in a structure and is located a minimum of 250 feet away from the nearest residence.
- 5.10-A3** The project applicant will require that the backup power facility structures for the in-town collection system be designed so that the noise created from the backup diesel generator that will be located inside the structure will not exceed 45 dBA Leq at the nearest residence. The noise from the backup diesel generator may be attenuated through the use of a “manufacturer enclosure” or through incorporation of noise attenuation design features into the backup power facility structure.

The Project’s long-term operations for the treatment plant site and the ongoing use of diesel generators will not be consistent with the General Plan’s Noise Element Goals and Policies. Therefore, implementation of Mitigation Measures 5.10-A1 through 5.10-A3 will help to reduce impacts related to the General Plan’s Noise Elements Goals and Polices to a less than significant level.

2.1.8 - Visual Resources

Impact 5.12-C: The project will substantially degrade the existing visual character or quality of the site and its surroundings.

Potentially Significant Impact

The Project’s short-term construction of the Broderson disposal site could lead to substantial degradation in visual character thereby resulting in a short-term visual significant impact.

Construction activities at the Broderson disposal site such as trenching and excavation will alter the visual character of the surrounding parcels and will result in significant short-term visual impacts.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the

following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.12-C1** AES 1 (construction staging area) from the Estero Area Plan will apply. For all aspects of the project, construction staging areas will be located away from sensitive viewing areas to the extent feasible. Before construction activities begin, an area of construction equipment storage away from direct views of sensitive viewing corridors (e.g. residences and major roads in the project area) will be designated.
- 5.12-C2** A final landscaping plan will be prepared for the entire project site and approved by the County Department of Planning and Building prior to initiation of construction. The landscaping plan will emphasize native plant materials and will include sufficient planting to screen views of the project from nearby roads and residential developments. The landscaping plan will be to visually integrate the project into the rural landscape, while preserving and enhancing existing views.
- 5.12-C3** Any buildings associated with facilities at the Broderson and Mid-Town parcels will be designed in such a manner so they are architecturally compatible with other buildings in the vicinity.

The Project's short-term construction activities at the Broderson disposal site could lead to substantial degradation in visual character thereby resulting in a short-term significant impact. Therefore, implementation of Mitigation Measures 5.12-C1 and 5.12-C2 will help to reduce impacts related to construction at the Broderson disposal site to a less than significant level.

Potentially Significant Impact

The Project's treatment plant site has the potential to alter the current visual character of surrounding parcels and thereby will create a significant impact for surrounding landowners.

The treatment plant site is located on the Giacomazzi site. The treatment site is located less than one-third mile north of Los Osos Valley Road. Facilities will be visible, but barely noticeable at this distance. However, when viewed at closer distances by adjacent landowners, the visual character of the site will be altered. Therefore, impacts will be significant.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project

which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.12-C1** AES 1 (construction staging area) from the Estero Area Plan will apply. For all aspects of the project, construction staging areas will be located away from sensitive viewing areas to the extent feasible. Before construction activities begin, an area of construction equipment storage away from direct views of sensitive viewing corridors (e.g. residences and major roads in the project area) will be designated.

- 5.12-C2** A final landscaping plan will be prepared for the entire project site and approved by the County Department of Planning and Building prior to initiation of construction. Said landscaping plan will emphasize native plant materials and will include sufficient planting to screen views of the project from nearby roads and residential developments. The landscaping plan will be to visually integrate the project into the rural landscape, while preserving and enhancing existing views.

The Project's treatment plant site has the potential to alter the current visual character of surrounding parcels and thereby will create a significant impact for surrounding landowners. Therefore, implementation of Mitigation Measures 5.12-C1 and 5.12-C2 will help reduce impacts related to the visibility of facilities at the treatment plant site located on the Giacomazzi site to a less than significant level.

Impact 5.12-D: The project will create a new source of substantial light or glare which will adversely affect day or nighttime views in the area.

Potentially Significant Impact

The Project's treatment facilities may create a potential significant impact due to light and glare at nighttime.

The treatment facilities for the Project will be located on the Giacomazzi site. The treatment plant will require lighting and is located in an area with little or no lighting and will therefore affect nighttime views of the rural area east of the community of Los Osos. Therefore, potentially significant impacts may occur.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

5.12-D1 AES-5 (lighting plan) from the Estero Area Plan will apply. A final lighting plan will be prepared for the treatment and disposal facilities. The lighting plan will meet County design standards. This will include proper shielding, proper orientation, and applicable height standards. All lighting fixtures will be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods will be dark-colored.

