2017 Storm Damage Road Repair Projects – North Coast Mitigated Negative Declaration (ED17-047/245R12B401)

ADDENDUM #1 (ED-20-102/245R12B449); June 2020

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS
ENVIRONMENTAL PROGRAMS DIVISION

1.1 BACKGROUND

The 2017 Storm Damage Emergency Road Repair Projects – North Coast Mitigated Negative Declaration (MND) evaluated a proposal to permanently resolve damage to County roads at seven North Coast Region locations that occurred as a result of severe winter storms. The seven repair projects were considered in a single MND because they were similar in scope and geographic region, were expected to result in similar potential impacts, and would require similar mitigation measures. While the extent of the damage at the seven locations varied, they all involved slip outs adjacent to stream courses, and portions of the roads undercut and partially closed. The proposed solutions included use of sheet pile walls, rock slope protection (RSP), or concrete block walls, in conjunction with earth fill, repaving, cable bracing and guardrails, fencing, and culvert replacement and repairs.

The Draft MND was released on November 21, 2017, and adopted by the Board of Supervisors on January 23, 2018 (the 2018 MND).

Two sites evaluated in the 2018 MND were located on Cayucos Creek Road, at mileposts (MP) 1.2 and 2.8.

During the 2018-2019 winter, another slip out site was identified along Cayucos Creek Road at MP 1.3 (Figure 1). Interim repairs implemented at the site in November, 2019, consisted of installation of a sheet pile retaining wall and backfill above the level of the creek. This work was covered by a Categorical Exemption.

The County currently proposes to remove the retaining wall and replace it with a permanent slope stabilization solution composed of RSP (the Proposed Project) (Figures 1 and 2). The site is in close proximity to the sites evaluated in the 2018 MND, and is similar to the projects evaluated in the 2018 MND in terms of project setting and scope, environmental conditions, proposed solution, and mitigation measures. Accordingly, it is appropriate to consider the Proposed Project under an Addendum to the 2018 MND.

1.2 CEQA CONSIDERATIONS

Pursuant to State CEQA Guidelines (Guidelines) Section 15162(a), when a negative declaration has been adopted for a project, no subsequent negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164(b) of the Guidelines states that an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162(a) calling for preparation of a subsequent EIR or negative declaration have occurred.

Section 15164(c) of the Guidelines specifies that an addendum need not be circulated for public review but can be included in or attached to the FEIR or adopted negative declaration.

1.3 SUBSTANTIAL CHANGES IN THE PROJECT – SECTION 15162(A)(1)

Consideration of the Proposed Project would not require substantial changes or require major revisions of the 2018 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Construction Activities. The Proposed Project would require the same type of construction access, staging, equipment, and techniques that were analyzed in the 2018 MND at one additional site in the same vicinity. Construction would occur during the dry season to minimize the potential for erosion caused by precipitation,

to minimize the potential for adverse impacts to the creek, and to eliminate the need for water diversion or dewatering. Construction access and staging would be from the existing paved road and previously disturbed areas in County right-of-way. The sheet pile retaining wall would be removed and earth fill and RSP would be used to form a stable bank, allowing the pre-existing paved travel lane and road shoulder to be restored. All disturbed areas would be stabilized and hydroseeded. Habitat restoration elements would be incorporated to improve the functions and values of the creek channel and the riparian bank.

Impact Areas. The Proposed Project would result in comparable impacts to each of the seven sites analyzed in the 2018 MND. No new types of impact areas, habitat areas, or resources would be affected.

The projects evaluated in the 2018 MND ranged from 20 feet to 175 feet long. The Proposed Project would address a slip out affecting approximately 163 feet of roadway, and the adjacent bank area approximately 135 feet long and 33 feet wide.

The project sites on Cayucos Creek Road that were evaluated in the 2018 MND (Cayucos Creek Road MP 1.2 and MP 2.8) were characterized as rural areas, with adjacent land uses consisting of grazing and orchards, with scattered residences and agricultural structures. The roadside areas were characterized as ruderal habitat, with a predominance of non-native grasses and forbs. The riparian corridor of Cayucos Creek included rock outcrops, scattered trees, and shrubs and annual grasses. The Creek was identified as designated critical habitat for California red-legged frog and steelhead at both Cayucos Creek Road sites.

Biological Resources

The 2018 MND characterized the potential for special-status plants and wildlife at the slip out sites to be low. The same is true for the Proposed Project site, which is 0.1 mile away from Cayucos Creek Road MP 1.2, and has similar conditions. Official species lists for the Proposed Project were generated by the U.S. Fish and Wildlife Service on April 15, 2020, and National Marine Fisheries Service on April 10, 2020. Additionally, a state special-status species occurrence list for the U.S. Geological Survey *Cayucos* quadrangle was generated on June 3, 2020. These lists were compared to the species lists for the Cayucos Creek Road sites in the 2018 MND and there are no new state special-status species, federally listed species, or designated critical habitat for the Cayucos Creek Road vicinity that were not considered in the 2018 MND.

Reconnaissance site surveys were conducted at the Proposed Project site in March and April in 2019, and on March 11, 2020. No special-status plants were observed and there was no direct observation or indirect evidence of protected wildlife species using the site.

The site is designated critical habitat for steelhead and for California red-legged frog (CRLF). The 2018 MND mitigation measures pertaining to biological resources will be

implemented for the project and will ensure that potential impacts to protected species and other biological resources are reduced to a less than significant level for the Proposed Project. In the time since the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion for the Cayucos Creek Road MP 1.2 site, the USFWS has issued a Programmatic Biological Opinion (PBO) for Projects that May Affect California red-legged frog for projects authorized by the Los Angeles District of the U.S. Army Corps of Engineers (USACE). The County will submit a USACE permit application for the project and the USACE will coordinate Section 7 consultation with the USFWS. The County is proposing to implement the PBO mitigation measures for CRLF, subject to the approval of USFWS and the USACE through the permit process.

The County is proposing habitat enhancement measures that are comparable to those proposed in the 2018 MND. This could include instream habitat enhancements to create more diverse flow, willow stakes at the base of the RSP to enhance habitat conditions at the base of slope, and plantings to enhance the riparian habitat compared to pre-existing conditions above and adjacent to the RSP. Collectively, resolving a source of continued erosion to the creek and improving the habitat value of the site are expected to improve/enhance the overall habitat value of the site for biological resources compared to pre-existing conditions.

Cultural Resources

The 2018 MND characterized the potential for adverse impacts to cultural resources as unlikely because of the disturbed nature of the sites, and because the projects would primarily involve placement of fill, not substantial excavation of previously undisturbed areas.

There are no previously identified cultural resources sites in the vicinity of the project. Nearby known sites include a site evaluated for the Picachio Road bridge over Cayucos Creek, approximately 1,500 feet north of the project site, and sites northwest of, and south of, the intersection of Cayucos Creek road approximately a mile south from the project site.

A pedestrian survey of the project site was conducted on April 21, 2020. The archaeological surface survey methods consisted of walking the entire project area and inspecting all areas of bare ground, gopher/rodent hole kickouts, cut banks, and topography contours to assess the potential for cultural resources to exist within the project area. Naturally occurring chert exists in the project area however, none contained morphological features consistent with prehistoric lithic modification. Cut and exposed areas of the creek bank were examined for buried anthropogenic soils, but none were identified.

Because of the substantial erosion that has occurred at the site, the Proposed Project will largely require reconfiguring the fill that was previously placed as a temporary measure, and placing additional fill to form a stable slope. A narrow zone of soil excavation will be required at the toe of the bank to place the RSP keyway.

The 2018 MND included a mitigation measure requiring that construction crews be trained regarding potential cultural resources and measures to take in the event any are discovered during construction. This measure will help ensure that potential adverse impacts to cultural resources are reduced to a less than significant level for the Proposed Project.

Other Factors Evaluated in 2018 MND

The remaining temporary and permanent impacts analyzed in the 2018 MND were determined to have no potential for significant impacts provided mitigation measures were implemented pertaining to air quality, geology and soils, noise, and water resources.

The proposed increases in temporary and permanent impacts for the Proposed Project constitute minor, incremental increases to the impacts analyzed in the 2018 MND. The Proposed Project impacts do not have the potential for significant effects provided the mitigation measures in the 2018 MND are implemented. The Proposed Project does not raise the potential for significant effects or the need for new mitigation measures that were not considered in the 2018 MND.

Mandatory Findings of Significance. Because the Proposed Project would result in only incremental increases in the impacts analyzed in the MND, the Proposed Project would not change the conclusion of the 2018 MND with respect to the mandatory findings of significance.