The Project's treatment facilities may create a potential significant impact due to light and glare at nighttime. Therefore, implementation of Mitigation Measure 5.12-D1 will reduce impacts related to nighttime light and glare to a less than significant level.

Potentially Significant Impact

The Project's disposal site at Broderson may create significant impact due to light and glare.

Disposal for the Project will occur on the Broderson site and may require lighting. The Broderson site is located adjacent to several residences at the end of Broderson Avenue. There is currently no lighting on the Morro Ecological Preserve. Therefore, there may be significant impacts.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.12-D1** AES-5 (lighting plan) from the Estero Area Plan will apply. A final lighting plan will be prepared for the treatment and disposal facilities. The lighting plan will meet County design standards. This will include proper shielding, proper orientation, and applicable height standards. All lighting fixtures will be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods will be dark-colored.

The Project disposal site at Broderson may create significant impacts due to light and glare. Therefore, implementation of Mitigation Measure 5.12-D1 will help to reduce impacts related to lighting at the Broderson site to a level that is less than significant.

Impact 5.12-F: The project will locate structures that will disrupt views of Ag zoned parcels from Los Osos Valley Road.

Potentially Significant Impact

The Project will locate structures at the proposed treatment plant site that may disrupt views of agricultural zoned parcels from Los Osos Valley Road.

The treatment plant facilities at the Giacomazzi site will be located approximately 0.3 miles from Los Osos Valley Road. The views from Los Osos Valley Road may be significantly altered, therefore resulting in a potential significant visual impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project.

- 5.12-F1** Any building (equipment areas, pumping stations) associated with treatment facilities will be designed to conform to an agricultural landscape. Buildings will be designed to appear as barns or other farm related structures.

The implementation of Mitigation Measure 5.12-F1 will reduce potential visual impacts from Los Osos Valley Road because the measure includes a design of the structures associated with the treatment plant to conform to an agricultural landscape.

**Section 3:
Adverse Project-Specific and Cumulative Impacts Which Cannot
Be Mitigated to a Level of Insignificance**

3.1.1 - Agricultural Resources

Q5.11-A: **The project will convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, and pursuant to standards established by the California Coastal Commission.**

Potentially Significant and Unavoidable Impact

The Project's proposed treatment plant at Giacomazzi will result in a significant and unavoidable impact to the conversion of farmland.

The proposed facilities for the treatment for the project will be located on the Giacomazzi Site. The facility will encompass approximately 16 acres of the approximate 38-acre site. The proposed treatment plant facilities will result in direct impacts on 16 acres of land that is or could be used for crops and indirect impacts on seven additional acres of land; however, this 7-acre area at the northeast corner of the Giacomazzi has not and cannot be used for crops. This conversion of land will result in a revenue loss of approximately \$94,200 assuming vegetable crops. Therefore, the implementation of treatment plant at the Giacomazzi site will result in a potential significant farmland conversion impact.

Finding

Pursuant to California Environmental Quality Act Guidelines Section 15091 (a) (3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or alternatives identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant effect has been reduced to the maximum extent feasible by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project and will substantially lessen the significant effect of the project on farmland conversion; however, the level of impact due to the conversion of agricultural land will still be considered significant and unavoidable.

5.11-A1 Prior to operation of the facility, the County Department of Public Works shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by

the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of not less than 2:1 for the loss of agricultural land. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved shall be minimally sized at 32 acres, and shall be of a quality that is reasonably (as determined by the County Agricultural Commissioner or designee) similar to that of the farmland within the project limits.

The implementation of the above mitigation measure will reduce and substantially lessen potential impacts from the project on farmland. However, the level of impact due to the conversion of agricultural land is still considered significant and unavoidable.