1.4 SUBSTANTIAL CHANGE IN CIRCUMSTANCES – SECTION 16162(A)(2)

There have been no substantial changes in circumstances that affect the conclusions in the 2018 MND. Therefore, a subsequent MND is not required pursuant to Section 15162(a)(2).

1.5 NEW INFORMATION OF SUBSTANTIAL IMPORTANCE – SECTION 15162(A)(3)

No new information of substantial importance has been identified since the time the 2018 MND was adopted that shows that the project would have one or more significant effects not discussed in the 2018 MND or would have significant effects that would be more severe than shown in the 2018 MND. As discussed in Section 1.3 above, the 2018 MND provides all potentially relevant mitigation measures for the project. There are no new mitigation measures or alternatives previously considered infeasible or that are substantially different from those analyzed in the 2018 MND that are necessary.

1.6 CONCLUSION

The Proposed Project would require the same construction access, staging, equipment, and techniques that were analyzed in the 2018 MND. The Proposed Project would result in incremental increases in the temporary and permanent impacts analyzed in the 2018 MND but would not raise new potentially significant issues or the need for new mitigation measures. There is no change in

circumstances or new information since the 2018 MND was adopted that would affect the conclusions in the 2018 MND. Therefore, an MND addendum is the appropriate document to address the Proposed Project.

The mitigation measures in the 2018 MND (Exhibit B) will be implemented for the Proposed Project to ensure adverse impacts are reduced to a less than significant level. These are attached here for reference. In addition, similar to the other storm damage project sites in the 2018 MND, the County will obtain permits from relevant state and federal resource agencies.