Alternative locations for the treatment plant facilities are considered throughout the Final Environmental Impact Report, Rough Screening Report and Fine Screening Report. A screening analysis was conducted as described in Section 7 of the Draft Environmental Impact Report to identify the sites that could feasibly accomplish the fundamental goals of the project while minimizing environmental impacts. The wastewater treatment plant sites that were determined to be feasible are located east of Los Osos Creek. As described in the Draft Environmental Impact Report, Los Osos Creek establishes the dividing line between agricultural land uses to the east and environmentally sensitive habitat areas to the west. In 2001, the Los Osos Wastewater Project was approved and the proposed treatment plant was located west of Los Osos Creek at the Mid-Town site (known as the Tri-W site). However, shortly after construction began, the majority of the Los Osos Community Service District board members were recalled and the new board members immediately halted construction on the wastewater project. This action demonstrated that the placement of a wastewater treatment plant west of Los Osos Creek will not be feasible from a social (community) standpoint. Further, cost estimates contained in the Fine Screening Report show that a treatment plant west of Los Osos Creek would cost at least 25 million dollars more, owing to the treatment technologies required for an in-town treatment plant. Therefore, feasible locations east of Los Osos Creek were reviewed for the location of a wastewater treatment plant.

In evaluating potential sites for the proposed treatment plant facilities, various constraints were identified. These constraints are shown on Exhibit 5.1-1 in the Draft Environmental Impact Report and include the following:

- No treatment plant will be located on slopes greater than 10 percent due to the need for substantial grading for treatment plant facilities.
- No treatment plant will be located within an Environmentally Sensitive Habitat Area or a Sensitive Resource Area as defined by County of San Luis Obispo.

- No treatment plant facilities will be located on or within existing urban areas.

As discussed in the Draft Environmental Impact Report, the unconstrained areas were evaluated next to determine prime agricultural and non-prime agricultural. This evaluation utilizes the California Coastal Commissions definition of prime farmland. Farmland is considered Prime Farmland under the California Coastal Commission definition when one of the four following criteria is met:

- The soils are classified as Class I and/or Class II irrigated soils.
- The soils have an 80 to 100 Storie Index rating.
- The land has a gross crop return of \$200 or more per acre per year.
- The land has an annual carrying capacity of one animal unit per acre per year.

Based on the above definition, there are no substantial areas within the Los Osos valley floor that are classified as non-agricultural land. Areas classified as non-prime agricultural land were reviewed to determine whether there are feasible, alternative locations for the proposed treatment plant facilities. Large areas classified as prime agricultural land were not reviewed because the objective of the analysis is to reduce the potential impact of the proposed facilities on prime agricultural land while taking into consideration various environmental constraints.

As discussed in the Final Environmental Impact Report, one area with adequate acres and classified as non-prime agricultural land includes the series of parcels east of the cemetery parcel known as the Andre, Robbins 1, and Robbins 2 parcels, as well as one additional parcel east of the Robbins 2 parcel. The Andre, Robbins 1, and Robbins 2 parcels constitute a series of parcels identified as an alternative for treatment plant facilities in Section 7 of the Draft Environmental Impact Report.

The area east of the cemetery parcel is primarily classified as non-prime agricultural land. These parcels encompass approximately 128-acres; however, 46-acres include environmental constraints such as an environmentally sensitive habitat area. The area outside of the environmental constraints encompasses approximately 63-acres of non-prime agricultural land and 0.09-acre of prime agricultural land. This area could accommodate treatment plant facilities of approximately 20 acres. However, the area is adjacent to Los Osos Valley Road on the south and Warden Creek wetlands on the north. Issues related to using this alternative location for the treatment plant include:

- These parcels are owned by private individuals that do not want to sell their property. Therefore, the County would be required to obtain the property through eminent domain.
- The area is located immediately adjacent to Los Osos Valley Road and will result in a significant impact on views.
- Los Osos Valley Road is proposed as a “scenic corridor” and the placement of treatment plant facilities adjacent to this roadway will not be consistent with a scenic corridor designation.
- The placement of treatment plant facilities in close proximity to Warden Creek wetlands reduces the project’s ability to contain spills before material enters the creek and sensitive wetlands.

Due to these issues, the County considers the aforementioned parcels unable to accommodate the proposed treatment plant facilities.

The Tonini site is a large agriculturally designated parcel that provides more than sufficient area to develop a treatment plant site. However, the site consists of prime soils, which are part of a larger area of prime soils. In addition, all areas of the Tonini parcel that could accommodate a treatment plant are highly visible from Turri Road, which is a highly scenic area. Further, the Tonini parcel is currently enrolled in the Williamson Act. Use of the site would require cancellation of the land conservation contract as described in the Environmental Impact Report.

Based on the above evaluation, there are no feasible alternative locations for the proposed treatment plant facilities as compared with the location of the facilities under the project.

The potentially significant and unavoidable adverse impacts related to the loss of agricultural land are acceptable in light of the Statement of Overriding Considerations provided herein and hereby made and adopted by the Planning Commission.

Potentially Significant Impact

The Project’s facilities will result in a significant and unavoidable cumulative farmland conversion impact.

The Project will result in the direct loss of 16 acres of agricultural land. Since this loss will contribute to the historic pattern of farmland conversion within the County of San Luis Obispo, this will be a significant and unavoidable cumulative impact on agricultural land.

Finding

Pursuant to CEQA Guidelines Section 15091 (a) (3), specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or alternatives identified in the Final Environmental Impact Report.

Facts in Support of Finding

The potentially significant effect has been reduced to the maximum extent feasible by virtue of the following mitigation measure as identified in the Final Environmental Impact Report and incorporated into the project and will substantially lessen the significant effect of the project on farmland conversion; however, the level of impact due to the conversion of agricultural land will still be considered significant and unavoidable.

Q5.11-A1 Prior to operation of the facility, the County Department of Public Works shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of not less than 2:1 for the loss of agricultural land. The re-use of tertiary treated water would be consistent with the surrounding area because the water is treated to title 22 standards which allows the water to be placed on edible food crops, landscape areas, etc. and would not result in impacts to surrounding uses. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved shall be minimally sized at 32 acres, and shall be of a quality that is reasonably (as determined by the County Agricultural Commissioner or designee) similar to that of the farmland within the project limits.

The implementation of the above mitigation measure will reduce and substantially lessen potential impacts from the Project on the cumulative impact on farmland. However, the Project's contribution to level of cumulative impact due to the conversion of agricultural land will still be considered significant and unavoidable.

As discussed above for the project-specific impact from the conversion of farmland, alternative locations for the treatment plant facilities are considered throughout the Final Environmental Impact Report. A screening analysis was conducted as described in Section 7 of the Draft Environmental Impact Report to identify the sites that could feasibly accomplish the fundamental goals of the project, while minimizing environmental impacts. Due to environmental constraints and issues associated with potential alternative locations for the treatment plant,

there are no feasible alternative locations for the proposed treatment plant facilities as compared with the location of the facilities under the Project.

The potentially significant and unavoidable adverse impact related to the loss of agricultural land is considered acceptable in light of the Statement of Overriding Considerations provided herein.

STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The County of San Luis Obispo proposes to approve the Los Osos Wastewater Project although unavoidable adverse impacts to agricultural resources will result, as identified in the Environmental Impact Report. Specifically, the significant and unavoidable project-specific and cumulative impacts are associated with the conversion of approximately 16 acres of agricultural land to non-agricultural uses, rendering the land incapable of agricultural production. Consistent with past County practice, mitigation in the form of agricultural easements over similar or better agricultural land are required, however, adverse impacts are not reduced to a level considered less than significant. Never the less, the County finds that those impacts are outweighed by the public benefits of the Los Osos Wastewater Project which include improved marine water quality, improved groundwater quality, reducing the rate of seawater intrusion, and balancing the Los Osos groundwater basin. Further, alternatives identified in the Environmental Impact Report are not considered feasible to reduce the impacts on agricultural resources below the level of impacts that will result from the Project.

Consequently, the County finds as follows:

1. As described in the Project's Environmental Impact Report, Rough Screening Report and Fine Screening Report, the project will result in the lowest level of impacts on agricultural resources among all of the feasible alternatives. As analyzed in the above-referenced documents, all of the feasible alternatives would result in the loss of agricultural land. By locating the wastewater treatment plant facility at the Giacomazzi site, the project will reduce those impacts to the lowest feasible level, both in terms of the overall acreage of land impacted, but also in terms in the productivity of the land as measured in terms of soil classification and proximity to other productive lands.
2. As described in the Project's Environmental Impact Report, Rough Screening Report and Fine Screening Report, the project will result in the least costly feasible treatment plant site. As demonstrated in the above referenced reports, locating the treatment plant at the Mid-town site would require the construction of a membrane bioreactor or equivalent treatment

process in order to address community concerns about odors, safety, visual effects and treatment plant size. Costs of this type of treatment would exceed those available for use at the Giacomazzi site by approximately 25 million dollars. Locating the treatment plant at the Tonini site would require the purchase of approximately 645 acres of land, as opposed to 38 acres at the Giacomazzi site, which provides a cost savings of at least 6 million dollars.