Figure 1. Location map and plan view for Cayucos Creek Road MP 1.3

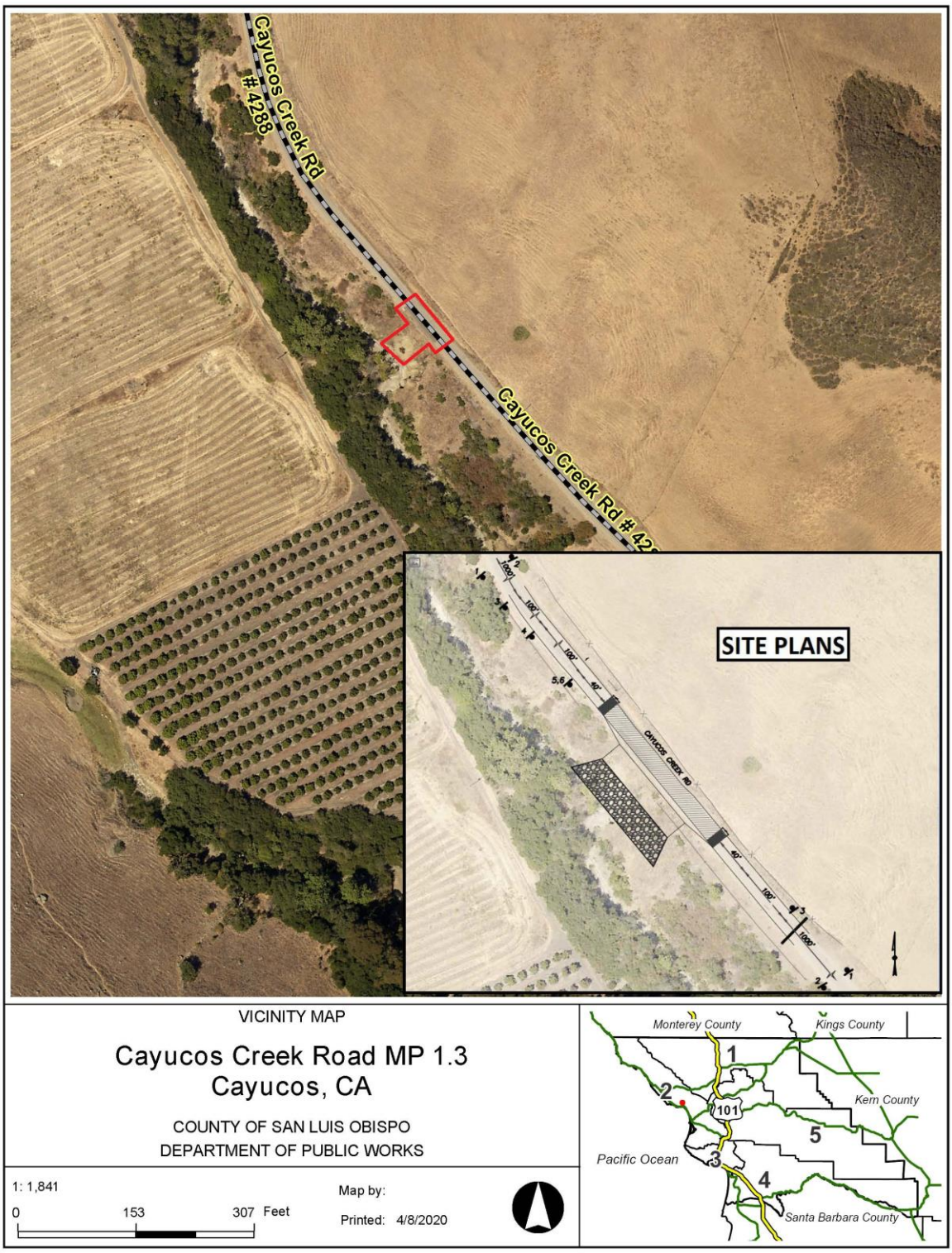
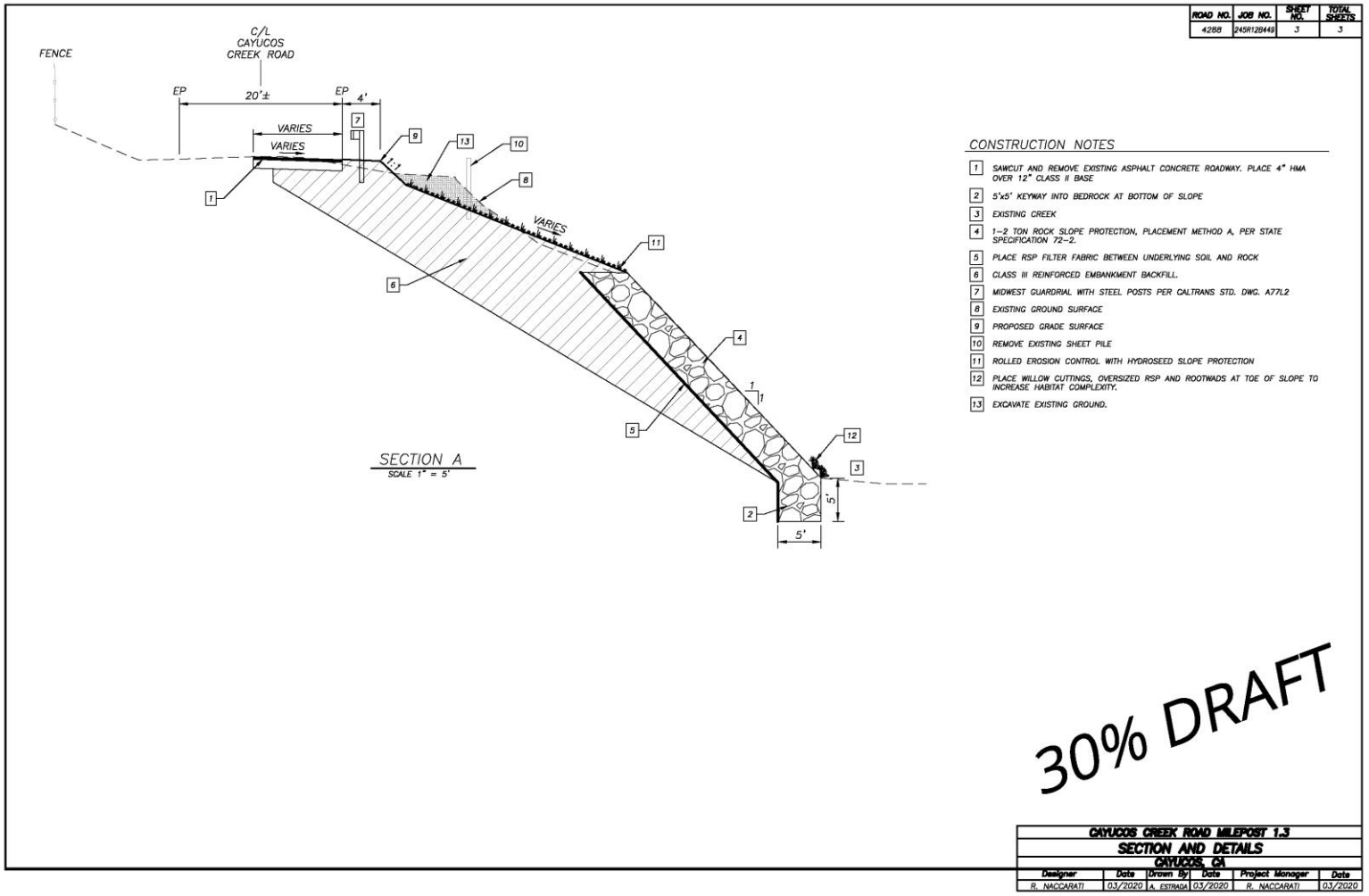


Figure 2. Cross section for Cayucos Creek Road MP 1.3



Attachment: Mitigation Measures (Exhibit B from 2018 MND)

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality/GHG

AQ-1 Projects shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-2 The following measures regarding diesel idling shall be implemented at each project location.

On-road diesel vehicles

- Shall not idle the vehicle's primary diesel engine for greater than 5-minutes at any location, except as noted in Subsection (d) of the regulation; and,
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area

Off-road diesel vehicles

- Shall comply with the 5-minute idling restriction identified in Section 2449(dX2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
- Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
- The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/factsheet.pdf and www.arb.ca.gov/regacV2007/ordiesl0T/frooal. pdf.

Biological Resources

BR-1 Through the USACE and/or FEMA processes, consult with the USFWS to develop avoidance and minimization measures for the CRLF. These measures may include, for example, the measures described in the 2011 CRLF Programmatic Biological Opinion between the USFWS and the California Department of Transportation, District 5 such as conducting pre-construction

surveys, identifying CRLF relocation sites, using USFWS-approved biologists, and establishing standard monitoring protocols during construction.

BR-2 During construction, work within the creek shall be conducted when the creek does not contain flowing or standing water, if feasible. If work activities must occur when water is present in the creek channel, the contractor shall dewater the creek prior to conducting the activities. If work in the channel is necessary, upstream and downstream passage for fish, including juvenile steelhead, will be provided through or around construction sites at all times and/or fish will be relocated to adjacent areas of suitable habitat unaffected by project activities. Cofferdams will be installed to divert streamflow around each in-stream construction area.

BR-3 Through the USACE and/or FEMA processes, conduct consultation with the NMFS to develop avoidance and minimization measures for steelhead. These measures may include, for example, having a qualified biologist onsite during the installation of cofferdams and during the cofferdam dewatering process to capture and move trapped salmonids and other fish as well as identifying the appropriate procedures for relocating fish. Protocols for the capture, handling, and release of fish will be developed in cooperation with NMFS and CDFW and implemented during project construction.

BR-4 The projects located within the main channel of a stream shall incorporate boulder/cobble clusters, rootwads, or similar design features to the extent practicable, at each project location.

BR-5 Prior to any construction work beginning, including any vegetation clearing, jurisdictional areas and sensitive resource areas shall be clearly marked (e.g. fencing, flagging, paint) in the field adjacent to the work area. No construction work, including material storage, shall occur outside of the "Project Limits". The required marking shall remain in place during the entire construction period and maintained as needed by the contractor.

BR-6 Before any activities begin on a project, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the important vegetation and special-status resources that occur in the project area, the specific measures that are being implemented to conserve them and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

BR-7 Prior to and during construction qualified biologists shall conduct pre-construction surveys for special-status wildlife that could be encountered onsite, including pond turtle, slender salamanders, two-striped garter snake, and the coast-horned lizard, for example. Regular subsequent monitoring of each project site shall be conducted and a qualified biologist will be present to monitor during all initial clearing and vegetation and grubbing.

BR-8 During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and as far from aquatic areas as feasible. At a minimum, all equipment and vehicles will be checked and maintained daily to ensure proper operation and avoid potential leaks or spills.

BR-9 During construction, the biological monitor will ensure that the spread or introduction of invasive exotic plant species is avoided to the maximum extent possible. When practicable, invasive exotic plants in the project site will be removed and properly disposed of.

BR-10 During construction, trash will be contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work

areas. All vegetation removed from the construction site shall be taken to a certified landfill to prevent the spread of invasive species.