3. The Los Osos Wastewater Project, which includes multiple Environmental Impact Reports prepared in 1987, 1998, 2005 and 2009; the creation of the Los Osos Community Services District in 1998; the bankruptcy of the Los Osos Community Services District in 2005; the results of community elections that occurred in the fall of 2005 in which a majority of the board members of the LOCSO were recalled in a special election and where measure B, a referendum on the location of treatment plant was passed; and the passage of AB2701 in 2006; has generated an extraordinary degree of concern and controversy among the community, the County and the State. The level of concern and controversy has resulted in part from the various proposed locations for the wastewater treatment plant, both inside and outside of the community. Based on the exhaustive review of potential treatment plant locations examined in previous project Environmental Impact Reports put forth in 1987, 1998, and 2005, together with information presented in the Project's Environmental Impact Report, Rough Screening Report and Fine Screening Report, and evidence presented in the current Environmental Impact Report documenting that all potential environmental impacts except for the loss of agricultural land can be mitigated to level of insignificance, the Giacomazzi site is the most feasible location for a wastewater treatment plant and as such addresses the concern and controversy surrounding the siting of the treatment plant to highest degree possible.

Further, the loss of approximately 16 acres of agricultural land is acceptable because the project will provide multiple environmental, social, and legal benefits. As documented in the Record, the benefits of the Los Osos Wastewater Project are as follows:

1. The Project will respond to and alleviate the Regional Water Quality Control Board's waste discharge prohibition in Los Osos. In 1983, the Central Coast the Regional Water Quality Control Board determined that contamination in excess of State standards had occurred in the groundwater basin (upper aquifer) with a substantial effect from the use of septic systems throughout the community and followed with a regulatory mandate to cease and desist. In 1983 the Regional Water Quality Control Board issued Resolution No. 83-13 and made the following findings:

- a) Previous studies (Brown and Caldwell 1983) indicated that the quality of water derived from the shallow aquifer underlying the community was deteriorating, particularly as it relates to increasing concentrations of nitrates in excess of State standards.
- b) The current method of wastewater disposal by individual septic tank systems located in areas of high groundwater are a major contributing factor to this degradation of water quality.
- c) Continuation of this method of waste disposal could result in health hazards to the community and the continued degradation of groundwater quality is in violation of the Porter-Cologne Act.
- d) The Project will result in a community wastewater project that will comply with Regional Water Quality Control Board Waste Discharge Requirements for Los Osos, and will address the issues of water quality defined by the Waste Discharge Requirements for discharge limits issued by the Regional Water Quality Control Board.

In 2006 and 2007 the Regional Water Quality Control Board issued Cease and Desist Orders to 45 Los Osos residents with an expressed intention to eventually issue Cease and Desist Orders to all properties discharging septic system waste in the Prohibition Zone. In 2007, the Regional Water Quality Control Board issued a Notice of Violation to all properties discharging septic system waste in the Prohibition Zone. The implementation of this project will address the various findings, orders, and actions of the Regional Water Quality Control Board in Los Osos by eliminating septic system discharges in the Prohibition Zone.

2. The Project will help alleviate groundwater contamination - primarily nitrates - that has occurred at least partially because of the use of septic systems throughout the community of Los Osos, and specifically within the Regional Water Quality Control Board designated Prohibition Zone.
3. The Project incorporates measures to minimize potential environmental impacts on the Los Osos community and surrounding areas. These include, but are not limited to sustainability of environmental principles of habitat conservation, endangered species and habitat, air and water quality, greenhouse gas emissions, wetlands and estuary preservation or enhancement, agricultural lands enhancement.
4. The Project will meet water quality requirements while minimizing life-cycle costs and mitigating affordability impacts on the community to the maximum degree possible

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5. The Project will comply with applicable local, state, and federal permits, land uses, and other requirements including the Local Coastal Plan, Environmentally Sensitive Habitat Area standards, State Marine Reserve, and archaeological concerns.
6. The Project will address water resource issues by mitigating the Project's impacts on saltwater intrusion, and will maintain the widest possible options for beneficial reuse of treated effluent.

Therefore, the County of San Luis Obispo, having reviewed and considered the information contained in the Environmental Impact Report and the public record, adopts this Statement of Overriding Considerations, which has been balanced against the unavoidable adverse impacts in reaching a decision on this project.