BR-11 To protect special-status avian species and those species protected by the Migratory Bird Treat Act (MBTA) and California Fish and Game Code Section 3503, vegetation clearing and earth disturbance should be avoided during the typical nesting season (February 15 to September 1). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive, passerine bird species, and a 250-foot buffer will be implemented for raptor species, and all activity will remain outside of that buffer until the qualified biologist, has determined that the young have fledged. Buffer reductions and/or work within non-disturbance buffer areas can be completed only with approval from relevant resource agencies.

BR-12 Prior to construction a Habitat Management Plan (HMP) shall be prepared that describes the revegetation efforts to be conducted at each site. Each project area shall be revegetated with a mixture of seed, container plants, and willow stakes, as appropriate. Implementation of the HMPs shall be conducted in coordination with the installation of erosion control measures.

Cultural Resources

CR-1 During earth moving activities, in the event archaeological resources are unearthed or discovered, construction near the find shall stop, and the Public Works project manager and the Environmental Coordinator shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

CR-2 In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner and Environmental Coordinator are to be notified so proper disposition may be accomplished.

Geology and Soils

GS-1 Install appropriate erosion control measures (i.e., silt fences, hay bales) along the base of the proposed work area and at the downstream end of the proposed construction zone and maintain erosion control mechanisms daily.

GS-2 Check and maintain erosion control measures daily throughout the duration of work activities. Erosion control measures should be re-installed appropriately as the proposed work area changes.

GS-3 Restore all previously vegetated areas that are cleared during project activities through revegetation with appropriate indigenous native species.

Noise

N-1 All construction activities associated with the project shall occur between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday and from 9:00 A.M. and 5:00 P.M. on Saturday. There will be no construction activities on Sundays.

Water Resources

WR-1 All project-related spills of hazardous materials shall be cleaned up immediately.

WR-2 Daily, check and maintain all equipment and vehicles that would be operated within the identified work area to ensure proper operation and avoid potential leaks or spills.

WR-3 Employ best management practices (BMPs) to control the discharge of materials from the site and into creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets, soil stabilizers, and native erosion control grass seed.

Mitigation Monitoring Plan

The purpose of a Mitigation Monitoring Plan is to provide a program to examine, document and record compliance with the environmental plans and specifications pertinent to the proposed project, in order to comply with Section 21081.6 of the California Environmental Quality Act (CEQA). This plan provides the standards and methods necessary to ensure and document the implementation of the environmental mitigation measures which have been included in the project description as well as with the conditions of approval placed on project permits. Responsibility for ensuring successful implementation of the Mitigation Monitoring Plan lies with the County of San Luis Obispo, as the project proponent and Lead Agency for the project under CEQA. If the recommended mitigation measures and monitoring plan are implemented successfully, the potential significant adverse effects stemming from project construction will be reduced to a level of insignificance.

Mitigation monitoring will be carried out by the Environmental Programs Division of the County's Department of Public Works. The Environmental Programs Division provides environmental services to the Department of Public Works, including mitigation compliance and monitoring, with CEQA oversight by the County's Environmental Coordinator.

Upon approval of the CEQA document and issuance of all required permits, the Environmental Programs Division will assign internal responsibility for compliance with each mitigation measure to one or more members of the project team. Responsible parties include the Environmental Programs Division, the Project Manager (PM), the Resident Engineer (RE), and/or on-site monitors.

Mitigation measures are organized into project design, pre-construction, construction, and post construction tasks. Compliance with mitigation measures is documented in the project file through written reports, accompanied by project photos where necessary. Post construction monitoring of revegetation and other project components is documented by yearly reports, on a schedule typically determined by one or more of the project permits. Depending on the complexity of the post construction mitigation effort, tasks will be carried out by county staff or technical experts under contract to the County. Post construction monitoring is typically conducted for three to five years, depending on permit requirements and success criteria.

Where necessary, construction personnel will be required to attend a crew orientation meeting. The meeting will be conducted by the RE and will be used to acquaint the construction crews with the environmental sensitivities of the project site. The orientation meeting shall place an emphasis on the need for adherence to the mitigation measures and permit conditions as well as the need for cooperation and communication among all parties concerned (i.e., RE, Environmental Programs Division, Environmental Coordinator, construction personnel) in working together to solve problems and arrive at solutions in the field.